

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2012**

No. 45

Introduced by Council Members Brewer, Cabrera, Foster, Gentile, Koppell, Lappin, Palma, Reyna, Williams, Rodriguez, Dromm, Mealy, Mendez, Mark-Viverito, Rivera, Jackson, Dickens, Garodnick, Vann, Lander, James, Chin, Barron, Gennaro and Koo

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to fines for illegal conversions of dwelling units from permanent residences.

Be it enacted by the Council as follows:

Section 1. Legislative Findings and Intent. The Council finds that apartments within residential buildings have been converted to uses contrary to their intended purpose, most notably as short-stay hotel rooms, particularly in certain neighborhoods. These practices occur despite existing prohibitions in the City's Zoning Resolution and Administrative Code which creates significant health and safety concerns for occupants of illegally converted apartments within residential buildings and for other residents of these buildings. Furthermore, selected initial findings from the 2011 Housing and Vacancy Survey found a citywide rental vacancy rate of 3.12% which constitutes a ground for a "declaration of emergency" in terms of the lack of available apartments (Section 3 of Chapter 576 of the Laws of 1974 authorizing the extension of rent regulation). The Council also finds that the use of apartments for purposes such as short-stay hotel rooms drives down the already extremely limited supply of housing, including rent-regulated apartments, and places additional pressures on an extremely tight rental market. Moreover, this illegal practice denies permanent tenants the quiet enjoyment of their homes.

While the Council recognizes that the use of property for purposes such as legal hotels and their related businesses are a significant sector of New York City's economy and provide wages and benefits to a large number of workers in New York City, there is an equally strong recognition of the need to discourage illegal conversions and thereby maintain needed rental apartments for permanent tenants. This legislation will increase fines for those who illegally convert residential units and buildings.

§2. Section 28-201.2.1 of title 28 of the administrative code of the city of New York is amended by adding a new item 16 to read as follows:

16. A violation of section 28-210.3 that involves more than one dwelling unit or a second or subsequent violation of section 28-210.3 by the same person at the same dwelling unit or multiple dwelling.

§3. Article 210 of chapter two of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended by adding a new section 28-210.3 to read as follows:

§28-210.3 Illegal conversions of dwelling units from permanent residences. *Except as otherwise provided in subdivision 16 of section 67 of the multiple dwelling law and section 120 of the multiple dwelling law, dwelling units within (i) a class A multiple dwelling as defined in section 27-2004 of the administrative code, (ii) occupancy group J-2 as described in section 27-265 of the administrative code or (iii) occupancy group R-2 as described in section 310.1.2 of the New York city building code shall be used only for permanent residence purposes as required pursuant to subparagraph a of paragraph eight of subdivision a of section 27-2004 of the administrative code. It shall be unlawful for any person or entity who owns or occupies a multiple dwelling or dwelling unit classified for permanent residence purposes to use or occupy,*

offer or permit the use or occupancy or to convert for use or occupancy such multiple dwelling or dwelling unit for other than permanent residence purposes. For the purposes of this section a conversion in use of a dwelling unit may occur irrespective of whether any physical changes have been made to such dwelling unit. The provisions of this section shall not be construed to prohibit lawful accessory uses permitted pursuant to the zoning resolution or the lawful conversion of dwellings in accordance with applicable law.

§4. This local law shall take effect sixty days after its enactment, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such 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 onSeptember 12, 2012..... and approved by the Mayor onOctober 2, 2012.....

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

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed local law (Local Law No. 45 of 2012, Council Int. No. 404-A) contains the correct text and that all proper proceedings have been had or taken for the enactment of such local law.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.