STATE OF NEW YORK

4293

2023-2024 Regular Sessions

IN SENATE

February 7, 2023

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:

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

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

c. The department of city planning shall be responsible for certifying that applications pursuant to subdivision a **or a-1** of this section are complete and ready to proceed through the uniform land use review procedure provided for in this section. The department shall not certify an application unless (1) each affected borough board, borough president and community board has received from the department, at least thirty days before certification, a pre-certification notice containing information specified by the city planning commission, which shall include the project location, the purpose of the proposed actions, and a description of the proposed actions, sufficient to put such borough board, borough president and community board on notice of the substance 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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with such notice. The department shall publish such notice on the department's website within five days of the transmission of such notice to the affected borough board, borough president and community board. Upon certification of an application, the department shall give notice of such certification to the council. If an application under this section has not been certified within six months after filing, both the applicant and, if the land use proposed in an application is consistent with the land use policy or strategic policy statement of the affected borough president, the affected borough president shall have the right at any time thereafter to appeal to the city planning commission for certification. The commission shall promptly, but in any event within sixty days of the filing of such an appeal, either certify the application or state in writing what further information is necessary to complete the application. If such an appeal is brought by an affected borough president, the affirmative vote of five members of the commission shall be sufficient to certify the application.

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

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

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

§ 3. This act shall take effect immediately.