

3736--B

Cal. No. 199

2013-2014 Regular Sessions

I N   S E N A T E

February 13, 2013

---

Introduced by Sens. ADDABBO, AVELLA, GOLDEN, LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in 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:

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

13    The legislature finds that it is in the best interests of owners of  
14    homes and other buildings in Breezy Point to expedite the rebuilding and  
15    repair of such buildings devastated in the wake of Hurricane Sandy  
16    through waiver of the requirements of sections 35 and 36 of the general  
17    city law.

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

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

LBD08512-10-3

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

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

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

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

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

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

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

22 1. the new construction is sprinklered in accordance with the stand-  
23 ards of the local building and fire codes; and

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

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

36 1. the new construction is sprinklered in accordance with the stand-  
37 ards set forth in the local building and fire codes; and

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

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

45 S 5. Applications for construction under the circumstances described  
46 in sections three and four of this act shall be filed with the depart-  
47 ment within twelve months from the effective date of this act subject to  
48 the provisions of articles 104 and 105 of chapter 1 of title 28 of the  
49 administrative code of the city of New York pertaining to time limita-  
50 tion of applications and expiration or permits.

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