# STATE OF NEW YORK

4312

2023-2024 Regular Sessions

# IN ASSEMBLY

February 14, 2023

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.

LBD03856-01-3