STATE OF NEW YORK

5784

2019-2020 Regular Sessions

IN SENATE

May 14, 2019

Introduced by Sen. MONTGOMERY -- 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 enacting the "adjacent neighbors' bill of rights"

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

Section 1. This act shall be known and may be cited as the "adjacent neighbors' bill of rights".

§ 2. The administrative code of the city of New York is amended by adding a new section 28-103.33 to read as follows:

§ 28-103.33 Adjacent neighbors' bill of rights. 1. The commissioner shall develop a pamphlet known as the "adjacent neighbors' bill of rights" advising homeowners who are adjacent to a property under development or construction of their rights and available resources and post such pamphlet on the department's internet website. Such pamphlet shall also be mailed by developers to all homeowners who are adjacent to any property they are developing or constructing when such developers apply for a permit for such development or construction. Copies of such pamphlet shall be provided to all state and local elected officials, community boards, and any other organizations deemed necessary by the commissioner.

2. The pamphlet developed pursuant to this section shall include the following, along with other information added at the discretion of the commissioner, not otherwise inconsistent with the information set forth in the pamphlet:

a. guidelines for identifying and contacting competent construction attorneys and structural engineers to represent an adjacent homeowner before developers and their representatives and the services such attorneys and engineers should provide to such homeowner;

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

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b. an advisory on the availability of homeowners' nights at the department to review plans submitted by developers and further advise homeowners of their rights;

c. an advisory of a homeowner's right to a pre-construction survey, at the developer's expense, when a developer plans to perform underpinning or excavation or encroachments on such homeowner's property;

d. an advisory on when a developer is required to negotiate a license or party wall agreement with the homeowner and that such homeowner should seek representation from a construction attorney;

e. an advisory of a homeowner's right to compel a developer through a party wall or license agreement to take protective measures involving the party wall, including but not limited to, the installation of crack gauges and vibration monitors;

f. an advisory of a homeowner's right to limit permissible hours during which a developer may perform work under a party wall or license agreement;

g. an advisory of a developer's obligations under the New York city building code and other provisions of law, rules or regulations to a homeowner for any damages to a homeowner's property due to such developer's excavation or underpinning; and

h. contact information and other resources within the department related to excavation and underpinning and development plans and permits available to homeowners.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.