

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 residen-
tial units

The People of the State of New York, represented in Senate and Assem-
bly, 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 resi-
dential 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, ordi-
nance 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 popu-
lation of one million or more, pursuant to paragraph a of this subdivi-
sion, 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.

LBD10723-03-3

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

9 (3) require that any work to convert non-residential floor area to
10 residential floor area in accordance with subparagraph one of this para-
11 graph, which may involve the employment of laborers, workers or mechan-
12 ics, shall be considered public work for the purposes of article eight
13 of the labor law, and any contracts or subcontracts which may involve
14 the employment of such laborers, workers or mechanics shall be enforcea-
15 ble under article eight of the labor law, provided, however, that such
16 requirement under this subparagraph shall not apply to construction
17 performed pursuant to a project labor agreement that is a pre-hire
18 collective bargaining agreement governing the terms and conditions of
19 employment entered into by a construction user and/or its representative
20 and a bona fide building and construction trade labor organization
21 establishing the labor organization as the collective bargaining repre-
22 sentative for such laborers, workers and mechanics;

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

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

35 § 2. This act shall take effect immediately.