

STATE OF NEW YORK

3472--A

Cal. No. 183

2015-2016 Regular Sessions

IN SENATE

February 10, 2015

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- reported favorably from said committee, ordered to first and second report, ordered to a 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. Section 36 of the general city law is amended by adding a  
2 new subdivision 3 to read as follows:  
3 3. Notwithstanding any provision of law, rule or regulation to the  
4 contrary, a certificate of occupancy for a one or two family residential  
5 dwelling shall be issued by the department of buildings of the city of  
6 New York for any building abutting an unmapped street without a review  
7 by the board of standards and appeals in the following circumstances:  
8 (a) if the corporation counsel of the city of New York has issued an  
9 opinion determining that the public way has been open and in use to the  
10 public for a minimum of ten years and has been attested to by documents  
11 satisfactory to the municipality, that the unmapped street abutting such  
12 building or structure shall have been suitably improved to the satisfac-  
13 tion of the department of transportation of the city of New York in  
14 accordance with standards and specifications approved by such department  
15 as adequate in respect to the public health, safety and general welfare  
16 for the special circumstances of the particular unmapped street, and  
17 that such building or structure is equipped with an automatic fire  
18 sprinkler, or (b) if the department of buildings of the city of New York  
19 determines that other one or two family residential dwellings which have  
20 successfully appealed to the board of standards and appeals and have  
21 been issued certificates of occupancy are located within the same block  
22 where such buildings or structures also have frontage that directly

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

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

11 § 2. This act shall take effect immediately.

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

BILL NUMBER: S3472A

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 allow new one or two family residential dwellings to be constructed on an unmapped street without Board of Standards and Appeal review if certain criteria are met.

SUMMARY OF PROVISIONS:

Section 1 of the bill amends Section 36 of the general city law by adding a new subdivision 3.

Section 2 of the bill is the effective date.

JUSTIFICATION:

This bill would allow a home to be built on an unmapped street or highway in New York City without a review by the Board of Standards and Appeals, if the New York City Department of Buildings determines that there are not less than five certificates of occupancy for one or two family residential dwellings which have already been issued for such unmapped street or highway. It also would require the new built dwelling to be equipped with an automatic fire sprinkler system. The bill does not limit the jurisdiction of the Board of Standards and Appelas to determine, the application of the zoning resolution.

LEGISLATIVE HISTORY:

2014: S7310-A - 3rd Reading Calendar / A.9708-A Referred to Cities

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect immediately.

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**STATE OF NEW YORK**

7487

2015-2016 Regular Sessions

**IN ASSEMBLY**

May 13, 2015

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. Section 36 of the general city law is amended by adding a  
2 new subdivision 3 to read as follows:  
3 3. Notwithstanding any provision of law, rule or regulation to the  
4 contrary, a certificate of occupancy for a one or two family residential  
5 dwelling shall be issued by the department of buildings of the city of  
6 New York for any building abutting an unmapped street without a review  
7 by the board of standards and appeals in the following circumstances:  
8 (a) if the corporation counsel of the city of New York has issued an  
9 opinion determining that the public way has been open and in use to the  
10 public for a minimum of ten years and has been attested to by documents  
11 satisfactory to the municipality, that the unmapped street abutting such  
12 building or structure shall have been suitably improved to the satisfac-  
13 tion of the department of transportation of the city of New York in  
14 accordance with standards and specifications approved by such department  
15 as adequate in respect to the public health, safety and general welfare  
16 for the special circumstances of the particular unmapped street, and  
17 that such building or structure is equipped with an automatic fire  
18 sprinkler, or (b) if the department of buildings of the city of New York  
19 determines that other one or two family residential dwellings which have  
20 successfully appealed to the board of standards and appeals and have  
21 been issued certificates of occupancy are located within the same block  
22 where such buildings or structures also have frontage that directly  
23 abuts the unmapped street in question, that such unmapped street has  
24 been suitably improved to the satisfaction of such department of trans-  
25 portation in accordance with the same standards, specifications, and

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

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1 reasonable exceptions included in the cases of appeals and any other  
2 reasonable exception that will further protect any such street or high-  
3 way layout, and further provided that such one or two family residential  
4 dwelling is equipped with an automatic fire sprinkler system. Nothing  
5 contained in this subdivision shall limit the jurisdiction of the board  
6 of standards and appeals to determine the application of the zoning  
7 resolution.  
8 § 2. This act shall take effect immediately.

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

BILL NUMBER: A7487

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 allow new one or two family residential dwellings to be constructed on an unmapped street without Board of Standards and Appeal review if certain criteria are met.

SUMMARY OF PROVISIONS:

Section 1 of the bill amends Section 36 of the general city law by adding a new subdivision 3.

Section 2 of the bill is the effective date.

JUSTIFICATION: This bill would allow a home to be built on an unmapped street or highway in New York City without a review by the Board of Standards and Appeals, if the New York City Department of Buildings determines that there are not less than five certificates of occupancy for one or two family residential dwellings which have already been issued for such unmapped street or highway. It also would require the new built dwelling to be equipped with an automatic fire sprinkler system. The bill does not limit the jurisdiction of the Board of Standards and Appeals to determine, the application of the zoning resolution.

LEGISLATIVE HISTORY: 2014: S7310-A - 3rd Reading Calendar / A.9708-A  
Referred to Cities

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: This act shall take effect immediately.

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