

# STATE OF NEW YORK

4937--B

2021-2022 Regular Sessions

## IN SENATE

February 18, 2021

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- 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 authorizing any dwelling with a certificate authorizing occupancy as a Class B hotel to also authorize occupancy of such units in such dwelling for permanent residence purposes

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

1 Section 1. Section 301 of the multiple dwelling law is amended by  
2 adding a new subdivision 7 to read as follows:

3 7. a. Any certificate by the department authorizing occupancy of a  
4 dwelling as a Class B hotel shall also authorize occupancy of units in  
5 such dwelling for permanent residence purposes notwithstanding any  
6 provision of this chapter or of any state law, local law, ordinance,  
7 resolution or regulation that would otherwise prohibit such occupancy,  
8 require a change or alteration to the dwelling, or require a new or  
9 amended certificate, provided that: (1) such occupancy for permanent  
10 residence purposes shall be subject to the approval of the local housing  
11 agency in its discretion; (2) a portion of such dwelling shall be  
12 located within a district that under the local zoning regulations or  
13 ordinances permits residential uses or within four hundred feet of such  
14 a district, and such dwelling shall not be located in an industrial  
15 business zone established pursuant to chapter six-D of title twenty-two  
16 of the administrative code of the city of New York; (3) in the case of a  
17 property at which any hotel workers are represented by a collective

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

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1 bargaining representative, prior to the proposed conversion of such  
2 property to occupancy for permanent residence purposes, the collective  
3 bargaining representative shall be notified in writing of the proposed  
4 conversion, and the property owner shall certify prior to the local  
5 housing agency approving such occupancy that the collective bargaining  
6 representative has mutually agreed in a separate writing with the prop-  
7 erty owner to undertake the specific conversion described in the written  
8 notice; and (4) such dwelling shall meet the conditions in paragraph b  
9 of this subdivision. Alterations to the configuration of any such units  
10 shall be permitted and shall comply with any applicable requirements of  
11 any state law, local law, ordinance, resolution or regulation relating  
12 to Class B hotels. If occupancy for permanent residence purposes is  
13 authorized under the provisions of this subdivision within a district  
14 where the local zoning regulations or ordinances would not otherwise  
15 permit such use, the residential tenants shall be notified of the  
16 district's zoning.

17 b. Occupancy of units in a dwelling shall not be authorized under the  
18 provisions of paragraph a of this subdivision unless such units are (1)  
19 financed by the state pursuant to and in compliance with the provisions  
20 of article thirty-one of the private housing finance law; or (2)  
21 purchased, acquired, or financed by a local housing agency, for the  
22 purpose of creating supportive and/or affordable housing to be operated  
23 by an appropriate nonprofit organization pursuant to a regulatory agree-  
24 ment or contract with such local agency for low-income households or  
25 people experiencing homelessness immediately prior to entering such  
26 housing, where tenants shall pay no more than thirty percent of their  
27 income toward rent and all units are rent stabilized and subject to  
28 permanent affordability restrictions. For purposes of this paragraph,  
29 "appropriate nonprofit organization", "affordable housing", "experienc-  
30 ing homelessness", "rent stabilized", and "permanent affordability  
31 restrictions" shall have the same meaning as defined in article thirty-  
32 one of the private housing finance law.

33 § 2. This act shall take effect immediately.