

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

128--B

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. MONTESANO, STEVENSON, M. MILLER -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Local Governments in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to authorized on-site inspections of housing in violation of zoning laws

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

1 Section 1. The general municipal law is amended by adding a new
2 section 99-w to read as follows:
3 S 99-W. INSPECTION AUTHORIZED. ANY ADVERTISEMENT OR LISTING, INCLUD-
4 ING, BUT NOT LIMITED TO, NEWSPAPER, "PENNYSAVER" OR SUPERMARKET PAPER,
5 ADVERTISING FLYER, INTERNET LISTING, ELECTRONIC MAIL LIST OR OTHER LIST-
6 ING, OFFERING FOR RENT ANY RESIDENTIAL DWELLING UNIT IN EXCESS OF THAT
7 PERMITTED BY THE APPLICABLE ZONING CODE OR LAW OR ANY CERTIFICATE OF
8 OCCUPANCY OR CERTIFICATE OF PRIOR NON-CONFORMING USE ON FILE WITH THE
9 MUNICIPAL OR GOVERNMENTAL ENTITY HAVING JURISDICTION OVER THE PREMISES,
10 SHALL CREATE A REBUTTABLE PRESUMPTION THAT SUCH USE VIOLATES SUCH CODE,
11 LAW OR CERTIFICATE, WHICH PRESUMPTION SHALL BE SUFFICIENT CAUSE TO
12 AUTHORIZE, UNDER THIS SECTION, AN ON-SITE INSPECTION BY A MUNICIPAL
13 HOUSING OR BUILDING INSPECTOR OR TAX ASSESSOR FOR THE LIMITED PURPOSE OF
14 CONFIRMING COMPLIANCE WITH THE APPLICABLE ZONING CODE OR LAW AFFECTING
15 THE PREMISES, OR CERTIFICATE OF OCCUPANCY, CERTIFICATE OF PRIOR NON-CON-
16 FORMING USE OR ANY OTHER CERTIFICATE, NOTICE, FORM OR OTHER DOCUMENT
17 RELATING TO AUTHORIZED OCCUPANCY OR USAGE WHICH IS ISSUED BY A MUNICIPAL
18 OR GOVERNMENTAL ENTITY HAVING JURISDICTION OVER SUCH MATTERS.

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

LBD02302-06-2

1 A NOTICE OF VIOLATION MAY BE ISSUED TO THE OWNER OF THE PREMISES, AT
2 THE ADDRESS LISTED ON THE LATEST AVAILABLE TAX ASSESSOR'S RECORDS, UPON
3 DELIVERY OF WHICH THE OWNER SHALL HAVE AT LEAST SEVEN DAYS TO PROVIDE
4 PROOF OF COMPLIANCE WITH THE ZONING CODE OR LAW OR CERTIFICATE. THE
5 PRODUCTION OF PROOF OF COMPLIANCE SHALL SERVE TO REBUT THE PRESUMPTION
6 AND NO SUMMONSES, VIOLATIONS OR APPEARANCE TICKETS SHALL BE ISSUED.
7 S 2. This act shall take effect immediately.