

# STATE OF NEW YORK

3586

2021-2022 Regular Sessions

## IN SENATE

January 30, 2021

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1

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:

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

3 § 2. The administrative code of the city of New York is amended by  
4 adding a new section 28-103.34 to read as follows:

5 § 28-103.34 Adjacent neighbors' bill of rights. 1. The commissioner  
6 shall develop a pamphlet known as the "adjacent neighbors' bill of  
7 rights" advising homeowners who are adjacent to a property under devel-  
8 opment or construction of their rights and available resources and post  
9 such pamphlet on the department's internet website. Such pamphlet shall  
10 also be mailed by developers to all homeowners who are adjacent to any  
11 property they are developing or constructing when such developers apply  
12 for a permit for such development or construction. Copies of such  
13 pamphlet shall be provided to all state and local elected officials,  
14 community boards, and any other organizations deemed necessary by the  
15 commissioner.

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

20 a. guidelines for identifying and contacting competent construction  
21 attorneys and structural engineers to represent an adjacent homeowner  
22 before developers and their representatives and the services such attor-  
23 neys 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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1 b. an advisory on the availability of homeowners' rights at the  
2 department to review plans submitted by developers and further advise  
3 homeowners of their rights;

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

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

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

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

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

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

24 § 3. This act shall take effect on the one hundred eightieth day after  
25 it shall have become a law. Effective immediately the addition, amend-  
26 ment and/or repeal of any rule or regulation necessary for the implemen-  
27 tation of this act on its effective date are authorized to be made and  
28 completed on or before such effective date.