



## Legislation Text

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Preconsidered Int. No. 2404

By Council Members Lander, Chin, Kallos and Louis

A Local Law to amend the administrative code of the city of New York, in relation to requiring a certification of no harassment prior to approval of construction documents or issuance of permits for demolition or renovation of certain buildings

Be it enacted by the Council as follows:

Section 1. The definition of “building qualification index” in subdivision a of section 27-2093.1 of the administrative code of the city of New York, as added by local law 1 of 2018, is amended to read as follows:

Building qualification index. The term “building qualification index” means an index created by the department and promulgated in rules to evaluate prospective pilot program buildings for distress based on the department’s records of open and closed hazardous and immediately hazardous violations of the housing maintenance code, records of paid and unpaid liens for expenses incurred by the department for the repair or elimination of dangerous conditions under the emergency repair program, open and closed hazardous and immediately hazardous violations issued by the department of health and mental hygiene or department of buildings, change of ownership or any other factor that reasonably indicates distress and would qualify such building for the certification of no harassment pilot program as determined by the department.

§ 2. Subdivision b of section 27-2093.1 of the administrative code of the city of New York, as added by local law 1 of 2018, is amended to read as follows:

b. Pilot program list. The department shall compile and publish a pilot program list. The criteria used to select buildings to be included on the pilot program list shall be promulgated by the department in rules and shall be limited to:

(1) Buildings with scores on the building qualification index indicating significant distress as determined by the department, and located within:

- (i) Bronx community district 4,
- (ii) Bronx community district 5,
- (iii) Bronx community district 7,
- (iv) Brooklyn community district 3,
- (v) Brooklyn community district 4,
- (vi) Brooklyn community district 5,
- (vii) Brooklyn community district 16,
- (viii) Manhattan community district 9,
- (ix) Manhattan community district 11,
- (x) Manhattan community district 12,
- (xi) Queens community district 14, and

(xii) Any community district where any part of such district is subject to a city-sponsored neighborhood -wide rezoning after the date of enactment of the local law that added this section.

(2)(i) Buildings where a full vacate order has been issued by the department or by the department of buildings, or (ii) buildings where there has been active participation in the alternative enforcement program for more than four months since February 1, 2016; [and]

(3) Buildings where there has been a final determination by New York state homes and community renewal or any court having jurisdiction that one or more acts of harassment were committed at such building within the 60 months prior to the effective date of the local law that added this section or on or after the effective date of the local law that added this section. The department shall establish a method of identifying

buildings where there have been adjudications of harassment after the effective date of the local law that added this section, and may request the cooperation of the tenant harassment prevention task force to establish and effectuate such method. The department shall add a building to the pilot program list within 30 days after it is identified in accordance with such method[.];

(4) Buildings where an administrator has been appointed under article seven-A of the real property actions and proceedings law;

(5) Buildings where the department of buildings has determined there has been a failure to comply with any term of a tenant protection plan required by section 28-104.8.4;

(6) Buildings which the department has included on the speculation watch list required by section 27-2109.52; and

(7) Any community district determined by the department to be at a high risk for displacement pursuant to the index required by subdivision c of section 25-117.

§ 3. Section 27-2093.1 of the administrative code of the city of New York, as added by local law 1 of 2018, is amended to add a new subdivision j to read as follows:

j. Penalties. Where the department has denied a certificate of no harassment pursuant to subparagraph (5)(c) of subdivision d of this section, such determination shall be conclusive proof that harassment occurred and the owner of record of such pilot program building:

(1) shall be subject to a civil penalty of not less than two thousand dollars and not more than ten thousand dollars for each dwelling unit; and

(2) shall within 60 days of the notice of such denial provide to any tenant of each dwelling unit during the previous 60 months an amount equal to twice the rent charged for the month of the denial for each year of occupancy during such period.

§ 4. Section 28-505.31 of the administrative code of the city of New York, as added by local law 1 of

2018, is amended to read as follows:

Applications for the approval of construction documents for the following categories of work are covered by this article:

1. demolition of all or part of the pilot program building;
2. change of use or occupancy of all or part of a dwelling unit, any residential portion of the pilot program building, or any part of such building serving such dwelling units;
3. any alteration resulting in the addition or removal of kitchen or bathrooms, an increase or decrease in the number of dwelling units, or any change to the layout, configuration, or location of any portion of any dwelling unit;
4. an application for a new or amended certificate of occupancy; or
5. such other types of alteration work to a pilot program building as shall be prescribed by rule of the commissioner of housing preservation and development.

**Exceptions:**

1. Work solely for the purpose of either (i) making the public areas of a pilot program building accessible to persons with disabilities without altering the configuration of any dwelling unit or rooming unit or (ii) making the interior or the entrance to a dwelling unit or a rooming unit accessible to persons with disabilities shall not be covered by this article.
  2. Repairs, demolition or any other work performed by a city agency or by a contractor pursuant to a contract with a city agency shall not be covered by this article.
  - [3. Work performed on a building that has an administrator currently appointed pursuant to article seven-a of the real property actions and proceedings law shall not be covered by this article.
  - 4]3. Other categories of work that are excluded from the definition of covered categories of work by rule of the department of housing preservation and development shall not be covered by this article.
- § 5. The department, with the advice and assistance that may be provided by any community group

described in paragraph (4) of subdivision d of section 27-2093.1 of the administrative code of the city of New York shall conduct a study to evaluate the effectiveness of the program in reducing harassment of tenants in the areas described in subdivision b of section 27-2093.1 of the administrative code of the city of New York. Such study shall be completed and a report shall be submitted to the Speaker no later than 6 months prior to the

expiration of this local law. Such report shall contain the following information:

1. the number of covered buildings where the owner applied for a certificate of no harassment disaggregated by whether the department issued a certificate of no harassment, a cure agreement was reached, or a waiver of a certificate of no harassment;

2. the location of buildings where the department determined that harassment had occurred, disaggregated by community board and council district disaggregated by whether such building was subject to a cure agreement;

3. metrics which the department determines appropriate to determine the preventive impacts of such program;

4. a determination, using such metrics, as to whether such program resulted in preventive impacts;

5. estimated costs of the program to the city; and

6. recommendations for improving the efficacy of such program if the pilot program continues.

§ 6. Section 5 of local law of 2018 is amended to read as follows:

§ 5. This local law takes effect 270 days after it becomes a law except that the departments of housing preservation and development and the department of buildings may promulgate rules or take other administrative action for the implementation of this local law prior to such date. This local law shall remain in effect until September 27, 2026 [for 36 months], after which it is deemed repealed. Notwithstanding the repeal of this local law, the provisions of this local law shall remain in effect for any pilot program building which submits an application for construction document approval pursuant to section 28-505.4 of the administrative code of the city of New York[, as added by section three of this local law,] prior to the repeal of such section. This local law shall not apply to work relating to applications for construction document approval filed with the department of buildings prior to the inclusion of a building on the pilot program list pursuant to subdivision b of section 27-2093.1 of the administrative code of the city of New York, as amended by a local law for the year

2021 amending the administrative code of the city of New York in relation to requiring a certification of no harassment prior to approval of construction documents or issuance of permits for demolition or renovation of certain buildings as proposed in introduction number XX for the year 2021 [added by section two of this local law].

§ 7. This local law shall take effect immediately and shall be repealed on the same day as local law 1 of 2018, as amended by this local law.

LS 4995  
9/08/21