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

5597

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

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:

Section 1. The general city law is amended by adding a new section 20-h to read as follows:

S 20-H. APPLICABILITY OF LOCAL CODES IN CITIES WITH A POPULATION OF ONE MILLION OR MORE INHABITANTS. 1. NOTWITHSTANDING ANY PROVISION OF GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, IN CITIES WITH A POPULATION OF ONE MILLION OR MORE INHABITANTS ALL BUILDINGS AND STRUCTURES OWNED, LEASED OR OPERATED BY THE STATE OF NEW YORK OR A STATE AGENCY, AS THAT TERM IS DEFINED IN SECTION THREE HUNDRED SEVENTY-TWO OF THE EXECUTIVE LAW, THAT ARE NOT OTHERWISE REQUIRED TO COMPLY WITH THE REQUIREMENTS OF TITLE TWENTY-EIGHT OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK AND THE RULES AND REGULATIONS PROMULGATED THEREUNDER (DOB CODES) OR TITLE TWENTY-NINE OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK AND THE RULES AND REGULATIONS PROMULGATED THEREUNDER (FDNY CODES), SHALL BE UNDER THE JURISDICTION OF THE DEPARTMENT OF BUILDINGS OF SUCH CITY AND THE FIRE DEPARTMENT OF SUCH CITY AND SHALL BE DESIGNED, CONSTRUCTED, OPERATED AND MAINTAINED, TO THE EXTENT SPECIFIED IN SUBDIVISIONS TWO, THREE AND FOUR OF THIS SECTION, IN COMPLIANCE WITH THE DOB CODES AND THE FDNY CODES. THE AGENCIES OF SUCH CITY RESPONSIBLE FOR THE ENFORCEMENT OF SUCH LAWS, RULES AND REGULATIONS ARE HEREBY EMPOWERED TO CONDUCT ALL INSPECTIONS AUTHORIZED BY SUCH LAWS, RULES AND REGULATIONS AND ENFORCE SUCH LAWS, RULES AND REGULATIONS AGAINST ALL SUCH BUILDINGS AND STRUCTURES IN THE SAME MANNER AND TO THE SAME EXTENT AS THEY WOULD CONDUCT INSPECTIONS AND ENFORCE SUCH LAWS, RULES AND REGULATIONS AGAINST OTHER BUILDINGS AND STRUCTURES UNDER THEIR JURISDICTION.

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

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

3. EXISTING BUILDINGS AND STRUCTURES. EXISTING BUILDINGS AND STRUCTURES ARE THOSE CONSTRUCTED BEFORE THE EFFECTIVE DATE OF THIS SECTION.

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

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

(C) PLACES OF ASSEMBLY. (1) FOR ANY EXISTING PLACE OF ASSEMBLY THAT DOES NOT HAVE A CERTIFICATE OF OPERATION ISSUED BY THE COMMISSIONER OF BUILDINGS OF A CITY WITH A POPULATION OF ONE MILLION OR MORE INHABITANTS, A PROPOSED SEATING ARRANGEMENT PLAN SHALL BE FILED WITH AND APPROVED BY THE DEPARTMENT OF BUILDINGS AND THE FIRE DEPARTMENT OF SUCH CITY BEFORE ANY CHANGE IS MADE TO EITHER: (A) THE EXISTING SEATING ARRANGEMENT; (B) TYPE OF SEATING; OR (C) INTERIOR LAYOUT; PROVIDED, HOWEVER, THAT IN REVIEWING THE SEATING ARRANGEMENT PLAN, THE DEPARTMENT OF BUILDINGS AND THE FIRE DEPARTMENT SHALL NOT APPROVE HAZARDOUS CONDITIONS OR CONFIGURATIONS. SUCH CHANGES SHALL NOT REQUIRE A PLACE OF ASSEMBLY CERTIFICATE OF OPERATION EXCEPT AS PROVIDED FOR IN SUBPARAGRAPH TWO OF THIS PARAGRAPH.

(2) EXISTING PLACES OF ASSEMBLY SHALL NOT REQUIRE A PLACE OF ASSEMBLY CERTIFICATE OF OPERATION, PROVIDED, HOWEVER, THAT UPON ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE BUILDING OR STRUCTURE CONTAINING SUCH PLACE OF ASSEMBLY, A PLACE OF ASSEMBLY CERTIFICATE OF OPERATION SHALL BE OBTAINED WITHIN THREE MONTHS THEREAFTER. UPON SATISFACTORY APPLICATION BY THE STATE OF NEW YORK OR STATE AGENCY ACCORDING TO THE REQUIREMENTS AND PROCEDURES OF A CITY WITH A POPULATION OF ONE MILLION OR MORE INHABITANTS, THE COMMISSIONER OF BUILDINGS OF SUCH CITY SHALL ISSUE A CERTIFICATE OF OPERATION TO ANY SUCH EXISTING PLACE OF ASSEMBLY, PROVIDED IT SUBSTANTIALLY COMPLIES WITH THE DOB CODES' REQUIREMENTS PERTAINING TO MEANS OF EGRESS AND FIRE PROTECTION.

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

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

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

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.