The New York City Council

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Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, in relation to requiring a certification of no harassment prior to approval of construction documents or issuance of permits for demolition or renovation of certain buildings

Sponsors: Brad S. Lander, Margaret S. Chin, Corey D. Johnson, Antonio Reynoso, Helen K. Rosenthal, Rosie Mendez, Carlos Menchaca, Deborah L. Rose, Jumaane D. Williams, Andy L. King, Stephen T. Levin, Ydanis A. Rodriguez, Robert E. Cornegy, Jr., Mark Levine, Ritchie J. Torres, James G. Van Bramer, Vanessa L. Gibson, Donovan J. Richards, Ben Kallos, (by request of the Manhattan Borough President)

Indexes: Agency Rule-making Required, Report Required, Sunset Date Applies

Attachments: 1. Summary of Int. No. 152-C, 2. Summary of Int. No. 152-B, 3. Summary of Int. No. 152-A, 4. Int. No. 152 - 3/12/14, 5. Committee Report 2/22/16, 6. Hearing Testimony 2/22/16, 7. Hearing Transcript 2/22/16, 8. Proposed Int. No. 152-A - 2/10/17, 9. Proposed Int. No. 152-B - 11/27/17, 10. Proposed Int. No. 152-C - 11/28/17, 11. Committee Report 11/29/17, 12. Hearing Transcript 11/29/17, 13. November 30, 2017 - Stated Meeting Agenda with Links to Files, 14. Hearing Transcript - Stated Meeting 11-30-17, 15. Minutes of the Stated Meeting - November 30, 2017, 16. Fiscal Impact Statement, 17. Int. No. 152-C (FINAL), 18. Legislative Documents - Letter to the Mayor, 19. Local Law 1

Date	Ver.	Action By	Action	Result
3/12/2014	*	City Council	Introduced by Council	
3/12/2014	*	City Council	Referred to Comm by Council	
2/22/2016	*	Committee on Housing and Buildings	Hearing Held by Committee	
2/22/2016	*	Committee on Housing and Buildings	Amendment Proposed by Comm	
2/22/2016	*	Committee on Housing and Buildings	Laid Over by Committee	
11/29/2017	*	Committee on Housing and Buildings	Hearing Held by Committee	
11/29/2017	*	Committee on Housing and Buildings	Amendment Proposed by Comm	
11/29/2017	*	Committee on Housing and Buildings	Amended by Committee	
11/29/2017	C	Committee on Housing and Buildings	Approved by Committee	Pass
11/30/2017	C	City Council	Approved by Council	Pass
11/30/2017	C	City Council	Sent to Mayor by Council	
12/18/2017	C	Mayor	Hearing Scheduled by Mayor	

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12/31/2017 C Administration City Charter Rule Adopted

Int. No. 152-C

By Council Members Lander, Chin, Johnson, Reynoso, Rosenthal, Mendez, Menchaca, Rose, Williams, King, Levin, Rodriguez, Cornegy, Levine, Torres, Van Bramer, Gibson, Richards and Kallos (by request of the Manhattan Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to requiring a certification of no harassment prior to approval of construction documents or issuance of permits for demolition or renovation of certain buildings

Be it enacted by the Council as follows:

Section 1. Legislative findings. The Council has found and is concerned with the association between various characteristics of building distress, and the likelihood of suspected or reported harassment against tenants, and has an interest in finding ways to protect tenants at risk of displacement due to landlord harassment. Current Certification of No Harassment ("CONH") requirements apply only to single room occupancy buildings and to all buildings in select special purpose zoning districts under the Zoning Resolution. In general, the program requires an investigation into whether harassment has occurred during a prescribed time period, and is triggered when an owner makes a permit application to the Department of Buildings for a material alteration of a building.

The Council finds that outside of these single room occupancy buildings and the buildings in special zoning districts, buildings with high rates of physical distress or ownership changes are typically associated with suspected or known harassment patterns. Areas targeted for rezoning see an increased rate of change in ownership. The effects of such rezonings stretch beyond the rezoned blocks into surrounding neighborhoods. Because community districts are drawn specifically to capture communities of shared interest, they provide readily administrable boundaries for delineating where a rezoning in one part of a neighborhood is most likely to have effects outside the rezoning area. A limited pilot expansion of the CONH program to include buildings potentially at risk of harassment in particular neighborhoods where buildings with the highest rates of physical distress or ownership changes are located, or in city-sponsored

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neighborhood wide rezoned areas where heightened protection against harassment is essential to equitable development, would enable the Council to determine if expanding the CONH program could reduce the risk of harassment for tenants in such buildings and provide valuable feedback on its effect on tenant protection and housing conditions. The purpose of this local law is to provide for the implementation of such a program as a geographically targeted and time-limited pilot program to allow an evaluation of the program's accuracy and efficacy in targeting and addressing harassment in particular buildings.

The current Administrative Code provisions that apply to single room occupancy multiple dwellings consider incidents of harassment that occurred within three years of an application for development as indicative that such harassment was motivated by the redevelopment. The Council is concerned that redevelopment-motivated harassment may occur even earlier than three years before a redevelopment occurs. Thus, the pilot program proposes to lengthen this period to five years.. The current Administrative Code provisions also require that once a CONH has been denied, no development is allowed at the site for a specified period of time. The pilot seeks to determine the impact on a legislative CONH program of allowing owners of buildings where a CONH is denied to proceed with development if they agree to construct floor area of low income housing within the building or within any new building within the same community district, similar to what is allowed under zoning resolution CONH requirements. In accordance with the Council's goal of equitable development, priority in allocating such units would be given to qualified tenants who resided in the building during the time the acts of harassment occurred.

§ 2. Article 1 of subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2093.1 to read as follows:

§ 27-2093.1 Certification of no harassment with respect to pilot program buildings. a. Definitions. As used in this section the following terms have the following meanings:

Building qualification index. The term "building qualification index" means an index created by the department and promulgated in rules to evaluate prospective pilot program buildings for distress based on the

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department's records of open and closed hazardous and immediately hazardous violations of the housing maintenance code, records of paid and unpaid liens for expenses incurred by the department for the repair or elimination of dangerous conditions under the emergency repair program, change of ownership or any other factor that reasonably indicates distress and would qualify such building for the certification of no harassment pilot program as determined by the department.

Certification of no harassment. The term "certification of no harassment" means a certification by the department that no harassment of any lawful occupants of a pilot program building occurred during the 60 month period prior to the filing of an application for such certification pursuant to this section.

City-sponsored neighborhood-wide rezoning area. The term "city-sponsored neighborhood-wide rezoning area" means an area of the zoning map for which:

(1) amendments to the zoning regulations pertaining to such area were proposed by the City;

(2) the city planning commission approved or approved with modifications such amendments for a matter described in paragraph 3 of subdivision a of section 197-c of the charter;

(3) the city planning commission decision was approved or approved with modifications by the council pursuant to section 197-d of the charter and is not subject to further action pursuant to subdivision e or f of such section;

(4) the zoning map amendments increased the permitted residential floor area ratio within the rezoned area by at least 33 percent; and

(5) the amendments involved at least 10 blocks of real property in such area.

Covered categories of work. The term "covered categories of work" has the meaning set forth in section 28-505.3.

Harassment. The term "harassment" has the meaning set forth in subdivision 48 of section 27-2004.

Low income housing. The term "low income housing" means dwelling units that, upon initial rental and upon each subsequent rental following a vacancy, is affordable to and restricted to occupancy by individuals or

families whose household income does not exceed an average of 50 percent of the area median income, adjusted for family size, at the time that such household initially occupies the dwelling unit, provided that with respect to low income housing units provided pursuant to a cure agreement in accordance with subdivision e of this section, one-third of such low income housing units shall be available at 40 percent of the area median income, one-third of such units shall be available at 50 percent of the area median income and one-third of such units shall be available at 60 percent of the area median income.

Pilot program building. The term "pilot program building" means a multiple dwelling included on the pilot program list.

Pilot program list. The term “pilot program list” means a list of multiple dwellings with six or more dwelling units meeting the criteria set by the department in accordance with subdivision b. Such multiple dwelling shall remain on the pilot program list for 60 months, or until expiration of the local law that added this section, whichever is later. Such list shall be published and maintained on the websites of the department and the department of buildings. Such list shall not include any multiple dwelling that:

(1) is subject to any other provision of law or rules, including the zoning resolution, that requires a certification of no harassment as a condition to obtaining approval of construction documents or an initial or reinstated permit in connection therewith from the department of buildings;

(2) is the subject of a program approved by the commissioner and related to the rehabilitation or preservation of a single room occupancy multiple dwelling or the provision of housing for persons of low or moderate income, other than a program consisting solely of real property tax abatement or tax exemption pursuant to the real property tax law, and has been exempted from the provisions of this section by the commissioner;

(3) contains dwelling units that are required to be and actually are restricted based on income pursuant to an agreement pursuant to the mandatory inclusionary housing program or the voluntary inclusionary housing program and the income-restricted units that are required pursuant to such agreement are occupied at the time

of application for a certification of no harassment;

(4) is an exempt luxury hotel as defined by the department in rules;

(5) is a rent regulated institutional residence, the occupancy of which is restricted to non-profit institutional use exempted from the requirements of this section by the department;

(6) is owned by the city or other governmental entity;

(7) is a clubhouse; or

(8) is a college or school dormitory.

Tenant harassment prevention task force. The term "tenant harassment prevention task force" or "task force" means representatives of city and state agencies that combine to combat tenant harassment through coordinated enforcement actions.

b. Pilot program list. The department shall compile and publish a pilot program list. The criteria used to select buildings to be included on the pilot program list shall be promulgated by the department in rules and shall be limited to:

(1) Buildings with scores on the building qualification index indicating significant distress as determined by the department, and located within:

(i) Bronx community district 4,

(ii) Bronx community district 5,

(iii) Bronx community district 7,

(iv) Brooklyn community district 3,

(v) Brooklyn community district 4,

(vi) Brooklyn community district 5,

(vii) Brooklyn community district 16,

(viii) Manhattan community district 9,

(ix) Manhattan community district 11,

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(x) Manhattan community district 12,

(xi) Queens community district 14, and

(xii) Any community district where any part of such district is subject to a city-sponsored neighborhood -wide rezoning after the date of enactment of the local law that added this section.

(2)(i) Buildings where a full vacate order has been issued by the department or by the department of buildings, or (ii) buildings where there has been active participation in the alternative enforcement program for more than four months since February 1, 2016; and

(3) Buildings where there has been a final determination by New York state homes and community renewal or any court having jurisdiction that one or more acts of harassment were committed at such building within the 60 months prior to the effective date of the local law that added this section or on or after the effective date of the local law that added this section. The department shall establish a method of identifying buildings where there have been adjudications of harassment after the effective date of the local law that added this section, and may request the cooperation of the tenant harassment prevention task force to establish and effectuate such method. The department shall add a building to the pilot program list within 30 days after it is identified in accordance with such method.

c. Certification of no harassment required. (1) In accordance with article 505 of chapter 5 of title 28, a pilot program building shall be required to obtain a certification of no harassment or waiver of such certification as a condition to obtaining approval of construction documents or an initial or reinstated permit in connection therewith by the department of buildings for any covered categories of work.

(2) Except as otherwise provided in this section, if a certification of no harassment is denied no such approval or permit shall be issued by the department of buildings for 60 months after such denial.

d. Application. (1) An application for a certification of no harassment shall be in such form and shall contain such information as shall be prescribed by the department.

(2) Upon the receipt of an application for a certification of no harassment, the department shall publish

notice in a publication of general circulation for a period of seven consecutive days, shall mail notice to the owner at the address provided on the application and the address provided in the last registration with the department, as well as to the owner who appears on the last deed recorded on the records of the department of finance, such occupants as the department shall identify, any community group designated by the department to survey the building, such other interested persons as the department shall identify, the local community board, city council member representing the district in which such building is situated, and appropriate government agencies, and shall post notice in a conspicuous place at the pilot program building for which the certification of no harassment is sought.

(3) The notice shall be published in English and in any other language prevalent in the district, as determined by the commissioner, and shall include a statement that such notice is available in any covered language, as defined in subdivision j of section 8-1002. Such notice shall also contain:

(i) the location and general description of the pilot program building for which the certification is sought;

(ii) a description of the certification procedure and its purpose;

(iii) the contact information for the community group designated by the department to survey the building and its occupants;

(iv) the period of time covered by the inquiry, which shall be 60 months prior to the filing of the application for a certificate of no harassment pursuant to this section;

(v) a description of conduct constituting harassment; and

(vi) that the owner and any occupants or former occupants of the pilot program building for which such certification is sought and other interested persons, government agencies and the local community board, are invited to submit their comments within 45 days of the date of such notice in writing or orally at a designated location, provided that the department may, for good cause, extend the time for the submission of such comments for an additional 15 days.

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(4) The department may designate a community group to conduct a survey of the occupants of the pilot program building with respect to harassment in the pilot program building and to report its findings to the department. The community group shall provide a copy of the notice required by this subdivision to occupants. Based upon the findings of such community group or the department's review of records and other data, the department may determine that it is necessary to conduct a further investigation.

(5) Upon the completion of any such survey and further investigation, the department may:

(A) determine that no harassment has occurred within the stated period of time and forthwith grant such certification of no harassment.

(B) deny a certification of no harassment without a hearing if there has been a finding by New York state homes and community renewal or any court having jurisdiction that there has been harassment, unlawful eviction, or arson by or on behalf of the owner during the stated period of time; or

(C) where there has been no prior determination of harassment, unlawful eviction, or arson by or on behalf of the owner, provide that a hearing be held at the office of administrative trials and hearings if the department has reasonable cause to believe that harassment has occurred within such stated period of time. The owner of the pilot program building for which a certification of no harassment is sought shall have the opportunity to be heard at such hearing prior to the granting or denial of such certification. The department may receive testimony from tenants, community groups and any other interested parties. Notice of such hearing shall be given to the applicant in the manner prescribed by the office of administrative trials and hearings. Within 45 days after the office of administrative trials and hearings issues a report and recommendation, the department shall either grant or deny such certification of no harassment.

(6) If a certification of no harassment is denied, notice of such denial accompanied by written findings indicating the grounds for such denial shall be mailed to the applicant and owner of record and shall be filed in the office of the city register or the Richmond county clerk.

(7) A final determination on an application for a certification of no harassment shall be subject to review

pursuant to article 78 of the civil practice law and rules.

(8) Where the department has denied or rescinded a certification of no harassment for a pilot program building the department of buildings shall not approve construction documents or issue or renew permits for covered categories of work in such building for a period of 60 months after such denial or rescission unless the owner enters into an agreement with the department to cure the record of harassment in accordance with subdivision e.

(9) Before a certification of no harassment may be granted, an applicant shall submit a sworn statement, in such form as the department shall prescribe, by all the owners of the pilot program building representing that there will be no harassment of the occupants of such building by or on behalf of such owners. The corporation counsel may institute any action or proceeding in any court of competent jurisdiction that may be appropriate or necessary for the enforcement of this representation and agreement. Nothing contained herein shall preclude an occupant of such pilot program building from applying on his or her own behalf for similar relief.

e. Cure agreement. (1) An agreement to cure the record of harassment at a pilot program building shall require the owner to engage in or provide for, through an entity identified by the department as capable of developing new affordable housing in the same community district as the pilot program building, the construction of floor area of low income housing, either within the pilot program building, in a new building at the same site as the pilot program building or such same community district, in accordance with rules promulgated by the department, provided that such owner shall construct or provide within such building or community district no less than the greater of: (i) 25 percent of the total residential floor area of such pilot program building undergoing covered work in which harassment has occurred, or (ii) 20 percent of the total floor area of any new or pilot program building undergoing covered work on the lot containing the pilot program building subject to such agreement.

(2) The owner shall record and index a restrictive declaration with respect to such agreement with the city register or the Richmond county clerk.

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(3) The department shall promulgate rules providing for the administration and enforcement of such an agreement, and shall establish criteria for such an agreement to ensure the effective implementation thereof. Such rules shall include a requirement that lawful tenants who resided in the pilot program building during the 60 month period prior to the determination to deny the certification of no harassment or prior to the rescission of a certification of no harassment shall have priority in the allocation of low income units constructed by the owner within the pilot program building or in a new building at the same site as the pilot program building if they otherwise qualify for such units.

(4) The owner shall attest, as part of such agreement, that no such construction of floor area of low income housing required under paragraph (1) of this subdivision shall be used by the owner to satisfy an eligibility requirement of any real property tax abatement or exemption program, or of a floor area ratio increase pursuant to section 23-90 of the zoning resolution, for which the owner otherwise may be eligible to apply, or to apply for a hardship waiver from any existing code or zoning resolution requirements. The department shall ensure that floor area of low income housing required under paragraph (1) of this subdivision is in addition to and not in substitution for floor area of low income housing that may be used by the owner to satisfy an eligibility requirement of any real property tax abatement or exemption program, or of a floor area ratio increase pursuant to section 23-90 of the zoning resolution, for which the owner may apply. The department shall ensure that a city, state or federal subsidy shall not be used for the construction of low income housing required under paragraph (1) of this subdivision.

f. Suspension and rescission of a certification. (1) The department may rescind a certification of no harassment that was granted for a pilot program building if it finds that harassment has occurred at such building while such certification was in effect, as described by this subdivision.

(2) If the department has reasonable cause to believe that harassment has occurred during the effective period of a certification of no harassment, the commissioner shall suspend the certification of no harassment for the pilot program building. Upon the request of the department, the department of buildings shall not approve

any construction documents or issue an initial or reinstated permit in connection with covered categories of work or, if such documents have been approved or such permit has been issued, issue a stop-work notice and order pursuant to section 28-505.6. Notice of such a suspension of a certification of no harassment shall be mailed to the applicant, the owner of record of such pilot program building and known tenants of such building and shall - be filed with the city register or Richmond county clerk.

(3) As soon as reasonably possible after a request for a hearing by an owner who has received a notice of suspension, but not later than 30 days after such suspension, the department shall commence a proceeding at the office of administrative trials and hearings by filing the required pleadings. At the hearing, the owner of a pilot program building for which a certification of no harassment has been suspended shall have the opportunity to be heard. Notice of such hearing shall be given to the applicant, such other persons and known tenants of such building in the manner prescribed by the office of administrative trials and hearings. The department may receive testimony from such other persons and known tenants of such building. The department shall determine whether to rescind the certification of no harassment within 45 days of receiving the report and recommendation from the office of administrative trials and hearings.

(4) If the owner has been found by New York state homes and community renewal or any court having jurisdiction to have engaged in harassment, unlawful eviction, or arson at the pilot program building after the certification of no harassment was granted, the department may determine whether to rescind such certification without commencing a proceeding at the office of administrative trials and hearings.

(5) If the department determines not to rescind such certification of no harassment, the department shall notify the department of buildings of such determination and any stop work notice and order issued by the department of buildings pursuant to section 28-505.6 shall be vacated immediately. Notice of such determination shall be mailed to the owner of record of such pilot program building, the known tenants of such building and filed with the city register or the Richmond county clerk.

(6) If the department determines that such certification of no harassment shall be rescinded, notice of

such determination accompanied by written findings indicating the grounds for such determination shall be provided to the department of buildings and shall be mailed to the owner of record of such pilot program building and filed with the city register or the Richmond county clerk. Such determination shall be subject to review pursuant to article 78 of the civil practice law and rules.

g. For the purpose of any subsequent proceeding with respect to a pilot program building, the granting of a certification of no harassment or a waiver thereof for any period of time shall be conclusive proof only for the purposes of this section that no harassment occurred within the time period covered by such certification or that the waiver of such certification for such time period was appropriate.

h. Fees. The department is authorized to establish by rule reasonable fees from applicants for the administrative expenses incurred by the department for issuing the certification of no harassment pursuant to this section, including costs for publication and notices.

i. Waiver. The commissioner may grant a waiver of certification of no harassment although the commissioner determines that harassment has occurred at the pilot program building for which such certification is sought during the 60 month period prior to the date of the submission of an application for a certification of no harassment if the commissioner finds that:

(1)(A) the owner of record of the pilot program building was the owner of record prior to November 29, 2017 or had entered into a contract of sale for the purchase of such pilot program building which was recorded prior to such date or, with respect to a certification proceeding where the alterations sought to be performed are of the type prescribed by rule of the commissioner pursuant to item 5 of section 28-505.3, the owner of record of such multiple dwelling was the owner of record of such multiple dwelling prior to the date of the first publication of such rule or had entered into a contract of sale for the purchase of such multiple dwelling which was recorded prior to such date;

(B) such owner was not the owner of such multiple dwelling during any period of time in which such harassment occurred and did not at such pilot program building (i) otherwise engage or participate in such

harassment; or (ii) with intent that harassment be performed, agree with one or more persons to engage in or cause the performance of harassment; or (iii) with intent that another person engage in conduct constituting harassment, solicit, request, command, importune or otherwise attempt to cause such person to engage in conduct constituting harassment; and

(C) such owner acquired title pursuant to a bona fide transaction that is not intended to evade the provisions of this section; or

(2) the owner acquired the multiple dwelling by sale pursuant to foreclosure of a mortgage or pursuant to a deed in lieu of foreclosure of a mortgage; provided, however, that such conveyance was a bona fide transaction for the purpose of enforcing the debt and not intended to evade the provisions of this section and either:

(i) a certification of no harassment or waiver thereof was granted with respect to such multiple dwelling within a sixty day period prior to the date of the recording of such mortgage and no suspension or rescission thereof was recorded prior to such date; or

(ii) such mortgage was recorded prior to November 29, 2017 or, if such owner is a banking organization as defined in section 2 of the banking law, a national banking association, a federal savings and loan association, the mortgage facilities corporation, savings banks life insurance fund, the savings banks retirement system, an authorized insurer as defined in section 4 of the insurance law, or a trust company or other corporation organized under the laws of this state all the capital stock of which is owned by at least 20 savings banks or by at least 20 savings and loan associations or a subsidiary corporation all of the capital stock of which is owned by such trust company or other corporation, a commitment for such mortgage was made prior to such date.

(3) In determining whether a transaction described in this subdivision was bona fide, the commissioner may consider whether at such pilot project building or any other multiple dwelling such owner did (i) otherwise engage or participate in harassment; or (ii) with intent that harassment be performed, agree with one or more

persons to engage in or cause the performance of harassment; or (iii) with intent that another person engage in conduct constituting harassment, solicit, request, command, importune or otherwise attempt to cause such person to engage in conduct constituting harassment. The commissioner may also consider the relationship between the parties to the transaction.

(4) A waiver of a certification pursuant to this subdivision shall state the findings of the commissioner.

§ 3. Chapter 5 of title 28 of the administrative code of the city of New York is amended by adding a new article 505 to read as follows:

ARTICLE 505
CERTIFICATION OF NO HARASSMENT PILOT PROGRAM

§ 28-505.1 General. The commissioner shall not approve construction documents, nor issue an initial or reinstated permit in connection therewith, for the alteration or demolition of a pilot program building identified by the department of housing preservation and development pursuant to section 27-2093.1 except as set forth in this article. Applications for post approval amendments to construction documents are subject to this article where the application proposes a change within a covered category of work as set forth in section 28-505.3.

§ 28-505.2 Definitions. As used in this article, the following terms have the following meanings:

LOW INCOME HOUSING. The term "low income housing" has the same meaning as in section 27-2093.1 of the housing maintenance code,

OWNER. The term "owner" has the same meaning as in section 27-2004 of the housing maintenance code,

PILOT PROGRAM BUILDING. The term "pilot program building" has the same meaning as in section 27-2093.1 of the housing maintenance code.

§ 28-505.3 Covered categories of work. Applications for the approval of construction documents for the following categories of work are covered by this article:

1. demolition of all or part of the pilot program building;

2. change of use or occupancy of all or part of a dwelling unit, any residential portion of the pilot program building, or any part of such building serving such dwelling units;

3. any alteration resulting in the addition or removal of kitchen or bathrooms, an increase or decrease in the number of dwelling units, or any change to the layout, configuration, or location of any portion of any dwelling unit;

4. an application for a new or amended certificate of occupancy; or

5. such other types of alteration work to a pilot program building as shall be prescribed by rule of the commissioner of housing preservation and development.

Exceptions:

1. Work solely for the purpose of either (i) making the public areas of a pilot program building accessible to persons with disabilities without altering the configuration of any dwelling unit or rooming unit or (ii) making the interior or the entrance to a dwelling unit or a rooming unit accessible to persons with disabilities shall not be covered by this article.

2. Repairs, demolition or any other work performed by a city agency or by a contractor pursuant to a contract with a city agency shall not be covered by this article.

3. Work performed on a building that has an administrator currently appointed pursuant to article seven-a of the real property actions and proceedings law shall not be covered by this article.

4. Other categories of work that are excluded from the definition of covered categories of work by rule of the department of housing preservation and development shall not be covered by this article.

§ 28-505.4 Required submittal documents. The commissioner shall not approve any construction documents, nor issue an initial or reinstated permit in connection therewith, for a pilot program building for the covered categories of work unless the applicant provides:

1. A sworn affidavit by or on behalf of all the owners of such building that has been provided to the department of housing preservation and development, which states that there will be no harassment of the lawful occupants of such building by or on behalf of such owners during the construction period;

2. A tenant protection plan as provided for in this code; and

3. The following documents from the commissioner of housing preservation and development:

3.1. A current certification of no harassment that there has been no harassment of the lawful occupants of such pilot program building within the 60 month period prior to submission of an application for such certification to the department of housing preservation and development, provided, however, that such certification of no harassment shall except any portion of such 60 month period during which title was vested in the city;

3.2. A waiver of such certification; or

3.3. A certification that a restrictive declaration, in accordance with subdivision e of section 27-2093.1 of the housing maintenance code, has been recorded in the office of the city register or the Richmond county clerk and indexed as provided by the department of housing preservation and development.

§ 28-505.5 Process. Application for a certification of no harassment or waiver shall be made pursuant to section 27-2093.1 of the housing maintenance code.

§ 28-505.6 Time period for approval or rejection of construction documents. The time period in which the commissioner is required to approve or reject an application for construction document approval or resubmission thereof pursuant to this code shall commence from the date that the commissioner receives the documents required pursuant to item 3 of section 28-505.4

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§ 28-505.7 Certificate of occupancy. The department shall not issue any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on a lot subject to an restrictive declaration pursuant to subdivision e of section 27-2093.1 of the housing maintenance code, other than for any low income housing located on such lot, until the department of housing preservation and development certifies that the low income housing required by such restrictive declaration has been completed in compliance with the restrictive declaration and the department has issued a temporary or permanent certificate of occupancy for each unit of low income housing covered by such restrictive declaration.

§ 28-505.8 Request for stop-work or rescission. The commissioner shall be empowered to issue a stop-work notice or order with respect to an alteration or demolition permit or to rescind approval of construction documents at the request of the commissioner of housing preservation and development pursuant to section 27-2093.1 of the housing maintenance code.

§ 4. The department, with the advice and assistance that may be provided by any community group described in paragraph (4) of subdivision d of section 27-2093.1 of the administrative code of the city of New York, as added by section two of this local law, shall conduct a study to evaluate the effectiveness of the program in reducing harassment of tenants in the areas described in paragraph (1) of subdivision b of section 27 -2093.1 of the administrative code of the city of New York, as added by section two of this local law. Such study shall be completed and a report shall be submitted to the Speaker no later than 6 months prior to the expiration of this local law. Such report shall contain the following information:

1. the number of covered buildings where the owner applied for a certificate of no harassment disaggregated by whether the department issued a certificate of no harassment, a cure agreement was reached, or a waiver of a certificate of no harassment;

2. the location of buildings where the department determined that harassment had occurred, disaggregated by community board and council district disaggregated by whether such building was subject to a cure agreement;

3. metrics which the department determines appropriate to determine the preventive impacts of such program;

4. a determination, using such metrics, as to whether such program resulted in preventive impacts;

5. estimated costs of the program to the city; and

6. recommendations for improving the efficacy of such program if the pilot program continues.

§ 5. This local law takes effect 270 days after it becomes a law except that the departments of housing preservation and development and the department of buildings may promulgate rules or take other administrative action for the implementation of this local law prior to such date. This local law shall remain in effect for 36 months, after which it is deemed repealed. Notwithstanding the repeal of this local law, the provisions of this local law shall remain in effect for any pilot program building which submits an application for construction document approval pursuant to section 28-505.4 of the administrative code of the city of New York, as added by section three of this local law, prior to the repeal of such section. This local law shall not apply to work relating to applications for construction document approval filed with the department of buildings prior to the inclusion of a building on the pilot program list pursuant to subdivision b of section 27-2093.1 of the administrative code of the city of New York, as added by section two of this local law.

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