

NEW YORK CITY LEGISLATIVE ANNUAL - 2018

**Report of the Committee on Housing and Buildings**

Local Laws 1, 3, 7, 13, 14 & 24

November 29, 2017

Int. No. 152-C

**Certification of No Harassment**

ADMINISTRATIVE CODE: Adds new section 27-2093.1 and a new article 505

Int. No. 443-A

**Crane Modernization**

BUILDING CODE: Amends sections 202, 3302.1 and 3319

Int. No. 1210-A

**Evaluation Program of Certain Multiple Dwellings to  
Establish Speculation List**

ADMINISTRATIVE CODE: Adds Section 11-138 and 27-2109.51 through 27-2109.58

Int. No. 1403-A

**Anemometers on Cranes**

BUILDING CODE: Renumbers section 3319.11 to 3319.12, and Adds new section 3319.13

Int. No. 1431-A

**Registration of Lift Directors**

BUILDING CODE: Adds a new section 3301.12

Int. No. 1721-A

**Definition of Harassment**

ADMINISTRATIVE CODE: Amends Section 27-2004

**Introduction**

On November 29, 2017, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams, will hold a hearing for the purposes of conducting votes on Proposed Int. No. 152-C, Proposed Int. No. 443-A, Proposed Int. No. 1210-A, Proposed Int. No. 1403-A, Proposed Int. No. 1431-A, and Proposed Int. No. 1721-A.

The Committee originally heard Proposed Int. No. 152-A on February 22, 2016 and received testimony from representatives of the Department of Buildings (DOB), the Department of Housing Preservation and Development (HPD), housing advocates, legal service providers, members of the real estate industry, and other interested members of the public.

The Committee originally heard Int. No. 1210 on October 31, 2016 and the committee received testimony from representatives of DOB, HPD, housing advocates, legal service providers, members of the real estate industry, and other interested members of the public.

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The Committee heard Int. No. 443, Int. No. 1403 and Int. No. 1431 on January 31, 2017 and received testimony from representatives of DOB, HPD, members of the real estate and construction industries, and other interested members of the public.

The Committee heard Int. No. 1721 on October 19, 2017 and received testimony from representatives of HPD, the Mayor's Office of Immigrant Affairs (MOIA), the New York City Commission on Human Rights (CCHR), housing advocates, immigration advocates, legal service providers, members of the real estate industry, and other interested members of the public.

### Proposed Legislation

Below is a brief summary of each of the pieces of legislation being voted on by the Committee at this hearing. These summaries are intended for informational purposes only and do not substitute for legal counsel.

#### Proposed Int. No. 152-C

This bill would create a new certificate of no harassment (CONH) program, which would require certain buildings to apply for a CONH before obtaining DOB approval of permits or of other construction documents for certain, covered work. Buildings where a full vacate order has been issued, buildings where there has been active participation in the alternative enforcement program (AEP) and buildings with a history of finding of harassment will be required to apply for a CONH for covered work. In certain districts, buildings that meet a Building Qualification Index (BQI) will also be required to apply for the CONH for covered work.

If harassment during the relevant time period is found after a CONH investigation, the owner must provide for affordable housing in order to receive a permit. Within such building, at least 25% of the total residential floor area of such building must be affordable, and if it is a new building, then 20% of the total floor area of a new building on the lot containing the building must be affordable. One-third of the affordable housing units will be made available at 40 percent of the area median income (AMI), one-third of such units within such building are available at 50 percent of the AMI and one-third of such units are available at 60 percent of the AMI. This law takes effect 270 days after it becomes law, and sunsets after three years.

#### Proposed Int. No. 443-A

This bill would prohibit cranes which are more than 25 years from the manufacture date from operating in New York City. This bill takes effect on January 1, 2019.

#### Proposed Int. No. 1210-A

This bill would require HPD to create a publicly available "watch list" of rent-regulated buildings where, based on several factors, tenants might be at risk of being displaced. Buildings on the watch list may be prioritized for HPD preservation programs or initiatives. An example of a factor indicating a displacement risk would be a low "capitalization rate," which indicates that a developer purchased a property for more than market value and might suggest that the developer plans to displace current tenants to transition the property to a more lucrative use. This bill takes effect immediately after it becomes law.

#### Proposed Int. No. 1403-A

This bill would require cranes to be equipped with anemometers (wind speed measurement devices), and allows DOB to approve an anemometer where the manufacturer is no longer in business, or the manufacturer or an entity acceptable to such manufacturer is unable to provide the anemometer. This bill would take effect after 120 days after it becomes law.

#### Proposed Int. No. 1431-A

This bill would require lift directors for certain cranes and set forth the qualifications and duties for lift directors. This bill would take effect immediately after it becomes law,

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but the requirement for lift directors takes effect 18 months after DOB establishes a 32-hour training program for lift directors.

Proposed Int. No. 1721-A

This bill would amend the definition of harassment to include acts or omissions related to violations of the construction code. This bill would take effect 120 days after it becomes law.

NYLS Editor's Note: See, Reports by the NYC Council Committee on Housing and Buildings, 02/22/16, 47 pages, 11/29/17, 46 pages. Transcripts from the Hearings, 02/22/16, 241 pages, 11/29/17, 13 pages. Testimony, 02/22/16, 133 pages. Fiscal Impact Statement, 1 page. Press Release by the NYC Department of Housing Preservation & Development, 11/30/17, 6 pages. Press Releases by the Association for Neighborhood & Housing Development, 02/21/16, 2 pages, 11/30/17, 2 pages. Publication by the Coalition Against Tenant Harassment, 2 pages. Press Releases by the NYC Council, 02/26/18, 1 page, 11/30/17, 10 pages. All are included in the legislative history of this Local Law, available from New York Legislative Service, Inc.

### LOCAL LAWS OF THE CITY OF NEW YORK FOR THE YEAR 2018

#### No. 2

Introduced by Council Members Vacca, Gentile, Koo, Mendez, Menchaca, Rosenthal, Kallos, Rodriguez, Rose, Greenfield, Constantinides and Miller.

#### A LOCAL LAW

**To amend the administrative code of the city of New York, in relation to notifying sidewalk construction permit applicants about scheduled tree planting.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-159 to read as follows:

*§19-159 Notification of tree planting when applying for sidewalk construction permits. The department shall notify applicants for sidewalk construction permits to consult the website of the department of parks and recreation for information on scheduled tree planting.*

§2. This local law takes effect on March 30, 2018, except that the commissioner shall take any measures necessary for the implementation of this local law before its effective date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on November 30, 2017 and returned unsigned by the Mayor on January 5, 2018.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 2 of 2018, Council Int. No. 231-A of 2014) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.