S T A T E  O F  N E W  Y O R K

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2009-2010 Regular Sessions

I N  A S S E M B L Y

March 27, 2009

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

AN ACT to amend the New York city charter, in relation to the application of uniform land use review procedures

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

Section 1. The opening paragraph of subdivision a and subdivisions c and d of section 197-c of the New York city charter, the opening paragraph of subdivision a and subdivision c as amended and subdivision d as added by a vote of the people of the city of New York at the general election held in November of 1989, are amended to read as follows:

Except as otherwise provided in this charter, applications by any person, NOT-FOR-PROFIT ORGANIZATION or agency for changes, approvals, contracts, consents, permits or authorization thereof, respecting the use, development or improvement of real property subject to city regulation shall be reviewed pursuant to a uniform review procedure in the following categories:

c. The department of city planning shall be responsible for certifying that applications pursuant to subdivision a OR A-1 of this section are complete and ready to proceed through the uniform land use review procedure provided for in this section. Upon certification of an application, the department shall give notice of such certification to the council. If an application under this section has not been certified within six months after filing, both the applicant and, if the land use proposed in an application is consistent with the land use policy or strategic policy statement of the affected borough president, the affected borough president shall have the right at any time thereafter to appeal to the city planning commission for certification. The commission shall promptly, but in any event within sixty days of the filing of such an appeal, either certify the application or state in writing what further information is necessary to complete the applica-

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

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tion. If such an appeal is brought by an affected borough president, the affirmative vote of five members of the commission shall be sufficient to certify the application.

d. If a meeting involving a city agency, NOT-FOR-PROFIT ORGANIZATION and an applicant is convened to define or substantially redefine the overall scope of issues to be addressed in any draft environmental impact statement required by law for an application subject to review under this section, each affected community board and each affected borough president shall receive advance notice of such meeting, and each shall have the right to send one representative to the meeting.

S 2. Section 197-c of the New York city charter is amended by adding a new subdivision a-1 to read as follows:

A-1. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF GENERAL OR LOCAL LAW, THE PROVISIONS OF THIS SECTION SHALL APPLY TO ANY NOT-FOR-PROFIT ORGANIZATION OR CORPORATION WHICH PROVIDES OR INTENDS TO PROVIDE SHELTER TO HOMELESS PERSONS IRRESPECTIVE OF ANY DECLARATION OF AN EMERGENCY OR A FINDING OF NEED FOR IMMEDIATE ACTION.

S 3. This act shall take effect immediately.