STATE OF NEW YORK

3820

2019-2020 Regular Sessions

IN SENATE

February 15, 2019

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the multiple dwelling law, in relation to the definition of floor area

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

Section 1. The opening paragraph and paragraph b of subdivision 2 of section 26 of the multiple dwelling law, the opening paragraph and paragraph b as amended by chapter 748 of the laws of 1961 and subparagraph 1 of paragraph b as amended by chapter 857 of the laws of 1985, are amended to read as follows:

For the purpose of this section certain words are defined herein but, **except where specified,** such definitions shall not be held to modify or affect legal interpretations of such terms or words as used in any local law, ordinance, rule or regulation and shall apply in addition to and not in substitution for the provisions of section four of this chapter.

b. "Floor area": the sum of the gross horizontal areas of all of the several floors of a dwelling or dwellings and accessory structures on a lot measured from the exterior faces of exterior walls or from the center line of party walls, except **that notwithstanding any other provision of law, general, special, or local, any habitable area with floor to ceiling height in excess of twelve feet shall be counted twice, any habitable area with floor to ceiling height in excess of twenty-four feet shall be counted three times, any habitable area with floor to ceiling height in excess of thirty-six feet shall be counted four times, and any habitable area with floor to ceiling height in excess of forty-eight feet shall be counted five times. The following areas shall be excluded from floor area**:

(1) cellar space;

(2) attic space providing head room of less than eight feet;

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

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(3) space for mechanical equipment**, except that notwithstanding any other provision of law, general, special, or local, such space is not excludable from "floor area" unless it is less than five percent of the gross horizontal areas of all of the several floors of a dwelling or dwellings and measures less than twenty feet floor to floor**;

(4) elevator and stair bulkheads, **rooftop** tanks and cooling towers;

(5) open or roofed terraces, exterior balconies or porches, uncovered steps and open porte-cocheres or breezeways abutting or adjoining grade entrances**, except that notwithstanding any other provision of law, general, special, or local, such space is not excludable from "floor area" unless it is located beyond the exterior walls of the dwelling or dwellings when viewed directly from above**;

(6) accessory space used for off-street motor vehicle parking or storage.

§ 2. This act shall take effect immediately.