STATE OF NEW YORK

1990--A

Cal. No. 184

2017-2018 Regular Sessions

IN SENATE

January 11, 2017

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- recommitted to the Committee on Cities in accordance with Senate Rule 6, sec. 8 -- 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 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:

Section 1. The administrative code of the city of New York is amended by adding a new section 25-116 to read as follows:

§ 25-116 New York city housing authority repair certificate program. a. The city planning commission shall establish the New York city housing authority repair certificate program, in cooperation with the New York city housing authority. Under such program, the city planning commission shall grant amendments to zoning resolutions which increase the allowable development in areas covered by a New York city housing authority repair certificate issued pursuant to section four hundred two-d of the public housing law.

b. The city planning commission shall for each application for an amendment of a zoning resolution, establish the per foot value of any New York city housing authority repair certificate issued in the areas covered by such amendment and the maximum allowed foot area ratio that may be granted to the holder of such certificate in the newly zoned area. Such per foot value shall be updated annually based upon increases in the consumer price index for housing costs in the New York city metropolitan area.

c. A developer who seeks to obtain an increased foot area ratio in a newly zoned area, by means of being the holder of a New York city hous-

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

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ing authority repair certificate, shall submit an application therefor to the city planning commission. Such commission shall within seven days of receiving an application pursuant to this subdivision, forward it to the New York city housing authority, along with the per foot value to be granted if the applicant receives a repair certificate from such authority.

d. Upon certification by the New York city housing authority that a developer has been awarded a repair certificate, the city planning commission shall approve such developer's application submitted pursuant to this section.

e. The transfer of a certificate must be registered with the city planning commission within seven days of the transfer.

§ 2. The public housing law is amended by adding a new section 402-d to read as follows:

§ 402-d. Issuance of repair certificate. 1. The New York city housing authority, in consultation with the New York city planning commission, shall establish procedures and guidelines for the awarding of repair certificates by such authority to developers which perform capital repairs to a project operated by the authority. No such certificate shall be awarded based upon the performance of any work which would constitute regular maintenance upon any project operated by such authority. The procedures and guidelines established pursuant to this subdivision shall provide maximum allowable costs for various kinds and types of capital repair projects.

2. There shall be established, within the New York city housing authority, an office of repair certification. Such office shall administer the repair certificate program. The office shall establish lists of repair projects, to authority facilities, which shall be eligible for the repair certificate program, the estimated value of each such repair project, and the priority of each repair project based upon its urgency and/or importance.

3. The office of repair certification shall receive each application forwarded to the New York city housing authority pursuant to subdivision c of section 25-116 of the administrative code of the city of New York. Within ten days of receiving an application, the office shall contact the applicant and provide it with a list of eligible repair projects equal in value to the benefit to be provided to such applicant by the city planning commission. Such list shall, to the extent practicable, include only those eligible repair projects within the same neighborhood included in the area to which the requested amendment to the zoning resolution relates, regardless of the importance or urgency of the repair project. Provided, however, if no such eligible repair projects exist in the neighborhood, then the projects shall be listed in order of priority.

4. Upon receipt of a list from the office, an applicant must reply within thirty days. If the applicant fails to do so, its application shall be terminated. Such reply to the office shall include designation of the project or projects the applicant desires to complete, the applicant's estimate of the cost of completing the repair project, and a timeline for the completion of the project.

5. The office of repair certification shall, within fourteen days of receiving an applicant's reply, review the costs and project plan submitted, and either approve or disapprove such reply. If an applicant's submission is disapproved, it shall have fifteen days to resubmit a new project plan and estimate of costs for review by the office. Upon a second submission, the office shall again make a determination within

fourteen days, and, if the plan is disapproved, the office shall provide the applicant with a written explanation therefor.

6. For any repair project plan that is approved by the office of repair certification where the applicant's estimated cost thereof exceeds the value of the project established by the office, such office shall provide notice to the city planning commission that the zoning valuation of the zoning amendment must be adjusted within seven days.

7. Upon completion of the agreed upon repair project or projects by the applicant, the office shall award the applicant a certificate of completion and provide a copy thereof to the city planning commission within fourteen days of certifying the completion of the project.

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