§ 353. Permission of owner or lessee. A multiple dwelling shall be deemed to have been used for the purposes specified in the last two sections with the permission of the owner, agent or lessee thereof in the following cases:

1. If summary proceedings for the removal of the tenants of such dwelling or of so much thereof as is unlawfully used, shall not have been commenced within five days after notice of such unlawful use has been served by the department in the manner prescribed by article nine of this chapter for the service of notices and orders; or having been commenced, are not in good faith diligently prosecuted to final determination.

2. If there be two or more convictions in such dwelling within a period of six months, under sections 230.00, 230.25, or 230.40 of the penal law.