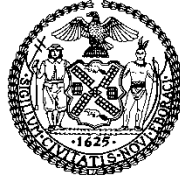


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THE COUNCIL

Committee Report of the Infrastructure Division

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COMMITTEE ON HOUSING AND BUILDINGS

Jumaane D. Williams, Chair

December 9, 2014

INT. NO. 252:

By Council Members Dromm, Cabrera, Ferreras, Gibson, Koo, Lancman, Levine, Mendez, Reynoso, Rose, Rosenthal, Gentile, Eugene and Rodriguez

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to the online publication of information relating to stop work orders issued by the department of buildings.

ADMINISTRATIVE CODE:

Amends section 28.207.2.1 and adds new section 28-207.2.7.

INT. NO. 346:

By Council Members Rodriguez, Chin, Gentile, Koo, Levin, Levine, Reynoso, Koslowitz and Rosenthal

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to reporting multiple dwellings with numerous code violations.

ADMINISTRATIVE CODE:

Adds new section 27.2096.1

INT. NO. 526:

By Council Members Williams and Gibson

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to requiring multiple dwelling owners to provide notice to their tenants prior to temporarily or permanently making building amenities unavailable.

ADMINISTRATIVE CODE:

Amends section 27-2004 and section 27-2005

Introduction

On December 9, 2014, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams, will hold a hearing to consider Int. No. 252, Int. No. 346 and Int. No. 526. The Committee expects to receive testimony from representatives of the Department of Housing Preservation and Development (HPD), the Department of Buildings (DOB), housing advocates, building owners, legal service providers, and other interested members of the public.

Int. No. 252

DOB issues stop work orders where building work is being done in a dangerous or unsafe manner.¹ When DOB issues a stop work order, all work must immediately cease at the site except work required to make the site safe.² DOB's Buildings Information System (BIS) allows users to search for individual properties, and if a stop work order has been issued against the property, that information will be included. However, BIS does not allow users to search for stop work orders or obtain an aggregated list of stop work orders. Int. No. 252 would require DOB to make available online a list of all addresses which are the subject of a stop work order.

Section one of Int. No. 252 would amend section 28-207.2.1 of the New York City Administrative Code (the Code). Section 28-207.2.1 outlines procedures for the issuance and enforcement of stop work orders. Int. No. 252 would amend this section to clearly state that law enforcement agencies may enforce stop work orders using mechanisms such as the arrest of the person or persons engaged in criminal activity or the seizure of equipment being used in criminal activity.

Section two of Int. No. 252 would add a new section 28-207.2.7 to the Code, entitled "Publication of information pertaining to stop work orders." This new section would require

¹ NYC Administrative Code § 28-207.2

² NYC Administrative Code § 28-207.2.1

DOB to publish on its website a list of addresses – by zip code, community district and council district – where a stop work order has been issued or rescinded and the date of such issuance or rescission. Such publication would have to happen immediately upon the issuance or rescission of a stop work order. New section 28.207.2.7 would also provide that no stop work order rescission will be valid unless such rescission is made in writing.

Section three of this legislation contains the enactment clause and provides that this local law take effect ninety days after its enactment.

Int. No. 346

HPD is responsible for enforcing the City’s Housing Maintenance Code and the New York State Multiple Dwelling Law and issuing violations to building owners whose buildings are not in compliance with such codes. Int. No. 346 would require HPD to report to the Council any multiple dwelling³ that has accumulated 50 or more open violations.

Section one of Int. No. 346 would add to the Code a new section 27-2096.1 entitled “Notice to council.” This section would require HPD to provide the Council with the address of any multiple dwelling that has 50 or more open violations, the name of the owner of such multiple dwelling, and the number and types of open violations in such dwelling. Such notice would also be given to the Council Member in whose district the multiple dwelling is located.

Section two of this legislation contains the enactment clause and provides that this local law take effect immediately after its enactment.

³ NYC Administrative Code 27-2004(a)(7) “A multiple dwelling is a dwelling which is either rented, leased, let or hired out, to be occupied, or is occupied, as the residence or home of three or more families living independently of each other.”

Int. No. 526

In New York City, apartment buildings may contain a number of amenities such as laundry machines and elevators, which an owner may make temporarily or permanently unavailable without providing notice to tenants. Int. No. 526 would require owners to provide notice when building amenities will be unavailable for more than 24 hours, excluding periods during which the amenity is normally unavailable.

Section one of Int. No. 526 adds a new paragraph 49 to section 27-2004 of the Code. Section 27-2004 contains definitions and new paragraph 49 defines a building amenity as any equipment, feature or space within a multiple dwelling that may be used in common by the lawful occupants of two or more dwelling units.

Section two adds new subdivision e to section 27-2005 of the Code. Section 27-2005 outlines the duties of owners of residential property. New paragraph 1 of new subdivision e would require building owners to provide all legal occupants with at least two weeks' notice when an amenity under the owner's control will be unavailable for 24 hours or more, excluding periods during which the amenity is normally unavailable. This paragraph would require that the notice be posted in a prominent place within a public area of the multiple dwelling for either the lessor of two weeks after the amenity becomes unavailable, or for the duration of the unavailability. Where an amenity will be permanently unavailable, the notice must remain posted for at least 30 days after the amenity becomes unavailable. New paragraph 2 of new subdivision e would exempt from the notice requirements amenities made unavailable on an emergency basis and require HPD to determine by rule what constitutes an emergency basis.

Section three of Int. No. 526 contains the enactment clause and provides that this local law take effect one hundred eighty days after its enactment, except that HPD shall take measures necessary for its implementation (e.g. promulgate rules) before the effective date.

Int. No. 252

By Council Members Dromm, Cabrera, Ferreras, Gibson, Koo, Lancman, Levine, Mendez, Reynoso, Rose, Rosenthal, Gentile, Eugene and Rodriguez

A Local Law to amend the administrative code of the city of New York, in relation to the online publication of information relating to stop work orders issued by the department of buildings.

Be it enacted by the Council as follows:

Section 1. Section 28-207.2.1 of the New York city administrative code is amended to read as follows:

§ 28-207.2.1 Issuance. Upon issuance of a stop work order by the commissioner, all work shall immediately stop unless otherwise specified. Such order may require all persons to forthwith vacate the premises pursuant to the provisions of section 28-207.4 and may also require such work to be done as, in the opinion of the commissioner, may be necessary to remove any danger therefrom. The police department or other law enforcement agency or officer shall, upon the request of the commissioner, assist the department in the enforcement of [this section 28-207.2] stop work orders. Such enforcement may include the arrest of persons engaged in criminal activity, and, to the extent permitted by law, the seizure of equipment being used to engage in criminal activity. The stop work order may be given verbally or in writing to the owner, lessee or occupant of the property involved, or to the agent of any of them, or to the person or persons executing the work. A verbal order shall be followed promptly by a written order and shall include the reason for the issuance of the stop work order

§2. Chapter two of title 28 of the administrative code of the city of New York is amended by adding a new section 28-207.2.7 to read as follows:

§28-207.2.7 Publication of information pertaining to stop work orders. The commissioner shall make available and maintain on its website the following information:

(i) a list of addresses, disaggregated by zip code, and for each zip code, disaggregated by community district and council district, for which a notice or order to stop work has been given, and the date when such notice or order was given; and

(ii) a list of addresses, disaggregated by zip code, and for each zip code, disaggregated by community district and council district, for which a notice or order to stop work has been rescinded, and the date of such rescission.

No rescission of a stop work order shall be valid unless it is made in writing, and immediately upon the issuance or rescission of a notice or order to stop work, the department shall post the information regarding such notice or order on the appropriate website as required in this section.

§3. This local law shall take effect ninety days after its enactment into law.

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Int. No. 346

By Council Members Rodriguez, Chin, Gentile, Koo, Levin, Levine, Reynoso, Koslowitz and Rosenthal

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to reporting multiple dwellings with numerous code violations.

Be it enacted by the Council as follows:

Section 1. Article 1 of subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2096.1 to read as follows:

§ 27-2096.1 Notice to council. The department shall give notice of any multiple dwelling that has fifty or more open violations, issued by the department, of this code, the multiple dwelling law, and any other state or local law that regulates multiple dwellings or multiple dwelling owners, to the council and to the council member in whose council district such multiple dwelling is located. Such notice shall include the owner and address of such multiple dwelling and the number and types of open violations.

§ 2. This local law shall take effect immediately.

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Int. No. 526

By Council Members Williams and Gibson

A Local Law to amend the administrative code of the city of New York, in relation to requiring multiple dwelling owners to provide notice to their tenants prior to temporarily or permanently making building amenities unavailable.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 27-2004 of the administrative code of the city of New York is amended by adding a new paragraph 49 to read as follows:

49. A building amenity is any equipment, feature or space within a multiple dwelling that may be used in common by the lawful occupants of two or more dwelling units, including, but not limited to, entrances, elevators, freight elevators, laundry rooms, laundry equipment, exercise rooms, exercise equipment, basketball courts, tennis courts, ping-pong tables, billiard tables, foosball tables, air-hockey tables, swimming pools, changing areas, shower areas, lounge areas, roof terraces, outdoor areas, barbeque equipment, parking spaces, dog runs, dog cleaning facilities, storage units, wireless internet, screening rooms, game rooms or day care facilities.

§2. Section 27-2005 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. 1. The owner of a multiple dwelling shall post notice pursuant to this subdivision when making a building amenity under such owner's control unavailable to one or more lawful occupants of such multiple dwelling. Where the owner expects that such unavailability will last for twenty-four hours or more, excluding periods during which such amenity is normally unavailable, such notice shall be posted at least two weeks before making such amenity unavailable. Where the owner expects that such unavailability will last for less than twenty-four hours, notice need not be posted, provided that where such unavailability lasts for twenty-four hours or more, notice shall be posted as soon as practicable after the commencement of such

unavailability. The notice required by this subdivision shall be posted in a prominent place within the public part of the multiple dwelling for the lesser of two weeks or the duration of the unavailability, shall identify the building amenity which is to be made unavailable and the expected duration of its unavailability and shall be updated as needed, provided that where the building amenity will be permanently unavailable, such notice shall remain posted for no fewer than thirty days following the first date of such unavailability. Such notice shall be in a form approved by the department and shall be posted in English, Spanish and, where the leases for fifty percent or more of the dwelling units within such multiple dwelling are provided in another language, such other language.

2. The provisions of this section shall not apply to building amenities made unavailable on an emergency basis. The department shall by rule determine what constitutes an emergency basis.

§3. This local law shall take effect one hundred and twenty days after its enactment, except that the department of housing preservation and development shall take such measures, including the promulgation of rules, as are necessary for its implementation prior to such effective date.

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