



Legislation Details (With Text)

File #: Int 0379-2010 **Version:** * **Name:** Denial of building permits to property owners with outstanding charges owed to the city of New York.
Type: Introduction **Status:** Filed
In control: Committee on Housing and Buildings

On agenda: 10/13/2010

Enactment date: **Enactment #:**

Title: A Local Law to amend the administrative code of the city of New York, in relation to the denial of building permits to property owners with outstanding charges owed to the city of New York.

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Indexes:

Attachments: 1. Committee Report 3/9/11, 2. Hearing Testimony 3/9/11, 3. Hearing Transcript 3/9/11

Date	Ver.	Action By	Action	Result
10/13/2010	*	City Council	Introduced by Council	
10/13/2010	*	City Council	Referred to Comm by Council	
3/9/2011	*	Committee on Housing and Buildings	Hearing Held by Committee	
3/9/2011	*	Committee on Housing and Buildings	Laid Over by Committee	
12/31/2013	*	City Council	Filed (End of Session)	

Int. No. 379

By Council Members Vacca, Brewer, Cabrera, Chin, Comrie, Dromm, Fidler, Gennaro, Gentile, Koslowitz, Lander, Mendez, Palma, Rose, Williams, Garodnick, Greenfield, Nelson, Rodriguez, James, Crowley, Jackson, Van Bramer, Halloran and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to the denial of building permits to property owners with outstanding charges owed to the city of New York.

Be it enacted by the Council as follows:

Section 1. Section 28-105.1 of the administrative code of the city of New York is amended by lettering such section as subdivision a and by adding new subdivisions b and c to read as follows:

b. (1) The commissioner shall not issue to any applicant a permit for a property on which in the aggregate more than twenty-five thousand dollars is owed in (i) outstanding fines, civil penalties or judgments

entered against such property by a court of competent jurisdiction or the environmental control board pursuant to chapter two of this title or chapter two of title twenty-seven of this code; (ii) fees or other charges lawfully assessed by the commissioner against such property; (iii) fees or liens related to repairs to such property performed by or on behalf of the department of housing preservation and development pursuant to section 27-2125, section 27-2127 or section 27-2153 of this code; (iv) tax arrears owed to the city with respect to such property and (v) unpaid water and sewage charges with respect to such property.

(2) The commissioner shall not issue to any applicant a permit for a property where the owner of such property, including any partner or principal if the owner of the property is a corporation, partnership or other legal entity, owes in the aggregate for properties within the city more than twenty-five thousand dollars in (i) fines, civil penalties or judgments entered by a court of competent jurisdiction or the environmental control board pursuant to chapter two of this title or chapter two of title twenty-seven of this code; (ii) fees or other charges lawfully assessed by the commissioner; (iii) fees or liens related to repairs performed by or on behalf of the department of housing preservation and development pursuant to section 27-2125, section 27-2127 or section 27-2153 of this code; (iv) property tax arrears owed to the city with respect to any such property and (v) unpaid water and sewage charges with respect to any such property. For the purposes of this section, “a partner or principal” of a corporation, partnership or other legal entity shall include all persons and entities with an ownership interest of ten percent or greater in such corporation, partnership or other legal entity.

(3) Where an applicant can demonstrate that a binding agreement for the payment of each amount set forth in items i through v of paragraph one and, when applicable, paragraph two of this subdivision, is in force, a permit may be issued by the department. Should the department receive notice that there is a failure to comply with such agreement subsequent to the issuance of a permit, the commissioner shall, on notice to the applicant, suspend or revoke such permit. Such notice shall inform the applicant of the reasons for the proposed suspension or revocation and that the applicant has the right to present to the commissioner, within ten business days of personal delivery or fifteen calendar days of service by mail of such notice, information as to why the

permit should not be suspended or revoked.

(4) Notwithstanding the provisions of paragraph one and paragraph two of this subdivision, a permit may be issued where the issuance of such permit is necessary to correct an outstanding violation of the New York city construction codes, housing maintenance code or any other applicable provisions of law or where the commissioner determines that the issuance of a permit is necessary to perform work to protect public health or safety. A permit may also be issued for a space, unit or portion of a building occupied by a tenant who certifies to the department that the proposed work is not being done on behalf of the owner and that the tenant is not responsible for any of the outstanding fines, civil penalties or judgments, fees and other charges related to such property that is owed to the city.

c. The department shall establish by rule a process to allow any applicant to challenge the denial of a request for a permit pursuant to subdivision b of this section.

§2. Section 28-105.5 of the administrative code of the city of New York is amended by adding new subdivisions 28-105.5.1 and 28-105.5.1.2 to read as follows:

§28-105.5.1 Owner statement. All applications for permits shall include a signed statement by the owner of the property for which a permit is sought stating whether or not the owner owes in the aggregate more than twenty-five thousand dollars in (i) fines, civil penalties or judgments entered against such property by a court of competent jurisdiction or the environmental control board pursuant to chapter two of this title or chapter two of title twenty-seven of this code; (ii) fees or other charges lawfully assessed by the commissioner against such property; (iii) fees or liens related to repairs to such property performed by or on behalf of the department of housing preservation and development pursuant to section 27-2125, section 27-2127 or section 27-2153 of this code; (iv) tax arrears owned to the city with respect to such property and (v) unpaid water and sewage charges with respect to such property. Such statement shall list the owner's full name and business address, as well as the full names, business address and business telephone number of the officers, partners and other principals if the owner is a corporation, partnership or other legal entity. Such statement shall also list all properties in the

city in which the owner, including any partner or principal if the owner is a corporation, partnership or other legal entity, has a financial interest of ten percent or greater in such property and for each such property whether or not the owner including any partner or principal, if the owner is a corporation, partnership or other legal entity, owes in the aggregate more than twenty-five thousand dollars in (i) fines, civil penalties or judgments entered against such property by a court of competent jurisdiction or the environmental control board pursuant to chapter two of this title or chapter two of title twenty-seven of this code; (ii) fees or other charges lawfully assessed by the commissioner against such property; (iii) fees or liens related to related to repairs to such property performed by or on behalf of the department of housing preservation and development pursuant to section 27-2125, section 27-2127 or section 27-2153 of this code; (iv) tax arrears owned to the city with respect to such property and (v) unpaid water and sewage with respect to such property. For the purposes of this section, “a partner or principal” of a corporation, partnership or other legal entity shall include all persons and entities with an ownership interest of ten percent or greater in such corporation, partnership or other legal entity.

§28-105.5.1.2. Audit. The commissioner shall each year audit or delegate to an appropriate city agency to audit at least twenty-five percent of all statements submitted pursuant to section 28-105.5.1 of this code.

§3. This local law shall take effect one hundred eighty days after enactment, except that the commissioner of buildings shall take such actions, including the promulgations of rules, as are necessary for its implementation prior to such effective date.

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10/6/2010 5:23 PM