STATE OF NEW YORK

1304

2023-2024 Regular Sessions

IN SENATE

January 11, 2023

Introduced by Sens. COMRIE, PERSAUD -- 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:

Section 1. Short title. 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 28-103.34.2 to read as follows:

§ 28-103.34.2 Adjacent neighbors' bill of rights. 1. The commissioner shall develop a bulletin 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 bulletin on the department's website. Such bulletin shall be translated into the top ten languages of the city of New York as determined by chapter 11 of title 23 of this code, with such versions publicly accessible through the department's website. Copies of such bulletin, including translations shall be provided by the commissioner to all state and local elected officials, community boards, and any other organizations deemed necessary by the commissioner.

2. The bulletin 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 bulletin:

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

b. an advisory on when a developer is required to negotiate a license agreement with the homeowner and that such homeowner may seek representation from or consult third party professionals;

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

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c. an advisory of a homeowner's right to require a developer to take protective measures involving the party wall, including but not limited to, the installation of crack gauges and vibration monitors;

d. an advisory of a developer's obligation to share copies of developer's then-current plans, specifications, surveys or engineering reports specific to the access sought by developers to the homeowner's property, including the nature of the protections, anticipated location or locations, along with further information regarding developer's installation dates, and approximate durations of time that the protections are expected to remain in place; and

e. an advisory of other frequently asked questions as they pertain to rights and obligations for developers and adjoining homeowners; and contact information and other resources within the department related to plans and permits available to homeowners.

§ 3. This act shall take effect immediately.