

STATE OF NEW YORK

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2017-2018 Regular Sessions

IN SENATE

June 21, 2017

Introduced by Sens. DILAN, ALCANTARA, AVELLA, BAILEY, COMRIE, HAMILTON, HOYLMAN, KAVANAGH, KRUEGER, MONTGOMERY, PARKER, RIVERA, SAVINO, SEPULVEDA, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

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1 and, at any time prior to the effective date of the chapter of the laws
2 of two thousand eighteen that amended this subdivision, had a portion of
3 the unit that was capable of obtaining light and air from the street it
4 directly faces, or otherwise has at least one window opening onto a
5 street or a lawful yard or court as defined in the zoning resolution for
6 such municipality.

7 (b) The term "interim multiple dwelling" as used in this subdivision
8 shall not include [~~i~~] any building in an industrial business zone
9 established pursuant to chapter six-D of title twenty-two of the admin-
10 istrative code of the city of New York except that a building in the
11 Williamsburg/Greenpoint or North Brooklyn industrial business zones
12 (other than a building within such North Brooklyn industrial business
13 zone that is in a district zoned M3, as such district is described in
14 the zoning resolution of such municipality in effect at the time the
15 application for registration as an interim multiple dwelling or for
16 coverage of residential units under this article is filed) and a build-
17 ing located in that portion of the Long Island city industrial business
18 zone that has frontage on either side of forty-seventh avenue or is
19 located north of forty-seventh avenue and south of Skillman avenue or in
20 that portion of the Long Island city industrial business zone that is
21 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 groups
29 fifteen through eighteen, as described in the zoning resolution of such
30 municipality in effect on June twenty-first, two thousand ten, and which
31 the loft board has determined in rules and regulation is inherently
32 incompatible with residential use in the same building, provided that
33 the loft board may by rule exempt categories of units or buildings from
34 such use incompatibility determinations including but not limited to
35 residentially occupied units or subcategories of such units, and
36 provided, further that if a building does not contain such active uses
37 at the time this subdivision takes effect, no subsequent use by the
38 owner of the building shall eliminate the protections of this section
39 for any residential occupants in the building already qualified for such
40 protections.

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

1 residential certificate of occupancy for such space and such space shall
2 be exempt from this article, even if a portion of such building may be
3 an interim multiple dwelling.

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

7 5. (a) Notwithstanding the provisions of paragraphs (i), (iii) and
8 (iv) of subdivision two of this section, but subject to paragraphs (i)
9 and (ii) of subdivision one of this section and paragraph (ii) of subdi-
10 vision two of this section, the term "interim multiple dwelling" shall
11 include buildings, structures or portions thereof that are located in a
12 city of more than one million persons which were occupied for residen-
13 tial purposes as the residence or home of any three or more families
14 living independently from one another for a period of twelve consecutive
15 months during the period commencing January first, two thousand eight,
16 and ending December thirty-first, two thousand nine, provided that the
17 unit: is not located in a [~~basement or~~] cellar and has at least one

18 entrance that does not require passage through another residential unit
19 to obtain access to the unit, [~~has at least one window opening onto a~~
20 ~~street or a lawful yard or court as defined in the zoning resolution for~~
21 ~~such municipality,~~] and is at least [~~five~~] four hundred fifty square
22 feet in area. (b) The term "interim multiple dwelling" as used in this

23 subdivision shall not include [~~(i)~~] any building in an industrial busi-
24 ness zone established pursuant to chapter six-D of title twenty-two of
25 the administrative code of the city of New York except that a building
26 in the Williamsburg/Greenpoint or North Brooklyn industrial business
27 zones (other than a building within such North Brooklyn industrial busi-
28 ness zone that is in a district zoned M3, as such district is described
29 in the zoning resolution of such municipality in effect at the time the
30 application for registration as an interim multiple dwelling or for
31 coverage of residential units under this article is filed) and a build-
32 ing located in that portion of the Long Island city industrial business
33 zone that has frontage on either side of forty-seventh avenue or is
34 located north of forty-seventh avenue and south of Skillman avenue or in
35 that portion of the Long Island city industrial business zone that is
36 located north of forty-fourth drive, south of Queens plaza north, and
37 west of twenty-third street may be included in the term "interim multi-

38 ple dwelling," or (ii) units in any building, other than a building that
39 is already defined as an "interim multiple dwelling" pursuant to subdi-
40 vision one, two, three or four of this section, that, at the time this
41 subdivision shall take effect and continuing at the time of the
42 submission of an application for coverage by any party, also contains a
43 use actively and currently pursued, which use is set forth in use groups
44 fifteen through eighteen, as described in the zoning resolution of such
45 municipality in effect on June twenty-first, two thousand ten, and which
46 the loft board has determined in rules and regulation is inherently
47 incompatible with residential use in the same building, provided that
48 the loft board may by rule exempt categories of units or buildings from
49 such use incompatibility determinations including but not limited to
50 residentially occupied units or subcategories of such units, and
51 provided, further that if a building does not contain such active uses

52 at the time this subdivision takes effect, no subsequent use by the
53 owner of the building shall eliminate the protections of this section
54 for any residential occupants in the building already qualified for such
55 protections. (c) The term "interim multiple dwelling," as used in this
56 subdivision shall also include buildings, structures or portions thereof

1 that are located north of West 24th Street and south of West 27th Street
2 and west of tenth avenue and east of eleventh avenue in a city of more
3 than one million persons which were occupied for residential purposes as
4 the residence or home of any two or more families living independently
5 from one another for a period of twelve consecutive months during the
6 period commencing January first, two thousand eight, and ending December
7 thirty-first, two thousand nine and subject to all the conditions and
8 limitations of this subdivision other than the number of units in the
9 building. A reduction in the number of occupied residential units in a
10 building after meeting the aforementioned twelve consecutive month
11 requirement shall not eliminate the protections of this section for any
12 remaining residential occupants qualified for such protections. Non-re-
13 sidential space in a building as of the effective date of this subdivi-
14 sion shall be offered for residential use only after the obtaining of a
15 residential certificate of occupancy for such space and such space shall
16 be exempt from this article, even if a portion of such building may be
17 an interim multiple dwelling.

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

20 6. (a) Notwithstanding the provisions of paragraphs (i), (iii) and
21 (iv) of subdivision two of this section, but subject to paragraphs (i)
22 and (ii) of subdivision one of this section and paragraph (ii) of subdivi-
23 sion two of this section, the term "interim multiple dwelling" shall
24 include buildings, structures or portions thereof that are located in a
25 city of more than one million persons which were occupied for residen-
26 tial purposes as the residence or home of any three or more families
27 living independently from one another for a period of twelve consecutive
28 months during the period commencing January first, two thousand fifteen,
29 and ending December thirty-first, two thousand sixteen, provided that
30 the unit: is not located in a cellar and has at least one entrance that
31 does not require passage through another residential unit to obtain
32 access to the unit, and is at least four hundred square feet in area.

33 (b) The term "interim multiple dwelling" as used in this subdivision
34 shall not include (i) any building in an industrial business zone estab-
35 lished pursuant to chapter six-D of title twenty-two of the administra-
36 tive code of the city of New York except that a building in the
37 Williamsburg/Greenpoint or North Brooklyn industrial business zones
38 (other than a building within such North Brooklyn industrial business
39 zone that is in a district zoned M3, as such district is described in
40 the zoning resolution of such municipality in effect at the time the
41 application for registration as an interim multiple dwelling or for
42 coverage of residential units under this article is filed) and a build-
43 ing located in that portion of the Long Island city industrial business
44 zone that has frontage on either side of forty-seventh avenue or is
45 located north of forty-seventh avenue and south of Skillman avenue or in
46 that portion of the Long Island city industrial business zone that is
47 located north of forty-fourth drive, south of Queens plaza north, and
48 west of twenty-third street may be included in the term "interim multi-
49 ple dwelling", or (ii) units in any building, other than a building that
50 is already defined as an "interim multiple dwelling" pursuant to subdivi-
51 sion one, two, three or four of this section, that, at the time this
52 subdivision shall take effect and continuing at the time of the
53 submission of an application for coverage by any party, also contains a
54 use actively and currently pursued, which use is set forth in use groups
55 fifteen through eighteen, as described in the zoning resolution of such
56 municipality in effect on June twenty-first, two thousand ten, and which

1 the loft board has determined in rules and regulation is inherently
2 incompatible with residential use in the same building, provided that
3 the loft board may by rule exempt categories of units or buildings from
4 such use incompatibility determinations including but not limited to
5 residentially occupied units or subcategories of such units, and
6 provided, further that if a building does not contain such active uses
7 at the time this subdivision takes effect, no subsequent use by the
8 owner of the building shall eliminate the protections of this section
9 for any residential occupants in the building already qualified for such
10 protections.

11 (c) The term "interim multiple dwelling", as used in this subdivision
12 shall also include buildings, structures or portions thereof that are
13 located north of West 24th Street and south of West 27th Street and west
14 of tenth avenue and east of eleventh avenue in a city of more than one
15 million persons which were occupied for residential purposes as the
16 residence or home of any two or more families living independently from
17 one another for a period of twelve consecutive months during the period
18 commencing January first, two thousand fifteen, and ending December
19 thirty-first, two thousand sixteen and subject to all the conditions and
20 limitations of this subdivision other than the number of units in the
21 building. A reduction in the number of occupied residential units in a
22 building after meeting the aforementioned twelve consecutive month
23 requirement shall not eliminate the protections of this section for any
24 remaining residential occupants qualified for such protections. Non-re-
25 sidential space in a building as of the effective date of this subdivi-
26 sion shall be offered for residential use only after the obtaining of a
27 residential certificate of occupancy for such space and such space shall
28 be exempt from this article, even if a portion of such building may be
29 an interim multiple dwelling.

30 § 4. Section 282 of the multiple dwelling law, as amended by chapter
31 147 of the laws of 2010, is amended to read as follows:

32 § 282. Establishment of special loft unit. (1) In order to resolve
33 complaints of owners of interim multiple dwellings and of residential
34 occupants of such buildings qualified for the protection of this arti-
35 cle, and to act upon hardship applications made pursuant to this arti-
36 cle, a special loft unit referred to herein as the "loft board" shall be
37 established which shall consist of from four to nine members represen-
38 tative of the public, the real estate industry, loft residential
39 tenants, ~~[and loft manufacturing interests,]~~ and a chairperson, all to
40 be appointed by the mayor of the municipality and to serve such terms as
41 he may designate. The compensation of the members of the loft board
42 shall be fixed by the mayor. The members of the loft board shall not be
43 considered employees of the state or the municipality, provided, howev-
44 er, that state or municipal employees or officers may be named to the
45 loft board. The mayor shall establish the loft board within ninety days
46 of the effective date of chapter three hundred forty-nine of the laws of
47 nineteen hundred eighty-two. The loft board shall have such office and
48 staff as shall be necessary to carry out functions conferred upon it and
49 may request and receive assistance from any state or municipal agency or
50 department. The loft board shall have the following duties: ~~[(a)]~~ (i)
51 the determination of interim multiple dwelling status and other issues
52 of coverage pursuant to this article; ~~[(b)]~~ (ii) the resolution of all
53 hardship appeals brought under this article; ~~[(c)]~~ (iii) the determi-
54 nation of any claim for rent adjustment under this article by an owner
55 or tenant; ~~[(d)]~~ (iv) the issuance, after a public hearing, and the
56 enforcement of rules and regulations governing minimum housing mainte-

1 nance standards in interim multiple dwellings (subject to the provisions
2 of this chapter and any local building code), rent adjustments prior to
3 legalization, compliance with this article and the hearing of complaints
4 and applications made to it pursuant to this article; and ~~[(e)]~~ (v)
5 determination of controversies arising over the fair market value of a
6 residential tenant's fixtures or reasonable moving expenses.

7 (2) The violation of any rule or regulation promulgated by the loft
8 board shall be punishable by a civil penalty determined by the loft
9 board not to exceed ~~[seventeen thousand five hundred]~~ twenty-five thou-
10 sand dollars which may be recovered by the municipality by a proceeding
11 in any court of competent jurisdiction. The corporation counsel may
12 bring and maintain a civil proceeding in the name of the city in the
13 supreme court of the county in which the building, erection or place is
14 located to enjoin violations of this article. The loft board may desig-
15 nate provisions of such rules and regulations for enforcement in
16 proceedings before the environmental control board of such municipality.
17 Notices of violation returnable to such environmental control board may
18 be issued by officers and employees of the department of buildings of
19 such municipality and served in the same manner as violations returnable
20 to such board within the jurisdiction of such department. The environ-
21 mental control board, when acting as the designee of the loft board,
22 shall have the power to impose civil penalties, not to exceed ~~[seven-~~
23 ~~teen]~~ twenty-five thousand ~~[five hundred]~~ dollars for each violation,
24 and to issue judgments, which may be docketed and enforced as set forth
25 in section one thousand forty-nine-a of the New York city charter.

26 (3) The loft board may charge and collect reasonable fees in the
27 execution of its responsibilities. The loft board may administer oaths,
28 take affidavits, hear testimony, and take proof under oath at public or
29 private hearings.

30 § 5. Section 282-a of the multiple dwelling law, as amended by section
31 22 of part A of chapter 20 of the laws of 2015, is amended to read as
32 follows:

33 § 282-a. Applications for coverage of interim multiple dwellings and
34 residential units. 1. ~~[All]~~ With the exception of applications for
35 registration or coverage of an interim multiple dwelling under subdivi-
36 sion six of section two hundred eighty-one of this article, which may be
37 filed at any time after the effective date of the chapter of the laws of
38 two thousand eighteen which amended this section, all applications for
39 registration as an interim multiple dwelling or for coverage of residen-
40 tial units under this article shall be filed with the loft board within
41 six months after the date the loft board shall have adopted all rules or
42 regulations necessary in order to implement the provisions of chapter
43 one hundred forty-seven of the laws of two thousand ten, provided,
44 however, that applications for registration as an interim multiple
45 dwelling or for coverage of residential units under this article may
46 also be filed for a two-year period starting from the effective date of
47 the chapter of the laws of two thousand fifteen which amended this
48 section. The loft board may subsequently amend such rules and regu-
49 lations but such amendments shall not recommence the time period in
50 which applications may be filed.

51 2. Where any occupant has filed an application for coverage pursuant
52 to this article and has received a docket number from the loft board, it
53 shall be unlawful for an owner to cause or intend to cause such occupant
54 to vacate, surrender or waive any rights in relation to such occupancy,
55 due to repeated interruptions or discontinuances of essential services,
56 or an interruption or discontinuance of an essential service for an

1 extended duration or of such significance as to substantially impair
2 habitability of such unit, at any time before the loft board has made a
3 final determination, including appeals, to approve or deny such applica-
4 tion. This section shall not grant any rights of continued occupancy
5 other than those otherwise granted by law. Any agreement that waives or
6 limits the benefits of this section shall be deemed void as against
7 public policy. In addition to any other remedies provided in this arti-
8 cle for failure to be in compliance, in article eight of this chapter,
9 or in the regulations promulgated by the loft board, an occupant who has
10 filed an application with the loft board for coverage under this article
11 may commence an action or proceeding in a court of competent jurisdic-
12 tion, which notwithstanding any other provision of law shall include the
13 housing part of the New York city civil court, to enforce the provisions
14 of this section.

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

18 (vi) Notwithstanding the provisions of paragraphs (i) through (v) of
19 this subdivision the owner of an interim multiple dwelling made subject
20 to this article by subdivision five or six of section two hundred eight-
21 y-one of this article (A) shall file an alteration application [~~on or~~
22 ~~before March twenty-first, two thousand eleven, or, for units that~~
23 ~~became subject to this article pursuant to chapter four of the laws of~~
24 ~~two thousand thirteen on or before June eleventh, two thousand fourteen,~~
25 ~~or, for units in an interim multiple dwelling that were listed on an~~
26 ~~application for coverage or registration filed with the loft board~~
27 ~~pursuant to this article or in a court pleading after March eleventh,~~
28 ~~two thousand fourteen,~~] within [~~nine~~] six months [~~of~~] from either the
29 [~~date~~] effective date of the chapter of the laws of two thousand eigh-
30 teen which amended this paragraph or the date of service of the initial
31 application for coverage or the date of the loft board's issuance of an
32 interim multiple dwelling number or the date of the service of the
33 pleading, whichever is [~~earlier~~] later, and (B) shall take all reason-
34 able and necessary action to obtain an approved alteration permit [~~on or~~
35 ~~before June twenty-first, two thousand eleven, or, for units that became~~
36 ~~subject to this article pursuant to chapter four of the laws of two~~
37 ~~thousand thirteen on or before September eleventh, two thousand four-~~
38 ~~teen, or, for units in an interim multiple dwelling that were listed on~~
39 ~~an application for coverage or registration filed with the loft board~~
40 ~~pursuant to this article or in a court pleading after March eleventh,~~
41 ~~two thousand fourteen, within twelve months of either the date of the~~
42 ~~initial application for coverage or the date of the loft board's issu-~~
43 ~~ance of an interim multiple dwelling number or the date of the service~~
44 ~~of the pleading, whichever is earlier~~] within eighteen months from
45 either the effective date of the chapter of the laws of two thousand
46 eighteen which amended this paragraph or the date of the filing of such
47 alteration application, whichever is later, and (C) shall achieve
48 compliance with the standards of safety and fire protection set forth in
49 article seven-B of this chapter for the residential portions of the
50 building within [~~eighteen~~] twenty-four months from [~~obtaining such~~
51 ~~alteration permit~~] either the effective date of the chapter of the laws
52 of two thousand eighteen which amended this paragraph or the date of
53 issuance of such alteration permit, whichever is later, and (D) shall
54 take all reasonable and necessary action to obtain a certificate of
55 occupancy as a class A multiple dwelling for the residential portions of
56 the building or structure [~~on or before December twenty-first, two thou-~~

~~sand twelve, or for units that became subject to this article pursuant to chapter four of the laws of two thousand thirteen on or before March eleventh, two thousand sixteen, or, for units in an interim multiple dwelling that were listed on an application for coverage or registration filed with the loft board pursuant to this article or in a court pleading after March eleventh, two thousand sixteen, within thirty months of either the date of the initial application for coverage or the date of the loft board's issuance of an interim multiple dwelling number or the date of the service of the pleading, whichever is earlier. The loft board may, upon good cause shown, and upon proof of compliance with the standards of safety and fire protection set forth in article seven-B of this chapter, twice extend the time of compliance with the requirement to obtain a residential certificate of occupancy for periods not to exceed twelve months each]~~ within eight months from either the effective date of the chapter of the laws of two thousand eighteen which amended this paragraph or the date such compliance with the standards of safety and fire protection set forth in article seven-B of this chapter for the residential portions of the building or structure is achieved, whichever is later.

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

(vi) Notwithstanding the provisions of paragraphs (i) through (v) of this subdivision the owner of an interim multiple dwelling made subject to this article by subdivision five or six of section two hundred eighty-one of this article (A) shall file an alteration application within ~~[nine]~~ six months from the effective date of the chapter of the laws of two thousand ~~[ten]~~ eighteen which amended this ~~[subparagraph]~~ paragraph or the date of service of the initial application for coverage or the date of the loft board's issuance of an interim multiple dwelling number or the date of the service of the pleading, whichever is later, and (B) shall take all reasonable and necessary action to obtain an approved alteration permit within ~~[twelve]~~ eighteen months from ~~[such effective date]~~ either the effective date of the chapter of the laws of two thousand ~~sand eighteen~~ which amended this paragraph or the date of the filing of such alteration application, whichever is later, and (C) shall achieve compliance with the standards of safety and fire protection set forth in article seven-B of this chapter for the residential portions of the building within ~~[eighteen]~~ twenty-four months from ~~[obtaining such alteration permit or eighteen months from such effective date]~~ either the effective date of the chapter of the laws of two thousand eighteen which amended this paragraph or the date of issuance of such alteration permit, whichever is later, and (D) shall take all reasonable and necessary action to obtain a certificate of occupancy as a class A multiple dwelling for the residential portions of the building or structure within ~~[thirty-six]~~ eight months from ~~[such effective date. The loft board may, upon good cause shown, and upon proof of compliance with the standards of safety and fire protection set forth in article seven-B of this chapter, twice extend the time of compliance with the requirement to obtain a residential certificate of occupancy for periods not to exceed twelve months each]~~ either the effective date of the chapter of the laws of two thousand eighteen which amended this paragraph or the date such compliance with the standards of safety and fire protection set forth in article seven-B of this chapter for the residential portions of the building or structure is achieved, whichever is later.

§ 8. Paragraph (vii) of subdivision 1 of section 284 of the multiple dwelling law, as amended by chapter 135 of the laws of 2010, is amended to read as follows:

(vii) An owner who is unable to satisfy any requirement specified in paragraph (ii), (iii), (iv), (v), or (vi) of this subdivision for reasons beyond ~~[his/her]~~ his or her control, including, but not limited to, a requirement to obtain a certificate of appropriateness for modification of a landmarked building, a need to obtain a variance from a board of standards and appeals, or the denial of reasonable access to a residential unit as required by paragraph (xi) of this subdivision, may apply to the loft board for an extension of time to meet ~~[the requirement]~~ any requirements specified in paragraph (ii), (iii), (iv), (v), or (vi) of this subdivision. The loft board may grant ~~[an extension]~~ extensions of time to meet ~~[a requirement]~~ any requirements specified in paragraph (ii), (iii), (iv), (v), or (vi) of this subdivision provided that the owner demonstrates that ~~[he/she]~~ he or she has made good faith efforts to satisfy the requirements. There is no limit to the number of such extensions the loft board may grant.

§ 9. Section 285 of the multiple dwelling law is amended by adding a new subdivision 4 to read as follows:

4. The owner of a building may file a registration application with the loft board for coverage of units pursuant to section two hundred eighty-one of this article without prejudice to its defenses to a claim of coverage of such units and of the building, provided that, where the loft board has promulgated rules and regulations providing for a decoverage application, the owner files such decoverage application in a timely manner. In the event that the owner fails to file such application in a timely manner, the loft board may deem such without prejudice application to be with prejudice. Where the loft board has promulgated rules and regulations setting forth the burden of proof for an application for coverage under a subdivision of section two hundred eighty-one of this article, the subsequent filing of a decoverage application within the time period required by such rules and regulations shall not be a basis for shifting the burden of proof to another party.

§ 10. Subdivision 6 of section 281 of the multiple dwelling law shall not apply to any units that were previously the subject of a registration, or coverage application or claim in a court of competent jurisdiction for protection under article 7-C of the multiple dwelling law, or to any units which are located in whole or in part on the same building story as any other unit that was previously the subject of a registration or coverage application or claim in a court of competent jurisdiction for protection under article 7-C of the multiple dwelling law. Subject to the foregoing, and to section 282-a of the multiple dwelling law, as amended by this act, no provision of this act or article 7-C of the multiple dwelling law, as amended by this act, or any other law shall be construed to prevent a new application for registration as an interim multiple dwelling or for coverage of residential units under such article from being filed with the loft board and considered by such board in relation to a building, or units within a building, previously determined not to be covered, where the basis for such application is that such building or units are subject to such article as a result of the amendments made by this act. All registration and/or coverage applications under subdivision 5 of section 281 of the multiple dwelling law, pending as of the effective date of this act, for which there has not been a final, unappealable determination, shall be determined in

1 accordance with subdivision 5 of section 281 of the multiple dwelling
2 law, as amended by this act.

3 § 11. This act shall take effect immediately, and shall apply to
4 applications pending approval or on appeal on and after such date
5 provided that:

6 (a) the amendments to subdivision 5 of section 281 of the multiple
7 dwelling law made by section one of this act shall be subject to the
8 expiration and reversion of such subdivision pursuant to subdivision (h)
9 of section 27 of chapter 4 of the laws of 2013, as amended, when upon
10 such date the provisions of section two of this act shall take effect;
11 and

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