

STATE OF NEW YORK

628

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Housing

AN ACT to amend the multiple dwelling law, in relation to ensuring zoning lot mergers do not create any new non-compliance with applicable, pre-existing zoning regulations

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

1 Section 1. The multiple dwelling law is amended by adding a new
2 section 15 to read as follows:

3 § 15. Zoning lot mergers; non-compliance with applicable pre-existing
4 zoning regulations. 1. For the purposes of this section:

5 (a) "Tax lot" shall mean a parcel of land identified with a unique
6 borough, block and lot number for property tax.

7 (b) "Zoning lot development agreement" shall mean a contract to trans-
8 fer floor area from one parcel of land to another and permits a develop-
9 er to utilize the adjoining property's floor area to construct a build-
10 ing that is larger than would be permitted on the parcel being
11 developed.

12 2. The requirements of this section shall apply to multiple dwellings
13 in a city having a population of five million or more.

14 3. No lot resulting from a merger with any other lot for tax, adminis-
15 trative, zoning, or development purposes shall create any new non-com-
16 pliance with the applicable, pre-existing zoning regulations.

17 4. Transfer of floor area from one tax lot to another shall only take
18 place subject to the following conditions:

19 (a) The transfer shall not come from more than two adjacent tax lots
20 which result in more than a twenty percent increase in floor area for
21 the receiving lot prior to any lot merger and shall not result in a lot
22 with any new non-compliance with existing zoning regulations;

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

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1 (b) The lot or lots transferring floor area shall not have been
2 subject to a previous merger for tax, administrative, or development
3 reasons, nor shall such lot or lots have themselves previously have been
4 recipients of transferred floor area; and

5 (c) The receiving tax lot shall not also be the recipient of a floor
6 area bonus for the provision of affordable inclusionary housing or
7 providing mandatory inclusionary housing pursuant to the zoning resol-
8 ution for the city of New York.

9 5. The department shall maintain a publicly accessible database and
10 map of tax lots that indicate a floor area transfer has occurred or lots
11 have been merged and include an online version of the relevant zoning
12 lot development agreement.

13 § 2. This act shall take effect on the ninetieth day after it shall
14 have become a law.