S T A T E O F N E W Y O R K

952

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. McDONOUGH, ERRIGO -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to enacting the homeowner's detrimental reliance protection act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The executive law is amended by adding a new article 39-A to read as follows:

ARTICLE 39-A

HOMEOWNER'S DETRIMENTAL RELIANCE PROTECTION ACT

SECTION 893-A. SHORT TITLE.
893-B. LEGISLATIVE INTENT.
893-C. LAND USE PERMIT DISCLOSURE PUBLICATION.
893-D. STATE AGENCY COOPERATION.
893-E. NOTICE TO BUILDING PERMIT APPLICANTS.

S 893-A. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "HOMEOWNER'S DETRIMENTAL RELIANCE PROTECTION ACT".

S 893-B. LEGISLATIVE INTENT. THE PURPOSE OF THIS ARTICLE IS TO ADDRESS SITUATIONS WHERE PERMIT APPLICANTS RELY ON A LOCAL BUILDING PERMIT AND INFORMATION FROM THE LOCAL BUILDING PERMIT OFFICER, BUT LATER DISCOVER, TO THEIR DETRIMENT, THAT THE PROJECT FOR WHICH THEY OBTAINED A BUILDING PERMIT IS SUBJECT TO PERMIT JURISDICTION BY A STATE OR FEDERAL AGENCY.

S 893-C. LAND USE PERMIT DISCLOSURE PUBLICATION. 1. THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL PREPARE A PUBLICATION ENTITLED "STATE AND FEDERAL AGENCIES HAVING JURISDICTION OVER BUILDING AND LAND USE PROJECTS IN NEW YORK STATE." THE PUBLICATION SHALL CONTAIN A LIST OF CONTACT NAMES, ADDRESSES, TELEPHONE NUMBERS AND A SHORT OUTLINE OF THE DUTIES OF ALL STATE AND FEDERAL AGENCIES THAT HAVE JURISDICTION OVER PROPOSED BUILDING AND LAND USE PROJECTS IN NEW YORK STATE, WHETHER HAVING JURISDICTION OVER THE ENTIRE STATE OR OVER REGIONS OR AREAS OF

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

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THE STATE. THE PUBLICATION SHALL BE AVAILABLE IN PRINT FORM AND IN ELECTRONIC FORM ON THE INTERNET.

2. THE PUBLICATION SHALL BE MAILED FREE OF CHARGE BY FIRST CLASS MAIL WITHIN FIFTEEN DAYS OF RECEIPT OF REQUEST.

3. THE PUBLICATION SHALL BE UPDATED IF ANY NEW STATE OR FEDERAL AGENCY SHALL HAVE ARISEN WITH JURISDICTION OVER PROJECTS IN NEW YORK STATE, OR IF AN EXISTING STATE OR FEDERAL AGENCY HAS HAD A CHANGE IN JURISDICTION. THE ELECTRONIC VERSION SHALL BE CONTINUOUSLY UPDATED BY UPDATING THE ELECTRONIC VERSION AVAILABLE ON THE INTERNET. THE PRINT VERSION SHALL BE UPDATED BY SUPPLEMENTING THE PRINTED VOLUME WITH AN UPDATE PAMPHLET. THE PUBLICATION SHALL BE REVIEWED EVERY THREE YEARS AND REPRINTED IF THE PUBLICATION HAS BEEN UPDATED BY SUPPLEMENT OR REQUIRES SUCH AN UPDATE.

S 893-D. STATE AGENCY COOPERATION. ALL STATE AGENCIES WHICH ISSUE PERMITS FOR PROPOSED BUILDING OR LAND USE ACTIVITIES SHALL PROVIDE TO THE GOVERNOR'S OFFICE OF REGULATORY REFORM, SUCH INFORMATION AS THE OFFICE SHALL DEEM NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS ARTICLE.

S 893-E. NOTICE TO BUILDING PERMIT APPLICANTS. EACH APPLICATION FOR A TOWN, VILLAGE, CITY, OR COUNTY BUILDING PERMIT SHALL INCLUDE A CONCISE AND PROMINENT NOTICE, DEVELOPED BY THE GOVERNOR'S OFFICE OF REGULATORY REFORM, STATING THE AVAILABILITY OF THE PUBLICATION, INCLUDING THE ADDRESS, PHONE NUMBER AND EMAIL ADDRESS FOR ORDERING A PRINTED COPY OF THE PUBLICATION; AND THE WEBSITE ADDRESS FOR OBTAINING AN ELECTRONIC COPY OF THE PUBLICATION. SUCH NOTICE SHALL BE INCORPORATED INTO OR PROMINENTLY ATTACHED THERETO THE PRINTED FORM OF EVERY TOWN, VILLAGE, CITY, OR COUNTY BUILDING PERMIT APPLICATION. THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL PROVIDE NOTICE OF SUCH CLAUSE BY FIRST CLASS MAIL TO EVERY TOWN, VILLAGE, CITY OR COUNTY BUILDING PERMIT OFFICE.

S 2. This act shall take effect one year after it shall have become a law. Provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date; further provided that the provisions of section 893-e of the executive law, as added by section one of this act, shall take effect on the sixtieth day after it shall have become a law.