

7487

2015-2016 Regular Sessions

I N A S S E M B L Y

May 13, 2015

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.