

# STATE OF NEW YORK

4202

2023-2024 Regular Sessions

## IN ASSEMBLY

February 13, 2023

Introduced by M. of A. STERN, THIELE, RAMOS, JEAN-PIERRE, SILLITTI,  
K. BROWN -- read once and referred to the Committee on Local Govern-  
ments

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

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

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

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

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

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

2. (a) Notwithstanding any law, rule or regulation to the contrary a  
city, town or village in a county with a population of one million two  
hundred thousand or more, not wholly contained within a city, may estab-  
lish a program whereby a building permit may be issued based upon a  
certification by a registered architect licensed to practice in the  
state of New York or a professional engineer licensed to practice in the  
state of New York that the intended work as set forth in the building  
permit application meets the requirements of the Uniform Fire Prevention  
and Building Code, excluding the approval of fire service features and

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

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1 compliance with fire protection and life safety systems as defined by  
2 the fire code of New York state, or any more restrictive local  
3 provisions relating to fire services, fire protection or life safety  
4 systems. Such program shall include the following requirements:

5 (i) no later than forty-five days after submission of a building  
6 permit application with a certification as provided for herein to the  
7 municipal building department such application shall be deemed approved  
8 unless denied;

9 (ii) in the event of a denial of a building permit application with a  
10 certification the building department shall set forth the reasons for  
11 such denial and shall cite the applicable provisions of the law or regu-  
12 lation upon which such denial is predicated; and

13 (iii) a random audit of applications for a building permit to ensure  
14 compliance. Provided, however, a city, town, or village establishing a  
15 program pursuant to this section shall be prohibited from reducing or  
16 eliminating the position of any employee involved with the building  
17 permit application process during the effectiveness of this section.  
18 Any program established by a city, town or village pursuant to this  
19 paragraph shall be referred to as a "self-certification program".

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

26 § 2. This act shall take effect immediately and shall expire and be  
27 deemed repealed October 1, 2025.