

S. 4444--B

A. 6844--B

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

April 5, 2011

IN SENATE -- Introduced by Sen. DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. JEFFRIES -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT deeming certain parcels of real property in the city of New York as legally non-complying buildings for purposes of compliance with the zoning resolution of such city

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

1 Section 1. When, in the city of New York a building containing eigh-
2 teen or more residential units which was constructed and occupied as a
3 residence prior to the effective date of this act:
4 (i) is located in a zoning district in which residential use is
5 permitted; and
6 (ii) was initially occupied as a residence in accordance with a tempo-
7 rary certificate of occupancy issued by the department of buildings of
8 the city of New York on or before October 28, 2004; and
9 (iii) is owned in accordance with a plan for condominium ownership
10 that was declared effective by the office of the attorney general on or
11 before June 2, 2004; and
12 (iv) the attorney general has determined that the purchasers of resi-
13 dential units in such building acted in good faith and in reasonable

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

LBD08970-03-1

1 reliance upon the declaration of effectiveness of the condominium plan
2 for such building issued by the attorney general; and

3 (v) there has been a finding by the commissioner of buildings of such
4 city that as of January 28, 2010, the department of buildings reviewed
5 plans and/or a scope of work that had been submitted on behalf of the
6 owners of such building to the department of buildings of such city for
7 the work required to be performed for purposes of achieving compliance
8 with health and safety requirements of the 1968 New York city building
9 code, such plans and/or scope of work has been found acceptable to the
10 department; and

11 (vi) the commissioner of buildings of such city has determined that
12 notwithstanding the provisions of subdivision (i) of this section, a
13 certificate of occupancy of any type may not be issued for such building
14 under existing provisions of law by reason of the failure of such build-
15 ing to comply with certain provisions of the zoning resolution of the
16 city of New York, including those governing the maximum allowable floor
17 area for residential uses and the provisions of required parking;
18 such commissioner is hereby authorized, notwithstanding the provisions
19 of subdivision (vi) of this section, to issue a temporary certificate of
20 occupancy for such building where plans and/or a scope of work was found
21 acceptable by such department by January 28, 2010 and where items iden-
22 tified by the commissioner of buildings as necessary for issuance of a
23 temporary certificate of occupancy (hereinafter referred to in this act
24 as "partial compliance") have been completed in accordance with such
25 plans and/or scope of work; provided that the chairperson of the city
26 planning commission of such city determines that (a) the use and occu-
27 pancy of such building is not incompatible with uses and occupancies of
28 buildings located within the immediate vicinity of such building; (b)
29 the total built floor area of such building does not exceed the total
30 maximum floor area permitted for a use in the zoning district within
31 which such building is located; and (c) provision of off-street parking
32 spaces under the zoning resolution of the city of New York is infeasible
33 given the configuration of the building; and provided, further, that the
34 commissioner of buildings of the city of New York determines that
35 partial compliance was completed within three years of the effective
36 date of this act.

37 S 2. In the event that the commissioner of buildings of the city of
38 New York has found that partial compliance was completed in accordance
39 with approved plans within three years of the effective date of this
40 act, and all work set forth in approved plans is completed within five
41 years of the effective date of this act, such commissioner of buildings
42 is hereby authorized to issue a permanent certificate of occupancy.

43 S 3. Upon issuance and during the period of effectiveness of any
44 certificate of occupancy issued pursuant to the provisions of this act,
45 such building shall be deemed a legal non-complying building for
46 purposes of compliance with the provisions of the zoning resolution of
47 such city.

48 S 4. This act shall take effect immediately.