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

5615

2015-2016 Regular Sessions

I N S E N A T E

May 20, 2015

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to the establishment, construction and location of hotels in the borough of the Bronx

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

Section 1. Section 25-111 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

D. 1. FOR THE PURPOSES OF THIS SUBDIVISION, "HOTEL" MEANS A BUILDING OR PORTION THEREOF WHICH IS REGULARLY USED AND KEPT OPEN FOR THE LODGING OF GUESTS, AND WHICH IS LOCATED IN THE BOROUGH OF THE BRONX. SUCH TERM INCLUDES AN APARTMENT HOTEL, A MOTEL, BOARDING HOUSE OR CLUB THAT CONTAINS TEN OR MORE ROOMS, WHETHER OR NOT MEALS ARE SERVED.

2. THE CITY PLANNING COMMISSION SHALL NOT AUTHORIZE THE ESTABLISHMENT, CONSTRUCTION OR LOCATION OF A HOTEL IN THE BOROUGH OF THE BRONX UNTIL THE PROVISIONS OF THIS SUBDIVISION HAVE BEEN COMPLIED WITH.

3. NO HOTEL SHALL BE ESTABLISHED, CONSTRUCTED OR LOCATED IN THE BOROUGH OF THE BRONX UNTIL THE OWNER THEREOF SHALL HAVE FILED NOTICE OF SUCH PROPOSED HOTEL WITH THE CITY PLANNING COMMISSION AND THE COMMUNITY BOARD OF THE LOCALITY IN WHICH THE HOTEL IS PROPOSED TO BE ESTABLISHED, CONSTRUCTED OR LOCATED. SUCH NOTICE SHALL CONTAIN A DESCRIPTION OF THE PROPOSED HOTEL, INCLUDING ITS LOCATION, FLOOR PLANS, THE BUILDING FOOTPRINT ON THE BUILDING PARCEL, ARCHITECTURAL RENDERINGS, NUMBER OF ROOMS TO BE USED AND KEPT OPEN FOR LODGING OF GUESTS, AND A FINANCIAL PLAN TO DEMONSTRATE SUCH HOTEL'S FINANCIAL VIABILITY AS A BONA FIDE HOTEL. SUCH FINANCIAL PLAN SHALL DEMONSTRATE THAT THE HOTEL CAN REMAIN ECONOMICALLY VIABLE AS A BONA FIDE HOTEL AND WILL NOT BECOME TRANSFORMED OR CONVERTED INTO A HOTEL OR BUILDING THAT CONDONES, SANCTIONS OR ALLOWS CRIMINAL ACTIVITIES INCLUDING, BUT NOT LIMITED TO, PROSTITUTION, THE SALE OR USE

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

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OF CONTROLLED SUBSTANCES, OR THE POSSESSION OR SALE OF STOLEN PROPERTY, TO BE CONDUCTED UPON SUCH PREMISES.

4. NOT LESS THAN FORTY-FIVE DAYS NOR MORE THAN NINETY DAYS AFTER AN OWNER'S NOTICE PURSUANT TO PARAGRAPH THREE OF THIS SUBDIVISION, THE CITY PLANNING COMMISSION SHALL HOLD A PUBLIC COMMUNITY FORUM FOR THE PURPOSE OF OBTAINING PUBLIC AND COMMUNITY BOARD INPUT CONCERNING THE ANTICIPATED IMPACT OF THE PROPOSED HOTEL UPON THE COMMUNITY. SUCH IMPACT MAY INCLUDE AND RELATE TO: (A) ANY POTENTIAL ADVERSE EFFECTS UPON THE COMMUNITY; AND (B) ANY ILLEGAL ACTIVITIES WHICH MAY BE CAUSED OR CONDONED EITHER NOW OR IN THE REASONABLE FUTURE, BY THE POTENTIAL HOTEL INCLUDING, BUT NOT LIMITED TO, PROSTITUTION, THE SALE OR USE OF CONTROLLED SUBSTANCES, OR THE POSSESSION OR SALE OF STOLEN PROPERTY. THE CITY PLANNING COMMISSION SHALL AFFORD COMMUNITY MEMBERS, REPRESENTATIVES OF THE LOCAL COMMUNITY BOARD, LOCAL BUSINESSES AND RESIDENTS A REASONABLE OPPORTUNITY TO SPEAK ABOUT RELEVANT MATTERS AT SUCH COMMUNITY FORUM, INCLUDING COMMENTS ON THE FINANCIAL PLAN OF SUCH HOTEL AND ITS ECONOMIC VIABILITY TO BECOME AND REMAIN A BONA FIDE HOTEL. EVERY SUCH FORUM SHALL BE HELD UPON NOT LESS THAN TWENTY DAYS NOTICE TO THE AFFECTED COMMUNITY AND THE LOCAL COMMUNITY BOARD.

5. THE CITY PLANNING COMMISSION SHALL, PRIOR TO ESTABLISHING THE DATE, TIME AND LOCATION OF THE PUBLIC COMMUNITY FORUM, CONSULT WITH AND OBTAIN THE ADVICE AND CONSENT OF THE APPROPRIATE COMMUNITY BOARD, AS TO ESTABLISHING A CONVENIENT DATE, TIME AND LOCATION TO CONDUCT THE FORUM FOR THE LOCALLY IMPACTED COMMUNITY. SUCH FORUM LOCATION SHALL BE WITHIN REASONABLE PROXIMITY OF THE PROPOSED HOTEL, AND IN SUITABLE FACILITIES THAT PROVIDE ADEQUATE ROOM AND ACCESS TO HEAR PUBLIC COMMENTS PRESENTED.

6. NOT LESS THAN SIXTY DAYS, NOR MORE THAN NINETY DAYS, AFTER HOLDING A COMMUNITY FORUM THE CITY PLANNING COMMISSION SHALL, AFTER DUE CONSIDERATION OF THE COMMENTS AT SUCH FORUM, EITHER APPROVE OR DENY AUTHORIZATION FOR THE ESTABLISHMENT, CONSTRUCTION OR LOCATION OF THE HOTEL. IN MAKING ITS DECISIONS, THE COMMISSION SHALL EVALUATE THE FINANCIAL PLAN OF SUCH HOTEL AND ITS ABILITY TO REMAIN ECONOMICALLY VIABLE AS A BONA FIDE HOTEL AND NOT BECOME TRANSFORMED OR CONVERTED INTO A HOTEL OR BUILDING THAT CONDONES, SANCTIONS OR ALLOWS CRIMINAL ACTIVITIES INCLUDING, BUT NOT LIMITED TO, PROSTITUTION, THE SALE OR USE OF CONTROLLED SUBSTANCES, OR THE POSSESSION OR SALE OF STOLEN PROPERTY, ON SUCH PREMISES.

7. THE CITY PLANNING COMMISSION, IN GRANTING APPROVAL FOR THE ESTABLISHMENT, CONSTRUCTION OR LOCATION OF A HOTEL, MAY REVOKE, RESCIND OR CONDITIONALLY SUSPEND AUTHORIZATION TO CONDUCT ANY BUSINESS ACTIVITY AT SUCH HOTEL INCLUDING, BUT NOT LIMITED TO, ITS USE AS A HOTEL, IF IT HAS BEEN SUCCESSFULLY DEMONSTRATED TO THE COMMISSION THAT SUCH HOTEL HAS SYSTEMATICALLY CONDONED, SANCTIONED OR ALLOWED CRIMINAL ACTIVITIES INCLUDING BUT NOT LIMITED TO, PROSTITUTION, THE SALE OR USE OF CONTROLLED SUBSTANCES, OR THE POSSESSION OR SALE OF STOLEN PROPERTY, TO BE CONDUCTED ON THE PREMISES THEREOF.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.