# STATE OF NEW YORK

2260

2023-2024 Regular Sessions

# IN SENATE

January 19, 2023

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:**

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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