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

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I N A S S E M B L Y

February 11, 2013

Introduced by M. of A. GOLDFEDER, MILLER, BRAUNSTEIN, WEPRIN, ORTIZ, BROOK-KRASNY, TITONE -- Multi-Sponsored by -- M. of A. BRENNAN, RA, ROZIC, WEINSTEIN -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT authorizing the reinstatement of prior approved work permits and waiving the requirements of section 35 and subdivision 2 of section 36 of the general city law as such provisions relate to rebuilding and repairing homes devastated by Hurricane Sandy in the city of New York; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Legislative findings and intent. The storms, rains and floods of Hurricane Sandy beginning on October 29, 2012 and ending November 3, 2012 catastrophically impacted real property situated in the city of New York. Storm surges in the Breezy Point neighborhood in the borough of Queens severely damaged or destroyed many buildings, followed by a major fire which destroyed additional buildings. Pursuant to the requirements of sections 35 and 36 of the general city law, owners must submit applications to the board of standards and appeals for construction subject to the requirements of these provisions. However, the unprecedented number of applications that could result from this storm might hinder the expeditious repair and reconstruction of buildings in the area.

The legislature finds that it is in the best interests of owners of homes and other buildings in Breezy Point to expedite the rebuilding and repair of such buildings devastated in the wake of Hurricane Sandy

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

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through waiver of the requirements of sections 35 and 36 of the general city law.

S 2. Definitions. For the purposes of this act, the following terms shall have the following meanings:

1. "Hurricane Sandy" shall mean the storms, rains, or floods which occurred within the city of New York during the period beginning on October 29, 2012 and ending November 3, 2012.

2. "Board" shall mean the board of standards and appeals established by chapter 27 of the New York city charter.

3. "Department" shall mean the department of buildings of the city of New York established by chapter 26 of the New York city charter.

4. "Owner" shall mean the owner of any building located in the subject area.

5. "Subject area" shall mean block 16350 lot 400, block 16350 lot 300 or block 16340 lot 50 in the borough of Queens in the city of New York.

6. "Substantial damage" shall have the same meaning as set forth in Appendix G201 of the New York city building code.

S 3. Waiver of requirement for board approval to build in the bed of a mapped street. In instances where the owner of a building located in the subject area that suffered substantial damage caused by Hurricane Sandy seeks to rebuild such building in the bed of a mapped street no board approval pursuant to section 35 of the general city law shall be required for the reconstruction of such building, including accompanying proposed alteration and enlargement of such building, provided the following conditions are met:

1. the new construction is sprinklered in accordance with the standards of the local building and fire codes; and

2. to the extent the mapped street serves as required access pursuant to subdivision 2 of section 36 of the general city law, or to the extent such provision would otherwise require the grant of an appeal by the board, the conditions set forth in section four of this act are met.

S 4. Waiver of restriction on issuance of certificate of occupancy without grant of an appeal from the board. (a) In instances where the owner of a building located in the subject area that subsequently suffered substantial damage caused by Hurricane Sandy, no board approval pursuant to subdivision 2 of section 36 of the general city law shall be required for the reconstruction of such building, including accompanying proposed alteration and enlargement of such building, provided that the following conditions are met:

1. the new construction is sprinklered in accordance with the standards set forth in the local building and fire codes; and

2. the new construction does not increase the degree of horizontal encroachment into the street; or

3. where there is increased horizontal encroachment into the street, it is limited to stairs or ramps required for access to the building and deemed necessary to accommodate the elevation of structures to promote flood resistant construction and a letter of no objection is obtained from the fire department of the city of New York.

S 5. Applications for construction under the circumstances described in sections three and four of this act shall be filed with the department within twelve months from the effective date of this act subject to the provisions of articles 104 and 105 of chapter 1 of title 28 of the administrative code of the city of New York pertaining to time limitation of applications and expiration or permits.

S 6. This act shall take effect immediately; provided, however that the provisions of this act shall expire and be deemed repealed 1 year after such effective date.