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

3472--A

Cal. No. 183

2015-2016 Regular Sessions

I N S E N A T E

February 10, 2015

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 36 of the general city law is amended by adding a new subdivision 3 to read as follows:

3. NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, A CERTIFICATE OF OCCUPANCY FOR A ONE OR TWO FAMILY RESIDENTIAL DWELLING SHALL BE ISSUED BY THE DEPARTMENT OF BUILDINGS OF THE CITY OF NEW YORK FOR ANY BUILDING ABUTTING AN UNMAPPED STREET WITHOUT A REVIEW BY THE BOARD OF STANDARDS AND APPEALS IN THE FOLLOWING CIRCUMSTANCES: (A) IF THE CORPORATION COUNSEL OF THE CITY OF NEW YORK HAS ISSUED AN OPINION DETERMINING THAT THE PUBLIC WAY HAS BEEN OPEN AND IN USE TO THE PUBLIC FOR A MINIMUM OF TEN YEARS AND HAS BEEN ATTESTED TO BY DOCUMENTS SATISFACTORY TO THE MUNICIPALITY, THAT THE UNMAPPED STREET ABUTTING SUCH BUILDING OR STRUCTURE SHALL HAVE BEEN SUITABLY IMPROVED TO THE SATISFACTION OF THE DEPARTMENT OF TRANSPORTATION OF THE CITY OF NEW YORK IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS APPROVED BY SUCH DEPARTMENT AS ADEQUATE IN RESPECT TO THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE FOR THE SPECIAL CIRCUMSTANCES OF THE PARTICULAR UNMAPPED STREET, AND THAT SUCH BUILDING OR STRUCTURE IS EQUIPPED WITH AN AUTOMATIC FIRE SPRINKLER, OR (B) IF THE DEPARTMENT OF BUILDINGS OF THE CITY OF NEW YORK DETERMINES THAT OTHER ONE OR TWO FAMILY RESIDENTIAL DWELLINGS WHICH HAVE SUCCESSFULLY APPEALED TO THE BOARD OF STANDARDS AND APPEALS AND HAVE BEEN ISSUED CERTIFICATES OF OCCUPANCY ARE LOCATED WITHIN THE SAME BLOCK WHERE SUCH BUILDINGS OR STRUCTURES ALSO HAVE FRONTAGE THAT DIRECTLY

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

LBD02109-03-5

ABUTS THE UNMAPPED STREET IN QUESTION, THAT SUCH UNMAPPED STREET HAS BEEN SUITABLY IMPROVED TO THE SATISFACTION OF SUCH DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH THE SAME STANDARDS, SPECIFICATIONS, AND REASONABLE EXCEPTIONS INCLUDED IN THE CASES OF APPEALS AND ANY OTHER REASONABLE EXCEPTION THAT WILL FURTHER PROTECT ANY SUCH STREET OR HIGHWAY LAYOUT, AND FURTHER PROVIDED THAT SUCH ONE OR TWO FAMILY RESIDENTIAL DWELLING IS EQUIPPED WITH AN AUTOMATIC FIRE SPRINKLER SYSTEM. NOTHING CONTAINED IN THIS SUBDIVISION SHALL LIMIT THE JURISDICTION OF THE BOARD OF STANDARDS AND APPEALS TO DETERMINE THE APPLICATION OF THE ZONING RESOLUTION.

S 2. This act shall take effect immediately.