

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

No. 104

Introduced by Council Members Brannan, Holden, Koslowitz, Yeger, Lancman, Kallos, Vallone, Rosenthal, Rivera and Ayala.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to denying building permits where a residential building has an excessive number of violations

Be it enacted by the Council as follows:

Section 1. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.1.3 to read as follows:

§ 28-105.1.3 Denial of permits for excessive violations. *The commissioner shall, no less than once every six months, compile a list of multiple dwellings that includes: (i) all multiple dwellings containing fewer than 35 units that have a ratio of open hazardous or immediately hazardous housing maintenance code violations or immediately hazardous or major construction code violations that equal in the aggregate three or more such violations for every dwelling unit in such multiple dwelling; and (ii) all multiple dwellings containing 35 units or more that have a ratio of open hazardous or immediately hazardous housing maintenance code violations or immediately hazardous or major construction code violations that equal in the aggregate two or more such violations for every dwelling unit in such multiple dwelling. The commissioner shall not issue permits for multiple dwellings on such list. If the owner of a multiple dwelling on such list corrects open hazardous or immediately hazardous housing maintenance code violations or immediately hazardous or major construction code violations in such multiple dwelling so that the ratio of such violations to the number of dwelling units in such multiple dwelling falls below those outlined in this section, the commissioner shall remove such multiple dwelling from such list. 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. This local law takes effect 210 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, prior to such effective 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. 104 of 2019, Council Int. No. 975-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.