STATE OF NEW YORK

4363--A

2017-2018 Regular Sessions

IN ASSEMBLY

February 2, 2017

Introduced by M. of A. CUSICK, STIRPE, COLTON, HARRIS -- Multi-Sponsored by -- M. of A. FAHY, HEVESI, MALLIOTAKIS, SIMON, TITONE -- read once and referred to the Committee on Cities -- recommitted to the Committee on Cities in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York and chapter 542 of the laws of 2007, amending the administrative code of the city of New York and the education law relating to filings by persons who have negligently or knowingly made false statements in documents submitted to the department of buildings of the city of New York, in relation to false statements made to the department of buildings of the city of New York

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

Section 1. Section 28-211.1.2 of the administrative code of the city of New York, as added by local law number 8 of the city of New York for the year 2008, is amended to read as follows:

§ 28-211.1.2 Additional penalty for false statements. In addition to any other penalty provided by law, the commissioner may refuse to accept an application or other document submitted pursuant to or in satisfaction of a requirement of this code or of a rule of any agency promulgated thereunder that bears the signature of a person**, other than a person licensed pursuant to articles one hundred forty-five, one hundred forty-seven or one hundred forty-eight of the education law,** who has been found, after a hearing at the office of administrative trials and hearings pursuant to the department's rules, to have knowingly or negligently made a false statement or to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of this code or of a rule of any agency

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

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promulgated thereunder. **In addition to any other penalty provided by law, the commissioner may refuse to accept an application or other document submitted pursuant to or in satisfaction of a requirement of this code or of a rule of any agency promulgated thereunder that bears the signature of a person licensed pursuant to articles one hundred forty-five, one hundred forty-seven or one hundred forty-eight of the education law, who has been found, under the disciplinary procedures prescribed in section sixty-five hundred ten of the education law, to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification or the correction of a violation required under the provisions of this code or of a rule of any agency promulgated thereunder.**

§ 2. Section 28-104.6.1 of the administrative code of the city of New York, as amended by section 10 of part A of local law number 141 of the city of New York for the year 2013, is amended to read as follows:

§ 28-104.6.1 Verification of professional qualification required. The department shall not accept construction documents or other documents submitted in connection with applications for construction document approval or work permits under this code by any person representing that he or she is a registered design professional or landscape architect without verifying, by means of lists compiled and made available by the New York state department of education pursuant to paragraph e-1 of subdivision four of section sixty-five hundred seven of the education law, that such person meets the qualifications established by law to practice as an architect or engineer in New York state**, and that the address and contact information for such person provided on the application form matches the address and contact information on file with the New York state department of education**.

§ 3. Section 4 of chapter 542 of the laws of 2007, amending the administrative code of the city of New York and the education law relating to filings by persons who have negligently or knowingly made false statements in documents submitted to the department of buildings of the city of New York, is amended to read as follows:

§ 4. Nothing set forth in this act shall be construed to limit the power of the New York city commissioner of buildings to adopt rules, consistent with state and local law, that set forth additional grounds for limitation of the filing privileges [~~of or otherwise sanctioning architects and professional engineers who have been determined after a hearing to have knowingly or negligently submitted applications, plans or other documents to the New York city department of buildings that contained false information or were not in compliance with all applicable provisions of law or who have otherwise demonstrated incompetence or a lack of knowledge of applicable law or standards~~] **authorized pursuant to section 28-104.2.1 of the administrative code of the city of New York**.

§ 4. This act shall take effect immediately.