

STATE OF NEW YORK

7223

2019-2020 Regular Sessions

IN ASSEMBLY

April 15, 2019

Introduced by M. of A. O'DONNELL -- Multi-Sponsored by -- M. of A. GOTTFRIED -- read once and referred to the Committee on Housing

AN ACT to amend the administrative code of the city of New York, in relation to requiring the licensing of building managers of multiple dwellings 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. Subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new article 15 to read as follows:

ARTICLE 15
HOUSING MAINTENANCE CODE
BUILDING MANAGERS

Section 27-2056.51 Definition.

27-2056.52 License required.

27-2056.53 Duties of owner.

27-2056.54 Duties of building manager.

27-2056.55 Requirements for license.

27-2056.56 Application for license.

27-2056.57 Issuance of license.

27-2056.58 Revocation and suspension.

27-2056.59 Hearings.

27-2056.60 Complaints by tenants, residents or occupants of multiple dwellings.

27-2056.61 Judicial review.

27-2056.62 Exemption of New York city housing authority.

§ 27-2056.51 Definition. A building manager is a person employed by an owner of a multiple dwelling to supervise and be responsible to said owner for the performance of janitorial services as defined in subdivi-

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

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1 sion (a) of section 27-2052 of this subchapter and compliance with the
2 maintenance, health and safety provisions of this subchapter.

3 § 27-2056.52 License required. No person shall engage in or follow the
4 business or occupation of, or hold himself or herself out to act tempo-
5 rarily or otherwise as, a building manager in the city of New York with-
6 out first procuring a license therefor as provided in this article.

7 § 27-2056.53 Duties of owner. a. No owner of a multiple dwelling shall
8 operate that dwelling, rent dwelling units in that dwelling, or collect
9 rents for use of dwelling units in that dwelling unless and until he or
10 she has employed a licensed building manager to act with respect to that
11 dwelling as set out in section 27-2056.51 of this article; however,
12 nothing in this article shall prevent an owner of a multiple dwelling
13 from becoming a licensed building manager upon compliance with all
14 provisions of this article with respect thereto.

15 b. The owner of a multiple dwelling shall post and maintain in such
16 dwelling a legible sign, conspicuously displayed, containing the build-
17 ing manager's name, address and telephone number. A new identification
18 sign shall be posted and maintained within five days following a change
19 of building manager.

20 § 27-2056.54 Duties of building manager. a. A building manager
21 employed by an owner of a multiple dwelling shall be within ready access
22 of that dwelling and the residents and employees thereof during weekday
23 working hours.

24 b. A building manager shall not be employed in that capacity for more
25 than three hundred dwelling units in separate multiple dwellings of less
26 than one hundred units each or two multiple dwellings of one hundred or
27 more units each.

28 c. If a building manager is employed in that capacity for dwelling
29 units in more than one multiple dwelling, the several multiple dwellings
30 shall be located within a radius of five miles.

31 § 27-2056.55 Requirements for license. a. The following licenses may
32 be issued under this article:

33 (1) Type A--unrestricted. A type A license is unrestricted.

34 (2) Type B--restricted. A type B license may be issued only to an
35 owner of a multiple dwelling of six units or less who occupies a dwell-
36 ing unit in said multiple dwelling and entitles such owner to act as a
37 building manager only with respect to such multiple dwelling.

38 b. No person shall be entitled to a type A license unless:

39 (1) he or she has successfully completed a building management course
40 requiring not less than sixty hours of classroom work approved or
41 conducted by the department of buildings; or

42 (2) he or she demonstrates in a written examination administered by
43 the department of buildings competence in building management.

44 c. No person shall be entitled to a type B license unless:

45 (1) he or she has successfully completed a course requiring not less
46 than twenty hours of classroom work approved or conducted by the depart-
47 ment of buildings in the management of buildings of six units or less;
48 or

49 (2) he or she demonstrates in a written examination administered by
50 the department of buildings competence in the management of buildings of
51 six units or less.

52 d. If the applicant seeks to qualify under paragraph two of subdivi-
53 sion b or paragraph two of subdivision c of this section he or she shall
54 demonstrate to the department sufficient experience, training or educa-
55 tion as will entitle him or her to a waiver of the requirements of para-

graph one of subdivision b or paragraph one of subdivision c of this section.

§ 27-2056.56 Application for license. a. Any person desiring a license as a building manager shall file with the department an application for the license in such form and detail as the department shall prescribe, setting forth the following:

(1) the name and address of the applicant, and the name under which he or she intends to conduct business;

(2) the place or places, with the street and number, where the business is to be conducted;

(3) the business or occupation theretofore engaged in by the applicant for a period of two years immediately preceding the date of such application, setting forth the place or places where such business or occupation was engaged in and the name or names of employers, if any;

(4) if the applicant seeks to qualify for the license under paragraph two of subdivision b or paragraph two of subdivision c of section 27-2056.55 of this article, all information relevant to the experience, education and training that would entitle him or her to a waiver of the requirements of paragraph one of subdivision b or paragraph one of subdivision c of section 27-2056.55 of this article;

(5) if the applicant seeks to qualify for the license under paragraph one of subdivision b or paragraph one of subdivision c of section 27-2056.55 of this article, such proof as required by the department evidencing that the applicant has successfully completed the course provided for in that section;

(6) such further information as the department may reasonably require to determine the trustworthiness of the applicant and his or her competency to transact the business of building manager in such a manner as to safeguard the interests of the public. In determining competency, the department shall require proof that the applicant for a type A license has knowledge and understanding of the operation and maintenance of multiple dwellings of all types, ages, sizes, and conditions, and the operation and maintenance of all equipment, machinery, and facilities of such multiple dwellings, a general knowledge of the basic principles of the law of agency, contracts, and labor relations, and a thorough knowledge of this subchapter; and that the applicant for a type B license has knowledge and understanding of the operation and maintenance of multiple dwellings of six units or less, and the operation and maintenance of all equipment, machinery, and facilities of such multiple dwellings, a general understanding of the basic principles of the law of agency, contracts, and labor relations, and a thorough knowledge of this subchapter.

b. An application for a license shall be accompanied by the appropriate license fee, as prescribed by the department.

c. A license granted under this article shall be valid for a period of two years. Any such license may be renewed by the department upon application by the licensee, in such form as the department may prescribe, and upon payment of the fee for such license. In the case of application for renewal, the department may dispense with the requirement of such statements as it deems unnecessary in view of those contained in the original application.

d. The fees provided for by this section shall not be refundable.

§ 27-2056.57 Issuance of license. a. The department, if satisfied of the competency and trustworthiness of the applicant, shall issue and deliver to him or her a license in such form and manner as the department shall prescribe, but which must set forth the name and principal

1 business address of the licensee and whether the license is a type A or
2 type B license.

3 b. Notice in writing in the manner and form prescribed by the depart-
4 ment shall be given the department of any change in his or her principal
5 business address at its offices by a licensee. Such change by a licensee
6 without such notification shall operate to suspend his or her license
7 until such suspension shall be vacated by the department.

8 c. The fee for a type A license under this article shall be twenty-
9 five dollars; the fee for a type B license under this article shall be
10 ten dollars.

11 § 27-2056.58 Revocation and suspension. a. The department may revoke
12 or suspend the license of a building manager for such period as the
13 department may deem proper, or in lieu thereof may impose a fine under
14 subchapter five of this chapter for a violation of any provision of this
15 article, for a material misstatement in the application for such
16 license, or for incompetency to act as a building manager.

17 b. In the event that the department shall revoke or suspend the
18 license of a building manager, its determination shall be in writing and
19 officially signed. The original of such determination, when so signed,
20 shall be filed in the offices of the department and copies thereof shall
21 be served personally or by registered mail upon the licensee, and to the
22 complainant, if any. All licenses shall be returned to the department
23 within five days after the receipt of notice of a revocation or suspen-
24 sion.

25 c. After revocation or suspension it is prohibited to hold oneself out
26 as a building manager.

27 d. Whenever the license of a building manager is revoked, such licen-
28 see shall be ineligible to be relicensed until after the expiration of
29 one year from the date of such revocation and until such time as he or
30 she complies with all the requirements for an initial application. In
31 the event of relicensing, the building manager shall comply with the
32 requirements of paragraph one of subdivision b or paragraph one of
33 subdivision c of section 27-2056.55 of this article even if those
34 requirements were waived in his or her initial application.

35 § 27-2056.59 Hearings. a. The department shall, before denying an
36 application for license, or before revoking or suspending any license,
37 or imposing any fine on the licensee, and at least ten days prior to the
38 date set for hearing notify in writing the applicant or licensee of any
39 charges made and shall afford said applicant or licensee an opportunity
40 to be heard in person or by counsel in reference thereto. Such written
41 notice may be served by personal delivery or by registered mail to the
42 last known business address of a licensee, or the residence address of
43 an applicant.

44 b. A hearing under this section shall be conducted in accordance with
45 section 27-2092 of this chapter and the regulations thereunder.

46 § 27-2056.60 Complaints by tenants, residents or occupants of multiple
47 dwelling. a. Any tenant, resident, or occupant of any multiple dwelling
48 for which a licensed building manager is employed under this article may
49 file a complaint with the department pertaining to the competency of
50 such building manager.

51 b. A complaint under this section shall be in writing in the form and
52 manner prescribed by the department and shall be mailed or personally
53 delivered to the offices of the department.

54 c. Upon receipt of a complaint under this section, the department
55 shall proceed in accordance with sections 27-2056.58 and 27-2056.59 of
56 this article.

1 § 27-2056.61 Judicial review. The action of the department in granting
2 or refusing to grant or renew a license under this article and in revok-
3 ing or suspending such a license or refusing to revoke or suspend such a
4 license shall be subject to review by a proceeding brought under and
5 pursuant to article seventy-eight of the civil practice law and rules at
6 the instance of the applicant or licensee or the person aggrieved.

7 § 27-2056.62 Exemption of New York city housing authority. The
8 provisions of this article shall not be applicable to the New York city
9 housing authority.

10 § 2. This act shall take effect one year after it shall have become a
11 law. Effective immediately, the addition, amendment and/or repeal of any
12 rule or regulation necessary for the implementation of this act on its
13 effective date are authorized to be made and completed on or before such
14 effective date.