



Legislation Text

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File #: Int 0944-2015, Version: A

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Int. No. 944-A

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

A Local Law to amend the administrative code of the city of New York, in relation to construction work permits

Be it enacted by the Council as follows:

Section 1. Article 103 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-103.27 to read as follows:

**§ 28-103.27 Disclosure of building occupancy status for buildings subject to permit.** For each building for which a permit for work has been issued, the commissioner shall post on the department's website a statement of whether the construction documents relating to such permit indicate that one or more dwelling units within such building will be occupied during such work.

§ 2. Section 28-104.2.1 of the administrative code of the city of New York, as amended by a local law of the city of New York for the year 2017 amending the administrative code of the city of New York, in relation to professionally certified applications for construction document approval and final inspections of permitted work, as proposed in introduction number 918-A, is amended to read as follows:

**§ 28-104.2.1 Less than full examination of applications for construction and related document approval.** The commissioner may, in the commissioner's discretion, establish a program whereby construction and related documents may be accepted with less than full examination by the department based on the professional certification of an applicant who is a registered design professional. On a monthly basis, the commissioner shall audit no less than 25 percent of construction documents which are for multiple dwellings where 25 percent or more of the dwelling units are occupied and such multiple dwellings, in whole or in part, either (i) are subject to rent regulation, (ii) are being rehabilitated or maintained as affordable housing through a department of housing preservation and development program, (iii) are subject to a city regulatory agreement mandating the creation or preservation of a certain number of affordable units, (iv) contain affordable housing units created, sponsored or preserved through other city programs or initiatives, or (v) where the department knows or has reason to know, are the subject of a rent overcharge application which is in the process of being investigated by the New York State division of housing and community renewal.

**[Exception:] Exceptions:**

1. Construction or related documents may not be subject to less than full examination if the building is listed on the department of housing preservation and development's website pursuant to paragraph 6 of subdivision m of section 27-2115.

2. Where a penalty is imposed pursuant to article 213 of chapter 2 of this title for work that has been performed without a permit on a building (i) construction and related documents for work at such building shall not be accepted with less than full examination by the department for one year after such imposition or (ii) if such work without a permit was performed on only part of such building and the owner of such part is not the owner of such building, construction and related documents for work on such part shall not be accepted with less than full examination by the department for one year after such imposition or until the date such part of such building changes owners, whichever is sooner.

§ 3. Section 28-104.2.7.1 of the administrative code of the city of New York, as added by local law number 10 for the year 2016, is amended to read as follows:

**§ 28-104.2.7.1 Notification of approval.** The department shall, on a weekly basis, send council members and community boards, by electronic mail, and post on its website, a copy of all notices of approval for applications [for a new building or an alteration that will require a new certificate of occupancy for a building,] sent to applicants during the prior week, disaggregated by community [board. In addition, the department shall post such information on its website on a weekly basis.] board, for:

1. A new building or an alteration that will require a new certificate of occupancy for a building; and
2. Work at a building or part thereof for which construction and related documents shall not be accepted with less than full examination by the department pursuant to the exception to section 28-104.2.1.

§ 4. Section 28-105.11 of the administrative code of the city of New York, as added by local law number 141 for 2013, is amended to read as follows:

**§ 28-105.11 Posting of permit.** The building permit or copy thereof shall be posted in a conspicuous place at the work site, visible to the public for the duration of the work or the use and operation of the equipment, or until the expiration of the permit. No such permit shall be posted or displayed at any location other than the location of the premises or equipment for which the permit was issued. Where the permit is exposed to the weather, it shall be laminated or encased in a plastic covering to protect it from the elements. The permit shall identify whether any dwelling unit within such building will be occupied during the work. If dwelling units within such building will be occupied during the work, the permit shall indicate the total number of dwelling units that will be occupied.

**Exception:** Where a project information panel is required by section 3301.9.1 of the New York city building code, the permit shall be posted in accordance with such section, and no other permits shall be

posted in any location readily visible to the public, except as provided in section 3301.9.5 of the New York city building code.

§ 5. Article 213 of title 28 of the administrative code of the city of New York is amended by adding new sections 28-213.6 and 28-213.7 to read as follows:

**§ 28-213.6 Enhanced penalties for other violations.** Where a penalty is imposed pursuant to this article for work that has been performed without a permit on a building (i) the civil penalty for each violation of this code issued for such building within one year after such imposition shall be two times the penalty that would otherwise apply for such violation or (ii) if such work without a permit was performed on only part of such building and the owner of such part is not the owner of such building, the civil penalty for each violation of this code issued for such part within one year after such imposition shall be two times the penalty that would otherwise apply for such violation.

**§ 28-213.7 Inspection fees.** Where a penalty is imposed pursuant to this article for work that has been performed without a permit on a building (i) the department may impose an inspection fee, in an amount to be established by rule, for each complaint-based inspection it conducts at such building within one year after imposition of such penalty where such inspection results in the issuance of a violation or (ii) if such work without a permit was performed on only part of such building and the owner of such part is not the owner of such building, the department may impose an inspection fee, in an amount to be established by rule, for each complaint-based inspection it conducts at only such part within one year after imposition of such penalty or until the date such part of such building changes owners, whichever is sooner, where such inspection results in the issuance of a violation.

§ 6. This local law takes effect one year after it becomes law, except that the commissioner of buildings may take such actions as are necessary for its implementation, including the promulgation of rules, before such effective date.

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8/1/17 7:53 PM