

5597--A

2009-2010 Regular Sessions

I N S E N A T E

May 20, 2009

Introduced by Sens. SQUADRON, GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- recommitted to the Committee on Cities in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general city law, in relation to the applicability of local codes in cities with a population of one million or more inhabitants

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "Graffagni-
2 no and Beddia law".
3 S 2. The general city law is amended by adding a new section 20-h to
4 read as follows:
5 S 20-H. APPLICABILITY OF LOCAL CODES IN CITIES WITH A POPULATION OF
6 ONE MILLION OR MORE INHABITANTS. 1. NOTWITHSTANDING ANY PROVISION OF
7 GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, IN CITIES WITH A POPU-
8 LATION OF ONE MILLION OR MORE INHABITANTS ALL BUILDINGS AND STRUCTURES
9 OWNED, LEASED OR OPERATED BY THE STATE OF NEW YORK OR A STATE AGENCY, AS
10 THAT TERM IS DEFINED IN SECTION THREE HUNDRED SEVENTY-TWO OF THE EXECU-
11 TIVE LAW, THAT ARE NOT OTHERWISE REQUIRED TO COMPLY WITH THE REQUIRE-
12 MENTS OF TITLE TWENTY-EIGHT OF THE ADMINISTRATIVE CODE OF THE CITY OF
13 NEW YORK AND THE RULES AND REGULATIONS PROMULGATED THEREUNDER (DOB
14 CODES) OR TITLE TWENTY-NINE OF THE ADMINISTRATIVE CODE OF THE CITY OF
15 NEW YORK AND THE RULES AND REGULATIONS PROMULGATED THEREUNDER (FDNY
16 CODES), SHALL BE UNDER THE JURISDICTION OF THE DEPARTMENT OF BUILDINGS
17 OF SUCH CITY AND THE FIRE DEPARTMENT OF SUCH CITY AND SHALL BE DESIGNED,
18 CONSTRUCTED, OPERATED AND MAINTAINED, TO THE EXTENT SPECIFIED IN SUBDI-
19 VISIONS TWO, THREE AND FOUR OF THIS SECTION, IN COMPLIANCE WITH THE DOB
20 CODES AND THE FDNY CODES. THE AGENCIES OF SUCH CITY RESPONSIBLE FOR THE
21 ENFORCEMENT OF SUCH LAWS, RULES AND REGULATIONS ARE HEREBY EMPOWERED TO

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 CONDUCT ALL INSPECTIONS AUTHORIZED BY SUCH LAWS, RULES AND REGULATIONS
2 AND ENFORCE SUCH LAWS, RULES AND REGULATIONS AGAINST ALL SUCH BUILDINGS
3 AND STRUCTURES IN THE SAME MANNER AND TO THE SAME EXTENT AS THEY WOULD
4 CONDUCT INSPECTIONS AND ENFORCE SUCH LAWS, RULES AND REGULATIONS AGAINST
5 OTHER BUILDINGS AND STRUCTURES UNDER THEIR JURISDICTION.

6 2. NEW BUILDINGS AND STRUCTURES. ALL BUILDINGS AND STRUCTURES COVERED
7 BY THIS SECTION AND NEWLY CONSTRUCTED AFTER THE EFFECTIVE DATE OF THIS
8 SECTION SHALL COMPLY WITH THE REQUIREMENTS OF THE DOB CODES AND FDNY
9 CODES. CERTIFICATES OF OCCUPANCY ISSUED TO SUCH BUILDINGS AND STRUCTURES
10 SHALL BE LIMITED TO THE DURATION OF OWNERSHIP BY THE STATE OF NEW YORK
11 OR STATE AGENCY UNLESS COMPLIANCE WITH THE ZONING RESOLUTION OF A CITY
12 OF ONE MILLION OR MORE INHABITANTS IS ALSO DEMONSTRATED.

13 3. EXISTING BUILDINGS AND STRUCTURES. EXISTING BUILDINGS AND STRUC-
14 TURES ARE THOSE CONSTRUCTED BEFORE THE EFFECTIVE DATE OF THIS SECTION.

15 (A) CONTINUATION OF LAWFUL USE AND OCCUPANCY. THE LAWFUL USE AND OCCU-
16 PANCY OF AN EXISTING BUILDING OR STRUCTURE MAY BE CONTINUED FOR THE
17 DURATION OF THE OWNERSHIP, LEASE OR OPERATION BY THE STATE OF NEW YORK
18 OR STATE AGENCY PROVIDED SUCH BUILDING OR STRUCTURE IS OPERATED AND
19 MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF THE FDNY CODES. SUCH
20 LAWFUL USE AND OCCUPANCY MAY BE CONTINUED UNLESS EITHER THE BUILDING OR
21 STRUCTURE IS ALTERED, IN WHICH CASE ALL ALTERATIONS TO SUCH BUILDING OR
22 STRUCTURE SHALL BE SUBJECT TO THE PROVISIONS OF THE DOB CODES AND THE
23 FDNY CODES.

24 (B) CERTIFICATE OF OCCUPANCY. EXISTING BUILDINGS AND STRUCTURES SHALL
25 NOT REQUIRE A CERTIFICATE OF OCCUPANCY ISSUED BY THE COMMISSIONER OF
26 BUILDINGS OF A CITY WITH A POPULATION OF ONE MILLION OR MORE INHABITANTS
27 UNLESS AND UNTIL AN ALTERATION REQUIRING A NEW CERTIFICATE OF OCCUPANCY
28 AS PER THE DOB CODES IS MADE. THE COMMISSIONER OF BUILDINGS MAY REQUIRE
29 THE BUILDING OR STRUCTURE TO BE PROVIDED WITH ADEQUATE MEANS OF EGRESS
30 OR FIRE PROTECTION AS NECESSARY FOR THE SAFETY OF OCCUPANTS PRIOR TO
31 ISSUING A CERTIFICATE OF OCCUPANCY. THE COMMISSIONER OF BUILDINGS OF
32 SUCH CITY MAY RESTRICT THE CERTIFICATE OF OCCUPANCY ISSUED TO SUCH
33 BUILDING OR STRUCTURE TO THE DURATION OF OWNERSHIP BY THE STATE OF NEW
34 YORK OR STATE AGENCY WHERE THE BUILDING OR STRUCTURE, ALTHOUGH LAWFULLY
35 CONSTRUCTED AND ALTERED, IS NOT SHOWN TO HAVE COMPLIED WITH THE BUILDING
36 AND ZONING LAWS AND RULES IN EFFECT FOR BUILDINGS WITHIN SUCH CITY WHEN
37 THE BUILDING OR STRUCTURE WAS ERECTED, AND, WHERE APPLICABLE, ALTERED.

38 (C) PLACES OF ASSEMBLY. (1) FOR ANY EXISTING PLACE OF ASSEMBLY THAT
39 DOES NOT HAVE A CERTIFICATE OF OPERATION ISSUED BY THE COMMISSIONER OF
40 BUILDINGS OF A CITY WITH A POPULATION OF ONE MILLION OR MORE INHABIT-
41 ANTS, A PROPOSED SEATING ARRANGEMENT PLAN SHALL BE FILED WITH AND
42 APPROVED BY THE DEPARTMENT OF BUILDINGS AND THE FIRE DEPARTMENT OF SUCH
43 CITY BEFORE ANY CHANGE IS MADE TO EITHER: (A) THE EXISTING SEATING
44 ARRANGEMENT; (B) TYPE OF SEATING; OR (C) INTERIOR LAYOUT; PROVIDED,
45 HOWEVER, THAT IN REVIEWING THE SEATING ARRANGEMENT PLAN, THE DEPARTMENT
46 OF BUILDINGS AND THE FIRE DEPARTMENT SHALL NOT APPROVE HAZARDOUS CONDI-
47 TIONS OR CONFIGURATIONS. SUCH CHANGES SHALL NOT REQUIRE A PLACE OF
48 ASSEMBLY CERTIFICATE OF OPERATION EXCEPT AS PROVIDED FOR IN SUBPARAGRAPH
49 TWO OF THIS PARAGRAPH.

50 (2) EXISTING PLACES OF ASSEMBLY SHALL NOT REQUIRE A PLACE OF ASSEMBLY
51 CERTIFICATE OF OPERATION, PROVIDED, HOWEVER, THAT UPON ISSUANCE OF A
52 CERTIFICATE OF OCCUPANCY FOR THE BUILDING OR STRUCTURE CONTAINING SUCH
53 PLACE OF ASSEMBLY, A PLACE OF ASSEMBLY CERTIFICATE OF OPERATION SHALL BE
54 OBTAINED WITHIN THREE MONTHS THEREAFTER. UPON SATISFACTORY APPLICATION
55 BY THE STATE OF NEW YORK OR STATE AGENCY ACCORDING TO THE REQUIREMENTS
56 AND PROCEDURES OF A CITY WITH A POPULATION OF ONE MILLION OR MORE INHAB-

1 ITANTS, THE COMMISSIONER OF BUILDINGS OF SUCH CITY SHALL ISSUE A CERTIF-
2 ICATE OF OPERATION TO ANY SUCH EXISTING PLACE OF ASSEMBLY, PROVIDED IT
3 SUBSTANTIALLY COMPLIES WITH THE DOB CODES' REQUIREMENTS PERTAINING TO
4 MEANS OF EGRESS AND FIRE PROTECTION.

5 (D) MAINTENANCE. EXISTING BUILDINGS AND STRUCTURES SHALL BE SUBJECT TO
6 THE MAINTENANCE REQUIREMENTS OF THE DOB CODES, INCLUDING ANY REQUIRED
7 PERIODIC INSPECTIONS AND REPORTS. HOWEVER, NO REPORTS OR SUBMISSIONS
8 SHALL BE REQUIRED OF THE STATE OF NEW YORK OR A STATE AGENCY RESPONSIBLE
9 FOR THE OPERATION AND CONTROL OF SUCH BUILDINGS OR STRUCTURES ON OR
10 BEFORE JULY THIRTY-FIRST, TWO THOUSAND ELEVEN.

11 (E) RETROACTIVE REQUIREMENTS. EXISTING BUILDINGS AND STRUCTURES SHALL
12 BE SUBJECT TO ALL RETROACTIVE REQUIREMENTS IN THE 1968 NEW YORK CITY
13 BUILDING CODE AND THE DOB CODES PERTAINING TO FIRE PROTECTION AND LIFE
14 SAFETY, WHETHER OR NOT THE DEADLINE TO COMPLY WITH SUCH PROVISIONS
15 PRECEDED THE EFFECTIVE DATE OF THIS SECTION. IN BUILDINGS OR STRUCTURES
16 WHERE THE DEADLINE PRECEDED THE EFFECTIVE DATE OF THIS SECTION, SUCH
17 BUILDINGS AND STRUCTURES SHALL HAVE THREE YEARS TO COME INTO COMPLIANCE.
18 WHERE THE DEADLINE HAS NOT YET PASSED, EXISTING BUILDINGS AND STRUCTURES
19 SHALL HAVE AS MUCH TIME TO COME INTO COMPLIANCE AS EACH SUCH RETROACTIVE
20 REQUIREMENT ORIGINALLY AFFORDED EXISTING BUILDINGS WHEN IT BECAME EFFEC-
21 TIVE.

22 4. DEPARTMENT OF LABOR COOPERATION WITH DEPARTMENT OF ENVIRONMENTAL
23 PROTECTION OF A CITY WITH A POPULATION OF ONE MILLION OR MORE INHABIT-
24 ANTS. THE COMMISSIONER OF LABOR AND THE COMMISSIONER OF ENVIRONMENTAL
25 PROTECTION OF A CITY WITH A POPULATION OF ONE MILLION OR MORE INHABIT-
26 ANTS SHALL COOPERATE IN PROVIDING NOTIFICATION OF, AND SHARING RELEVANT
27 INFORMATION ABOUT ASBESTOS ABATEMENT PROJECTS IN SUCH CITY AT ALL BUILD-
28 INGS AND STRUCTURES OWNED, LEASED OR OPERATED BY THE STATE OF NEW YORK
29 OR A STATE AGENCY, AS THAT TERM IS DEFINED IN SECTION THREE HUNDRED
30 SEVENTY-TWO OF THE EXECUTIVE LAW, AND SHALL OTHERWISE COOPERATE AS
31 NECESSARY, IN ORDER TO FURTHER ENHANCE THE SAFETY OF SUCH PROJECTS.

32 S 3. This act shall take effect on the one hundred eightieth day after
33 it shall have become a law.