



## Legislation Details (With Text)

**File #:** Int 1275-2018 **Version:** A **Name:** Denying permits for occupied buildings.  
**Type:** Introduction **Status:** Enacted  
**In control:** Committee on Housing and Buildings

**On agenda:** 11/28/2018

**Enactment date:** 6/8/2019 **Enactment #:** 2019/114

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to denying permits for occupied buildings

**Sponsors:** Keith Powers, Justin L. Brannan, Rory I. Lancman, Diana I. Ayala, Ben Kallos, Carlina Rivera

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Date	Ver.	Action By	Action	Result
11/28/2018	*	City Council	Introduced by Council	
11/28/2018	*	City Council	Referred to Comm by Council	
12/13/2018	*	Committee on Housing and Buildings	Laid Over by Committee	
12/13/2018	*	Committee on Housing and Buildings	Hearing Held by Committee	
5/7/2019	*	Committee on Housing and Buildings	Hearing Held by Committee	
5/7/2019	*	Committee on Housing and Buildings	Amendment Proposed by Comm	
5/7/2019	*	Committee on Housing and Buildings	Amended by Committee	
5/7/2019	A	Committee on Housing and Buildings	Approved by Committee	Pass
5/8/2019	A	City Council	Approved by Council	Pass
5/8/2019	A	City Council	Sent to Mayor by Council	
6/8/2019	A	Administration	City Charter Rule Adopted	
6/11/2019	A	City Council	Returned Unsigned by Mayor	

Int. No. 1275-A

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.

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