

# STATE OF NEW YORK

6828

2017-2018 Regular Sessions

## IN SENATE

June 21, 2017

Introduced by Sens. DILAN, SQUADRON -- read twice and ordered printed,  
and when printed to be committed to the Committee on Rules

AN ACT to amend the multiple dwelling law, in relation to interim multiple dwellings

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

1 Section 1. Subdivision 5 of section 281 of the multiple dwelling law,  
2 as amended by chapter 4 of the laws of 2013, is amended to read as  
3 follows:

4 5. (a) Notwithstanding the provisions of paragraphs (i), (iii) and  
5 (iv) of subdivision two of this section, but subject to paragraphs (i)  
6 and (ii) of subdivision one of this section and paragraph (ii) of subdivi-  
7 sion two of this section, the term "interim multiple dwelling" shall  
8 include buildings, structures or portions thereof that are located in a  
9 city of more than one million persons which were occupied for residen-  
10 tial purposes as the residence or home of any three or more families  
11 living independently from one another for a period of twelve consecutive  
12 months during the period commencing January first, two thousand eight,  
13 and ending December thirty-first, two thousand nine, provided that the  
14 unit seeking coverage: is not located in a [~~basement or~~] cellar and has  
15 at least one entrance that does not require passage through another  
16 residential unit to obtain access to the unit, [~~has at least one window~~  
17 ~~opening onto a street or a lawful yard or court as defined in the zoning~~  
18 ~~resolution for such municipality,~~] and is at least four hundred square  
19 feet in area.

20 (b) The term "interim multiple dwelling" as used in this subdivision  
21 shall not include [~~(i)~~] any building in an industrial business zone  
22 established pursuant to chapter six-D of title twenty-two of the admin-  
23 istrative code of the city of New York except that a building in the  
24 Williamsburg/Greenpoint or North Brooklyn industrial business zones and  
25 a building located in that portion of the Long Island city industrial

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

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1 business zone that has frontage on either side of forty-seventh avenue  
2 or is located north of forty-seventh avenue and south of Skillman avenue  
3 or in that portion of the Long Island city industrial business zone that  
4 is located north of forty-fourth drive, south of Queens plaza north, and  
5 west of twenty-third street may be included in the term "interim multi-  
6 ple dwelling," or (ii) units in any building, other than a building that  
7 is already defined as an "interim multiple dwelling" pursuant to subdivi-  
8 sion one, two, three or four of this section, that, at the time this  
9 subdivision shall take effect and continuing at the time of the  
10 submission of an application for coverage by any party, also contains a  
11 use actively and currently pursued, which use is set forth in use  
12 [~~groups fifteen through~~] group eighteen, as described in the zoning  
13 resolution of such municipality in effect on June twenty-first, two  
14 thousand ten, and which the loft board has determined in rules and regu-  
15 lation is inherently incompatible with residential use in the same  
16 building, provided that the loft board may by rule exempt categories of  
17 units or buildings from such use incompatibility determinations includ-  
18 ing but not limited to residentially occupied units or subcategories of  
19 such units, and provided, further that if a building does not contain  
20 such active uses at the time this subdivision takes effect, no subse-  
21 quent use by the owner of the building shall eliminate the protections  
22 of this section for any residential occupants in the building already  
23 qualified for such protections.

24 (c) The term "interim multiple dwelling," as used in this subdivision  
25 shall also include buildings, structures or portions thereof that are  
26 located north of West 24th Street and south of West 27th Street and west  
27 of tenth avenue and east of eleventh avenue in a city of more than one  
28 million persons which were occupied for residential purposes as the  
29 residence or home of any two or more families living independently from  
30 one another for a period of twelve consecutive months during the period  
31 commencing January first, two thousand eight, and ending December thir-  
32 ty-first, two thousand nine and subject to all the conditions and limi-  
33 tations of this subdivision other than the number of units in the build-  
34 ing. A reduction in the number of occupied residential units in a  
35 building after meeting the aforementioned twelve consecutive month  
36 requirement shall not eliminate the protections of this section for any  
37 remaining residential occupants qualified for such protections. Non-re-  
38 sidential space in a building as of the effective date of this subdivi-  
39 sion shall be offered for residential use only after the obtaining of a  
40 residential certificate of occupancy for such space and such space shall  
41 be exempt from this article, even if a portion of such building may be  
42 an interim multiple dwelling.

43 § 2. Subdivision 5 of section 281 of the multiple dwelling law, as  
44 amended by chapter 139 of the laws of 2011, is amended to read as  
45 follows:

46 5. (a) Notwithstanding the provisions of paragraphs (i), (iii) and  
47 (iv) of subdivision two of this section, but subject to paragraphs (i)  
48 and (ii) of subdivision one of this section and paragraph (ii) of subdivi-  
49 sion two of this section, the term "interim multiple dwelling" shall  
50 include buildings, structures or portions thereof that are located in a  
51 city of more than one million persons which were occupied for residen-  
52 tial purposes as the residence or home of any three or more families  
53 living independently from one another for a period of twelve consecutive  
54 months during the period commencing January first, two thousand eight,  
55 and ending December thirty-first, two thousand nine, provided that the  
56 unit seeking coverage: is not located in a [~~basement or~~] cellar and has

1 at least one entrance that does not require passage through another  
2 residential unit to obtain access to the unit, [~~has at least one window~~  
3 ~~opening onto a street or a lawful yard or court as defined in the zoning~~  
4 ~~resolution for such municipality,~~] and is at least five hundred fifty  
5 square feet in area. (b) The term "interim multiple dwelling" as used  
6 in this subdivision shall not include [~~(i)~~] any building in an indus-  
7 trial business zone established pursuant to chapter six-D of title twen-  
8 ty-two of the administrative code of the city of New York except that a  
9 building in the Williamsburg/Greenpoint or North Brooklyn industrial  
10 business zones and a building located in that portion of the Long Island  
11 city industrial business zone that has frontage on either side of  
12 forty-seventh avenue or is located north of forty-seventh avenue and  
13 south of Skillman avenue or in that portion of the Long Island city  
14 industrial business zone that is located north of forty-fourth drive,  
15 south of Queens plaza north, and west of twenty-third street may be  
16 included in the term "interim multiple dwelling," or (ii) units in any  
17 building, other than a building that is already defined as an "interim  
18 multiple dwelling" pursuant to subdivision one, two, three or four of  
19 this section, that, at the time this subdivision shall take effect and  
20 continuing at the time of the submission of an application for coverage  
21 by any party, also contains a use actively and currently pursued, which  
22 use is set forth in use [~~groups fifteen through~~] group eighteen, as  
23 described in the zoning resolution of such municipality in effect on  
24 June twenty-first, two thousand ten, and which the loft board has deter-  
25 mined in rules and regulation is inherently incompatible with residen-  
26 tial use in the same building, provided that the loft board may by rule  
27 exempt categories of units or buildings from such use incompatibility  
28 determinations including but not limited to residentially occupied units  
29 or subcategories of such units, and provided, further that if a building  
30 does not contain such active uses at the time this subdivision takes  
31 effect, no subsequent use by the owner of the building shall eliminate  
32 the protections of this section for any residential occupants in the  
33 building already qualified for such protections. (c) The term "interim  
34 multiple dwelling," as used in this subdivision shall also include  
35 buildings, structures or portions thereof that are located north of West  
36 24th Street and south of West 27th Street and west of tenth avenue and  
37 east of eleventh avenue in a city of more than one million persons which  
38 were occupied for residential purposes as the residence or home of any  
39 two or more families living independently from one another for a period  
40 of twelve consecutive months during the period commencing January first,  
41 two thousand eight, and ending December thirty-first, two thousand nine  
42 and subject to all the conditions and limitations of this subdivision  
43 other than the number of units in the building. A reduction in the  
44 number of occupied residential units in a building after meeting the  
45 aforementioned twelve consecutive month requirement shall not eliminate  
46 the protections of this section for any remaining residential occupants  
47 qualified for such protections. Non-residential space in a building as  
48 of the effective date of this subdivision shall be offered for residen-  
49 tial use only after the obtaining of a residential certificate of occu-  
50 pancy for such space and such space shall be exempt from this article,  
51 even if a portion of such building may be an interim multiple dwelling.

52 § 3. Section 281 of the multiple dwelling law is amended by adding a  
53 new subdivision 6 to read as follows:

54 6. (a) Notwithstanding the provisions of paragraphs (i), (iii) and  
55 (iv) of subdivision two of this section, but subject to paragraphs (i)  
56 and (ii) of subdivision one of this section and paragraph (ii) of subdi-

1 vision two of this section, the term "interim multiple dwelling" shall  
2 include buildings, structures or portions thereof that are located in a  
3 city of more than one million persons which were occupied for residen-  
4 tial purposes as the residence or home of any three or more families  
5 living independently from one another for a period of twelve consecutive  
6 months during the period commencing January first, two thousand fifteen,  
7 and ending December thirty-first, two thousand sixteen, provided that  
8 the unit seeking coverage: is not located in a cellar and has at least  
9 one entrance that does not require passage through another residential  
10 unit to obtain access to the unit, and is at least four hundred square  
11 feet in area.

12 (b) The term "interim multiple dwelling" as used in this subdivision  
13 shall not include (i) any building in an industrial business zone estab-  
14 lished pursuant to chapter six-D of title twenty-two of the administra-  
15 tive code of the city of New York except that a building in the  
16 Williamsburg/Greenpoint or North Brooklyn industrial business zones and  
17 a building located in that portion of the Long Island city industrial  
18 business zone that has frontage on either side of forty-seventh avenue  
19 or is located north of forty-seventh avenue and south of Skillman avenue  
20 or in that portion of the Long Island city industrial business zone that  
21 is located north of forty-fourth drive, south of Queens plaza north, and  
22 west of twenty-third street may be included in the term "interim multi-  
23 ple dwelling", or (ii) units in any building, other than a building that  
24 is already defined as an "interim multiple dwelling" pursuant to subdi-  
25 vision one, two, three or four of this section, that, at the time this  
26 subdivision shall take effect and continuing at the time of the  
27 submission of an application for coverage by any party, also contains a  
28 use actively and currently pursued, which use is set forth in use group  
29 eighteen, as described in the zoning resolution of such municipality in  
30 effect on June twenty-first, two thousand ten, and which the loft board  
31 has determined in rules and regulation is inherently incompatible with  
32 residential use in the same building, provided that the loft board may  
33 by rule exempt categories of units or buildings from such use incompat-  
34 ibility determinations including but not limited to residentially occu-  
35 pied units or subcategories of such units, and provided, further that if  
36 a building does not contain such active uses at the time this subdivi-  
37 sion takes effect, no subsequent use by the owner of the building shall  
38 eliminate the protections of this section for any residential occupants  
39 in the building already qualified for such protections.

40 (c) The term "interim multiple dwelling", as used in this subdivision  
41 shall also include buildings, structures or portions thereof that are  
42 located north of West 24th Street and south of West 27th Street and west  
43 of tenth avenue and east of eleventh avenue in a city of more than one  
44 million persons which were occupied for residential purposes as the  
45 residence or home of any two or more families living independently from  
46 one another for a period of twelve consecutive months during the period  
47 commencing January first, two thousand fifteen, and ending December  
48 thirty-first, two thousand sixteen and subject to all the conditions and  
49 limitations of this subdivision other than the number of units in the  
50 building. A reduction in the number of occupied residential units in a  
51 building after meeting the aforementioned twelve consecutive month  
52 requirement shall not eliminate the protections of this section for any  
53 remaining residential occupants qualified for such protections. Non-re-  
54 sidential space in a building as of the effective date of this subdivi-  
55 sion shall be offered for residential use only after the obtaining of a  
56 residential certificate of occupancy for such space and such space shall

1 be exempt from this article, even if a portion of such building may be  
2 an interim multiple dwelling.

3 § 4. Section 282 of the multiple dwelling law, as amended by chapter  
4 147 of the laws of 2010, is amended to read as follows:

5 § 282. Establishment of special loft unit. (1) In order to resolve  
6 complaints of owners of interim multiple dwellings and of residential  
7 occupants of such buildings qualified for the protection of this arti-  
8 cle, and to act upon hardship applications made pursuant to this arti-  
9 cle, a special loft unit referred to herein as the "loft board" shall be  
10 established which shall consist of from four to nine members represen-  
11 tative of the public, the real estate industry, loft residential  
12 tenants, [~~and loft manufacturing interests,~~] and a chairperson, all to  
13 be appointed by the mayor of the municipality and to serve such terms as  
14 he may designate. The compensation of the members of the loft board  
15 shall be fixed by the mayor. The members of the loft board shall not be  
16 considered employees of the state or the municipality, provided, howev-  
17 er, that state or municipal employees or officers may be named to the  
18 loft board. The mayor shall establish the loft board within ninety days  
19 of the effective date of chapter three hundred forty-nine of the laws of  
20 nineteen hundred eighty-two. The loft board shall have such office and  
21 staff as shall be necessary to carry out functions conferred upon it and  
22 may request and receive assistance from any state or municipal agency or  
23 department. The loft board shall have the following duties: [~~(a)~~] (i)  
24 the determination of interim multiple dwelling status and other issues  
25 of coverage pursuant to this article; [~~(b)~~] (ii) the resolution of all  
26 hardship appeals brought under this article; [~~(c)~~] (iii) the determi-  
27 nation of any claim for rent adjustment under this article by an owner  
28 or tenant; [~~(d)~~] (iv) the issuance, after a public hearing, and the  
29 enforcement of rules and regulations governing minimum housing mainte-  
30 nance standards in interim multiple dwellings (subject to the provisions  
31 of this chapter and any local building code), rent adjustments prior to  
32 legalization, compliance with this article and the hearing of complaints  
33 and applications made to it pursuant to this article; and [~~(e)~~] (v)  
34 determination of controversies arising over the fair market value of a  
35 residential tenant's fixtures or reasonable moving expenses.

36 (2) The violation of any rule or regulation promulgated by the loft  
37 board shall be punishable by a civil penalty determined by the loft  
38 board not to exceed [~~seventeen thousand five hundred~~] twenty-five thou-  
39 sand dollars which may be recovered by the municipality by a proceeding  
40 in any court of competent jurisdiction. The corporation counsel may  
41 bring and maintain a civil proceeding in the name of the city in the  
42 supreme court of the county in which the building, erection or place is  
43 located to enjoin violations of this article. The loft board may desig-  
44 nate provisions of such rules and regulations for enforcement in  
45 proceedings before the environmental control board of such municipality.  
46 Notices of violation returnable to such environmental control board may  
47 be issued by officers and employees of the department of buildings of  
48 such municipality and served in the same manner as violations returnable  
49 to such board within the jurisdiction of such department. The environ-  
50 mental control board, when acting as the designee of the loft board,  
51 shall have the power to impose civil penalties, not to exceed [~~seven-~~  
52 ~~teen~~] twenty-five thousand [~~five hundred~~] dollars for each violation,  
53 and to issue judgments, which may be docketed and enforced as set forth  
54 in section one thousand forty-nine-a of the New York city charter.

55 (3) The loft board may charge and collect reasonable fees in the  
56 execution of its responsibilities. The loft board may administer oaths,



1 take affidavits, hear testimony, and take proof under oath at public or  
2 private hearings.

3 § 5. Section 282-a of the multiple dwelling law, as amended by section  
4 22 of part A of chapter 20 of the laws of 2015, is amended to read as  
5 follows:

6 § 282-a. Applications for coverage of interim multiple dwellings and  
7 residential units. [~~1. All applications for registration as an interim  
8 multiple dwelling or for coverage of residential units under this arti-  
9 cle shall be filed with the loft board within six months after the date  
10 the loft board shall have adopted all rules or regulations necessary in  
11 order to implement the provisions of chapter one hundred forty-seven of  
12 the laws of two thousand ten, provided, however, that applications for  
13 registration as an interim multiple dwelling or for coverage of residen-  
14 tial units under this article may also be filed for a two-year period  
15 starting from the effective date of the chapter of the laws of two thou-  
16 sand fifteen which amended this section. The loft board may subsequently  
17 amend such rules and regulations but such amendments shall not recom-  
18 mence the time period in which applications may be filed.~~

19 ~~2.~~] Where any occupant has filed an application for coverage pursuant  
20 to this article and has received a docket number from the loft board, it  
21 shall be unlawful for an owner to cause or intend to cause such occupant  
22 to vacate, surrender or waive any rights in relation to such occupancy,  
23 due to repeated interruptions or discontinuances of essential services,  
24 or an interruption or discontinuance of an essential service for an  
25 extended duration or of such significance as to substantially impair  
26 habitability of such unit, at any time before the loft board has made a  
27 final determination, including appeals, to approve or deny such applica-  
28 tion. This section shall not grant any rights of continued occupancy  
29 other than those otherwise granted by law. Any agreement that waives or  
30 limits the benefits of this section shall be deemed void as against  
31 public policy. In addition to any other remedies provided in this arti-  
32 cle for failure to be in compliance, in article eight of this chapter,  
33 or in the regulations promulgated by the loft board, an occupant who has  
34 filed an application with the loft board for coverage under this article  
35 may commence an action or proceeding in a court of competent jurisdic-  
36 tion, which notwithstanding any other provision of law shall include the  
37 housing part of the New York city civil court, to enforce the provisions  
38 of this section.

39 § 6. Paragraph (vi) of subdivision 1 of section 284 of the multiple  
40 dwelling law, as amended by section 22-a of part A of chapter 20 of the  
41 laws of 2015, is amended to read as follows:

42 (vi) Notwithstanding the provisions of paragraphs (i) through (v) of  
43 this subdivision the owner of an interim multiple dwelling made subject  
44 to this article by subdivision five of section two hundred eighty-one of  
45 this article (A) shall file an alteration application on or before March  
46 twenty-first, two thousand eleven, or, for units that became subject to  
47 this article pursuant to chapter four of the laws of two thousand thir-  
48 teen on or before June eleventh, two thousand fourteen, or, for units  
49 that became subject to this article pursuant to the chapter of the laws  
50 of two thousand seventeen that amended this paragraph within nine months  
51 from such effective date, or for units in an interim multiple dwelling  
52 that were listed on an application for coverage or registration filed  
53 with the loft board pursuant to this article or in a court pleading  
54 after March eleventh, two thousand fourteen, within nine months of  
55 either the date of the initial application for coverage or the date of  
56 the loft board's issuance of an interim multiple dwelling number or the

1 date of the service of the pleading, whichever is earlier, and (B) shall  
2 take all reasonable and necessary action to obtain an approved alter-  
3 ation permit on or before June twenty-first, two thousand eleven, or,  
4 for units that became subject to this article pursuant to chapter four  
5 of the laws of two thousand thirteen on or before September eleventh,  
6 two thousand fourteen, or, for units that became subject to this article  
7 pursuant to the chapter of the laws of two thousand seventeen that  
8 amended this paragraph within twelve months from such effective date, or  
9 for units in an interim multiple dwelling that were listed on an appli-  
10 cation for coverage or registration filed with the loft board pursuant  
11 to this article or in a court pleading after March eleventh, two thou-  
12 sand fourteen, within twelve months of either the date of the initial  
13 application for coverage or the date of the loft board's issuance of an  
14 interim multiple dwelling number or the date of the service of the  
15 pleading, whichever is earlier, and (C) shall achieve compliance with  
16 the standards of safety and fire protection set forth in article seven-B  
17 of this chapter for the residential portions of the building within  
18 eighteen months from obtaining such alteration permit, and (D) shall  
19 take all reasonable and necessary action to obtain a certificate of  
20 occupancy as a class A multiple dwelling for the residential portions of  
21 the building or structure on or before December twenty-first, two thou-  
22 sand twelve, or for units that became subject to this article pursuant  
23 to chapter four of the laws of two thousand thirteen on or before March  
24 eleventh, two thousand sixteen, or, for units that became subject to  
25 this article pursuant to the chapter of the laws of two thousand seven-  
26 teen that amended this paragraph within thirty-six months from such  
27 effective date, or for units in an interim multiple dwelling that were  
28 listed on an application for coverage or registration filed with the  
29 loft board pursuant to this article or in a court pleading after March  
30 eleventh, two thousand sixteen, within thirty months of either the date  
31 of the initial application for coverage or the date of the loft board's  
32 issuance of an interim multiple dwelling number or the date of the  
33 service of the pleading, whichever is earlier. The loft board may, upon  
34 good cause shown, and upon proof of compliance with the standards of  
35 safety and fire protection set forth in article seven-B of this chapter,  
36 twice extend the time of compliance with the requirement to obtain a  
37 residential certificate of occupancy for periods not to exceed twelve  
38 months each.

39 § 7. Paragraph (vi) of subdivision 1 of section 284 of the multiple  
40 dwelling law, as amended by chapter 135 of the laws of 2010, is amended  
41 to read as follows:

42 (vi) Notwithstanding the provisions of paragraphs (i) through (v) of  
43 this subdivision the owner of an interim multiple dwelling made subject  
44 to this article by subdivision five of section two hundred eighty-one of  
45 this article (A) shall file an alteration application within nine months  
46 from the effective date of [~~the~~] chapter one hundred thirty-five of the  
47 laws of two thousand ten [~~which amended this subparagraph~~], or for units  
48 that became subject to this article pursuant to the chapter of the laws  
49 of two thousand seventeen that amended this paragraph within nine months  
50 from such effective date, and (B) shall take all reasonable and neces-  
51 sary action to obtain an approved alteration permit within twelve months  
52 from such effective date, or for units that became subject to this arti-  
53 cle pursuant to the chapter of the laws of two thousand seventeen that  
54 amended this paragraph within twelve months from such effective date,  
55 and (C) shall achieve compliance with the standards of safety and fire  
56 protection set forth in article seven-B of this chapter for the residen-

1 tial portions of the building within eighteen months from obtaining such  
2 alteration permit or eighteen months from such effective date, whichever  
3 is later, and (D) shall take all reasonable and necessary action to  
4 obtain a certificate of occupancy as a class A multiple dwelling for the  
5 residential portions of the building or structure within thirty-six  
6 months from such effective date, or for units that became subject to  
7 this article pursuant to the chapter of the laws of two thousand seven-  
8 teen that amended this paragraph within thirty-six months from such  
9 effective date. The loft board may, upon good cause shown, and upon  
10 proof of compliance with the standards of safety and fire protection set  
11 forth in article seven-B of this chapter, twice extend the time of  
12 compliance with the requirement to obtain a residential certificate of  
13 occupancy for periods not to exceed twelve months each.

14 § 8. Paragraphs (vii), (viii), (ix), (x) and (xi) of subdivision 1 and  
15 subdivision 2 of section 284 of the multiple dwelling law, paragraphs  
16 (vii), (viii), (ix), (x) and (xi) of subdivision 1 as amended by chapter  
17 135 of the laws of 2010 and subdivision 2 as added by chapter 349 of the  
18 laws of 1982, are amended to read as follows:

19 (vii) Notwithstanding the provisions of paragraphs (i) through (vi) of  
20 this subdivision the owner of an interim multiple dwelling made subject  
21 to this article by subdivision six of section two hundred eighty-one of  
22 this article (A) shall file an alteration application within nine months  
23 from the effective date of the chapter of the laws of two thousand  
24 seventeen that amended this paragraph, and (B) shall take all reasonable  
25 and necessary action to obtain an approved alteration permit within  
26 twelve months from such effective date, and (C) shall achieve compliance  
27 with the standards of safety and fire protection set forth in article  
28 seven-B of this chapter for the residential portions of the building  
29 within eighteen months from obtaining such alteration permit or eighteen  
30 months from such effective date, whichever is later, and (D) shall take  
31 all reasonable and necessary action to obtain a certificate of occupancy  
32 as a class A multiple dwelling for the residential portions of the  
33 building or structure within thirty-six months from such effective date.  
34 The loft board may, upon good cause shown, and upon proof of compliance  
35 with the standards of safety and fire protection set forth in article  
36 seven-B of this chapter, twice extend the time of compliance with the  
37 requirement to obtain a residential certificate of occupancy for periods  
38 not to exceed twelve months each.

39 (viii) An owner who is unable to satisfy any requirement specified in  
40 paragraph (ii), (iii), (iv), (v), or (vi) of this subdivision for  
41 reasons beyond his/her control, including, but not limited to, a  
42 requirement to obtain a certificate of appropriateness for modification  
43 of a landmarked building, a need to obtain a variance from a board of  
44 standards and appeals, or the denial of reasonable access to a residen-  
45 tial unit as required by paragraph [~~(xi)~~] (xii) of this subdivision, may  
46 apply to the loft board for an extension of time to meet the requirement  
47 specified in paragraph (ii), (iii), (iv), (v), or (vi) of this subdivi-  
48 sion. The loft board may grant an extension of time to meet a require-  
49 ment specified in paragraph (ii), (iii), (iv), (v), or (vi) of this  
50 subdivision provided that the owner demonstrates that he/she has made  
51 good faith efforts to satisfy the requirements.

52 [~~(viii)~~] (ix) If there is a finding by the loft board that an owner  
53 has failed to satisfy any requirement specified in paragraph (i), (ii),  
54 (iii), (iv), (v), or (vi) of this subdivision, such owner shall be  
55 subject to all penalties set forth in article eight of this chapter.



1    [~~(ix)~~] (x) In addition to the penalties provided in article eight of  
2 this chapter, if there is a finding by the loft board that an owner has  
3 failed to satisfy any requirement specified in paragraph (i), (ii),  
4 (iii), (iv), (v), or (vi) of this subdivision, a court may order specif-  
5 ic performance to enforce the provisions of this article upon the appli-  
6 cation of three occupants of separate residential units, qualified for  
7 the protection of this article, or upon the application of the munici-  
8 pality.

9    [~~(x)~~] (xi) If, as a consequence of an owner's unlawful failure to  
10 comply with the provisions of paragraph (i), (ii), (iii), (iv), (v), or  
11 (vi) of this subdivision, any residential occupant qualified for  
12 protection pursuant to this article is required to vacate his or her  
13 unit as a result of a municipal vacate order, such occupant may recover  
14 from the owner the fair market value of any improvements made by such  
15 tenant and reasonable moving costs. Any vacate order issued as to such  
16 unit by a local government shall be deemed an order to the owner to  
17 correct the non-compliant conditions, subject to the provisions of this  
18 article. Furthermore, when such correction has been made, such occupant  
19 shall have the right to re-occupy his or her unit and shall be entitled  
20 to all applicable tenant protections of this article.

21    [~~(xi)~~] (xii) The occupants of a building shall, upon appropriate  
22 notice regarding the timing and scope of the work required, afford the  
23 owner reasonable access to their units so that the work necessary for  
24 compliance with this article can be carried out. Access shall also be  
25 afforded, upon reasonable prior notice, for the purpose of inspecting  
26 and surveying units as may be required to comply with the provisions of  
27 this article and article seven-B of this chapter. Failure to comply with  
28 an order of the loft board regarding access shall be grounds for  
29 eviction of a tenant.

30    2. Every owner of an interim multiple dwelling, every lessee of a  
31 whole building part of which is an interim multiple dwelling, and every  
32 agent or other person having control of such a dwelling, shall, within  
33 sixty days of the effective date of the act which added this article,  
34 file with the loft board or any other authority designated by the mayor  
35 a notice in conformity with all provisions of section three hundred  
36 twenty-five of this chapter and with rules and regulations to be promul-  
37 gated by the loft board.

38    § 9. This act shall take effect immediately, provided that:

39    (a) the amendments to subdivision five of section 281 of the multiple  
40 dwelling law made by section one of this act shall be subject to the  
41 expiration and reversion of such subdivision pursuant to subdivision (h)  
42 of section 27 of chapter 4 of the laws of 2013, as amended, when upon  
43 such date the provisions of section two of this act shall take effect;  
44 and

45    (b) the amendments to paragraph (vi) of subdivision 1 of section 284  
46 of the multiple dwelling law made by section six of this act shall be  
47 subject to the expiration and reversion of such paragraph when upon such  
48 date section seven of this act shall take effect.