

STATE OF NEW YORK

8687

2019-2020 Regular Sessions

IN ASSEMBLY

October 23, 2019

Introduced by M. of A. LENTOL -- 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 prohibiting the self-certification of project plans in certain situations

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

1 Section 1. Section BC 3302.1 of the New York city building code is
2 amended by adding a new definition for "ADJOINING OWNER", in appropriate
3 alphabetical order, to read as follows:

4 ADJOINING OWNER. An owner whose property shares a property line with
5 that of a developer or an owner of a historic property within a lateral
6 distance of ninety feet from a developer's property line.

7 § 2. Section BC 3302.1 of the New York city building code is amended
8 by adding a new definition for "DEVELOPER", in appropriate alphabetical
9 order, to read as follows:

10 DEVELOPER. Any individual or business entity filing for a project
11 permit from the department of buildings.

12 § 3. Section BC 3309 of the New York city building code is amended by
13 adding a new section 3309.17 to read as follows:

14 3309.17 Prohibited self-certification. Notwithstanding any other
15 provisions of law to the contrary, no self-certification or professional
16 certification by any architect or engineer employed, retained or other-
17 wise working on behalf of any developer shall be permitted if a project
18 plan shall include at least one of the following:

19 1. Underpinning;

20 2. Excavation within ten feet of a property line to a depth of between
21 five and ten feet;

22 3. Demolition of an existing building;

23 4. Excavation on a developer's property to a depth of over ten feet;

24 or

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

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1 5. Encroachment of any kind on the property of an adjoining owner,
2 whether permanent or temporary.
3 § 4. This act shall take effect on the nineteenth day after it shall
4 have become a law.