*** § 261. Recovery of possession of certain non-complying premises restricted during emergency period.** 1. Legislative finding. The public emergency which existed at the time of the enactment of and which was declared in chapter six hundred seventy-five of the laws of nineteen hundred thirty-eight, and in acts amendatory thereof, having continued and still existing, there having been and there being an acute shortage of such dwellings, and the intents and purposes of such provisions having, in a great many instances, been circumvented by landlords giving their tenants thirty days' notice terminating their tenancy and instituting proceedings for their removal, the necessity for legislative intervention, by the enactment of the provisions of this section, and their application, until July first, nineteen hundred forty-nine, is hereby declared as a matter of legislative determination, and the provisions of this section shall remain in force and effect only until such date.

2. For the period during which any old-law tenement or any converted dwelling shall fail to comply with the applicable provisions of article six or seven, no action or proceeding by an owner to recover possession of such dwelling or any part thereof from a tenant and to remove such tenant therefrom for the reason that the tenant holds over and continues in possession of the demised dwelling or any part thereof after the expiration of his term without the permission of the owner, shall be maintainable except:

a. A proceeding to recover such possession upon the ground that the person is holding over and is objectionable, in which case the owner shall establish to the satisfaction of the court that the person holding over is objectionable; or

b. A proceeding when the owner of record of the dwelling, being a natural person, seeks in good faith to recover possession of a room or rooms therein for the immediate and personal occupancy by himself and his family as a dwelling; or

c. A proceeding where the petitioner shows to the satisfaction of the court that he desires in good faith to recover the dwelling for the

purpose of altering or demolishing the same with the intention of providing or constructing more dwelling units, plans for which shall have been duly approved by the department in accordance with the provisions of any applicable local law.

d. In pending proceedings for the recovery of such dwelling on the grounds that the occupant holds over after the expiration of his term, a warrant shall not be issued unless the petitioner establishes to the satisfaction of the court that the proceeding is one mentioned in the exceptions enumerated in this subdivision.

3. The provisions of this section shall not be construed to apply to an action or proceeding by an owner to recover possession of such dwelling or any part thereof from a tenant and to remove such tenant therefrom for the reason that the tenant holds over and continues in possession of the demised dwelling or any part thereof without the permission of the owner after a default in the payment of the rent.

* NB Expired July 1, 1949