

STATE OF NEW YORK

5614

2023-2024 Regular Sessions

IN SENATE

March 8, 2023

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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:

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

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

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

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

15 2. (a) Notwithstanding any law, rule or regulation to the contrary a
16 city, town or village in a county with a population of one million two
17 hundred thousand or more, not wholly contained within a city, may estab-
18 lish a program whereby a building permit may be issued based upon a
19 certification by a registered architect licensed to practice in the
20 state of New York or a professional engineer licensed to practice in the
21 state of New York that the intended work as set forth in the building
22 permit application meets the requirements of the Uniform Fire Prevention
23 and Building Code, excluding the approval of fire service features and
24 compliance with fire protection and life safety systems as defined by

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

LBD02563-01-3

1 the fire code of New York state, or any more restrictive local
2 provisions relating to fire services, fire protection or life safety
3 systems. Such program shall include the following requirements:

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

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

12 (iii) a random audit of applications for a building permit to ensure
13 compliance. Provided, however, a city, town, or village establishing a
14 program pursuant to this section shall be prohibited from reducing or
15 eliminating the position of any employee involved with the building
16 permit application process during the effectiveness of this section.
17 Any program established by a city, town or village pursuant to this
18 paragraph shall be referred to as a "self-certification program".

19 (b) The wrongful or negligent certification by a licensed professional
20 pursuant to this section may constitute professional misconduct, and
21 referral can be made to the state education department office of
22 professions upon a finding of wrongdoing or negligence by the licensed
23 professional by the building department with jurisdiction over the
24 project.

25 § 2. This act shall take effect immediately and shall expire and be
26 deemed repealed October 1, 2025.