Legislation Details (With Text)

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Int. No. 698

By Council Members Van Bramer and Cabrera

A Local Law to amend the New York city charter, in relation to expanding the membership of the board of standards and appeals

Be it enacted by the Council as follows:

Section 1. Section 659 of the New York city charter, as amended by local law 49 of 1991, is amended to read as follows:

§ 659 Constitution and apportionment. a. There shall be an independent board of standards and appeals located within the office of administrative trials and hearings. The board of standards and appeals shall consist of [five] sixteen members to be termed commissioners, five to be appointed by the mayor, one to be appointed by the public advocate, five to be appointed, one each, by the borough presidents, and five to be appointed by the council, each for a term of six years.

b. One of the members appointed by the mayor, and one of the members appointed by the council, shall

be a planner with professional qualifications and at least ten years' experience as a planner. One of the members appointed by the mayor, and one of the members appointed by the council, shall be a registered architect and shall have had at least ten years' experience as an architect. One of the members appointed by the mayor, and one of the members appointed by the council, shall be a licensed professional engineer and shall have had at least ten years' experience as an engineer. The mayor shall designate one of the members, who shall have the required experience as an architect, planner or as an engineer, to serve as chair and shall designate one of the members to serve as vice-chair, who shall act as chair in the absence of the chair or in the event that a vacancy exists in the office of chair. Of the five members appointed by the mayor and the five members appointed by council, respectively,[no more than two] each shall be a resident[s] of [any one] a different borough.

c. Every member of the board shall receive a salary, which shall not be reduced during his or her term of office except in case of general reduction of salaries and in proportion to reductions of salaries of other officers with similar salaries. A member shall not engage in any other occupation, profession or employment. Members shall attend the hearings and executive sessions of the board, and shall perform such other duties as may be required by the chair.

d. Vacancies shall be filled by [the mayor] whomever made the appointment for the unexpired term of the member whose place has become vacant and with a person having his or her qualifications.

§ 2. Subdivision 6 of section 666 of the New York city charter, as amended by local law 49 of 1991, is amended to read as follows:

6. To hear and decide appeals from and review,

(a) except as otherwise provided by law, any order, requirement, decision or determination of the commissioner of buildings or of a deputy commissioner of buildings or any borough superintendent of buildings acting under a written delegation of power from the commissioner of buildings filed in accordance with the provisions of section six hundred forty-two or section six hundred forty-five of this charter, or

(b) any order, requirement, decision or determination of the fire commissioner or any rule or regulation

or amendment or repeal thereof made by the fire commissioner, or

(c) any order, requirement, decision or determination of the commissioner of transportation or the commissioner of ports and trade made in relation to the structures or uses on water front property under his or her jurisdiction in connection with the application or enforcement of the provisions of the zoning resolution of the city of New York, the labor law and such other laws, rules and regulations as may govern the construction, alteration, maintenance, use, occupancy, safety, sanitary conditions, mechanical equipment and inspection of structures in the city, under the authority conferred upon them by law, by reversing or affirming in whole or in part, or modifying the order, regulation, decision or determination appealed from, and to make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have the power of the officer from whose ruling the appeal is taken, and of any officer under whose written delegation of power such ruling was made.

Each appeal made pursuant to this subdivision shall be decided by a panel made up of the members appointed by the mayor, the members appointed by the council, the member appointed by the public advocate, and the member appointed by the borough president for the affected borough. A majority vote of these twelve panel members shall be required to render a decision. For purposes of this subdivision the term “affected borough” shall mean the borough in which land at issue in an appeal is located. In the event that more than one borough is affected, the chair shall select one commissioner of an affected borough to be on the panel deciding the appeal.

§ 3. This local law shall become effective 90 days after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and approved by a majority of such electors voting thereon.

DSS
LS 1179/Int 283/2014
LS 558/2018
12/18/17