

# STATE OF NEW YORK

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4456

2017-2018 Regular Sessions

## IN SENATE

February 15, 2017

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Introduced by Sen. PHILLIPS -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to a stay of the enforcement of a determination involving a permit or approval in connection with the development or construction of residential housing

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section 7805 of the civil practice law and rules is amended  
2 to read as follows:  
3 § 7805. Stay. On the motion of any party or on its own initiative, the  
4 court may stay further proceedings, or the enforcement of any determi-  
5 nation under review, upon terms including notice, security and payment  
6 of costs, except that the enforcement of an order or judgment granted by  
7 the appellate division in a proceeding under this article may be stayed  
8 only by order of the appellate division or the court of appeals. Unless  
9 otherwise ordered, security given on a stay is effective in favor of a  
10 person subsequently joined as a party under section 7802 of this  
11 article. The court in issuing a stay of the enforcement of a determi-  
12 nation involving a permit or approval in connection with the development  
13 or construction of residential housing may require the posting of secu-  
14 rity in an amount the court shall deem proper.  
15 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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