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**THE COUNCIL**

**Committee Report of the Infrastructure Division**

Jeffrey Baker, *Legislative Director*

Terzah Nasser, *Deputy Director for the Infrastructure Division*

**Committee on Housing and Buildings**

Hon. Robert E. Cornegy, Jr., *Chair*

**December 14, 2021**

**Int. No. 2246-A:** By Council Members Brannan, Yeger, Kallos, Rosenthal, Perkins, Louis, Koslowitz, Riley, Levine, Moya, Ampry-Samuel, Gjonaj and Dinowitz

**Title:** A Local Law in relation to the establishment of a task force to study and make recommendations regarding the potential conversion of vacant or commercially unviable office space to other uses

**Int. No. 2265-B:** By Council Members Cumbo, Chin, Kallos, Louis and Rivera

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to stove safety knobs

**Administrative Code:** Amends section 27-2046.4

**Int. No. 2411-A:** By Council Member Cornegy (by request of the Mayor)

**Title:** A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to enforcement provisions of the zoning resolution related to eligibility requirements with respect to the development, acquisition, rehabilitation, preservation, sale or rental of affordable housing administered by the department of housing preservation and development

**Administrative Code:** Adds a new chapter 33 to section 26

**Charter:** Amends paragraphs (l) and (m) of subdivision 6 of section 1802; adds a new paragraph (n) to subdivision 6 of section 1802

**Int. No. 2449-A:** By Council Members Gibson, Van Bramer, Gjonaj, Cornegy and Brannan

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to penalties for failing to certify correction of immediately hazardous conditions and the reinspection of immediately hazardous conditions at construction sites

**Administrative Code:** Renumbers section 28-208.1.3 as 28-208.3; adds new sections 28-208.2, 28-219.5 and 218-219.6; amends sections 28-219.1 and 28-219.2

**Int. No. 2476:** By Council Members Yeger, Grodenchik, Cornegy, Vallone, Riley and Louis

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to exemption from taxation of alterations and improvements to multiple dwellings

**Administrative Code:** Amends section 11-243

**Res. No. 1840-A:** By Council Members Kallos, the Speaker (Council Member Johnson), Gibson and the Public Advocate (Mr. Williams)

**Title:** Calling upon the New York State Legislature to pass and the Governor to sign A.5573/S.3082, in relation to prohibiting eviction without good cause

**Introduction**

On December 14, 2021, the Committee on Housing and Buildings, chaired by Council Member Robert E. Cornegy, Jr., held a hearing on Int. No. 2246-A, A Local Law in relation to the establishment of a task force to study and make recommendations regarding the potential conversion of vacant or commercially unviable office space to other uses; Int. No. 2265-B, A Local Law to amend the administrative code of the city of New York, in relation to stove safety knobs; Int. No. 2411-A, A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to enforcement provisions of the zoning resolution related to eligibility requirements with respect to the development, acquisition, rehabilitation, preservation, sale or rental of affordable housing administered by the department of housing preservation and development; Int. No. 2449-A, A Local Law to amend the administrative code of the city of New York, in relation to penalties for failing to certify correction of immediately hazardous conditions and the reinspection of immediately hazardous conditions at construction sites; Int. No. 2476, in relation to exemption from taxation of alterations and improvements to multiple dwellings; and Res. No. 1840-A, calling upon the New York State Legislature to pass and the Governor to sign A.5573/S.3082, in relation to prohibiting eviction without good cause. Int. No. 2246-A, Int. No. 2411-A, and Int. No. 2449-A were first heard on November 9, 2021. More information about those bills, together with materials for that hearing, can be found at <https://on.nyc.gov/3DL8OAP>. Int. No. 2265-B was first heard on September 13, 2021. More information about that bill, together with materials for that hearing, can be found at <https://on.nyc.gov/3pIxSDz>. Int. No. 2476 was first heard on November 29, 2021 as a preconsidered item. More information about that bill, together with materials for that hearing, can be found at <https://on.nyc.gov/3IH8wOV>.

**Legislation**

**Int. No. 2246-A**

Int. No. 2246-A would establish an Office Conversions Task Force (“Task Force”) to study options and make recommendations for converting vacant or commercially unviable office space into other uses, including affordable housing. The Task Force would be comprised of the Commissioner of Housing Preservation and Development (“HPD”), the Director of the Department of City Planning (“DCP”), the President of the Economic Development Corporation, and the Commissioner of Buildings, or their respective designees. Additionally, the Task Force would include eight appointed members with knowledge or expertise relevant to office conversions: one by the Speaker of the Council, one by the Public Advocate, and six by the Mayor, at least one of whom must be a union representative. The Task Force would be required to consider such factors as the potential effects on health and welfare, and economic implications of such conversion. The Task Force would be required to report its findings and recommendations to the Mayor, Speaker, and Public Advocate no later than two years from the effective date, and would terminate upon submission of its report.

 This legislation would take effect immediately.

**Int. No. 2265-B**

Local Law 117 of 2018 (“Local Law 117”) amended the Housing Maintenance Code to require the provision of stove knob covers to tenants of multiple dwellings in which a child under the age of six resides. Int. No. 2265-B gives the landlord of a unit covered by Local Law 117 the option of providing a tenant either with stove knob covers or replacement locking stove knobs. This bill also requires landlords to keep records of outreach to tenants regarding the provision of either stove knob covers or replacement locking stove knobs as required by Local Law 117 and this local law.

This legislation would take effect 180 days after becoming law.

**Int. No. 2411-A**

Int. No. 2411-A would authorize HPD to enforce the affordable housing provisions placed within HPD’s responsibility in accordance with the Zoning Resolution, and provide procedures by which enforcement is to take place. This bill would establish the manner in which HPD is empowered to enforce the provisions of the Zoning Resolution related to affordable housing programs administered by HPD. HPD would be empowered to take action through proceedings in the Office of Administrative Trials and Hearings (“OATH”), civil judicial proceedings, HPD investigations, appointing an authorized monitor, or certain other special remedies. This bill would require HPD to promulgate rules that specifically prohibit: (1) occupancy of an affordable housing unit by other than a qualifying household; (2) unlawful configuration, distribution, sizing or use of an affordable housing unit; (3) charging unlawful monthly rent or fees for an affordable housing unit; (4) filing a certification of correction of a violation or a statement that an unlawful use or condition has been corrected or did not exist that contains material misstatements of fact; (5) failing to comply with an order issued by HPD under its Inclusionary Housing Program enforcement authority; (6) charging of an unlawful sales price or fees for an affordable housing unit; (7) failing to comply with primary residence requirements; and (8) unlawful restriction of access to the premises.

This legislation would take effect 180 days after becoming law.

**Int. No. 2449-A**

 Int. No. 2449-A would limit penalties issued by the New York City Department of Buildings (“DOB”) for failure to certify correction and re-inspection requirements to construction sites only, and specifically creates an exception for one- to four-family homes from these two requirements. Additionally, this bill would allow that, for one- to two-family homes, DOB can issue a request to correct in lieu of a notice of violation, provided that property hadn’t received a DOB violation in the previous five years, and that the violating condition is not an illegal conversion or an immediately hazardous violation that led to death or serious injury. This bill would enable DOB to refocus its enforcement efforts from one- to four-family homes to the construction sites that pose true safety risks.

This legislation would take effect 120 days after becoming law.

**Int. No. 2476**

 Int. No. 2476 would extend the J-51 tax exemption and abatement program through June 30, 2022.

 This legislation would take effect immediately.

**Res. No. 1840-A**

 Res. No. 1840-A would call on the New York State Legislature to pass, and the Governor to sign, A.5573/S.3082, in relation to prohibiting eviction without good cause.

**Update**

On Tuesday, December 14, 2021, the Committee adopted Int. No. 2246-A, Int. No. 2265-B, Int. No. 2411-A, Int. No. 2449-A, by a vote of eight in the affirmative, zero in the negative, and zero abstentions. The Committee adopted Int. No. 2476 by a vote of seven in the affirmative, one in the negative, and zero abstentions. The Committee adopted Res. No. 1840-A by a vote of six in the affirmative, one in the negative, and one abstention.

Int. No. 2246-A

By Council Members Brannan, Yeger, Kallos, Rosenthal, Perkins, Louis, Koslowitz, Riley, Levine, Moya, Ampry-Samuel, Gjonaj and Dinowitz

..Title

A Local Law in relation to the establishment of a task force to study and make recommendations regarding the potential conversion of vacant or commercially unviable office space to other uses

..Body

Be it enacted by the Council as follows:

Section 1. Definitions. For purposes of this local law, the term “task force” means the office conversions task force established by this local law.

§ 2. Task force established. There is hereby established a task force to be known as the office conversions task force.

§ 3. Duties. The task force shall study the potential for the conversion of vacant or commercially unviable office space in the city to other uses including, but not limited to, affordable housing, and shall make recommendations for legislation and policy in furtherance of that objective. The recommendations shall take into account potential effects on the health and welfare of persons in the city, implications for business and economic activity within the city, consistency with other plans and policies for the districts and neighborhoods in which such office buildings are located, the projected estimated costs to the city of implementing any recommendations, anticipated effects on stakeholders, and any other considerations the task force determines relevant.

§ 4. Membership. a. The task force shall be composed of the following members to be appointed within 150 days of the effective date of this local law:

1. The commissioner of housing preservation and development or such commissioner’s designee;

2. The director of the department of city planning or such director’s designee;

3. The president of a not-for-profit corporation of which a majority of its members are appointed by the mayor that is under contract with the city to provide or administer economic development benefits on behalf of the city or such president’s designee;

4. The commissioner of buildings or such commissioner’s designee;

5. Eight members with experience relevant to studying and making recommendations about the potential for conversion of vacant or commercially unviable office space to other uses, one of whom shall be appointed by the speaker of the council, one of whom shall be appointed by the public advocate, and six of whom shall be appointed by the mayor. At least one of the members appointed by the mayor shall be a representative from a labor union.

b. The mayor shall appoint the chair of the task force. The chair may invite officers and representatives of relevant federal, state, and local agencies and authorities to participate in the work of the task force.

c. Each member of the task force shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy on the task force, a successor shall be appointed in the same manner as the original appointment for the remainder of the unexpired term. All members of the task force shall serve without compensation.

§ 5. Meetings. a. The chair shall convene the first meeting of the task force no later than 60 days after the last member has been appointed, except that where not all members of the task force have been appointed within the time specified in section four, the chair shall convene the first meeting of the task force within 30 days of the appointment of a quorum.

b. The task force may invite experts and stakeholders to attend its meetings and to provide testimony and information relevant to its duties.

c. The task force shall meet as appropriate to carry out the duties described in section three.

§ 6. Report. a. No later than 2 years after the effective date of this local law, the task force shall submit a report to the mayor, the speaker of the council, and the public advocate setting forth its recommendations regarding the following:

                     1. Identification of types of office buildings likely to be unviable as commercial office space in the long term and that could be converted to other uses;

2. The feasibility of converting vacant or commercially unviable office space to other uses;

3. Under what circumstances commercially unviable office conversions to affordable housing units could be implemented, any costs or tradeoffs to the city associated with such conversions and proposals for how to fund or mitigate such costs; and

4. Any zoning or other regulatory provisions that currently impede the conversion of commercial office buildings to other uses such as housing.

b. The report shall include a summary of the information that the task force considered in formulating its recommendations.

c. The chair of the task force shall publish the task force’s report electronically on the websites of the department of housing preservation and development and the department of city planning no later than 10 days after its submission to the mayor, the speaker of the council, and the public advocate.

§ 7. Agency support. The task force may request each agency affected by this local law to provide appropriate staff and resources to support the work of the agency related to the task force.

§ 8. Termination. The task force shall terminate after the date on which it submits its report, as required by section six.

§ 9. Effective date. This local law takes effect immediately.

JB/AS

LS #16161

12/07/2021 10:09 p.m.

Int. No. 2265-B

By Council Members Cumbo, Chin, Kallos, Louis and Rivera

A Local Law to amend the administrative code of the city of New York, in relation to stove safety knobs

Be it enacted by the Council as follows:

Section 1. Section 27-2046.4 of the administrative code of the city of New York, as added by local law number 117 for the year 2018, is amended to read as follows:

§ 27-2046.4 Stovetop protection. a. An owner of a unit in a multiple dwelling, other than a dwelling unit in a multiple dwelling owned as a condominium or cooperative and used as the primary residence of such owner, shall provide the tenant the option of either permanent stove safety knobs with integrated locking mechanisms or stove knob covers for each knob located on the front of each gas-powered stove to tenants in each dwelling unit in which the owner knows or reasonably should know a child under six years of age resides, except where such owner has documented proof that there is no available permanent stove safety knob with an integrated locking mechanism or stove knob cover that is compatible with [the knobs on] such stove. Such permanent stove safety knobs with integrated locking mechanisms or stove knob covers shall be made available within [thirty] 30 days of a request of such [owner providing] tenant upon receiving the notice required in subdivision b of this section [unless such owner has previously made such  stove knob covers available to the tenant and the tenant has not requested a replacement].

b. 1. Such owner shall provide an annual notice to each tenant of a unit regarding the owner's obligation to provide permanent stove safety knobs with integrated locking mechanisms or stove knob covers pursuant to subdivision a of this section. Such notice shall inform the tenant of [his or her] the tenant’s option to [refuse] request permanent stove safety knobs with integrated locking mechanisms or stove knob covers.

2. Upon being provided with such notice, a tenant [may] who wants either permanent stove safety knobs with integrated locking mechanisms or stove knob covers shall notify such owner, in writing[, that such tenant refuses  stove knob covers]. If the tenant does not notify the owner, in writing, that the tenant [refuses] requests permanent stove safety knobs with integrated locking mechanisms or stove knob covers, the owner will not be obligated to make [the] either permanent stove safety knobs with integrated locking mechanisms or stove knob covers available to the tenant pursuant to subdivision a of this section.

3. An owner [will] shall keep a record of: (i) outreach conducted to tenants regarding the installation of permanent stove safety knobs with integrated locking mechanism or stove knob covers, (ii) written notifications of [refusal of] request for permanent stove safety knobs with integrated locking mechanisms or stove knob covers received from a tenant of a dwelling unit, [(ii)] (iii) the owner's attempts to provide permanent stove safety knobs with integrated locking mechanisms or stove knob covers to tenants pursuant to subdivision a of this section, [(iii)] (iv) units for which permanent stove safety knobs with integrated locking mechanisms or stove knob covers were made available, and [(iv)] (v) tenants who have requested permanent stove safety knobs with integrated locking mechanisms or stove knob covers.

c. No owner shall refuse a written request of a tenant of such dwelling unit to provide either permanent stove safety knobs with integrated locking mechanisms or stove knob covers, regardless of whether making such knobs or covers available is required pursuant to this section.

d. Any owner who is required to provide permanent stove safety knobs with integrated locking mechanisms or stove knob covers pursuant to this section who fails to do so shall be liable for a class B hazardous violation, provided that it shall be an exception to a violation where (i) the owner provides documented proof that there is no available permanent stove safety knob with an integrated locking mechanism or stove knob cover that is compatible with [the knobs on] such stove or (ii) the owner has already fulfilled two requests for replacement permanent stove safety knobs with integrated locking mechanisms or stove knob covers within the previous year.

§ 2. This local law takes effect 180 days after it becomes law, provided that the requirements of subdivision b of section 27-2046.4 of the administrative code of the city of New York, as amended by section one of this local law, shall only apply to a notice provided after such date.

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Int. No. 2411-A

By Council Member Cornegy (by request of the Mayor)

..Title

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to enforcement of provisions of the zoning resolution related to eligibility requirements with respect to the development, acquisition, rehabilitation, preservation, sale or rental of affordable housing administered by the department of housing preservation and development

..Body

Be it enacted by the Council as follows:

Section 1. Paragraphs (l) and (m) of subdivision 6 of section 1802 of the New York city charter, as amended by a vote of the electors on November 7, 1989, are amended, and a new paragraph (n) is added, to read as follows:

(l) exercise such other powers and duties as may be prescribed by law in relation to the management, demolition or sealing or other treatment of residential real property of the city; [and]

(m) employ professional, community and other personnel to manage residential real property of the city; and

(n) enforce the provisions of the zoning resolution related to eligibility requirements with respect to the development, acquisition, rehabilitation, preservation, sale or rental of affordable housing administered by the department pursuant to such resolution, including, but not limited to, sections 23-90 and 23-154 of the zoning resolution and related provisions of law and rules promulgated pursuant to such sections.

§ 2. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 33 to read as follows:

CHAPTER 33

ENFORCEMENT OF ZONING RESOLUTION PROVISIONS RELATED TO ELIGIBILITY REQUIREMENTS REGARDING THE DEVELOPMENT, ACQUISITION, REHABILITATION, PRESERVATION, SALE OR RENTAL OF AFFORDABLE HOUSING ADMINISTERED BY THE DEPARTMENT

§ 26-3001 Definitions. For the purposes of this chapter, the following terms have the following meanings:

Affordable housing unit. The term “affordable housing unit” means a dwelling unit subject to affordability restrictions by the zoning resolution.

Applicable affordable housing provisions. The term “applicable affordable housing provisions” means provisions of the zoning resolution related to eligibility requirements with respect to the development, acquisition, rehabilitation, preservation, sale or rental of affordable housing administered by the department pursuant to such resolution, including, but not limited to, provisions found in sections 23-90 and 23-154 of the zoning resolution, and related provisions of law and rules promulgated pursuant thereto.

Authorized monitor. The term “authorized monitor” means a person, partnership, corporation or other legal entity appointed by the department pursuant to contract to ensure that unlawful conduct under this chapter has been corrected. The department shall, through standards imposed by means of procurement, ensure that such person, partnership, corporation or other legal entity is subject to appropriate eligibility criteria, training requirements and grounds for revoking monitoring authority.

Building. The term “building” has the same meaning as set forth in section 28-101.5.

Commissioner. The term “commissioner” means the commissioner of the department or the commissioner’s designee.

Department. The term “department” means the department of housing preservation and development or its successor agency or designee.

Owner. The term “owner” means any person, agent, firm, partnership, corporation or other legal entity having a legal or equitable interest in, or control of, the premises, or their successors.

Premises. The term “premises” has the same meaning as set forth in section 28-101.5.

Qualifying household. The term “qualifying household” has the same meaning as set forth in section 23-911 of the zoning resolution.

Regulatory agreement. The term “regulatory agreement” has the same meaning as set forth in section 23-911 of the zoning resolution.

Zoning resolution. The term “zoning resolution” means the New York city zoning resolution.

§ 26-3002 General. The department shall enforce compliance with applicable affordable housing provisions, as provided in this chapter and the rules of the department.

§ 26-3003 Methods of enforcement. The commissioner may use any of the methods set forth in this chapter to enforce compliance with applicable affordable housing provisions, including, but not limited to:

a. Proceedings before an administrative tribunal within the jurisdiction of the office of administrative trials and hearings for the recovery of civil penalties for violations;

b. Civil judicial proceedings for the recovery of civil penalties or injunctive relief or both for violations, and for the enforcement of orders issued by the commissioner;

c. Investigatory powers as set forth in this chapter;

d. Appointment of an authorized monitor; and

e. Other special remedies as set forth in this chapter, the zoning resolution, or other related provisions of law and rules.

§ 26-3004 Unlawful conduct. It shall be unlawful to erect, construct, alter, extend, occupy, use, operate, rent or sell any building or premises subject to applicable affordable housing provisions, or to cause or permit same to be done, in conflict with or in violation of any such provisions. It shall be unlawful to fail to comply with an order of the commissioner or to violate any order of the commissioner issued pursuant to this chapter, or to cause or permit same to be done.

§ 26-3005 Enforcement. Officers and employees of the department and of other city agencies designated by the commissioner shall have the power to issue notices of violation, administrative summonses and appearance tickets for violations of applicable affordable housing provisions.

§ 26-3006 Classification of violations. The commissioner shall promulgate rules classifying each violation of applicable affordable housing provisions as a major violation or a minor violation. Such classification of violations shall be based upon, but not limited to, such factors as the effect of the violation on neighborhood economic diversity, the public interest or the necessity for economic disincentives.

§ 26-3007 Rules. The department shall promulgate rules necessary to effectuate applicable affordable housing provisions. Such rules shall include, but not be limited to, provisions that prohibit the following, which shall constitute violations of section 23-90 or 23-154 of the zoning resolution:

a. Occupancy of an affordable housing unit by other than a qualifying household;

b. Unlawful configuration, distribution, sizing or use of an affordable housing unit;

c. Charging unlawful monthly rent or fees for an affordable housing unit;

d. Filing a certification of correction of a violation or a statement that an unlawful use or condition has been corrected or did not exist that contains material misstatements of fact;

e. Failing to comply with an order of the commissioner issued pursuant to this chapter;

f. Charging unlawful fees or an unlawful sales price for an affordable housing unit;

g. Failing to comply with primary residence requirements; and

h. Unlawful restriction of access to the premises.

§ 26-3008 Civil penalties. Except as otherwise provided by law, violations of applicable affordable housing provisions shall be punishable by civil penalties in accordance with penalty schedules established by rules promulgated by the department and such schedules shall be within the ranges set forth below:

a. For major violations, a civil penalty of not more than $25,000 may be imposed for each violation. In addition to such civil penalty, a separate additional penalty may be imposed of not more than $1,000 for each day that the violation is not corrected.

b. For minor violations, a civil penalty of not more than $10,000 may be imposed for each violation. In addition to such civil penalty, a separate additional penalty may be imposed of not more than $250 for each 30-day period that the violation is not corrected.

c. Notwithstanding the assessment of daily penalties, each day that a violation continues shall be a separate and distinct offense.

§ 26-3009 Enforcement of civil penalty. The owner, architect, builder, contractor, engineer or any other person who maintains any building, or who erects, constructs, alters, extends, occupies, uses, operates, rents or sells any building or affordable housing unit subject to applicable affordable housing provisions, or assists or causes same to be done, in conflict with or in violation of any of such provisions, or who fails to comply with an order of the commissioner or violates any order of the commissioner issued pursuant to this chapter, shall be liable for a civil penalty that may be recovered in a proceeding before an administrative tribunal within the jurisdiction of the office of administrative trials and hearings or before a court of competent jurisdiction.

§ 26-3010 Correction order. Each notice of violation, administrative summons or appearance ticket issued pursuant to this chapter shall contain an order of the commissioner directing the respondent to correct the condition constituting the violation and to file with the department electronically, or in such other manner as the department may authorize by rule, a certification that the condition has been corrected. The time for correction of such violation may be as specified by the department in rules.

§ 26-3011Dismissal. In any proceeding pursuant to this chapter, if the administrative tribunal determines that the commissioner has failed to prove the violation charged, the order requiring the respondent to correct the condition constituting the violation shall be deemed dismissed.

§ 26-3012 Failure to comply. Failure to comply with an order of the commissioner issued pursuant to this chapter to correct and to certify correction of a violation within the applicable time period shall be a violation of this chapter for which a civil penalty of not more than $10,000 may be imposed in addition to the penalties that may be or have been imposed for the violation referred to in such order. Upon application, for good cause, the commissioner may extend the time for filing the certification of correction of a violation.

§ 26-3013 Material misstatements of fact. For the purposes of this chapter, if there is a finding that a certification of correction filed pursuant to section 26-3010 or a statement filed pursuant to subdivision c of section 26-3016 contained material misstatements of fact relating to the correction or existence of a violation, such certification of correction or statement shall be deemed null and void and the penalties set forth in this chapter for the violation may be imposed as if such false certification or statement had not been filed with and accepted by the department. It shall be an affirmative defense that the respondent neither knew nor should have known that such material misstatements of fact in such certification of correction or statement were false.

§ 26-3014 Orders. a. The commissioner may issue an order to the persons responsible for any unlawful use or condition relating to applicable affordable housing provisions in any premises, directing such person to correct the unlawful use or condition. Each such order shall have the commissioner's signature affixed thereto, provided, however, that the commissioner may authorize an officer or employee of the department to affix such signature, including an electronic signature.

b. All orders issued by the commissioner shall contain a description of the building or subject matter affected, and shall be designated by address, where applicable. All such orders shall be served by regular mail or, upon consent, electronically. Such orders may be served by any officer or employee of the department, or of any agency authorized by the department. Failure to comply with a commissioner's order within the time stated in the order shall be a violation of this chapter punishable by a civil penalty of not more than $10,000. Proof of compliance with a commissioner's order shall consist of certification as prescribed by the rules of the department.

§ 26-3015 Power to hold investigatory hearings; subpoena power; production of documents. The department may investigate any matter within its jurisdiction pursuant to this chapter and shall  have full power to compel the attendance, to examine and take testimony under oath of such persons as it may deem necessary in relation to such investigation, and to require the production of books, accounts, papers and other evidence relevant to such investigation.

§ 26-3016 Commissioner’s request for corrective action. a. As an alternative to the issuance of an order or notice of violation, administrative summons or appearance ticket, the commissioner may issue a request for corrective action to any person responsible for any claimed violation of applicable affordable housing provisions. Each request for corrective action shall have the commissioner's signature affixed thereto; but the commissioner may authorize an officer or employee of the department to affix such signature, including an electronic signature.

b. A request for corrective action issued pursuant to subdivision a shall contain a description of the building, premises, affordable housing unit or subject matter affected, which shall be designated by address, where applicable, and shall be sent by regular mail or, upon consent, electronically to the owner, lessee, person in charge, or occupant of the building or to any person responsible for the unlawful use or condition at the last known address for such person. Requests for corrective action may be sent to a managing agent or other person specifically designated by the owner to attend to such requests on behalf of the owner. Each such request shall describe the violation of applicable affordable housing provisions and call upon the person addressed to correct it and to inform the department of the action taken. A time for correction or response shall be specified on the request for corrective action.

c. The department shall keep a record, available to the public, of requests for corrective action issued pursuant to this chapter. The record of a request for corrective action shall be reflected as withdrawn upon submission to the department of a statement in a form prescribed by rule indicating that the use or condition has been corrected or did not exist, or following an inspection or investigation by the department that confirms correction. A request for corrective action may be issued in response to a complaint, investigation or inspection. Nothing in this section shall be construed to require that the commissioner issue a request for corrective action as a prerequisite to any other enforcement action.

§ 26-3017 Inspection. a. An authorized representative of the department may, consistent with applicable law and in accordance with rules of the department, enter a building or premises described in the notice of violation or request for corrective action and access any records of the owner related to unlawful conduct under this chapter to confirm that such violation has been corrected.

b. The commissioner may delegate to authorized monitors the authority to carry out inspections pursuant to this chapter or any rule promulgated pursuant thereto and report their findings to the department.

c. The cost of inspections pursuant to this chapter shall be paid by the owner.

§ 26-3018 Judicial proceedings. a. The owner, architect, builder, contractor, engineer or any other person who maintains any building or premises, or who erects, constructs, alters, extends, occupies, uses, operates, rents or sells any building, premises or affordable housing unit subject to applicable affordable housing provisions, or assists or causes same to be done, in conflict with or in violation of any of such provisions, or who fails to comply with an order of the commissioner or violates any order of the commissioner issued pursuant to this chapter, shall be subject to an action or proceeding to restrain, correct or abate such violation, or to compel compliance with such order. Upon request of the commissioner, the corporation counsel may institute judicial actions or proceedings seeking such relief. In addition to any other remedies, in any such action or proceeding, the defendant or respondent shall be subject to the payment of civil penalties as provided in this chapter.

b. Such actions and proceedings may be instituted by the corporation counsel in the name of the city in any court of competent jurisdiction in such city. In such actions or proceedings, the city may apply for restraining orders, preliminary injunctions or other provisional remedies and no undertakings shall be required as a condition to the granting or issuing of any such order, injunction or remedy, or by reason thereof.

§ 26-3019 Regulatory agreement. The commissioner may take any actions necessary to enforce the provisions of any regulatory agreement recorded in accordance with section 23-953 of the zoning resolution or any successor provision. Such actions may include seeking the imposition of penalties or injunctive relief.

§ 26-3020 Appeals to board of standards and appeals. Any order, requirement, decision or determination of the commissioner made pursuant to provisions of the zoning resolution related to the construction or renovation of affordable housing, including, but not limited to, sections 23-96(c) and 23-94(f) of the zoning resolution, and related provisions of law and rules promulgated thereto, shall be subject to review by the board of standards and appeals in the same manner and with the same effect as determinations of the commissioner of buildings with respect to such matters pursuant to section 666 of the New York city charter.

§ 3. This local law takes effect 180 days after it becomes law, provided, however, that the commissioner of housing preservation and development may take any actions, including the promulgation of rules, for its implementation prior to such effective date.

AS

12/7/2021 7:31 p.m.

Int. No. 2449-A

By Council Members Gibson, Van Bramer, Gjonaj, Cornegy and Brannan

..Title

A Local Law to amend the administrative code of the city of New York, in relation to penalties for failing to certify correction of immediately hazardous conditions and the reinspection of immediately hazardous conditions at construction sites

..Body

Be it enacted by the Council as follows:

Section 1. Section 28-208.1.3 of the administrative code of the city of New York is renumbered section 28-208.3.

§ 2. Article 208 of chapter 2 of title 28 of the administrative code of the city of New York is amended to add a new section 28-208.2 to read as follows:

**§ 28-208.2 Issuing requests for corrective action to one and two-family homes.** A request for corrective action, in lieu of a notice of violation, may be issued to the owners of one- and two-family homes where a notice of violation has not been issued at the property within the past five years. A waiver of department penalties, which may include department penalties for performing work without a permit or any other penalties that must be paid before a permit may be issued by the department, may be made available to owners of one-and two-family homes who seek to correct conditions identified in a request for corrective action issued by the department. Additional parameters regarding issuing requests for corrective action to the owners of one- and two-family homes may be established by the department by rule.

**Exceptions:** This section shall not apply to immediately hazardous violations for illegal conversions as described in section 28-210.1 and immediately hazardous violations that led to death or serious injury.

§ 3. Section 28-219.1 of the administrative code of the city of New York, as added by chapter 250 of the laws of 2009 and renumbered by local law number 51 for the year 2014, is amended to read as follows:

**§ 28-219.1 Department penalty for failure to certify correction.** In addition to any penalties otherwise authorized by law pursuant to article 202 and the rules of the department, whenever any person fails to submit certification of correction of an immediately hazardous violation issued with respect to an immediately hazardous condition at a construction site that poses a threat of imminent danger to public safety or property, as required by an order issued pursuant to section 28-204.2, a penalty shall be paid to the department in the amount of [not less than one thousand five hundred dollars or more than five thousand dollars] no more than $5,000. No permit or certificate of occupancy shall be issued and no stop work order may be rescinded at the property named in the order until such penalty is paid to the department. Failure to pay such penalty shall not prevent the issuance of a permit for work to be performed pursuant to articles 215 or 216 of this chapter.

**Exception:** Department penalties for failure to certify correction shall not apply to one- to four-family homes.

§ 4. Section 28-219.2 of the administrative code of the city of New York, as added by chapter 250 of the laws of 2009 and renumbered by local law 51 for the year 2014, is amended to read as follows:

**§ 28-219.2 Reinspection.** Where an immediately hazardous condition at a construction site has been identified as posing a threat of imminent danger to public safety or property and a violation has been issued, the commissioner shall re-inspect the condition that gave rise to the violation within 60 days of the date of the notice of a violation, unless:

1. A certification of the correction of the condition has been filed in the manner and form prescribed by the department;

2. The person to whom the violation has been directed has obtained an extension of time for filing the certificate of correction of the violation from the commissioner in accordance with section 28-204.4 and with any applicable rules of the department, and said extension of time to file has not yet expired; [or]

3. The condition has been corrected in the presence of the commissioner.

 **Exception:** One- to four-family homes shall not be subject to the re-inspection requirement of this section for the same condition that gave rise to the notice of violation, provided that this exception shall not be construed to limit the power of the commissioner to inspect such home for any other non-compliant condition or to issue a violation for such other non-compliant condition.

§ 5. Article 219 of title 28 of the administrative code of the city of New York is amended by adding new sections 28-219.5 and 28-219.6 to read as follows:

**§ 28-219.5 Definition.** For the purposes of this article, the term “construction site” shall mean a building or site with a permit issued by the department to perform construction work.

**§ 28-219.6** **Other remedies not precluded.**Nothing in this article shall be construed to limit the power of the commissioner to take any other action authorized by this code with respect to any unlawful use or condition.

§ 6. This local law takes effect 120 days after it becomes law.

AS

LS #8329/12245/12267/12282/18027

12/7/2021 5:42 p.m.

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Int. No. 2476

By Council Members Yeger, Grodenchik, Cornegy, Vallone, Riley and Louis

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to exemption from taxation of alterations and improvements to multiple dwellings

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 11-243 of the administrative code of the city of New York, as amended by local law number 23 for the year 2020, is amended to read as follows:

 b. Subject to the limitations provided in subdivision d of this section and the restrictions in this section on conversion of buildings used in whole or in part for single room occupancy, any increase in the assessed valuation of real property shall be exempt from taxation for local purposes to the extent such increase results from the reasonable cost of: (1) the conversion of a class B multiple dwelling to a class A multiple dwelling except insofar as the gross cubic content of such building is increased thereby; or (2) the conversion of any nonresidential building or structure situated in the county of New York to a class A multiple dwelling except insofar as the gross cubic content of such building is increased; or (3) the conversion of any nonresidential building or structure situated in the counties of Bronx, Kings, Queens or Richmond to a class A multiple dwelling except insofar as the gross cubic content of such building or structure is increased thereby; or (4) alterations or improvements to the exterior of an otherwise eligible building or structure visible from a public street pursuant to a permit issued by the landmarks commission with respect to a designated historic or landmark site or structure; or (5) alterations or improvements constituting a moderate rehabilitation of a substantially occupied class A multiple dwelling except insofar as the gross cubic content of such building or structure is increased thereby; or (6) alterations or improvements to an otherwise eligible building or structure commenced after January first, nineteen hundred eighty designed to conserve the use of fuel, electricity or other energy sources or to reduce demand for electricity, including the installation of meters for purposes of measuring the amount of electricity consumed for each dwelling unit, and conversions of direct metering to a system that includes a master meter and submeters in any cooperative, condominium, or housing development fund company organized under article eleven of the private housing finance law; or (7) alterations or improvements to existing dwellings to eliminate existing unhealthy or dangerous conditions in any such existing dwelling or replace inadequate and obsolete sanitary facilities in any such existing dwelling, any of which represents fire or health hazards, including as improvements asbestos abatement to the extent such asbestos abatement is required by federal, state or local law, except insofar as the gross cubic content of such existing dwelling is increased thereby; or (8) conversion of residential units qualified for the protection of article seven-C of the multiple dwelling law in buildings or portions thereof registered with the New York city loft board as interim multiple dwellings pursuant to such article to units which are in compliance with the standards of safety and fire protection set forth in article seven-B of the multiple dwelling law or to units which have a certificate of occupancy as class A multiple dwellings; or (9) alterations or improvements commenced on or after September first, nineteen hundred eighty-seven constituting a substantial rehabilitation of a class A multiple dwelling, or a conversion of a building or structure into a class A multiple dwelling, as part of a program to provide housing for low and moderate income households as defined by the department of housing preservation and development pursuant to the rules and regulations promulgated pursuant to subdivision m of this section, provided that such alterations or improvements or conversions shall be aided by a grant, loan or subsidy from any federal, state or local agency or instrumentality, including, in the discretion of the department of housing preservation and development, a subsidy in the form of a below market sale from the city of New York; or (10) alterations or improvements to any private dwelling or conversion of any private dwelling to a multiple dwelling or conversion of any multiple dwelling to a private dwelling, provided that such alterations, improvements or conversions are part of a project that has applied for or is receiving benefits pursuant to this section and shall be aided by a grant, loan or subsidy from any federal, state or local agency or instrumentality. Such conversions, alterations or improvements shall be completed within thirty months after the date on which same shall be started except that such thirty month limitation shall not apply to conversions of residential units which are registered with the loft board in accordance with article seven-C of the multiple dwelling law pursuant to paragraph eight of this subdivision. Notwithstanding the foregoing, a sixty-month period for completion shall be available for alterations or improvements undertaken by a housing development fund company organized pursuant to article eleven of the private housing finance law, which are carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality or which are carried out in a property transferred from the city of New York if alterations and improvements are completed within seven years after the date of transfer. In addition, the department of housing preservation and development may grant an extension of the period of completion for any project carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality, if such alterations, improvements or conversions are completed within sixty months from commencement of construction. Provided, further, that such conversions, alterations or improvements shall in any event be completed prior to June thirtieth, two thousand [twenty] twenty-two. Exemption for conversions, alterations or improvements pursuant to paragraph one, two, three, four, six, seven, eight or ten of this subdivision shall continue for a period not to exceed fourteen years and begin no sooner than the first tax period immediately following the completion of such conversions, alterations or improvements. Exemption for alterations or improvements pursuant to paragraph five or nine of this subdivision shall continue for a period not to exceed thirty-four years and shall begin no sooner than the first tax period immediately following the completion of such alterations or improvements. Such exemption shall be equal to the increase in the valuation, which is subject to exemption in full or proportionally under this subdivision for ten or thirty years, whichever is applicable. After such period of time, the amount of such exempted assessed valuation of such improvements shall be reduced by twenty percent in each succeeding year until the assessed value of the improvements is fully taxable. Provided, however, exemption for any conversions, alterations or improvements, which are aided by a loan or grant under article eight, eight-A, eleven, twelve, fifteen, or twenty-two of the private housing finance law, section six hundred ninety-six-a or section ninety-nine-h of the general municipal law, or section three hundred twelve of the housing act of nineteen hundred sixty-four (42 U.S.C.A. 1452b), or the Cranston-Gonzalez national affordable housing act, (42 U.S.C.A. 12701 et seq.), or started after July first, nineteen hundred eighty-three by a housing development fund company organized pursuant to article eleven of the private housing finance law which are carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality or which are carried out in a property transferred from the city of New York and where alterations and improvements are completed within seven years after the date of transfer may commence at the beginning of any tax period subsequent to the start of such conversions, alterations or improvements and prior to the completion of such conversions, alterations or improvements. The assessed valuation of the land occupied by such dwelling and any increase in assessed valuation resulting from conversions, alterations, or improvements other than those made pursuant to this section shall not be affected by the provisions of this section.

§ 2. This local law takes effect immediately.

AS

LS # 16595/16605/17959/18013/18346

12/1/21 5:59 p.m.

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Res. No. 1840-A

..Title

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.5573/S.3082, in relation to prohibiting eviction without good cause.

..Body

By Council Members Kallos, the Speaker (Council Member Johnson), Gibson and the Public Advocate (Mr. Williams)

Whereas, According to the 2017 New York City Housing Vacancy Survey (HVS), a little over two-thirds of New York City households rent their units; and

Whereas, The 2021 Income and Affordability Study by the NYC Rent Guidelines Board estimated that 50.1 percent of renters in New York City (NYC or the City) are rent burdened, which means that they are paying 30 percent of their income towards rent; and

Whereas, 26.2 percent of these rent burdened renters are considered to be severely rent burdened since they are spending 50 percent or more of their income towards rent, according to that same study; and

Whereas, Tenants who are rent burdened or severely rent burdened could become homeless due to an unexpected financial setback, illness or personal crisis; and

Whereas, Research from the Right to Counsel NYC Coalition, a tenant advocacy group, documented that there were 152,284 eviction cases in New York State on March 13, 2020, at the start of the COVID-19 pandemic, and as of October 3, 2021, there were 224,341 active eviction cases; and

Whereas, An increase in the number of evictions sought by landlords could be detrimental for many impacted renters and put enormous pressure on the City’s homeless service programs; and

Whereas, According to the Coalition for the Homeless, a homeless advocacy group, in the past few years homelessness in NYC has reached the highest levels since the Great Depression of the 1930s; and

Whereas, As of August 2021, research from the Coalition of the Homeless showed 18,357 single adults and 47,979 households, including 14,881 homeless children, were sleeping each night in the City’s shelter system; and

Whereas, A report titled, “Turning the Tide on Homelessness in New York City” by the NYC Department of Homeless Services highlighted that New York City has more than 3.4 million housing units, however that many of these units are unaffordable to many low income and middle income families; and

Whereas, That same report emphasized that the City’s vacancy rate is 3.5 percent and the vacancy rate for apartments with a rent that costs $800 or less is 1.8 percent, which is a problem for a household searching for an affordable unit, and that the availability of affordable rental housing has not kept up with the City’s need; and

Whereas, A way to cut the proportion of people becoming homeless is by giving renters in NYC protections against unconscionable rent hikes and offering them a lease renewal option; and

Whereas, A.5573, sponsored by Assembly Member Pamela Hunter in the New York State Assembly and companion bill S.3082, sponsored by State Senator Julia Salazar in the New York State Senate, would prohibit landlords from taking any action to evict, to fail to renew a lease or to remove a tenant from a housing accommodation unless it was done for a good cause; and

Whereas, Under A.5573/S.3082, some of the grounds for eviction would be narrowed to situations such as if the tenant fails to pay rent, conducts nuisance activities in the unit or on the premise, and if there are substantive lease violations; and

Whereas, Cities such as Albany and Hudson have recently passed legislation that would prohibit eviction without a good cause, while cities such as Kingston, Poughkeepsie, New Paltz, Ithaca, Beacon and Newburgh currently have legislation pending in their respective jurisdictions; and

Whereas, New York City needs A.5573/S.3082 to help provide some comfort and relief to its overburdened tenants; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.5573/S.3082, in relation to prohibiting eviction without good cause

JLC/AS

12/14/21 9:57 a.m.

LS 11358, 11360, 12813, and 16308