

STATE OF NEW YORK

6388--A

Cal. No. 19

IN SENATE

January 8, 2016

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the general city law, in relation to certificates of occupancy for unmapped streets in the city of New York

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 3 of section 36 of the general city law, as
 2 added by a chapter of the laws of 2015, amending the general city law
 3 relating to certificates of occupancy for unmapped streets in the city
 4 of New York, as proposed in legislative bills numbers A.7487 and
 5 S.3472-A, is amended to read as follows:
 6 3. Notwithstanding any provision of law, rule or regulation to the
 7 contrary, a certificate of occupancy for a one or two family residential
 8 dwelling which is otherwise in compliance with all applicable laws shall
 9 be issued by the department of buildings of the city of New York for any
 10 building abutting an unmapped street without a review by the board of
 11 standards and appeals in the following circumstances: (a) if the corpo-
 12 ration counsel of the city of New York has issued an opinion determining
 13 that the public way has been open and in use to the public for a minimum
 14 of ten years and has been attested to by documents satisfactory to the
 15 municipality, that the unmapped street abutting such building or struc-
 16 ture shall have been suitably improved to the satisfaction of the
 17 department of transportation of the city of New York in accordance with
 18 standards and specifications approved by such department as adequate in
 19 respect to the public health, safety and general welfare for the special
 20 circumstances of the particular unmapped street, and that such building
 21 or structure is equipped with an automatic fire sprinkler, or (b) if the
 22 department of buildings of the city of New York determines that [~~either~~]
 23 such one or two family residential [dwellings which have] dwelling is
 24 located within the same block and fronting on the same unmapped street

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 in question as another building or structure that successfully appealed
2 to the board of standards and appeals and [~~have~~] has been issued
3 [~~certificates~~] a certificate of occupancy [~~are located within the same~~
4 ~~block where such buildings or structures also have frontage that direct-~~
5 ~~ly abuts the unmapped street in question, that such unmapped street]~~ and
6 provided the unmapped street fronting such one or two family residential
7 dwelling has been suitably improved to the [~~satisfaction~~] standards and
8 specifications of such department of transportation [~~in accordance with~~
9 ~~the same standards, specifications, and reasonable exceptions included~~
10 ~~in the cases of appeals and any other reasonable exception that will~~
11 ~~further protect any such street or highway layout]~~, and further provided
12 that such one or two family residential dwelling is equipped with an
13 automatic fire sprinkler system. Nothing contained in this subdivision
14 shall limit the jurisdiction of the board of standards and appeals to
15 determine the application of the zoning resolution.

16 § 2. This act shall take effect on the same date and in the same
17 manner as a chapter of the laws of 2015, amending the general city law
18 relating to certificates of occupancy for unmapped streets in the city
19 of New York, as proposed in legislative bills numbers A.7487 and
20 S.3472-A, takes effect.

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S6388A

SPONSOR: LANZA

TITLE OF BILL: An act to amend the general city law, in relation to certificates of occupancy for unmapped streets in the city of New York

PURPOSE:

To provide an amendment in relation to chapter 532 of the laws of 2015.

SUMMARY OF PROVISIONS:

Clarifies that certain conditions must be met before the Board of Standards and Appeals process will be waived, to expedite the certificate of occupancy process and encourage residential building in these unmapped street areas.

JUSTIFICATION:

This bill represents an amendment, as agreed upon by the Legislature and Executive, that allowed for the signing of chapter 532 into law. Such agreement was memorialized at the time of signing in Approval Memorandum 16 of 2015.

LEGISLATIVE HISTORY:

None (Amends Ch. 532/2015)

FISCAL IMPLICATIONS:

None

EFFECTIVE DATE:

This act shall take effect in concurrence with a chapter of 2015.

STATE OF NEW YORK

9161

IN ASSEMBLY

January 29, 2016

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Cities

AN ACT to amend the general city law, in relation to certificates of occupancy for unmapped streets in the city of New York

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 3 of section 36 of the general city law, as
 2 added by a chapter of the laws of 2015, amending the general city law
 3 relating to certificates of occupancy for unmapped streets in the city
 4 of New York, as proposed in legislative bills numbers A.7487 and
 5 S.3472-A, is amended to read as follows:
 6 3. Notwithstanding any provision of law, rule or regulation to the
 7 contrary, a certificate of occupancy for a one or two family residential
 8 dwelling which is otherwise in compliance with all applicable laws shall
 9 be issued by the department of buildings of the city of New York for any
 10 building abutting an unmapped street without a review by the board of
 11 standards and appeals in the following circumstances: (a) if the corpo-
 12 ration counsel of the city of New York has issued an opinion determining
 13 that the public way has been open and in use to the public for a minimum
 14 of ten years and has been attested to by documents satisfactory to the
 15 municipality, that the unmapped street abutting such building or struc-
 16 ture shall have been suitably improved to the satisfaction of the
 17 department of transportation of the city of New York in accordance with
 18 standards and specifications approved by such department as adequate in
 19 respect to the public health, safety and general welfare for the special
 20 circumstances of the particular unmapped street, and that such building
 21 or structure is equipped with an automatic fire sprinkler, or (b) if the
 22 department of buildings of the city of New York determines that ~~[other]~~
 23 such one or two family residential ~~[dwellings which have]~~ dwelling is
 24 located within the same block and fronting on the same unmapped street
 25 in question as another building or structure that successfully appealed
 26 to the board of standards and appeals and [have] has been issued
 27 ~~[certificates]~~ a certificate of occupancy ~~[are located within the same~~
 28 ~~block where such buildings or structures also have frontage that direct-~~

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
 [-] is old law to be omitted.

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1 ~~ly abuts the unmapped street in question, that such unmapped street] and~~
2 ~~provided the unmapped street fronting such one or two family residential~~
3 ~~dwelling has been suitably improved to the [satisfaction] standards and~~
4 ~~specifications of such department of transportation [in accordance with~~
5 ~~the same standards, specifications, and reasonable exceptions included~~
6 ~~in the cases of appeals and any other reasonable exception that will~~
7 ~~further protect any such street or highway layout], and further provided~~
8 that such one or two family residential dwelling is equipped with an
9 automatic fire sprinkler system. Nothing contained in this subdivision
10 shall limit the jurisdiction of the board of standards and appeals to
11 determine the application of the zoning resolution.

12 § 2. This act shall take effect on the same date and in the same
13 manner as a chapter of the laws of 2015, amending the general city law
14 relating to certificates of occupancy for unmapped streets in the city
15 of New York, as proposed in legislative bills numbers A.7487 and
16 S.3472-A, takes effect.

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A9161

SPONSOR: Cusick

TITLE OF BILL: An act to amend the general city law, in relation to certificates of occupancy for unmapped streets in the city of New York

PURPOSE:

To clarify Chapter 532 of the Laws of 2015.

SUMMARY OF PROVISIONS:

Section 1 of the bill would amend section 3 of Chapter 532 of the Laws of 2015 to make clear certain language relating to issuing certificates of occupancy for one or two family residential dwellings abutting an unmapped street under certain circumstances without review of the Board of Standards and Appeals of the City of New York.

Section 2 of the bill is the effective date.

JUSTIFICATION:

This bill clarifies Chapter 532 of the Laws of 2015.

LEGISLATIVE HISTORY:

This is new legislation.

FISCAL IMPLICATIONS:

None to the State.

EFFECTIVE DATE:

This act shall take effect on the same date and in the same manner as a chapter of the laws of 2015, amending general city law relating to certificates of occupancy for unmapped streets in the city of New York, as proposed in legislative bills numbers A.7487 and S.3472-A, takes effect.

