§ 289. Basement and cellar local laws and regulations. 1. Notwithstanding any other provision of this chapter to the contrary, in a city with a population of one million or more, the local legislative body may, by local law, establish a pilot program to address, (a) the legalization of specified inhabited basement dwelling units and inhabited cellar dwelling units in existence prior to the effective date of this article through conversion to legal dwelling units, or (b) the conversion of other specified basement and cellar dwelling units in existence prior to the effective date of this article to legal dwelling units, provided that any such other specified basement and cellar dwelling unit in existence prior to the effective date of this article is located in any of the community districts specified in subdivision four of this section. The local law authorized by this section, and any rules or regulations promulgated thereunder, shall be protective of health and safety according to standards established in consultation with the fire department of the city of New York, department of buildings, and office of emergency management. The local law shall further provide that any application to legalize or convert a basement or cellar dwelling unit to a legal dwelling unit located within a flood hazard area as defined in section two hundred two of the city building code shall be subject to additional health and safety standards.

The local law authorized by this section, and any rules or regulations promulgated thereunder, shall not be subject to environmental review, including environmental review conducted pursuant to article eight of the environmental conservation law and any state and local regulations promulgated thereunder.

2. (a) The pilot program established by such local law may provide to an owner accepted into the program who converts an inhabited basement dwelling unit or inhabited cellar dwelling unit in accordance with a local law authorized by this article or who otherwise abates the illegal occupancy of an inhabited basement dwelling unit or inhabited cellar dwelling unit, (i) freedom from any civil or administrative liability, citations, fines, penalties, judgments or any other determinations of or prosecution for civil violations of this chapter, other state law or local law or rules, and the zoning resolution of such city, and (ii)

relief from any outstanding civil judgments issued in connection with any such violation of such laws, rules or zoning resolution issued before the effective date of this article.

(b) Provided, however, that the provisions of subparagraphs (i) and (ii) of paragraph (a) of this subdivision shall only apply to violations of such laws, rules, or zoning resolution that rendered an inhabited basement dwelling unit or an inhabited cellar dwelling unit illegal before the effective date of this article and the conduct constituting such violation would not violate the local law adopted pursuant to this article.

(c) Provided, further that such local law shall require that all applications for conversions be filed by a date certain subsequent to the effective date of this article, provided that such date shall not exceed five years after the effective date of this article.

3. Such local law may provide that any provision of this chapter shall not be applicable to provide for the alterations necessary for the conversion of a specified inhabited basement dwelling unit or inhabited cellar dwelling unit or other specified basement or cellar dwelling unit in existence prior to the effective date into a lawful dwelling unit. Any amendment of the zoning resolution necessary to enact such program shall be subject to a public hearing at the planning commission of such city, and approval by such commission and the legislative body of such local government, provided, however, that it shall not require environmental review, including environmental review conducted pursuant to article eight of the environmental conservation law and any state and local regulations promulgated thereunder, or any additional land use review.

4. The program established by a local law enacted pursuant to this section shall be applicable only within community districts selected by the local legislative body from the following list: Bronx Community District nine; Bronx Community District ten; Bronx Community District eleven; Bronx Community District twelve; Brooklyn Community District four; Brooklyn Community District ten; Brooklyn Community District eleven; Brooklyn Community District seventeen; Manhattan Community District two; Manhattan Community District three; Manhattan Community

District nine; Manhattan Community District ten; Manhattan Community District eleven; Manhattan Community District twelve; and Queens Community District two. Prior to the adoption of the local law authorized by this section, but no later than ninety days after the effective date of this article, the community board of a community district named in this subdivision may adopt and submit to the speaker of the city council a resolution in support or opposition of the inclusion of the community district in the program established by the local law authorized by this article.