



Legislation Text

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Res. No. 205

Resolution calling upon the New York State Legislature to pass, and the Governor to sign S.6190/A.8615, legislation which would require the New York City Department of Buildings to maintain a registry of all deeds containing restrictive covenants.

By Council Members Vallone, Koo, Koslowitz and Rosenthal

Whereas, A restrictive covenant is a written agreement that limits the use of property for specific purposes and regulates the structures that may be built on such property; and

Whereas, Restrictive covenants may include, for example, provisions regulating construction type and size; and

Whereas, Many residential communities throughout the City were carefully planned and built with a specific housing stock in mind; and

Whereas, As those communities were being planned and built, restrictive covenants were used to ensure that future development would conform with such plans; and

Whereas, According to several news reports, in recent years, limitations imposed by restrictive covenants have not been adhered to by building developers; and

Whereas, Currently, homeowners and homeowner/neighborhood associations whose properties are subject to restrictive covenants are able to enforce such covenants against other property owners; and

Whereas, The enforcement of restrictive covenants against building developers by homeowners and homeowner/neighborhood associations who are trying to maintain the individuality and personality of their planned communities can result in exorbitant legal fees; and

Whereas, S.6190, sponsored by State Senator Tony Avella, currently pending in the New York State

Senate, and A.8615, sponsored by State Assembly Member Edward C. Braunstein, currently pending in the New York State Assembly, would allow homeowners and homeowner/neighborhood associations whose properties are subject to restrictive covenants or other types of deed restrictions, to register such deeds with the Department of Buildings (“DOB”); and

Whereas, Further, the bill would require that the DOB maintain and review deed registries prior to issuing any building permits to ensure that such permits would not violate the terms of any filed restriction; and

Whereas, In order to preserve the character of the City’s planned communities, it should be the DOB, not homeowners and homeowner/neighborhood association, that should be required to maintain a registry of and enforce restrictive covenants; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign S.6190/A.8615, legislation which would require the New York City Department of Buildings to maintain a registry of all deeds containing restrictive covenants.

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