



Legislation Text

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Int. No. 368

By Council Members Avella, Addabbo, Comrie, Koppell, Monserrate, Sanders, Sears, Stewart, Yassky, Lanza and Oddo

A Local Law to amend the administrative code of the city of New York, in relation to the filing of deeds containing restrictive covenants.

Be it enacted by the Council as follows:

Section 1. Section 26-103 of the administrative code of the city of New York is amended by lettering the existing paragraph as subdivision a and by adding new subdivisions b and c to read as follows:

b. The department shall maintain a registry of all deeds containing restrictive covenants that are filed with the department. Any such filing shall not be deemed as acceptable in lieu of any other filing requirements mandated or permitted under any other provision of law, rule or regulation. A deed containing one or more restrictive covenants may be filed with the department for inclusion in this registry by any owner or homeowner association whose property is subject to a restrictive covenant and/or by or on behalf of a neighborhood association or civic association whose area of geographic concern, as set forth in its certificate of incorporation, charter or other relevant organizing document, encompasses the property that is the subject of such restrictive covenant. The filing shall be accompanied by a notarized registration statement acknowledging the authenticity of such deed. This registry shall be made available to the public during regular business hours.

c. Prior to the issuance of any permit, employees of the department shall search the registry created pursuant to subdivision b of this section for the purpose of determining whether any deed listed in this registry contains any restrictive covenant that would be violated by the issuance of the requested permit or the completion of the project for which such permit is sought. If a violation of any such restrictive covenant

would occur, then the department shall not issue such permit except as authorized by order of a court of competent jurisdiction. Any owner or homeowner association whose property is the subject of such restrictive covenant, or any neighborhood association or civic association whose area of concern encompasses the property that is the subject of such restrictive covenant, shall be barred from collecting damages against the city for the failure to enforce the restrictions contained in such restrictive covenant if such restrictive covenant has not been filed with the department. The department shall promulgate any additional rules for the implementation of this subdivision.

§2. This local law shall take effect immediately after it shall have been enacted into law.

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