



Legislation Text

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Preconsidered Int. No. 995

By Council Member Cornegy

A Local Law to amend the administrative code of the city of New York, in relation to creating an exception to a violation for the illegal conversion of a dwelling unit from permanent residence

Be it enacted by the Council as follows:

Section 1. Section 28-210.3 of the administrative code of the city of New York, as added by local law number 45 for the year 2012, is amended to add a new exception to read as follows:

§ 28-210.3 Illegal conversions of dwelling units from permanent residences. Except as otherwise provided in subdivision 16 of section 67 of the multiple dwelling law and section 120 of the multiple dwelling law, dwelling units within (i) a class A multiple dwelling as defined in section 27-2004 of the administrative code, (ii) occupancy group J-2 as described in section 27-265 of the administrative code or (iii) occupancy group R-2 as described in section 310.1.2 of the New York city building code shall be used only for permanent residence purposes as required pursuant to subparagraph a of paragraph eight of subdivision a of section 27-2004 of the administrative code. It shall be unlawful for any person or entity who owns or occupies a multiple dwelling or dwelling unit classified for permanent residence purposes to use or occupy, offer or permit the use or occupancy or to convert for use or occupancy such multiple dwelling or dwelling unit for other than permanent residence purposes. For the purposes of this section a conversion in use of a dwelling unit may occur irrespective of whether any physical changes have been made to such dwelling unit. The provisions of this section shall not be construed to prohibit lawful accessory uses permitted pursuant to the zoning resolution or the lawful conversion of dwellings in accordance with applicable law.

Exception: A one- or two-family dwelling in which the owner or owner's relative is a permanent occupant of such dwelling. For the purposes of this exception, the term "relative" means the spouse, domestic partner, child, stepchild, brother, sister, parent, grandparent or stepparent, or any person claimed as a dependent for federal tax purposes.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

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