



## Legislation Text

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Int. No. 192

By Council Members Yeger, Borelli and Carr

A Local Law to amend the administrative code of the city of New York, in relation to certain fees for residential properties in the acquisition for redevelopment program

Be it enacted by the Council as follows:

Section 1. Article 112 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-112.13 to read as follows:

**§ 28-112.13 Waiver of application, permit and inspection fees for certain work on residential properties under the “Acquisition for Redevelopment” program.** The commissioner shall establish an acquisition for development fee waiver program for eligible residential buildings in accordance with this section.

**§ 28-112.13.1 Eligible residential buildings.** For the purposes of this section, the term “eligible residential building” means a one- or two-family dwelling situated on premises acquired by the owner through the acquisition for redevelopment program, as described in the community development block grant disaster recovery action plan for allocating funds granted under public law 113-2, if such building and premises meet the following criteria, as applicable:

1. The design or shape of the building is different from the design or shape of the adjoining buildings, provided that a similar façade design may be differentiated by incorporating different roof and fenestration designs.
2. The design of any arbors, pergolas or trelliswork on such premises is different from the design of any corresponding features on adjoining premises and includes scalloped ends for all joists and runners and post skirts to cover anchor mechanisms.
3. The design of windows includes surrounds or crowns.
4. The front door of such building is a mulled door and window unit, including at least one window to the left and right of the door.
5. The primary color of the building is different from the primary color of the adjoining buildings.
6. The primary color of the building façade and roof shingles is different from the color of the corresponding features on adjoining buildings.

7. The color of porch floor decking contrasts the roof support and railing colors.
8. The color of arbors, pergolas and trelliswork contrasts the color of stair and porch finishes.
9. The color of decorative window crowns or surrounds, and decorative door surrounds, contrasts the primary color of the building.
10. Stairs leading to the building entrance are constructed of fade and stain resistant composite materials, masonry or metal.
11. Wetproofed trellises or lattices are placed below the lowest occupiable floor so as to obscure any open area from view except to the extent necessary to allow access for parking of vehicles, building access, storage or crawlspace uses.
12. Porches and column supports are mold-resistant.
13. Porch ceilings are finished with (i) an exterior grade plywood incorporating decorative strips in a 24-inch pattern, (ii) painted or stained wood or (iii) vinyl beadboard.
14. Porch floor boards are plank-style composite decking, fade and stain resistant and mold-resistant.
15. Lattices under the porch of such building are constructed of wood, fiberglass or other composite materials.
16. Raised planters are constructed of brick masonry, fibrous cement, composite materials or similar materials resistant to decay and termite damage.
17. All finishes used for exterior structures shall be mold-resistant.
18. The building includes a roofed street frontage porch that satisfies each of the following conditions:
  - 18.1. Such porch is open on three sides, exclusive of railing.
  - 18.2. The length of such porch is less than the length of the street frontage of such building.
  - 18.3. The distance between the finished porch floor and finished porch ceiling of a clear porch is nine feet.
  - 18.4. No fewer than two columns or similar supports are placed along the street frontage facing side of the porch.
19. Any guardrails or handrails for a porch for such building are designed in a style that is similar to that employed for vertical supports and such railings are not made of a masonry material.
20. Any columns or supports below the entablature of a porch for such building are segmented into a design including a base, shaft and capital.

21. All plantings are able to withstand prevailing winds, tolerate salt and be capable of setting roots in dry or porous sand.

**Exception:** Where any requirement set forth in this section conflicts with a local law or the zoning resolution with respect to a building, and such building satisfies all other requirements set forth in this section that do not conflict with a local law or the zoning resolution, such building shall be deemed to be an eligible residential building.

**§ 28-112.13.2 Application.** Before submission of construction documents to the department for work relating to a one- or two-family dwelling that is situated on premises acquired by the owner through the acquisition for redevelopment program, as described in the community development block grant disaster recovery action plan for allocating funds granted under public law 113-2, the owner may apply, in a form and manner established by department rule, for inclusion of such dwelling in the acquisition for redevelopment fee waiver program, provided that such work relates to storm or flood resiliency or the rehabilitation of storm or flood damage.

**§ 28-112.13.3 Fee waiver.** If a building is accepted into the acquisition for redevelopment fee waiver program, the commissioner shall waive all fees that would otherwise be imposed on or before September 30, 2022, pursuant to this code for work relating to storm or flood resiliency or the rehabilitation of storm or flood damage for such building.

**§ 28-112.13.4 Confirmation of eligibility.** Upon completion of work for which fees have been waived pursuant to the acquisition redevelopment fee waiver program for a building, the commissioner shall determine whether such building is an eligible residential building. If the commissioner determines that such building is not an eligible residential building, the commissioner shall order the owner to undertake any corrections necessary to make such building an eligible residential building and shall provide notice of such order to the owner. Such order shall specify the date by which such corrections must be completed, which date shall not be earlier than three months or later than six months after the date such notice is issued. If the commissioner determines that such corrections have not been made within the time specified, such building shall be removed from such program and the full amount of all waived fees shall be billed to the owner, together with interest at a rate established by department rule.

§ 2. This local law takes effect 120 days after it becomes law and is deemed repealed on September 30, 2023.

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