

# STATE OF NEW YORK

---

4519

2017-2018 Regular Sessions

## IN SENATE

February 16, 2017

---

Introduced by Sens. MONTGOMERY, COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to requiring notice to adjoining owners of construction, excavation 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  
22 the design that have been approved for deferred submittal in accordance  
23 with section 28-104.2.6. The application shall set forth an inspection  
24 program for the project. An application for a permit shall be submitted

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

LBD07149-02-7

1 no later than 12 months after the approval of all required construction  
2 documents (other than those documents approved for deferred submittal).  
3 The department shall provide written notification to owners of adjoining  
4 property at the time such application is submitted.

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

8 § 28-105.12.7.1 Insurance coverage for adjacent properties. A person  
9 who obtains a permit for construction, excavation or demolition oper-  
10 ations shall, at such person's own expense, procure and maintain for the  
11 duration of the operations, insurance of a kind and in an amount speci-  
12 fied by rule of the department, to insure any and all adjacent property  
13 owners and their lawful occupants fully for all risks of loss, damage to  
14 property or injury to or death of persons, arising out of or in  
15 connection with the performance of the proposed work. Such person shall  
16 submit proof of insurance to the department when applying for a permit  
17 for construction, excavation or demolition work. The department shall  
18 provide such proof of such insurance together with the permit to the  
19 owners of adjoining property thirty days prior to the commencement of  
20 the construction, excavation or demolition work, except in the event  
21 that emergency work is authorized as defined in section 28-105.4.1 of  
22 this code. If such emergency work is necessary, the permit and proof of  
23 insurance shall be provided to owners of adjoining property within a  
24 reasonable timeframe.

25 § 4. This act shall take effect immediately.