STATE OF NEW YORK

S. 5309 A. 5901

2021-2022 Regular Sessions

SENATE - ASSEMBLY

March 2, 2021

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

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to certain preliminary injunctions

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

Section 1. Section 6311 of the civil practice law and rules is amended by adding a new subdivision 3 to read as follows:

3. Failure of a party challenging a building permit, variance, subdivision or other land use approval to seek a preliminary injunction to prevent construction shall not give rise to the opposing party to raise the defense of mootness if said party continues and/or completes construction with knowledge that an action challenging its land use approval has been timely commenced.

§ 2. This act shall take effect immediately.

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

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