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

951

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. McDONOUGH, RAIA -- Multi-Sponsored by -- M. of A. KOLB -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to authorizing certain developers to waive specific requirements under a municipal housing or building code

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

Section 1. The executive law is amended by adding a new section 384 to read as follows:

S 384. AFFORDABLE HOUSING CONSTRUCTION STIMULATION PROGRAM. 1. IN ORDER TO FACILITATE THE CONSTRUCTION AND REHABILITATION OF MORE AFFORDABLE ONE AND TWO FAMILY RESIDENTIAL DWELLINGS AND MULTIPLE DWELLINGS, THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL SHALL BE EMPOWERED TO WAIVE SPECIFIC REQUIREMENTS WHICH A DEVELOPER MUST MEET UNDER A MUNICIPAL HOUSING OR BUILDING CODE, ONLY IF SUCH COMMISSIONER DETERMINES, AFTER A REVIEW OF THE CONSTRUCTION OR REHABILITATION PLANS AND MUNICIPAL CODE REQUIREMENTS, THAT WAIVING THE REQUIREMENTS: WOULD NOT AFFECT THE HEALTH AND SAFETY OF THE OCCUPANTS; AND THAT A COST SAVINGS OF AT LEAST ONE PERCENT WOULD RESULT.

2. IN ORDER TO IMPLEMENT THE AUTHORITY GRANTED UNDER THIS SECTION, THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS WHICH SHALL:

(A) ESTABLISH A PROCEDURE UNDER WHICH BUILDERS OR DEVELOPERS OF AFFORDABLE ONE AND TWO FAMILY RESIDENTIAL DWELLINGS AND MULTIPLE DWELLINGS MAY APPLY TO THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL FOR A WAIVER AS PROVIDED UNDER THIS SECTION;

(B) ESTABLISH FEES TO BE PAID BY THE APPLICANT TO BE USED TOWARD THE ADMINISTRATION OF THIS PROGRAM;

(C) ESTABLISH PROCEDURES TO BE USED BY THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL IN REVIEWING MUNICIPAL BUILDING AND HOUSING CODE

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

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REQUIREMENTS AS THEY RELATE TO A SPECIFIC CONSTRUCTION OR REHABILITATION PLAN IN ORDER TO MAKE A DECISION WITH RESPECT TO WAIVING THE MUNICIPAL REQUIREMENTS AS PROVIDED BY THIS SECTION.

3. WHERE A WAIVER OF ANY MUNICIPAL BUILDING OR HOUSING CODE IS GRANTED BY THIS SECTION, THE COST SAVINGS PER HOUSING UNIT REFLECTED BY THE WAIVER SHALL BE GUARANTEED UNDER SEPARATE CONTRACT BETWEEN THE BUILDER OR DEVELOPER AND THE MUNICIPALITY IN WHICH THE PROJECT IS BEING CONSTRUCTED OR REHABILITATED, AND THIS SHALL ALSO BE A CONDITION FOR THE GRANTING OF THE BUILDING PERMIT WHERE APPLICABLE. SUCH CONTRACT SHALL GUARANTEE A COST SAVINGS OF AT LEAST ONE PERCENT OF THE PURCHASE PRICE PER HOUSING UNIT.

S 2. This act shall take effect immediately.