Legislation Details (With Text)

File #:	Int 0931-2015	**Version:**	B	**Name:**	Building violations adjudicated before the office of administrative trials and hearings.
Type:	Introduction			**Status:**	Enacted
				In control:	Committee on Housing and Buildings
On agenda:	9/30/2015				
Enactment date:	8/30/2017			**Enactment #:**	2017/153

Title: A Local Law to amend the administrative code of the city of New York, in relation to building violations adjudicated before the office of administrative trials and hearings

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Date	Ver.	Action By	Action	Result
9/30/2015	*	City Council	Introduced by Council	
9/30/2015	*	City Council	Referred to Comm by Council	
4/19/2017	*	Committee on Housing and Buildings	Hearing Held by Committee	
4/19/2017	*	Committee on Housing and Buildings	Amendment Proposed by Comm	
4/19/2017	*	Committee on Housing and Buildings	Laid Over by Committee	
8/8/2017	*	Committee on Housing and Buildings	Hearing Held by Committee	
8/8/2017	*	Committee on Housing and Buildings	Amendment Proposed by Comm	
8/8/2017	*	Committee on Housing and Buildings	Amended by Committee	
8/8/2017	B	Committee on Housing and Buildings	Approved by Committee	Pass
8/9/2017	B	City Council	Approved by Council	Pass
8/9/2017	B	City Council	Sent to Mayor by Council	
8/30/2017	B	Mayor	Signed Into Law by Mayor	
9/1/2017	B	City Council	Recved from Mayor by Council	

Int. No. 931-B

By Council Members Kallos, Chin, Johnson, Levin, Levine, Menchaca, Mendez, Reynoso, Rosenthal, Rose, Lander, Lancman, Rodriguez, Richards, Van Bramer, Williams, Perkins, Espinal, Torres, Dromm, Maisel, Ferreras-Copeland, Salamanca, Cohen and Vallone

A Local Law to amend the administrative code of the city of New York, in relation to building violations adjudicated before the office of administrative trials and hearings

Be it enacted by the Council as follows:

Section 1. Section 28-204.6 of the administrative code of the city of New York, as amended by local law number 94 for the year 2017, is amended to read as follows:

§ 28-204.6 Tax Lien. Enforcement of environmental control board judgments against owners for certain building code violations. Notwithstanding any provision of law to the contrary, an environmental control board judgment against an owner for [(i)] a building code violation with respect to (i) a private dwelling, a wooden-framed single room occupancy multiple dwelling, or a dwelling with a legal occupancy of three or fewer dwelling units_[or],(ii) a violation of section 28-210.1 involving the illegal conversion, maintenance or occupancy of three or more dwelling units than are legally authorized by the certificate of occupancy or if no certificate of occupancy is required as evidenced by official records, (iii) a building that contains twenty or more dwelling units, or that contains any space classified in an occupancy group other than occupancy group R, where the total value of all such judgments against such building is $60,000 or more, or (iv) a building that contains only space classified in occupancy group R and no fewer than six and no more than nineteen dwelling units, where the total value of all such judgments against such building is $30,000 or more, shall constitute a tax lien on the property named in the violation with respect to which such judgment was rendered, as hereinafter provided. Such liens shall be entered and enforced as provided in this section 28-204.6.

Exception. Notwithstanding any provision of law to the contrary, an environmental control board judgment shall not constitute a tax lien on the property named in the violation with respect to which such judgment was rendered where:

1. Such property was the subject of an in rem foreclosures judgment in favor of the city and was transferred by the city to a third party pursuant to section 11-412.1 of the administrative code within five years of such judgment.

2. Such property is the subject of a court order appointing an administrator pursuant to article 7-A of the real property actions and proceedings law in a case brought by the department of housing preservation and development.

3. Such property is the subject of a loan provided by or through the department of housing preservation and development or the New York city housing development corporation for the purpose of rehabilitation that had closed within five years before such judgment.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings and the commissioner of finance may promulgate rules or take other actions for the implementation of this local law prior to such effective date.

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