



Legislation Text

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Int. No. 1917

By Council Member Cornegy

A Local Law to amend the administrative code of the city of New York, in relation to allowing self-certification for certain work after the issuance of a work without a permit violation

Be it enacted by the Council as follows:

Section 1. Section 28-104.2.1 of the administrative code of the city of New York, as amended by local law 158 for the year 2017, 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.

**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, provided that if such building contains both residential and non-residential occupancies (i) such work without a permit was performed only on the part of the building containing the residential occupancy, (ii) the owner of such building is in control of any work performed on the part of the building containing the residential occupancy and (iii) the owner of such building is the principal of the person submitting the construction document for approval with less than full examination by the department, or (i) such work without a permit was performed only on the part of the building containing the non-residential occupancy, (ii) the landlord of such building is not in control of any work performed

on the part of the building containing the non-residential occupancy and (iii) the occupant of the non-residential occupancy of such building is the principal of the person submitting a construction document with less than full approval.

3. 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

§ 2. This local law takes effect 120 days after it becomes law and shall not apply to applications for construction document approval filed prior to such effective date, except that the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

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