

# STATE OF NEW YORK

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2260

2023-2024 Regular Sessions

## IN SENATE

January 19, 2023

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Introduced by Sen. PALUMBO -- read twice and ordered printed, and when printed to be committed 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:

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

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

9 § 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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