

STATE OF NEW YORK

9473

IN ASSEMBLY

March 7, 2022

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

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:

1 Section 1. The administrative code of the city of New York is amended
2 by adding a new section 25-120 to read as follows:

3 § 25-120 New York city housing authority repair certificate program.

4 a. The city planning commission shall establish the New York city hous-
5 ing authority repair certificate program, in cooperation with the New
6 York city housing authority. Under such program, the city planning
7 commission shall grant amendments to zoning resolutions which increase
8 the allowable development in areas covered by a New York city housing
9 authority repair certificate issued pursuant to section four hundred
10 two-f of the public housing law.

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

19 c. A developer who seeks to obtain an increased foot area ratio in a
20 newly zoned area, by means of being the holder of a New York city hous-
21 ing authority repair certificate, shall submit an application therefor
22 to the city planning commission. Such commission shall within seven days
23 of receiving an application pursuant to this subdivision, forward it to
24 the New York city housing authority, along with the per foot value to be
25 granted if the applicant receives a repair certificate from such author-
26 ity.

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

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

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

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

9 § 402-f. Issuance of repair certificate. 1. The New York city housing
10 authority, in consultation with the New York city planning commission,
11 shall establish procedures and guidelines for the awarding of repair
12 certificates by such authority to developers which perform capital
13 repairs to a project operated by the authority. No such certificate
14 shall be awarded based upon the performance of any work which would
15 constitute regular maintenance upon any project operated by such author-
16 ity. The procedures and guidelines established pursuant to this subdivi-
17 sion shall provide maximum allowable costs for various kinds and types
18 of capital repair projects.

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

26 3. The office of repair certification shall receive each application
27 forwarded to the New York city housing authority pursuant to subdivision
28 c of section 25-120 of the administrative code of the city of New York.
29 Within ten days of receiving an application, the office shall contact
30 the applicant and provide it with a list of eligible repair projects
31 equal in value to the benefit to be provided to such applicant by the
32 city planning commission. Such list shall, to the extent practicable,
33 include only those eligible repair projects within the same neighborhood
34 included in the area to which the requested amendment to the zoning
35 resolution relates, regardless of the importance or urgency of the
36 repair project. Provided, however, if no such eligible repair projects
37 exist in the neighborhood, then the projects shall be listed in order of
38 priority.

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

45 5. The office of repair certification shall, within fourteen days of
46 receiving an applicant's reply, review the costs and project plan
47 submitted, and either approve or disapprove such reply. If an appli-
48 cant's submission is disapproved, it shall have fifteen days to resubmit
49 a new project plan and estimate of costs for review by the office. Upon
50 a second submission, the office shall again make a determination within
51 fourteen days, and, if the plan is disapproved, the office shall provide
52 the applicant with a written explanation therefor.

53 6. For any repair project plan that is approved by the office of
54 repair certification where the applicant's estimated cost thereof
55 exceeds the value of the project established by the office, such office

1 shall provide notice to the city planning commission that the zoning
2 valuation of the zoning amendment must be adjusted within seven days.

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

7 § 3. This act shall take effect on the one hundred eightieth day after
8 it shall have become a law. Effective immediately, the addition, amend-
9 ment and/or repeal of any rule or regulation necessary for the implemen-
10 tation of this act on its effective date are authorized to be made and
11 completed on or before such effective date.