

7487

2015-2016 Regular Sessions

I N   A S S E M B L Y

May 13, 2015

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Introduced by M. of A. CUSICK -- read once and referred to the Committee  
on Cities

AN ACT to amend the general city law, in relation to certificates of  
occupancy for unmapped streets in the city of New York

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

1     Section 1. Section 36 of the general city law is amended by adding a  
2     new subdivision 3 to read as follows:  
3     3. NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE  
4     CONTRARY, A CERTIFICATE OF OCCUPANCY FOR A ONE OR TWO FAMILY RESIDENTIAL  
5     DWELLING SHALL BE ISSUED BY THE DEPARTMENT OF BUILDINGS OF THE CITY OF  
6     NEW YORK FOR ANY BUILDING ABUTTING AN UNMAPPED STREET WITHOUT A REVIEW  
7     BY THE BOARD OF STANDARDS AND APPEALS IN THE FOLLOWING CIRCUMSTANCES:  
8     (A) IF THE CORPORATION COUNSEL OF THE CITY OF NEW YORK HAS ISSUED AN  
9     OPINION DETERMINING THAT THE PUBLIC WAY HAS BEEN OPEN AND IN USE TO THE  
10    PUBLIC FOR A MINIMUM OF TEN YEARS AND HAS BEEN ATTESTED TO BY DOCUMENTS  
11    SATISFACTORY TO THE MUNICIPALITY, THAT THE UNMAPPED STREET ABUTTING SUCH  
12    BUILDING OR STRUCTURE SHALL HAVE BEEN SUITABLY IMPROVED TO THE SATISFAC-  
13    TION OF THE DEPARTMENT OF TRANSPORTATION OF THE CITY OF NEW YORK IN  
14    ACCORDANCE WITH STANDARDS AND SPECIFICATIONS APPROVED BY SUCH DEPARTMENT  
15    AS ADEQUATE IN RESPECT TO THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE  
16    FOR THE SPECIAL CIRCUMSTANCES OF THE PARTICULAR UNMAPPED STREET, AND  
17    THAT SUCH BUILDING OR STRUCTURE IS EQUIPPED WITH AN AUTOMATIC FIRE  
18    SPRINKLER, OR (B) IF THE DEPARTMENT OF BUILDINGS OF THE CITY OF NEW YORK  
19    DETERMINES THAT OTHER ONE OR TWO FAMILY RESIDENTIAL DWELLINGS WHICH HAVE  
20    SUCCESSFULLY APPEALED TO THE BOARD OF STANDARDS AND APPEALS AND HAVE  
21    BEEN ISSUED CERTIFICATES OF OCCUPANCY ARE LOCATED WITHIN THE SAME BLOCK  
22    WHERE SUCH BUILDINGS OR STRUCTURES ALSO HAVE FRONTAGE THAT DIRECTLY  
23    ABUTS THE UNMAPPED STREET IN QUESTION, THAT SUCH UNMAPPED STREET HAS  
24    BEEN SUITABLY IMPROVED TO THE SATISFACTION OF SUCH DEPARTMENT OF TRANS-  
25    PORTATION IN ACCORDANCE WITH THE SAME STANDARDS, SPECIFICATIONS, AND

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

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1 REASONABLE EXCEPTIONS INCLUDED IN THE CASES OF APPEALS AND ANY OTHER  
2 REASONABLE EXCEPTION THAT WILL FURTHER PROTECT ANY SUCH STREET OR HIGH-  
3 WAY LAYOUT, AND FURTHER PROVIDED THAT SUCH ONE OR TWO FAMILY RESIDENTIAL  
4 DWELLING IS EQUIPPED WITH AN AUTOMATIC FIRE SPRINKLER SYSTEM. NOTHING  
5 CONTAINED IN THIS SUBDIVISION SHALL LIMIT THE JURISDICTION OF THE BOARD  
6 OF STANDARDS AND APPEALS TO DETERMINE THE APPLICATION OF THE ZONING  
7 RESOLUTION.

8 S 2. This act shall take effect immediately.