

STATE OF NEW YORK

7068

2019-2020 Regular Sessions

IN ASSEMBLY

April 4, 2019

Introduced by M. of A. LENTOL -- read once and referred to the Committee on Housing

AN ACT to amend the administrative code of the city of New York, in relation to enacting the "adjacent neighbors' bill of rights"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "adjacent
2 neighbors' bill of rights".

3 § 2. The administrative code of the city of New York is amended by
4 adding a new section 28-103.33 to read as follows:

5 § 28-103.33 Adjacent neighbors' bill of rights. 1. The commissioner
6 shall develop a pamphlet known as the "adjacent neighbors' bill of
7 rights" advising homeowners who are adjacent to a property under devel-
8 opment or construction of their rights and available resources and post
9 such pamphlet on the department's internet website. Copies of such
10 pamphlet shall be provided to all state and local elected officials,
11 community boards, and any other organizations deemed necessary by the
12 commissioner.

13 2. The pamphlet developed pursuant to this section shall include the
14 following, along with other information added at the discretion of the
15 commissioner, not otherwise inconsistent with the information set forth
16 in the pamphlet:

17 a. guidelines for identifying and contacting competent construction
18 attorneys and structural engineers to represent an adjacent homeowner
19 before developers and their representatives and the services such attor-
20 neys and engineers should provide to such homeowner;

21 b. an advisory on the availability of homeowners' nights at the
22 department to review plans submitted by developers and further advise
23 homeowners of their rights;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 c. an advisory of a homeowner's right to a pre-construction survey, at
2 the developer's expense, when a developer plans to perform underpinning
3 or excavation or encroachments on such homeowner's property;

4 d. an advisory on when a developer is required to negotiate a license
5 or party wall agreement with the homeowner and that such homeowner
6 should seek representation from a construction attorney;

7 e. an advisory of a homeowner's right to compel a developer through a
8 party wall or license agreement to take protective measures involving
9 the party wall, including but not limited to, the installation of crack
10 gauges and vibration monitors;

11 f. an advisory of a homeowner's right to limit permissible hours
12 during which a developer may perform work under a party wall or license
13 agreement;

14 g. an advisory of a developer's obligations under the New York city
15 building code and other provisions of law, rules or regulations to a
16 homeowner for any damages to a homeowner's property due to such develop-
17 er's excavation or underpinning; and

18 h. contact information and other resources within the department
19 related to excavation and underpinning and development plans and permits
20 available to homeowners.

21 § 3. This act shall take effect on the one hundred eightieth day after
22 it shall have become a law. Effective immediately the addition, amend-
23 ment and/or repeal of any rule or regulation necessary for the implemen-
24 tation of this act on its effective date are authorized to be made and
25 completed on or before such effective date.