

5658

2015-2016 Regular Sessions

I N S E N A T E

May 26, 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 and the public housing law, in relation to establishing the New York city housing authority repair certificate program

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

1 Section 1. The administrative code of the city of New York is amended
2 by adding a new section 25-114 to read as follows:
3 S 25-114 NEW YORK CITY HOUSING AUTHORITY REPAIR CERTIFICATE PROGRAM.
4 A. THE CITY PLANNING COMMISSION SHALL ESTABLISH THE NEW YORK CITY HOUS-
5 ING AUTHORITY REPAIR CERTIFICATE PROGRAM, IN COOPERATION WITH THE NEW
6 YORK CITY HOUSING AUTHORITY. UNDER SUCH PROGRAM, THE CITY PLANNING
7 COMMISSION SHALL GRANT AMENDMENTS TO ZONING RESOLUTIONS WHICH INCREASE
8 THE ALLOWABLE DEVELOPMENT IN AREAS COVERED BY A NEW YORK CITY HOUSING
9 AUTHORITY REPAIR CERTIFICATE ISSUED PURSUANT TO SECTION FOUR HUNDRED
10 TWO-C OF THE PUBLIC HOUSING LAW.
11 B. THE CITY PLANNING COMMISSION SHALL FOR EACH APPLICATION FOR AN
12 AMENDMENT OF A ZONING RESOLUTION, ESTABLISH THE PER FOOT VALUE OF ANY
13 NEW YORK CITY HOUSING AUTHORITY REPAIR CERTIFICATE ISSUED IN THE AREAS
14 COVERED BY SUCH AMENDMENT AND THE MAXIMUM ALLOWED FOOT AREA RATIO THAT
15 MAY BE GRANTED TO THE HOLDER OF SUCH CERTIFICATE IN THE NEWLY ZONED
16 AREA. SUCH PER FOOT VALUE SHALL BE UPDATED ANNUALLY BASED UPON INCREASES
17 IN THE CONSUMER PRICE INDEX FOR HOUSING COSTS IN THE NEW YORK CITY
18 METROPOLITAN AREA.
19 C. A DEVELOPER WHO SEEKS TO OBTAIN AN INCREASED FOOT AREA RATIO IN A
20 NEWLY ZONED AREA, BY MEANS OF BEING THE HOLDER OF A NEW YORK CITY HOUS-
21 ING AUTHORITY REPAIR CERTIFICATE, SHALL SUBMIT AN APPLICATION THEREFOR
22 TO THE CITY PLANNING COMMISSION. SUCH COMMISSION SHALL WITHIN SEVEN DAYS
23 OF RECEIVING AN APPLICATION PURSUANT TO THIS SUBDIVISION, FORWARD IT TO
24 THE NEW YORK CITY HOUSING AUTHORITY, ALONG WITH THE PER FOOT VALUE TO BE

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

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1 GRANTED IF THE APPLICANT RECEIVES A REPAIR CERTIFICATE FROM SUCH AUTHOR-
2 ITY.

3 D. UPON CERTIFICATION BY THE NEW YORK CITY HOUSING AUTHORITY THAT A
4 DEVELOPER HAS BEEN AWARDED A REPAIR CERTIFICATE, THE CITY PLANNING
5 COMMISSION SHALL APPROVE SUCH DEVELOPER'S APPLICATION SUBMITTED PURSUANT
6 TO THIS SECTION.

7 E. THE TRANSFER OF A CERTIFICATE MUST BE REGISTERED WITH THE CITY
8 PLANNING COMMISSION WITHIN SEVEN DAYS OF THE TRANSFER.

9 S 2. The public housing law is amended by adding a new section 402-c
10 to read as follows:

11 S 402-C. ISSUANCE OF REPAIR CERTIFICATE. 1. THE NEW YORK CITY HOUSING
12 AUTHORITY, IN CONSULTATION WITH THE NEW YORK CITY PLANNING COMMISSION,
13 SHALL ESTABLISH PROCEDURES AND GUIDELINES FOR THE AWARDING OF REPAIR
14 CERTIFICATES BY SUCH AUTHORITY TO DEVELOPERS WHICH PERFORM CAPITAL
15 REPAIRS TO A PROJECT OPERATED BY THE AUTHORITY. NO SUCH CERTIFICATE
16 SHALL BE AWARDED BASED UPON THE PERFORMANCE OF ANY WORK WHICH WOULD
17 CONSTITUTE REGULAR MAINTENANCE UPON ANY PROJECT OPERATED BY SUCH AUTHOR-
18 ITY. THE PROCEDURES AND GUIDELINES ESTABLISHED PURSUANT TO THIS SUBDIVI-
19 SION SHALL PROVIDE MAXIMUM ALLOWABLE COSTS FOR VARIOUS KINDS AND TYPES
20 OF CAPITAL REPAIR PROJECTS.

21 2. THERE SHALL BE ESTABLISHED, WITHIN THE NEW YORK CITY HOUSING
22 AUTHORITY, AN OFFICE OF REPAIR CERTIFICATION. SUCH OFFICE SHALL ADMINIS-
23 TER THE REPAIR CERTIFICATE PROGRAM. THE OFFICE SHALL ESTABLISH LISTS OF
24 REPAIR PROJECTS, TO AUTHORITY FACILITIES, WHICH SHALL BE ELIGIBLE FOR
25 THE REPAIR CERTIFICATE PROGRAM, THE ESTIMATED VALUE OF EACH SUCH REPAIR
26 PROJECT, AND THE PRIORITY OF EACH REPAIR PROJECT BASED UPON ITS URGENCY
27 AND/OR IMPORTANCE.

28 3. THE OFFICE OF REPAIR CERTIFICATION SHALL RECEIVE EACH APPLICATION
29 FORWARDED TO THE NEW YORK CITY HOUSING AUTHORITY PURSUANT TO SUBDIVISION
30 C OF SECTION 25-114 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.
31 WITHIN TEN DAYS OF RECEIVING AN APPLICATION, THE OFFICE SHALL CONTACT
32 THE APPLICANT AND PROVIDE IT WITH A LIST OF ELIGIBLE REPAIR PROJECTS
33 EQUAL IN VALUE TO THE BENEFIT TO BE PROVIDED TO SUCH APPLICANT BY THE
34 CITY PLANNING COMMISSION. SUCH LIST SHALL, TO THE EXTENT PRACTICABLE,
35 INCLUDE ONLY THOSE ELIGIBLE REPAIR PROJECTS WITHIN THE SAME NEIGHBORHOOD
36 INCLUDED IN THE AREA TO WHICH THE REQUESTED AMENDMENT TO THE ZONING
37 RESOLUTION RELATES, REGARDLESS OF THE IMPORTANCE OR URGENCY OF THE
38 REPAIR PROJECT. PROVIDED, HOWEVER, IF NO SUCH ELIGIBLE REPAIR PROJECTS
39 EXIST IN THE NEIGHBORHOOD, THEN THE PROJECTS SHALL BE LISTED IN ORDER OF
40 PRIORITY.

41 4. UPON RECEIPT OF A LIST FROM THE OFFICE, AN APPLICANT MUST REPLY
42 WITHIN THIRTY DAYS. IF THE APPLICANT FAILS TO DO SO, ITS APPLICATION
43 SHALL BE TERMINATED. SUCH REPLY TO THE OFFICE SHALL INCLUDE DESIGNATION
44 OF THE PROJECT OR PROJECTS THE APPLICANT DESIRES TO COMPLETE, THE APPLI-
45 CANT'S ESTIMATE OF THE COST OF COMPLETING THE REPAIR PROJECT, AND A
46 TIMELINE FOR THE COMPLETION OF THE PROJECT.

47 5. THE OFFICE OF REPAIR CERTIFICATION SHALL, WITHIN FOURTEEN DAYS OF
48 RECEIVING AN APPLICANT'S REPLY, REVIEW THE COSTS AND PROJECT PLAN
49 SUBMITTED, AND EITHER APPROVE OR DISAPPROVE SUCH REPLY. IF AN APPLI-
50 CANT'S SUBMISSION IS DISAPPROVED, IT SHALL HAVE FIFTEEN DAYS TO RESUBMIT
51 A NEW PROJECT PLAN AND ESTIMATE OF COSTS FOR REVIEW BY THE OFFICE. UPON
52 A SECOND SUBMISSION, THE OFFICE SHALL AGAIN MAKE A DETERMINATION WITHIN
53 FOURTEEN DAYS, AND, IF THE PLAN IS DISAPPROVED, THE OFFICE SHALL PROVIDE
54 THE APPLICANT WITH A WRITTEN EXPLANATION THEREFOR.

55 6. FOR ANY REPAIR PROJECT PLAN THAT IS APPROVED BY THE OFFICE OF
56 REPAIR CERTIFICATION WHERE THE APPLICANT'S ESTIMATED COST THEREOF

1 EXCEEDS THE VALUE OF THE PROJECT ESTABLISHED BY THE OFFICE, SUCH OFFICE
2 SHALL PROVIDE NOTICE TO THE CITY PLANNING COMMISSION THAT THE ZONING
3 VALUATION OF THE ZONING AMENDMENT MUST BE ADJUSTED WITHIN SEVEN DAYS.

4 7. UPON COMPLETION OF THE AGREED UPON REPAIR PROJECT OR PROJECTS BY
5 THE APPLICANT, THE OFFICE SHALL AWARD THE APPLICANT A CERTIFICATE OF
6 COMPLETION AND PROVIDE A COPY THEREOF TO THE CITY PLANNING COMMISSION
7 WITHIN FOURTEEN DAYS OF CERTIFYING THE COMPLETION OF THE PROJECT.

8 S 3. This act shall take effect on the one hundred eightieth day after
9 it shall have become a law; provided, however, that effective immediate-
10 ly, the addition, amendment and/or repeal of any rule or regulation
11 necessary for the implementation of this act on its effective date are
12 authorized and directed to be made and completed on or before such
13 effective date.