

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2014**

No. 64

Introduced by Council Members Reynoso, Garodnick, Barron, Chin, Dromm, Espinal, Gentile, Gibson, Johnson, Kallos, King, Levin, Maisel, Mendez, Richards, Rodriguez, Rosenthal, Treyger, Van Bramer, Palma, Lander, Constantinides and the Public Advocate (Ms. James).

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the alternative enforcement program.

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 27-2153 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

(3) Notwithstanding the provisions of paragraphs one and two of this subdivision, in the ninth year of such program, and for each succeeding year, the department shall identify no fewer than two hundred fifty different distressed buildings for participation in the alternative enforcement program and may by rule set criteria for such buildings to participate in the program, which may include, but need not be limited to: the ratio of open hazardous and immediately hazardous violations per dwelling unit, the amount or ratio per dwelling unit of paid or unpaid emergency repair charges and the number of dwelling units that must exist for a building to qualify for participation in the program. The department may by rule add to the criteria set forth in subdivision e of this section relating to which buildings are to be excluded from the program.

§2. Subdivision d of section 27-2153 of the administrative code of the city of New York, as amended by local law number 7 for the year 2011, is amended to read as follows:

d. For the purposes of subdivisions a and b of this section, those buildings having the highest aggregate ratio of open hazardous and immediately hazardous violations for every dwelling unit shall be the buildings identified first for participation in the program. For the purposes of *paragraph one* of subdivision c of this section, those buildings having the highest amount of paid and unpaid emergency repair charges and liens incurred within the two-year period prior to identification shall be the buildings identified first for participation in the program. *For the purposes of paragraphs two and three of subdivision c of this section, the department shall by rule determine the criteria for which buildings shall be identified first for participation in the program.*

§3. Subdivision e of section 27-2153 of the administrative code of the city of New York, as amended by local law number 7 for the year 2011, is amended to read as follows:

e. (1) Notwithstanding the criteria set forth in subdivisions a, b, and c of this section, a building that is currently the subject of an in rem foreclosure action by the city, or that was the subject of an in rem foreclosure judgment in favor of the city and that was transferred by the city to a third party pursuant to section 11-412.1 of the code within the prior five years, or that is currently the subject of a court order appointing or a proceeding brought by the department seeking the appointment of an administrator pursuant to article 7-a of the real property actions and proceedings law, shall not be included in the alternative enforcement program.

(2) *Notwithstanding the criteria set forth in subdivisions a, b, and c of this section, a multiple dwelling that is the subject of a loan provided by or through the department or the New York city housing development corporation for the purpose of rehabilitation, as provided in rules of the department, and that has closed within the past two years, shall not be included in the alternative enforcement program, provided further, that a multiple dwelling that has been included in the alternative enforcement program and becomes the subject of such a loan that*

closes within the first four months after the building has been included in the alternative enforcement program, shall be discharged from such program.

§4. Subdivision f of section 27-2153 of the administrative code of the city of New York, as added by local law number 29 for the year 2007, is amended to read as follows:

f. Where there are fewer than two hundred *fifty* buildings that meet the applicable criteria, [only the buildings meeting such criteria shall] *the department shall by rule determine the criteria for additional buildings to participate in the alternative enforcement program.*

§5. Subdivision g of section 27-2153 of the administrative code of the city of New York, as amended by local law number 7 for the year 2011, is amended to read as follows:

g. (1) The department shall within thirty days of identifying *a* distressed [buildings] *building* for participation in the alternative enforcement program provide written notification to the owner of [any] *such* building [identified for participation in the alternative enforcement program], the occupants of such building and the council member in whose district the building is located, that such building is subject to the requirements of such program and the requirements of this article. *Such written notification shall inform such owner of his or her duty to post the notice required by paragraph two of this subdivision and that such owner shall be liable for a civil penalty for failure to comply.* The department shall simultaneously provide to such owner information about correcting violations related to mold and vermin, when such violations are applicable to such multiple dwelling, as set forth in paragraphs ii and iii of subdivision i of this section.

(2) *Within fifteen days after receiving notice from the department in accordance with paragraph one of this subdivision, or such later date as the department may specify in such notice, the owner of a building identified for participation in the alternative enforcement program shall*

post a sign on the building's main entrance door, or in another conspicuous location in the common area of the building, stating (i) that the building has been placed in the alternative enforcement program, (ii) that occupants may call 311 or the program's direct line to make complaints about the conditions in their units or in the common areas, (iii) the name, telephone number and address of the owner and (iv) the identity of the financial institution that holds the mortgage on the property, if any. Such sign shall be in English, Spanish and in any other language the department may require by rule. Upon request of a tenant occupying a dwelling unit in the building, the owner shall make best efforts to provide the sign in a language other than English or Spanish. The owner shall maintain such sign until he or she receives written notice from the department that the building has been discharged from the alternative enforcement program. An owner who fails to comply with the requirement to post and maintain a sign pursuant to this subdivision shall be liable for a penalty of two hundred fifty dollars.

§6. This local law shall take effect one hundred eighty days after its enactment, except that the commissioner of housing preservation and development shall take such measures as are necessary for its implementation, including the promulgation of rules and the identification of buildings, 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 November 13, 2014 and returned unsigned by the Mayor on December 12, 2014.

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. 64 of 2014, Council Int No. 345-A of 2014) 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.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.