Int. No. 275

By Council Members Lee and Louis

A Local Law to amend the administrative code of the city of New York, in relation to sealing community facilities used for purposes not authorized in their certificate of occupancy

Be it enacted by the Council as follows:

Section 1. The title of Article 212 of the administrative code of the city of New York is amended to read as follows:

ARTICLE 212
ABATEMENT OF PUBLIC NUISANCE CAUSED BY CERTAIN ILLEGAL OR UNAUTHORIZED OCCUPANCIES

§ 2. Section 28-212.1 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§ 28-212.1 Abatement of public nuisances caused by illegal commercial or manufacturing occupancy or unauthorized use of a community facility in residence districts and certain other zoning districts. Any building or part thereof or vacant land that is located in a residence zoning district and that is occupied for a use not permitted in such district in violation of the zoning resolution, without a certificate of occupancy or other authorization of such use, is hereby declared to be a public nuisance. Any building or part thereof or vacant land that is used as a community facility as defined in section 12-10 of the New York city zoning resolution or successor provision, that is occupied for a use that is not the primary use authorized by a certificate of occupancy for such building or part thereof or vacant land is hereby declared to be a public nuisance. Any building or part thereof or vacant land that is located in a C-1 or C-2 commercial zoning district and that is occupied for a commercial or manufacturing use indicated under use group 16, 17, or 18 as described in sections 32-25, 42-14, and 42-15 of the zoning resolution, in violation of the zoning resolution, without a certificate of occupancy authorizing such use is hereby declared to be a public nuisance.

§ 3. Section 28-212.9 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§ 28-212.9 Enforcement of order of closure. On the fifth business day after the posting of such order for any building or part thereof or vacant land that is used as a community facility, as defined in section 12-10 of the New York city zoning resolution or successor provision, or on the tenth business day after the posting of such

order in all other circumstances, and upon the written directive of the commissioner, police officers and authorized employees of the department shall act upon and enforce such order by sealing, padlocking, or otherwise preventing access to the premises in a manner that will not bar legally required ingress or egress for residential occupancy of parts of the building that are not subject to the closure order.

§ 4. This local law takes effect immediately after it becomes law.

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