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Int. No. 434

By Council Members Weprin, Fidler, Gerson, James, Seabrook, Stewart, and Mark-Viverito

A Local Law to amend the administrative code of the city of New York, in relation to the appeals of rejections of an application for a certificate of occupancy.

Be it enacted by the Council as follows:

Section 1. Article 22 of subchapter one of chapter one of title 27 of the administrative code of the city of New York is amended by adding a new section 27-222.1 to read as follows:

§27-222.1 Appeals of Rejections of an Application for a Certificate of Occupancy. (a) Upon the receipt of a rejection of any application for a certificate of occupancy by an employee or inspector of the department or a rejection of a field inspection, an applicant may appeal the rejection in writing through the following process:

(1) the applicant can appeal at any time after receipt of the rejection to the chief inspector of the borough in which the application is located. Upon submission of an appeal, the chief inspector shall have five

business days to rule on the appeal. If the appeal is rejected, the chief inspector shall, with the permission of the applicant, submit an immediate appeal to the borough commissioner;

(2) if the appeal to the chief inspector results in the affirmance of the rejection or any portion thereof, then the applicant can appeal at any time after receipt of such affirmance to the borough commissioner of the borough in which the application is located. Upon submission of an appeal, the borough commissioner shall have five business days to rule on the appeal;

(3) if the appeal to the borough commissioner results in the affirmance of the rejection or any portion thereof, then the applicant can appeal at any time after receipt of such affirmance to a panel consisting of each of the five borough commissioners. Upon submission of an appeal, the panel shall notify the applicant of the date of the hearing and provide the applicant with an opportunity to submit supporting materials and to be heard on the date of the hearing. The panel shall have twenty business days to hear and rule on the appeal;

(4) if the appeal to the panel results in the affirmance of the rejection or any portion thereof, then the applicant can further appeal at any time after receipt of such affirmance to the commissioner, or his or her designee. Upon submission of an appeal, the commissioner shall have twenty business days to rule on the appeal.

(5) all rejections of any application for a certificate of occupancy or of a field inspection, as well as any appeals and decisions concerning same, must be in writing.

(b) The department shall submit to the council two reports annually concerning the number of appeals and the number of appeals responded to in an untimely way by the department for subparagraphs (2), (3) and (4) of subdivision (a). One of the two annual reports shall be submitted to the council concurrent with the issuance of the mayor's management report, and the other annual report shall be submitted concurrent with the issuance of the preliminary mayor's management report. The period of reporting for the report issued concurrent with the mayor's management report shall be the most recently ended fiscal year, and the period of reporting for the report issued concurrent with the preliminary mayor's management report shall be the first

four months of the fiscal year in which such report is issued.

(c) All decisions under subparagraphs (2), (3) and (4) of subdivision (a) shall be published by the department on its website and in an annual volume. Publication on the website shall be made within thirty business days of the decision. Each decision rejecting an application for a certificate of occupancy or affirming any rejection, including those objecting to any part of an application for a certificate of occupancy or affirming such objection shall state the reasons why the application or inspection is not in substantial compliance with the administrative code of the city of New York, including a list of the sections under which the application or inspection is not compliant. Any such decision made by a borough commissioner, the panel of the borough commissioners or the commissioner shall be used as a precedent for future determinations.

§2. This local law shall take effect immediately.

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