

7123

2011-2012 Regular Sessions

I N A S S E M B L Y

April 13, 2011

Introduced by M. of A. GOTTFRIED, BRENNAN, LANCMAN, MILLMAN, PHEFFER, COLTON, CASTRO -- Multi-Sponsored by -- M. of A. COOK, CYMBROWITZ, GLICK, MAYERSOHN, MENG, TITONE, WEINSTEIN -- read once and referred 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:

1 Section 1. This act shall be known and may be cited as the "Graffagni-  
2 no and Beddia law".  
3 S 2. The general city law is amended by adding a new section 20-h to  
4 read as follows:  
5 S 20-H. APPLICABILITY OF LOCAL CODES IN CITIES WITH A POPULATION OF  
6 ONE MILLION OR MORE INHABITANTS. 1. NOTWITHSTANDING ANY PROVISION OF  
7 GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, IN CITIES WITH A POPU-  
8 LATION OF ONE MILLION OR MORE INHABITANTS ALL BUILDINGS AND STRUCTURES  
9 OWNED, LEASED OR OPERATED BY THE STATE OF NEW YORK OR A STATE AGENCY, AS  
10 THAT TERM IS DEFINED IN SECTION THREE HUNDRED SEVENTY-TWO OF THE EXECU-  
11 TIVE LAW, THAT ARE NOT OTHERWISE REQUIRED TO COMPLY WITH THE REQUIRE-  
12 MENTS OF TITLE TWENTY-EIGHT OF THE ADMINISTRATIVE CODE OF THE CITY OF  
13 NEW YORK AND THE RULES AND REGULATIONS PROMULGATED THEREUNDER (DOB  
14 CODES) OR TITLE TWENTY-NINE OF THE ADMINISTRATIVE CODE OF THE CITY OF  
15 NEW YORK AND THE RULES AND REGULATIONS PROMULGATED THEREUNDER (FDNY  
16 CODES), SHALL BE UNDER THE JURISDICTION OF THE DEPARTMENT OF BUILDINGS  
17 OF SUCH CITY AND THE FIRE DEPARTMENT OF SUCH CITY AND SHALL BE DESIGNED,  
18 CONSTRUCTED, OPERATED AND MAINTAINED, TO THE EXTENT SPECIFIED IN SUBDI-  
19 VISIONS TWO, THREE AND FOUR OF THIS SECTION, IN COMPLIANCE WITH THE DOB  
20 CODES AND THE FDNY CODES. THE AGENCIES OF SUCH CITY RESPONSIBLE FOR THE  
21 ENFORCEMENT OF SUCH LAWS, RULES AND REGULATIONS ARE HEREBY EMPOWERED TO  
22 CONDUCT ALL INSPECTIONS AUTHORIZED BY SUCH LAWS, RULES AND REGULATIONS

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

LBD10018-01-1

1 AND ENFORCE SUCH LAWS, RULES AND REGULATIONS AGAINST ALL SUCH BUILDINGS  
2 AND STRUCTURES IN THE SAME MANNER AND TO THE SAME EXTENT AS THEY WOULD  
3 CONDUCT INSPECTIONS AND ENFORCE SUCH LAWS, RULES AND REGULATIONS AGAINST  
4 OTHER BUILDINGS AND STRUCTURES UNDER THEIR JURISDICTION.

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

12 3. EXISTING BUILDINGS AND STRUCTURES. EXISTING BUILDINGS AND STRUC-  
13 TURES ARE THOSE CONSTRUCTED BEFORE THE EFFECTIVE DATE OF THIS SECTION.

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

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

37 (C) PLACES OF ASSEMBLY. (1) FOR ANY EXISTING PLACE OF ASSEMBLY THAT  
38 DOES NOT HAVE A CERTIFICATE OF OPERATION ISSUED BY THE COMMISSIONER OF  
39 BUILDINGS OF A CITY WITH A POPULATION OF ONE MILLION OR MORE INHABIT-  
40 ANTS, A PROPOSED SEATING ARRANGEMENT PLAN SHALL BE FILED WITH AND  
41 APPROVED BY THE DEPARTMENT OF BUILDINGS AND THE FIRE DEPARTMENT OF SUCH  
42 CITY BEFORE ANY CHANGE IS MADE TO EITHER: (A) THE EXISTING SEATING  
43 ARRANGEMENT; (B) TYPE OF SEATING; OR (C) INTERIOR LAYOUT; PROVIDED,  
44 HOWEVER, THAT IN REVIEWING THE SEATING ARRANGEMENT PLAN, THE DEPARTMENT  
45 OF BUILDINGS AND THE FIRE DEPARTMENT SHALL NOT APPROVE HAZARDOUS CONDI-  
46 TIONS OR CONFIGURATIONS. SUCH CHANGES SHALL NOT REQUIRE A PLACE OF  
47 ASSEMBLY CERTIFICATE OF OPERATION EXCEPT AS PROVIDED FOR IN SUBPARAGRAPH  
48 TWO OF THIS PARAGRAPH.

49 (2) EXISTING PLACES OF ASSEMBLY SHALL NOT REQUIRE A PLACE OF ASSEMBLY  
50 CERTIFICATE OF OPERATION, PROVIDED, HOWEVER, THAT UPON ISSUANCE OF A  
51 CERTIFICATE OF OCCUPANCY FOR THE BUILDING OR STRUCTURE CONTAINING SUCH  
52 PLACE OF ASSEMBLY, A PLACE OF ASSEMBLY CERTIFICATE OF OPERATION SHALL BE  
53 OBTAINED WITHIN THREE MONTHS THEREAFTER. UPON SATISFACTORY APPLICATION  
54 BY THE STATE OF NEW YORK OR STATE AGENCY ACCORDING TO THE REQUIREMENTS  
55 AND PROCEDURES OF A CITY WITH A POPULATION OF ONE MILLION OR MORE INHAB-  
56 ITANTS, THE COMMISSIONER OF BUILDINGS OF SUCH CITY SHALL ISSUE A CERTIF-

1 ICATE OF OPERATION TO ANY SUCH EXISTING PLACE OF ASSEMBLY, PROVIDED IT  
2 SUBSTANTIALLY COMPLIES WITH THE DOB CODES' REQUIREMENTS PERTAINING TO  
3 MEANS OF EGRESS AND FIRE PROTECTION.

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

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

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

31 S 3. This act shall take effect on the one hundred eightieth day after  
32 it shall have become a law.