

# STATE OF NEW YORK

8779

2017-2018 Regular Sessions

## IN ASSEMBLY

November 27, 2017

Introduced by M. of A. GLICK -- read once and referred to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to deterring bird collisions on construction sites

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

1 Section 1. The administrative code of the city of New York is amended  
2 by adding a new section 27-645.1 to read as follows:

3 § 27-645.1 Bird collision deterrence. (a) As used in this section, the  
4 following terms shall have the following meanings:

5 (1) "construction work" shall mean any or all work or operations  
6 necessary or incidental to the erection, demolition, assembling,  
7 installing, or equipping of buildings, or any alterations and operations  
8 incidental thereto;

9 (2) "substantial reconstruction work" shall mean any work in which the  
10 construction work affects at least fifty percent of the building's floor  
11 area. Such term shall also mean any work in which the construction work  
12 results in glazing at least fifty percent of the building's windows; and

13 (3) "bird collision deterrent safety measures" shall mean any meas-  
14 ures, including, but not limited to, bird friendly building glass or  
15 other building construction and design techniques incorporating bird-  
16 safe building materials and design features identified in the rules and  
17 regulations required to be adopted pursuant to subdivision (b) of this  
18 section.

19 (b) The commissioner shall, no later than January first, two thousand  
20 nineteen, adopt rules and regulations establishing what constitutes bird  
21 collision deterrent safety measures. In adopting such rules and regu-  
22 lations, the department shall consider information including, but not  
23 limited to: (i) the best practices for reducing bird collisions with  
24 buildings and building glass developed by the division of migratory bird  
25 management in the United States fish and wildlife service, and (ii) the

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

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1 credit for bird collision deterrence developed as part of the leadership  
2 in energy and environmental design (LEED) green building rating system,  
3 adopted by the United States green building council. The commissioner  
4 shall update such rules and regulations no less than every five years.

5 (c) Whenever a building undergoes construction work or substantial  
6 reconstruction work such building shall be designed and constructed to  
7 comply with bird collision deterrent safety measures.

8 (d) The commissioner shall not issue a certificate of occupancy pursu-  
9 ant to article one hundred eighteen of this code until the applicant  
10 complies with the provisions of this section.

11 § 2. This act shall take effect immediately and shall apply to all  
12 construction documents received after January 1, 2019.