



Legislation Text

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Int. No. 240

By Council Members Vallone Jr., Gentile, Koppell, Nelson, Vacca and Halloran

A Local Law to amend the administrative code of the city of New York, in relation to illegal residential conversions.

Be it enacted by the Council as follows:

Section 1. Section 28-210.1 of the administrative code of the city of New York, is amended to read as follows:

§28-210.1 Illegal residential conversions. It shall be unlawful, except in accordance with all requirements of this code, to convert any dwelling for occupancy by more than the legally authorized number of families or to assist, take part in, maintain or permit the maintenance of such conversion. Upon the finding of such violation and the imposition of punishment for such violation as set forth in this code the department or if applicable the environmental control board shall forward to the internal revenue service, the New York state department of taxation and finance and the New York city department of finance the name and address of the respondent or defendant, the address of the buildings or structure with respect to which the violation occurred and the time period during which the violation was found to have existed.

b. Notwithstanding any other provision of law, the department or any other law enforcement entity acting to enforce this section shall be authorized to issue a summons or notice of violation for a violation of this section based on readily observable circumstantial evidence which evidence may be refuted before a court of competent jurisdiction or before the environmental control board prior to the imposition of a final determination. Examples of such circumstantial evidence include, but are not limited to, a greater number of mailboxes or mail receptacles servicing a dwelling than the number of legally authorized dwelling units in such

dwelling; the existence of a greater number of operational utility meters servicing a dwelling for the same type of utility service than the number of legally authorized dwelling units in such dwelling, or a greater number of doorbells servicing a dwelling than the number of legally authorized dwelling units in such dwelling. A violation of this section which has been based on circumstantial evidence in accordance with this subdivision may not be deemed corrected unless the premises which is the subject of the violation has been inspected by the department.

§2 Section 28-203.1 of the Administrative Code of the city of New York is amended to read as follows:

§28-203.1 Criminal fines and imprisonment. Except as otherwise specified in this code or other law, violations of this code, the 1968 building code, the zoning resolution or other laws or rules enforced by the department shall be punishable by criminal fines and imprisonment within the ranges set forth below:

1. Every person convicted of violating a provision of this code, the 1968 building code, the zoning resolution or other law or rule enforced by the department or an order of the commissioner issued pursuant thereto that is classified by the commissioner or the code as an immediately hazardous violation shall be guilty of a misdemeanor punishable by a fine of not more than twenty-five thousand dollars or by imprisonment of not more than one year or by both such fine and imprisonment.

1.1 Any violation of section 28-210.1 deemed an immediately hazardous condition shall be punishable by a fine of not less than one thousand dollars.

§4. This local law shall take effect immediately.

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