

2215

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 15, 2015

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Introduced by M. of A. MONTESANO, MILLER, RAIA -- Multi-Sponsored by --  
M. of A. TENNEY -- read once and referred to the Committee on Local  
Governments

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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. The general municipal law is amended by adding a new  
2     section 99-x to read as follows:  
3     S 99-X. 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, UPON OBTAINING A SEARCH WARRANT, AN  
13    ON-SITE INSPECTION BY A MUNICIPAL HOUSING OR BUILDING INSPECTOR OR TAX  
14    ASSESSOR FOR THE LIMITED PURPOSE OF CONFIRMING COMPLIANCE WITH THE  
15    APPLICABLE ZONING CODE OR LAW AFFECTING THE PREMISES, OR CERTIFICATE OF  
16    OCCUPANCY, CERTIFICATE OF PRIOR NON-CONFORMING USE OR ANY OTHER CERTIF-  
17    ICATE, NOTICE, FORM OR OTHER DOCUMENT RELATING TO AUTHORIZED OCCUPANCY  
18    OR USAGE WHICH IS ISSUED BY A MUNICIPAL OR GOVERNMENTAL ENTITY HAVING  
19    JURISDICTION OVER SUCH MATTERS. PURSUANT TO THIS SECTION, SUCH ADVER-  
20    TISEMENT OR LISTING MAY CONSTITUTE PROBABLE CAUSE FOR THE ISSUANCE OF A  
21    SEARCH WARRANT PURSUANT TO ARTICLE SIX HUNDRED NINETY OF THE CRIMINAL  
22    PROCEDURE LAW.  
23    A NOTICE OF VIOLATION MAY BE ISSUED TO THE OWNER OF THE PREMISES, AT  
24    THE ADDRESS LISTED ON THE LATEST AVAILABLE TAX ASSESSOR'S RECORDS, UPON

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

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1 DELIVERY OF WHICH THE OWNER SHALL HAVE AT LEAST SEVEN DAYS TO PROVIDE  
2 PROOF OF COMPLIANCE WITH THE ZONING CODE OR LAW OR CERTIFICATE. THE  
3 PRODUCTION OF PROOF OF COMPLIANCE SHALL SERVE TO REBUT THE PRESUMPTION  
4 AND NO SUMMONSES, VIOLATIONS OR APPEARANCE TICKETS SHALL BE ISSUED.  
5 S 2. This act shall take effect immediately.