

STATE OF NEW YORK

1003--B

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. GAUGHRAN, BROOKS, HARCKHAM, KAMINSKY, KAPLAN, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to building permits; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Section 125 of the general municipal law, as added by chapter 439 of the laws of 1998, is amended to read as follows:

2 § 125. Issuance of building permits. 1. No city, town or village shall
3 issue a building permit without obtaining from the permit applicant
4 either:

5
6 ~~[1-]~~ (a) proof duly subscribed that workers' compensation insurance
7 and disability benefits coverage issued by an insurance carrier in a
8 form satisfactory to the chair of the workers' compensation board as
9 provided for in section fifty-seven of the workers' compensation law is
10 effective; or

11 ~~[2-]~~ (b) an affidavit that such permit applicant has not engaged an
12 employer or any employees as those terms are defined in section two of
13 the workers' compensation law to perform work relating to such building
14 permit.

15 2. (a) Notwithstanding any law, rule or regulation to the contrary a
16 city, town or village in a county with a population of one million two
17 hundred thousand or more, not wholly contained within a city, may estab-
18 lish a program whereby a building permit may be issued based upon a

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

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1 certification by a registered architect licensed to practice in the
2 state of New York or a professional engineer licensed to practice in the
3 state of New York that the intended work as set forth in the building
4 permit application meets the requirements of the Uniform Fire Prevention
5 and Building Code, excluding the approval of fire service features and
6 compliance with fire protection and life safety systems as defined by
7 the fire code of New York state, or any more restrictive local
8 provisions relating to fire services, fire protection or life safety
9 systems. Such program shall include a requirement for a random audit of
10 applications for a building permit to ensure compliance. Provided,
11 however, a city, town, or village establishing a program pursuant to
12 this section shall be prohibited from reducing or eliminating the posi-
13 tion of any employee involved with the building permit application proc-
14 ess during the effectiveness of this section. Any program established
15 by a city, town or village pursuant to this paragraph shall be referred
16 to as a "self-certification program".

17 (b) A self-certification program established pursuant to this subdivi-
18 sion may not be utilized by any applicant until forty-five days have
19 lapsed following the submission of a complete building permit applica-
20 tion by the applicant to the municipal building department, provided
21 that the municipal building department has not approved, denied or
22 returned the application as incomplete within the forty-five day period
23 following submission.

24 (c) The wrongful or negligent certification by a licensed professional
25 pursuant to this section may constitute professional misconduct, and
26 referral can be made to the state education department office of
27 professions upon a finding of wrongdoing or negligence by the licensed
28 professional by the building department with jurisdiction over the
29 project.

30 § 2. This act shall take effect immediately and shall expire and be
31 deemed repealed October 1, 2024.