

STATE OF NEW YORK

4519--A

Cal. No. 1247

2017-2018 Regular Sessions

IN SENATE

February 16, 2017

Introduced by Sens. MONTGOMERY, COMRIE, HAMILTON, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the administrative code of the city of New York, in relation to requiring notice to adjoining owners of construction or demolition work

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

1 Section 1. Section 28-104.2 of the administrative code of the city of
2 New York, as amended by section 10 of part A of local law number 141 of
3 the city of New York for the year 2013, is amended to read as follows:

4 § 28-104.2 Application for approval of construction documents. The
5 department shall assign an application number to and docket all applica-
6 tions for approval of construction documents and any amendments thereto
7 filed with it. The department shall examine the construction documents
8 promptly after their submission. The examination shall be made under the
9 direction of the commissioner for compliance with the provisions of this
10 code and other applicable laws and rules. The personnel employed for the
11 examination of construction documents shall be qualified registered
12 design professionals, experienced in building construction and design.
13 The department shall provide written notification to owners of adjoining
14 property at the time such application is submitted.

15 § 2. Section 28-105.5 of the administrative code of the city of New
16 York, as amended by section 11 of part A of local law number 141 of the
17 city of New York for the year 2013, is amended to read as follows:

18 § 28-105.5 Application for permit. All applications for permits shall
19 be submitted on forms furnished by the department. Applications shall
20 include all information required by this code, other applicable law or
21 the rules of the department. The applicant shall list any portions of

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

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1 the design that have been approved for deferred submittal in accordance
2 with section 28-104.2.6. The application shall set forth an inspection
3 program for the project. An application for a permit shall be submitted
4 no later than 12 months after the approval of all required construction
5 documents (other than those documents approved for deferred submittal).

6 The department shall provide written notification to owners of adjoining
7 property at the time such application is submitted.

8 § 3. Section 28-105.12.7.1 of the administrative code of the city of
9 New York, as amended by section 11 of part A of local law number 141 of
10 the city of New York for the year 2013, is amended to read as follows:

11 § 28-105.12.7.1 Insurance coverage for adjacent properties. A person
12 who obtains a permit for construction or demolition operations shall, at
13 such person's own expense, procure and maintain for the duration of the
14 operations, insurance of a kind and in an amount specified by rule of
15 the department, to insure any and all adjacent property owners and their
16 lawful occupants fully for all risks of loss, damage to property or
17 injury to or death of persons, arising out of or in connection with the
18 performance of the proposed work. Such person shall submit proof of
19 insurance to the department when applying for a permit for construction
20 or demolition work. The department shall provide such proof of such
21 insurance together with the permit to the owners of adjoining property
22 thirty days prior to the commencement of the construction or demolition
23 work, except in the event that emergency work is authorized as defined
24 in section 28-105.4.1 of this code. If such emergency work is necessary,
25 the permit and proof of insurance shall be provided to owners of adjoining
26 property within a reasonable timeframe.

27 § 4. This act shall take effect immediately.