



Legislation Text

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Int. No. 2475

By Council Member Rivera

A Local Law to amend the administrative code of the city of New York, in relation to providing an exception to requirements to obtain a new or amended certificate of occupancy for certain dwelling units occupied by rent-stabilized tenants, and providing for the repeal and reenactment of such exception

Be it enacted by the Council as follows:

Section 1. Section 28-118.3 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

**§28-118.3 Completed buildings or open lots.** The provisions of sections 28-118.3.1 through 28-118.3.4 shall apply to completed buildings or open lots.

**Exception:** The provisions of sections 28-118.3.1 and 28-118.3.2 shall not be interpreted to require an issuance of a new or amended certificate of occupancy for a change that results from a dwelling unit classified as R-1 being occupied by a permanent tenant who has rent-stabilized status with respect to the unit pursuant to section 26-506 of the rent stabilization law of nineteen hundred sixty-nine, regardless of whether the tenant obtained rent-stabilized status before or after occupying the unit or whether the tenant was offered a lease in advance of occupancy.

§ 2. Section 28-118.3 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

**§28-118.3 Completed buildings or open lots.** The provisions of sections 28-118.3.1 through 28-118.3.4 shall apply to completed buildings or open lots.

**[Exception] Exceptions:**

1. The provisions of sections 28-118.3.1 and 28-118.3.2 shall not be interpreted to require an issuance of a new or amended certificate of occupancy for a change from a mercantile establishment to a business establishment, or from a business establishment to a mercantile establishment, provided all the following criteria are met:

1.1. Such alteration is limited to a change within the same zoning use group;

1.2. The maximum occupant load for the individual establishment, both as existing and

proposed, does not exceed 74 persons based on occupant load calculations in accordance with Table 6-2 of the 1968 building code or Table 1004.1.3 of the New York city building code, as applicable;

1.3. The establishment is located on the ground floor, accessed by the public directly from the exterior of the building;

1.4. The establishment undergoing alteration complies or is made to comply with any other requirements that would be applicable to the alteration, including but not limited to accessibility, and fire protection requirements pursuant to sections 901.9.2 and 1101.3.1 of the New York city building code;

1.5. Such alteration does not require a change in the required exits. Relocation of exit doors of the same size or larger shall not constitute a change in the required exits; and

1.6. Such alteration does not require a change in the live load from that stated on the existing certificate of occupancy.

2. The provisions of sections 28-118.3.1 and 28-118.3.2 shall not be interpreted to require an issuance of a new or amended certificate of occupancy for a change that results from a dwelling unit classified as R-1 being occupied by a permanent tenant who has rent-stabilized status with respect to the unit pursuant to section 26-506 of the rent stabilization law of nineteen hundred sixty-nine, regardless of whether the tenant obtained rent-stabilized status before or after occupying the unit or whether the tenant was offered a lease in advance of occupancy.

§ 3. This local law takes effect immediately, except that section one of this local law expires and is deemed repealed on the same date that local law number 126 for the year 2021 takes effect; and further except that section two of this local law takes effect on the same date as local law number 126 for the year 2021.

JB  
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