

# STATE OF NEW YORK

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4293

2023-2024 Regular Sessions

## IN SENATE

February 7, 2023

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Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1

AN ACT to amend the New York city charter, in relation to the application of uniform land use review procedures

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

1 Section 1. The opening paragraph of subdivision a and subdivisions c  
2 and d of section 197-c of the New York city charter, the opening para-  
3 graph of subdivision a as amended and subdivision d as added by a vote  
4 of the people of the city of New York at the general election held in  
5 November of 1989 and subdivision c as amended by section 1 of question 5  
6 of local law number 215 of the city of New York for the year 2019, are  
7 amended to read as follows:

8 Except as otherwise provided in this charter, applications by any  
9 person, not-for-profit organization or agency for changes, approvals,  
10 contracts, consents, permits or authorization thereof, respecting the  
11 use, development or improvement of real property subject to city regu-  
12 lation shall be reviewed pursuant to a uniform review procedure in the  
13 following categories:

14 c. The department of city planning shall be responsible for certifying  
15 that applications pursuant to subdivision a or a-1 of this section are  
16 complete and ready to proceed through the uniform land use review proce-  
17 dure provided for in this section. The department shall not certify an  
18 application unless (1) each affected borough board, borough president  
19 and community board has received from the department, at least thirty  
20 days before certification, a pre-certification notice containing infor-  
21 mation specified by the city planning commission, which shall include  
22 the project location, the purpose of the proposed actions, and a  
23 description of the proposed actions, sufficient to put such borough  
24 board, borough president and community board on notice of the substance  
25 of the application, and (2) the application is substantially consistent

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

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1 with such notice. The department shall publish such notice on the  
2 department's website within five days of the transmission of such notice  
3 to the affected borough board, borough president and community board.  
4 Upon certification of an application, the department shall give notice  
5 of such certification to the council. If an application under this  
6 section has not been certified within six months after filing, both the  
7 applicant and, if the land use proposed in an application is consistent  
8 with the land use policy or strategic policy statement of the affected  
9 borough president, the affected borough president shall have the right  
10 at any time thereafter to appeal to the city planning commission for  
11 certification. The commission shall promptly, but in any event within  
12 sixty days of the filing of such an appeal, either certify the applica-  
13 tion or state in writing what further information is necessary to  
14 complete the application. If such an appeal is brought by an affected  
15 borough president, the affirmative vote of five members of the commis-  
16 sion shall be sufficient to certify the application.

17 d. If a meeting involving a city agency, not-for-profit organization  
18 and an applicant is convened to define or substantially redefine the  
19 overall scope of issues to be addressed in any draft environmental  
20 impact statement required by law for an application subject to review  
21 under this section, each affected community board and each affected  
22 borough president shall receive advance notice of such meeting, and each  
23 shall have the right to send one representative to the meeting.

24 § 2. Section 197-c of the New York city charter is amended by adding a  
25 new subdivision a-1 to read as follows:

26 a-1. Notwithstanding any inconsistent provision of general or local  
27 law, the provisions of this section shall apply only to a not-for-profit  
28 organization or corporation which provides or intends to provide shelter  
29 to homeless persons irrespective of any declaration of an emergency or a  
30 finding of need for immediate action.

31 § 3. This act shall take effect immediately.