

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2019**

No. 114

Introduced by Council Members Powers, Brannan, Lancman, Ayala, Kallos and Rivera.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to denying permits for occupied buildings

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.1.4 to read as follows:

§ 28-105.1.4 Denial of permits for false statements on applications for construction document approval. *The commissioner shall not issue a permit for an occupied building for at least one year following the date of a determination by the commissioner that a false statement about the occupancy status of such building has been made in an application for construction document approval. Such denial shall not apply where a dwelling unit within such multiple dwelling is owned as a condominium or held by a shareholder of a cooperative corporation under a proprietary lease.*

Exceptions:

- 1. Where the issuance of such permit is necessary to correct an outstanding violation of this code, the housing maintenance code or any other applicable provisions of law or rule.*
- 2. Where the issuance of such permit is necessary to perform work to protect public health and safety.*
- 3. For a portion of a property occupied by a tenant who is not an owner of such property or responsible for any existing violations in such property.*
- 4. Where a property was the subject of an in rem foreclosure judgment in favor of the city and was transferred by the city to a third party pursuant to section 11-412.1 of the code.*

5. *Where a property is the subject of a court order appointing an administrator pursuant to article 7-a of the real property actions and proceedings law in a case brought by the department of housing preservation and development.*
6. *Where a property is the subject of a loan provided by or through the department of housing preservation and development or the New York city housing development corporation for the purpose of rehabilitation that has closed within the five years preceding the application for such permit.*
7. *For a property where the department of housing preservation and development or the New York city housing development corporation notifies the commissioner that the permit is required in connection with the implementation of a program of such department or corporation.*

§ 2. Chapter 2 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.1.5 to read as follows:

§ 28-105.1.5 Denial of permits for work without permit on occupied building. *The commissioner shall not issue a permit for a building for at least one year following the date of a determination by the commissioner that work has been performed without a permit in such building and such building was occupied at the time such work was being performed. Such denial shall not apply where a dwelling unit within such multiple dwelling is owned as a condominium or held by a shareholder of a cooperative corporation under a proprietary lease.*

Exceptions:

1. *Where the issuance of such permit is necessary to correct an outstanding violation of this code, the housing maintenance code or any other applicable provisions of law or rule.*
2. *Where the issuance of such permit is necessary to perform work to protect public health and safety.*
3. *For a portion of a property occupied by a tenant who is not an owner of such property or responsible for any existing violations in such property.*
4. *Where a property was the subject of an in rem foreclosure judgment in favor of the city and was transferred by the city to a third party pursuant to section 11-412.1 of the code.*
5. *Where a property is the subject of a court order appointing an administrator pursuant to article 7-a of the real property actions and proceedings law in a case brought by the department of housing preservation and development.*

6. *Where a property is the subject of a loan provided by or through the department of housing preservation and development or the New York city housing development corporation for the purpose of rehabilitation that has closed within the five years preceding the application for such permit.*
7. *For a property where the department of housing preservation and development or the New York city housing development corporation notifies the commissioner that the permit is required in connection with the implementation of a program of such department or corporation.*

§ 3. This local law takes effect 180 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on May 8, 2019 and returned unsigned by the Mayor on June 11, 2019.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 114 of 2019, Council Int. No. 1275-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.