STATE OF NEW YORK

705

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

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:

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

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

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

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

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

(b) The commissioner shall, no later than January first, two thousand twenty-one, adopt rules and regulations establishing what constitutes bird collision deterrent safety measures. In adopting such rules and regulations, the department shall consider information including, but not limited to: (i) the best practices for reducing bird collisions with buildings and building glass developed by the division of migratory bird

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

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

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

(d) The commissioner shall not issue a certificate of occupancy pursuant to article one hundred eighteen of this code until the applicant complies with the provisions of this section.

§ 2. This act shall take effect immediately and shall apply to all construction documents received after January 1, 2021.