

# STATE OF NEW YORK

3655

2019-2020 Regular Sessions

## IN SENATE

February 11, 2019

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the multiple dwelling law, in relation to interim multiple dwellings; and to amend chapter 4 of the laws of 2013 amending the real property tax law and other laws relating to interim multiple dwellings in a city with a population of one million or more, in relation to making certain provisions permanent

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 estab-

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

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1 lished pursuant to chapter six-D of title twenty-two of the administra-  
2 tive code of the city of New York except that a building in the  
3 Williamsburg/Greenpoint or North Brooklyn industrial business zones  
4 (other than a building within such North Brooklyn business zone that is  
5 in a district zoned M3, as such district is described in the zoning  
6 resolution of such municipality in effect at the time the application  
7 for registration as an interim multiple dwelling or for coverage of  
8 residential units under this article is filed) and a building located in  
9 that portion of the Long Island city industrial business zone that has  
10 frontage on either side of forty-seventh avenue or is located north of  
11 forty-seventh avenue and south of Skillman avenue or in that portion of  
12 the Long Island city industrial business zone that is located north of  
13 forty-fourth drive, south of Queens plaza north, and west of twenty-  
14 third street may be included in the term "interim multiple dwelling," or  
15 (ii) units in any building, other than a building that is already  
16 defined as an "interim multiple dwelling" pursuant to subdivision one,  
17 two, three or four of this section, that, at the time this subdivision  
18 shall take effect and continuing [~~at~~] until the time of the submission  
19 of an application for coverage by any party, also contains a use in  
20 legal operation, actively and currently pursued, which use is set forth  
21 in use [~~groups fifteen through~~] group eighteen, as described in the  
22 zoning resolution of such municipality in effect on June twenty-first,  
23 two thousand ten, and which the loft board has determined in rules and  
24 regulation is inherently incompatible with residential use in the same  
25 building by creating an actual risk of harm which cannot be reasonably  
26 mitigated, provided that the loft board may by rule exempt categories of  
27 units or buildings from such use incompatibility determinations includ-  
28 ing but not limited to residentially occupied units or subcategories of  
29 such units, and provided, further that if a building does not contain  
30 such active uses at the time this subdivision takes effect, no subse-  
31 quent use by the owner of the building shall eliminate the protections  
32 of this section for any residential occupants in the building already  
33 qualified for such protections. A party opposing coverage pursuant to  
34 this subdivision shall bear the burden of proving the exception to  
35 coverage set forth in subparagraph (ii) of this paragraph.

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

55 § 2. Section 281 of the multiple dwelling law is amended by adding a  
56 new subdivision 6 to read as follows:

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

15 (b) The term "interim multiple dwelling" as used in this subdivision  
16 shall not include (i) any building in an industrial business zone estab-  
17 lished pursuant to chapter six-D of title twenty-two of the administra-  
18 tive code of the city of New York except that a building in the  
19 Williamsburg/Greenpoint or North Brooklyn industrial business zones  
20 other than a building within such North Brooklyn industrial business  
21 zone that is in a district zoned M3, as such district is described in  
22 the zoning resolution of such municipality in effect at the time the  
23 application for registration as an interim multiple dwelling or for  
24 coverage of residential units under this article is filed) and a build-  
25 ing located in that portion of the Long Island city industrial business  
26 zone that has frontage on either side of forty-seventh avenue or is  
27 located north of forty-seventh avenue and south of Skillman avenue or in  
28 that portion of the Long Island city industrial business zone that is  
29 located north of forty-fourth drive, south of Queens plaza north, and  
30 west of twenty-third street may be included in the term "interim multi-  
31 ple dwelling", or (ii) units in any building, other than a building that  
32 is already defined as an "interim multiple dwelling" pursuant to subdivi-  
33 sion one, two, three, four or five of this section, that, at the time  
34 this subdivision shall take effect and continuing until the time of the  
35 submission of an application for coverage by any party, also contains a  
36 use in legal operation, actively and currently pursued, which use is set  
37 forth in use group eighteen, as described in the zoning resolution of  
38 such municipality in effect on June twenty-first, two thousand ten, and  
39 which the loft board has determined in rules and regulation is inherent-  
40 ly incompatible with residential use in the same building by creating an  
41 actual risk of harm which cannot be reasonably mitigated, provided that  
42 the loft board may by rule exempt categories of units or buildings from  
43 such use incompatibility determinations including but not limited to  
44 residentially occupied units or subcategories of such units, and  
45 provided, further that if a building does not contain such active uses  
46 at the time this subdivision takes effect, no subsequent use by the  
47 owner of the building shall eliminate the protections of this section  
48 for any residential occupants in the building already qualified for such  
49 protections. A party opposing coverage pursuant to this subdivision  
50 shall bear the burden of proving the exception to coverage set forth in  
51 subparagraph (ii) of this paragraph.

52 (c) The term "interim multiple dwelling", as used in this subdivision  
53 shall also include buildings, structures or portions thereof that are  
54 located north of West 24th Street and south of West 27th Street and west  
55 of tenth avenue and east of eleventh avenue in a city of more than one  
56 million persons which were occupied for residential purposes as the

1 residence or home of any two or more families living independently from  
2 one another for a period of twelve consecutive months during the period  
3 commencing January first, two thousand fifteen, and ending December  
4 thirty-first, two thousand sixteen and subject to all the conditions and  
5 limitations of this subdivision other than the number of units in the  
6 building. A reduction in the number of occupied residential units in a  
7 building after meeting the aforementioned twelve consecutive month  
8 requirement shall not eliminate the protections of this section for any  
9 remaining residential occupants qualified for such protections. Non-re-  
10 sidential space in a building as of the effective date of this subdivi-  
11 sion shall be offered for residential use only after the obtaining of a  
12 residential certificate of occupancy for such space and such space shall  
13 be exempt from this article, even if a portion of such building may be  
14 an interim multiple dwelling.

15 § 3. Section 282 of the multiple dwelling law, as amended by chapter  
16 147 of the laws of 2010, is amended to read as follows:

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

48 2. The violation of any rule or regulation promulgated by the loft  
49 board shall be punishable by a civil penalty determined by the loft  
50 board not to exceed [~~seventeen thousand five hundred~~] twenty-five thou-  
51 sand dollars which may be recovered by the municipality by a proceeding  
52 in any court of competent jurisdiction. The corporation counsel may  
53 bring and maintain a civil proceeding in the name of the city in the  
54 supreme court of the county in which the building, erection or place is  
55 located to enjoin violations of this article. The loft board may desig-  
56 nate provisions of such rules and regulations for enforcement in

1 proceedings before the environmental control board of such municipality.  
2 Notices of violation returnable to such environmental control board may  
3 be issued by officers and employees of the department of buildings of  
4 such municipality and served in the same manner as violations returnable  
5 to such board within the jurisdiction of such department. The environ-  
6 mental control board, when acting as the designee of the loft board,  
7 shall have the power to impose civil penalties, not to exceed [~~seven-~~  
8 ~~teen~~] twenty-five thousand [~~five-hundred~~] dollars for each violation,  
9 and to issue judgments, which may be docketed and enforced as set forth  
10 in section one thousand forty-nine-a of the New York city charter.

11 3. The loft board may charge and collect reasonable fees in the  
12 execution of its responsibilities. The loft board may administer oaths,  
13 take affidavits, hear testimony, and take proof under oath at public or  
14 private hearings.

15 § 4. Section 282-a of the multiple dwelling law, as amended by section  
16 22 of part A of chapter 20 of the laws of 2015, is amended to read as  
17 follows:

18 § 282-a. Applications for coverage of interim multiple dwellings and  
19 residential units. [~~1. All applications for registration as an interim  
20 multiple dwelling or for coverage of residential units under this arti-  
21 cle shall be filed with the loft board within six months after the date  
22 the loft board shall have adopted all rules or regulations necessary in  
23 order to implement the provisions of chapter one hundred forty-seven of  
24 the laws of two thousand ten, provided, however, that applications for  
25 registration as an interim multiple dwelling or for coverage of residen-  
26 tial units under this article may also be filed for a two-year period  
27 starting from the effective date of the chapter of the laws of two thou-  
28 sand fifteen which amended this section. The loft board may subsequently  
29 amend such rules and regulations but such amendments shall not recom-  
30 mence the time period in which applications may be filed.~~

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

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

54 (vi) Notwithstanding the provisions of paragraphs (i) through (v) of  
55 this subdivision the owner of an interim multiple dwelling made subject  
56 to this article by subdivision five of section two hundred eighty-one of

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

51 § 6. Paragraphs (vii), (viii), (ix), (x) and (xi) of subdivision 1 and  
52 subdivision 2 of section 284 of the multiple dwelling law, paragraphs  
53 (vii), (viii), (ix), (x) and (xi) of subdivision 1 as amended by chapter  
54 135 of the laws of 2010 and subdivision 2 as added by chapter 349 of the  
55 laws of 1982, are amended to read as follows:

(vii) Notwithstanding the provisions of paragraphs (i) through (vi) of this subdivision the owner of an interim multiple dwelling made subject to this article by subdivision six of section two hundred eighty-one of this article (A) shall file an alteration application within nine months from the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph, and (B) shall take all reasonable and necessary action to obtain an approved alteration permit within twelve months from such effective date, 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 months from obtaining such alteration permit or eighteen months from such effective date, 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 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.

(viii) An owner who is unable to satisfy any requirement specified in paragraph (ii), (iii), (iv), (v), [~~ex~~] (vi), or (vii) of this subdivision for reasons beyond his/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)~~] (xii) of this subdivision, may apply to the loft board for an extension of time to meet the requirement specified in paragraph (ii), (iii), (iv), (v), [~~ex~~] (vi), or (vii) of this subdivision. The loft board may grant an extension of time to meet a requirement specified in paragraph (ii), (iii), (iv), (v), [~~ex~~] (vi), or (vii) of this subdivision provided that the owner demonstrates that he/she has made good faith efforts to satisfy the requirements.

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

[~~(ix)~~] (x) In addition to the penalties provided in article eight of this chapter, if there is a finding by the loft board that an owner has failed to satisfy any requirement specified in paragraph (i), (ii), (iii), (iv), (v), [~~ex~~] (vi), or (vii) of this subdivision, a court may order specific performance to enforce the provisions of this article upon the application of three occupants of separate residential units, qualified for the protection of this article, or upon the application of the municipality.

[~~(x)~~] (xi) If, as a consequence of an owner's unlawful failure to comply with the provisions of paragraph (i), (ii), (iii), (iv), (v), [~~ex~~] (vi), or (vii) of this subdivision, any residential occupant qualified for protection pursuant to this article is required to vacate his or her unit as a result of a municipal vacate order, such occupant may recover from the owner the fair market value of any improvements made by such tenant and reasonable moving costs. Any vacate order issued as to such unit by a local government shall be deemed an order to the owner to correct the non-compliant conditions, subject to the provisions of this

1 article. Furthermore, when such correction has been made, such occupant  
2 shall have the right to re-occupy his or her unit and shall be entitled  
3 to all applicable tenant protections of this article.

4 [~~(xi)~~] (xii) The occupants of a building shall, upon appropriate  
5 notice regarding the timing and scope of the work required, afford the  
6 owner reasonable access to their units so that the work necessary for  
7 compliance with this article can be carried out. Access shall also be  
8 afforded, upon reasonable prior notice, for the purpose of inspecting  
9 and surveying units as may be required to comply with the provisions of  
10 this article and article seven-B of this chapter. Failure to comply with  
11 an order of the loft board regarding access shall be grounds for  
12 eviction of a tenant.

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

21 § 7. Subparagraphs (A) and (B) of paragraph (ii) of subdivision 2 of  
22 section 286 of the multiple dwelling law, as amended by chapter 4 of the  
23 laws of 2013, are amended to read as follows:

24 (A) Upon the owners' filing of an alteration application, as required  
25 by [~~paragraph~~] paragraphs (ii), (iii), (iv), (v), [~~¶~~] (vi), and (vii)  
26 of subdivision one of section two hundred eighty-four of this article,  
27 an adjustment equal to three percent of the rent in effect at the time  
28 the owner files the alteration application.

29 (B) Upon obtaining an alteration permit, as required by [~~paragraph~~]  
30 paragraphs (ii), (iii), (iv), (v), [~~¶~~] (vi), and (vii) of subdivision  
31 one of section two hundred eighty-four of this article, an adjustment  
32 equal to three percent of the rent in effect at the time the owner  
33 obtains the alteration permit.

34 § 8. Subdivisions (f), (g) and (h) of section 27 of chapter 4 of the  
35 laws of 2013 amending the real property tax law and other laws relating  
36 to interim multiple dwellings in a city with a population of one million  
37 or more, subdivision (h) as amended by section 21 of part A of chapter  
38 20 of the laws of 2015, are amended to read as follows:

39 (f) sections eighteen, nineteen and twenty of this act shall be deemed  
40 to have been in full force and effect on and after June 1, 2011; and

41 (g) notwithstanding any inconsistent provision of this act, the amend-  
42 ment to subdivision 5 of section 281 of the multiple dwelling law made  
43 by section twenty-one of this act in relation to the authority of the  
44 loft board to exempt categories or subcategories of units or buildings  
45 by rule from determinations of inherently incompatible uses shall be  
46 deemed to have been in force and effect on and after June 21, 2010 and  
47 to authorize rules of the loft board promulgated after such date that  
48 make such exemptions[~~, and~~

49 ~~(h) sections twenty-one, twenty-two, twenty-three and twenty-four~~  
50 ~~shall expire and be deemed repealed on June 30, 2019].~~

51 § 9. No provision of this act or article 7-C of the multiple dwelling  
52 law, as amended by this act, or any other law or prior judgment, shall  
53 be construed to prevent an application from being filed with the loft  
54 board and considered by such board, or a claim in a court of competent  
55 jurisdiction, for coverage or for registration as an interim multiple  
56 dwelling or units within a building, including those previously deter-



1 mined not to be covered, where the basis for such application or claim  
2 is that such building or units are subject to such article as a result  
3 of the amendments made by this act.

4 § 10. This act shall take effect immediately, and shall apply to  
5 applications pending approval or on appeal on and after such date.