

# STATE OF NEW YORK

2934

2017-2018 Regular Sessions

## IN ASSEMBLY

January 23, 2017

Introduced by M. of A. GOTTFRIED, COLTON -- Multi-Sponsored by -- M. of A. CARROLL, COOK, CYMBROWITZ, GLICK, TITONE -- read once and referred to the Committee on Cities

AN ACT to amend the general city law, in relation to the applicability of local codes in cities with a population of one million or more inhabitants

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "Graffagnino and Beddia law".

2 § 2. The general city law is amended by adding a new section 20-h to  
3 read as follows:

4 § 20-h. Applicability of local codes in cities with a population of  
5 one million or more inhabitants. 1. Notwithstanding any provision of  
6 general, special or local law to the contrary, in cities with a popu-  
7 lation of one million or more inhabitants all buildings and structures  
8 owned, leased or operated by the state of New York or a state agency, as  
9 that term is defined in section three hundred seventy-two of the execu-  
10 tive law, that are not otherwise required to comply with the require-  
11 ments of title twenty-eight of the administrative code of the city of  
12 New York and the rules and regulations promulgated thereunder (DOB  
13 Codes) or title twenty-nine of the administrative code of the city of  
14 New York and the rules and regulations promulgated thereunder (FDNY  
15 Codes), shall be under the jurisdiction of the department of buildings  
16 of such city and the fire department of such city and shall be designed,  
17 constructed, operated and maintained, to the extent specified in subdi-  
18 visions two, three and four of this section, in compliance with the DOB  
19 Codes and the FDNY Codes. The agencies of such city responsible for the  
20 enforcement of such laws, rules and regulations are hereby empowered to  
21 conduct all inspections authorized by such laws, rules and regulations  
22 and enforce such laws, rules and regulations against all such buildings  
23

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

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1 and structures in the same manner and to the same extent as they would  
2 conduct inspections and enforce such laws, rules and regulations against  
3 other buildings and structures under their jurisdiction.

4 2. New buildings and structures. All buildings and structures covered  
5 by this section and newly constructed after the effective date of this  
6 section shall comply with the requirements of the DOB Codes and FDNY  
7 Codes. Certificates of occupancy issued to such buildings and structures  
8 shall be limited to the duration of ownership by the state of New York  
9 or state agency unless compliance with the zoning resolution of a city  
10 of one million or more inhabitants is also demonstrated.

11 3. Existing buildings and structures. Existing buildings and struc-  
12 tures are those constructed before the effective date of this section.

13 (a) Continuation of lawful use and occupancy. The lawful use and occu-  
14 pancy of an existing building or structure may be continued for the  
15 duration of the ownership, lease or operation by the state of New York  
16 or state agency provided such building or structure is operated and  
17 maintained in accordance with the requirements of the FDNY Codes. Such  
18 lawful use and occupancy may be continued unless either the building or  
19 structure is altered, in which case all alterations to such building or  
20 structure shall be subject to the provisions of the DOB Codes and the  
21 FDNY Codes.

22 (b) Certificate of occupancy. Existing buildings and structures shall  
23 not require a certificate of occupancy issued by the commissioner of  
24 buildings of a city with a population of one million or more inhabitants  
25 unless and until an alteration requiring a new certificate of occupancy  
26 as per the DOB Codes is made. The commissioner of buildings may require  
27 the building or structure to be provided with adequate means of egress  
28 or fire protection as necessary for the safety of occupants prior to  
29 issuing a certificate of occupancy. The commissioner of buildings of  
30 such city may restrict the certificate of occupancy issued to such  
31 building or structure to the duration of ownership by the state of New  
32 York or state agency where the building or structure, although lawfully  
33 constructed and altered, is not shown to have complied with the building  
34 and zoning laws and rules in effect for buildings within such city when  
35 the building or structure was erected, and, where applicable, altered.

36 (c) Places of assembly. (1) For any existing place of assembly that  
37 does not have a certificate of operation issued by the commissioner of  
38 buildings of a city with a population of one million or more inhabit-  
39 ants, a proposed seating arrangement plan shall be filed with and  
40 approved by the department of buildings and the fire department of such  
41 city before any change is made to either: (A) the existing seating  
42 arrangement; (B) type of seating; or (C) interior layout; provided,  
43 however, that in reviewing the seating arrangement plan, the department  
44 of buildings and the fire department shall not approve hazardous condi-  
45 tions or configurations. Such changes shall not require a place of  
46 assembly certificate of operation except as provided for in subparagraph  
47 two of this paragraph.

48 (2) Existing places of assembly shall not require a place of assembly  
49 certificate of operation, provided, however, that upon issuance of a  
50 certificate of occupancy for the building or structure containing such  
51 place of assembly, a place of assembly certificate of operation shall be  
52 obtained within three months thereafter. Upon satisfactory application  
53 by the state of New York or state agency according to the requirements  
54 and procedures of a city with a population of one million or more inhab-  
55 itants, the commissioner of buildings of such city shall issue a certif-  
56 icate of operation to any such existing place of assembly, provided it

1 substantially complies with the DOB Codes' requirements pertaining to  
2 means of egress and fire protection.

3 (d) Maintenance. Existing buildings and structures shall be subject to  
4 the maintenance requirements of the DOB Codes, including any required  
5 periodic inspections and reports. However, no reports or submissions  
6 shall be required of the state of New York or a state agency responsible  
7 for the operation and control of such buildings or structures on or  
8 before July thirty-first, two thousand eighteen.

9 (e) Retroactive requirements. Existing buildings and structures shall  
10 be subject to all retroactive requirements in the 1968 New York City  
11 Building Code and the DOB Codes pertaining to fire protection and life  
12 safety, whether or not the deadline to comply with such provisions  
13 preceded the effective date of this section. In buildings or structures  
14 where the deadline preceded the effective date of this section, such  
15 buildings and structures shall have three years to come into compliance.  
16 Where the deadline has not yet passed, existing buildings and structures  
17 shall have as much time to come into compliance as each such retroactive  
18 requirement originally afforded existing buildings when it became effec-  
19 tive.

20 4. Department of labor cooperation with department of environmental  
21 protection of a city with a population of one million or more inhabit-  
22 ants. The commissioner of labor and the commissioner of environmental  
23 protection of a city with a population of one million or more inhabit-  
24 ants shall cooperate in providing notification of, and sharing relevant  
25 information about asbestos abatement projects in such city at all build-  
26 ings and structures owned, leased or operated by the state of New York  
27 or a state agency, as that term is defined in section three hundred  
28 seventy-two of the executive law, and shall otherwise cooperate as  
29 necessary, in order to further enhance the safety of such projects.

30 § 3. This act shall take effect on the one hundred eightieth day after  
31 it shall have become a law.