STATE OF NEW YORK

6956

2023-2024 Regular Sessions

IN ASSEMBLY

May 9, 2023

Introduced by M. of A. GLICK, LEE, SIMON, DINOWITZ, EPSTEIN, TAPIA, BURDICK -- read once and referred to the Committee on Housing

AN ACT to amend the multiple dwelling law, in relation to authorizing a city of one million or more to remove the cap on the floor area ratio of certain dwellings being converted from non-residential to residential units

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

Section 1. Subdivision 3 of section 26 of the multiple dwelling law, as amended by chapter 748 of the laws of 1961, is amended to read as follows:

3. Floor area ratio (FAR). [~~The~~] **a. Except as otherwise provided in and determined under a zoning law, ordinance, or resolution of a city with a population of one million or more, and in accordance with the requirements of paragraph b of this subdivision, the** floor area ratio (FAR) of any dwelling or dwellings on a lot shall not exceed 12.0, except that a fireproof class B dwelling in which six or more passenger elevators are maintained and operated in any city having a local zoning law, ordinance or resolution restricting districts in such city to residential use, may be erected in accordance with the provisions of such zoning law, ordinance or resolution, if such class B dwelling is erected in a district no part of which is restricted by such zoning law, ordinance or resolution to residential uses.

b. Any zoning law, ordinance, or resolution allowing for a dwelling or dwellings to exceed a floor area ratio of 12.0 in a city with a population of one million or more, pursuant to paragraph a of this subdivision, shall:

(1) apply only where such floor area ratio of 12.0 is exceeded by converting existing non-residential floor area to residential floor area;

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

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(2) require that no less than forty percent of the units in such dwelling or dwellings are affordable to and occupied, or available for occupancy, by individuals or families whose incomes do not exceed sixty percent of the area median income, adjusted for family size, and that any increase of the initial rent or any subsequent sale or rent of any such units shall be affordable for such individuals or families pursuant to annual guidelines adopted by the rent guidelines board with jurisdiction over such dwelling or dwellings;

(3) require that any work to convert non-residential floor area to residential floor area in accordance with subparagraph one of this paragraph, which may involve the employment of laborers, workers or mechanics, shall be considered public work for the purposes of article eight of the labor law, and any contracts or subcontracts which may involve the employment of such laborers, workers or mechanics shall be enforceable under article eight of the labor law, provided, however, that such requirement under this subparagraph shall not apply to construction performed pursuant to a project labor agreement that is a pre-hire collective bargaining agreement governing the terms and conditions of employment entered into by a construction user and/or its representative and a bona fide building and construction trade labor organization establishing the labor organization as the collective bargaining representative for such laborers, workers and mechanics;

(4) prohibit the conversion of floor area contained within an interim multiple dwelling, as defined by section two hundred eighty-one of this chapter, for which an application for coverage under article seven-C of this chapter has been filed and has received a docket number from the loft board established pursuant to section two hundred eighty-two of this chapter; and

(5) prohibit the conversion of floor area contained within joint living-work quarters for artists, as defined by section 12-10 of the zoning resolution of a city with a population of one million or more, occupied by any persons entitled to occupancy of such joint living-work quarters under article seven-B of this chapter and such local zoning resolution.

§ 2. This act shall take effect immediately.