STATE OF NEW YORK

1825

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

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:

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

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

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

(b) "Zoning lot development agreement" shall mean a contract to transfer floor area from one parcel of land to another and permits a developer to utilize the adjoining property's floor area to construct a building that is larger than would be permitted on the parcel being developed.

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

3. No lot resulting from a merger with any other lot for tax, administrative, zoning, or development purposes shall create any new non-compliance with the applicable, pre-existing zoning regulations.

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

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

(b) The lot or lots transferring floor area shall not have been subject to a previous merger for tax, administrative, or development

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

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reasons, nor shall such lot or lots have themselves previously have been recipients of transferred floor area; and

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

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

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