



Legislation Text

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Int. No. 1046

By Council Member Powers (by request of the Manhattan Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to construction documents for properties under consideration for landmark or historic district designation

Be it enacted by the Council as follows:

Section 1. Subdivision l of section 25-303 of the administrative code of the city of New York is amended by adding a new paragraph 4 to read as follows:

(4) The commission shall, within two business days of the adoption of a motion to calendar a property for consideration of designation as a landmark site, interior landmark, or as part of an historic district, give written notice to the department of buildings that such property has been calendared by the commission.

§ 2. Section 28-104.2.1 of the administrative code of the city of New York is amended to read as follows:

§ 028-104.2.1 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.

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. No portion of construction documents relating to property that has been calendared for consideration by the landmarks preservation for designation as a landmark site, interior landmark, or as part of an historic district, may be approved unless that portion has received a full examination by the department.

§ 3. Section 28-104 of the administrative code of the city of New York is amended by adding a new section 28-104.12 to read as follows:

§ 28-104.12 Notice to landmarks preservation commission. The commissioner shall, within two business days of receipt of an application for a permit for the construction, reconstruction, alteration or demolition of an improvement on a property that has been calendared for consideration of designation as a landmark, interior landmark, or as part of an historic district by the landmarks preservation commission, forward a copy of such application to the chair of the landmarks preservation commission.

§ 4. Section 28-104.2.7 of the administrative code of the city of New York is amended to read as follows:

§ 28-104.2.7. Time period for review.

Completed construction documents complying with the provisions of this code and other applicable laws and rules shall be approved by the commissioner and written notice of approval shall be given the applicant promptly and no later than 40 calendar days after the submission of a complete application.

Exceptions:

1. On or before the fortieth day, the commissioner may, for good cause shown and upon notification to the applicant, extend such time for an additional 20 calendar days.

2. Such time period for review shall commence in accordance with article 107 for single room occupancy multiple dwellings.

3. For completed construction documents on properties calendared by the landmarks preservation commission that are completed after the date of landmarks preservation commission vote to calendar, the commissioner shall not approve such documents until at least 40 days have elapsed from the date the commissioner provided the required notice to the chair of the landmarks preservation commission pursuant to Section 28-104.12 of this chapter, or the landmarks preservation commission has given notice that the property will not be designated within such 40 day period. Thereafter, if the commissioner approves such documents, written notice shall be given to the applicant promptly and no later than 10 calendar days after the expiration of such 40 day period.

§ 5. This local law takes effect 90 days after it becomes law.