

# STATE OF NEW YORK

2396

2023-2024 Regular Sessions

## IN SENATE

January 20, 2023

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

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.