

# STATE OF NEW YORK

1003--C

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. GAUGHRAN, BROOKS, HARCKHAM, KAMINSKY, KAPLAN, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to building permits; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Section 125 of the general municipal law, as added by chapter 439 of the laws of 1998, is amended to read as follows:

§ 125. Issuance of building permits. 1. No city, town or village shall issue a building permit without obtaining from the permit applicant either:

[~~1-~~] (a) proof duly subscribed that workers' compensation insurance and disability benefits coverage issued by an insurance carrier in a form satisfactory to the chair of the workers' compensation board as provided for in section fifty-seven of the workers' compensation law is effective; or

[~~2-~~] (b) an affidavit that such permit applicant has not engaged an employer or any employees as those terms are defined in section two of the workers' compensation law to perform work relating to such building permit.

2. (a) Notwithstanding any law, rule or regulation to the contrary a city, town or village in a county with a population of one million two

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

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1 hundred thousand or more, not wholly contained within a city, may estab-  
2 lish a program whereby a building permit may be issued based upon a  
3 certification by a registered architect licensed to practice in the  
4 state of New York or a professional engineer licensed to practice in the  
5 state of New York that the intended work as set forth in the building  
6 permit application meets the requirements of the Uniform Fire Prevention  
7 and Building Code, excluding the approval of fire service features and  
8 compliance with fire protection and life safety systems as defined by  
9 the fire code of New York state, or any more restrictive local  
10 provisions relating to fire services, fire protection or life safety  
11 systems. Such program shall include the following requirements:

12 (i) no later than forty-five days after submission of a building  
13 permit application with a certification as provided for herein to the  
14 municipal building department such application shall be deemed approved  
15 unless denied;

16 (ii) in the event of a denial of a building permit application with a  
17 certification the building department shall set forth the reasons for  
18 such denial and shall cite the applicable provisions of the law or regu-  
19 lation upon which such denial is predicated; and

20 (iii) a random audit of applications for a building permit to ensure  
21 compliance. Provided, however, a city, town, or village establishing a  
22 program pursuant to this section shall be prohibited from reducing or  
23 eliminating the position of any employee involved with the building  
24 permit application process during the effectiveness of this section.  
25 Any program established by a city, town or village pursuant to this  
26 paragraph shall be referred to as a "self-certification program".

27 (b) The wrongful or negligent certification by a licensed professional  
28 pursuant to this section may constitute professional misconduct, and  
29 referral can be made to the state education department office of  
30 professions upon a finding of wrongdoing or negligence by the licensed  
31 professional by the building department with jurisdiction over the  
32 project.

33 § 2. This act shall take effect immediately and shall expire and be  
34 deemed repealed October 1, 2024.