

STATE OF NEW YORK

5253

2019-2020 Regular Sessions

IN ASSEMBLY

February 8, 2019

Introduced by M. of A. BARNWELL -- read once and referred to the Committee on Cities

AN ACT making a community boards decision regarding the denial of an application of uniform land use review procedures final and binding

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. (a) Notwithstanding any provision of law to the contrary,
2 within cities having a population of one million or more which have a
3 city council, a land use process, and a community board or its equivalent
4 included in the land use process, the community board's decision
5 regarding any denial under such land use approval process by the community
6 board or its equivalent for rezoning or altering a property shall
7 be final and binding on any applicant whose property will offer for sale
8 or rent any units to persons or families at and above eighty percent of
9 the area median income for the zip code in which the property is
10 located.

11 (b) If a city having a population of one million or more does not have
12 a city council, community board, or a land use process, upon the
13 creation of all such elements the local government for such city shall
14 adopt the requirements under this section. Until the creation of such
15 land use approval process, the city may use the land use laws already in
16 effect.

17 (c) For the purposes of this section, the area median income for a zip
18 code shall be established by the United States department of housing and
19 urban development or a successor agency.

20 (d) In the event the property is located in multiple zip codes, the
21 zip code with the lesser area median income shall be used for the
22 purposes of this section.

23 § 2. This act shall take effect immediately and shall apply to applications
24 received on or after such effective date.

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

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