

August 20, 2018
Overnight Mail

Alphonso B. David
Counsel to the Governor
The Executive Chamber
New York State Capitol
Albany, New York 12224

Re: S4519-A Montgomery/A5823-B Wright

AN ACT to amend the administrative code of the city of New York, in relation to requiring notice to adjoining owners of construction or demolition work

DISAPPROVAL RECOMMENDED

Dear Mr. David:

I urge you to veto the above-referenced legislation, which is currently before you for executive action.

The legislation would require the New York City Department of Buildings (DOB) to (i) provide written notification to owners of adjoining property at the time construction documents, including proposed construction plans, are submitted to DOB for approval; (ii) provide written notification to owners of adjoining property at the time an application for a permit is submitted to DOB; and (iii) provide proof of insurance along with a copy of the applicable permit to owners of adjoining property 30 days prior to the commencement of construction or demolition work.

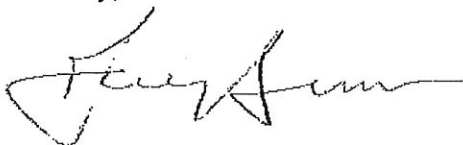
The bill would impose an unnecessary administrative burden on the DOB by requiring DOB with administrative tasks of notification of neighbors at three times during the life of a project, as well as imposing a delay of 30 days on start of construction from issuance of permits. It also requires DOB to provide proof of insurance and permit 30 days prior to construction, potentially adding 30 days to the timeline of construction projects in NYC.

These new and additional administrative burdens on the DOB will have an impact on construction projects citywide and will create a ripple effect that will be felt by all in the building industry including engineering firms, construction firms and subcontractors, including minority firms. It would also redirect resources away from DOB's important work and initiatives.

The requirements in NYC for notification of neighbors are already more strict than is required elsewhere in New York State (see Chapter 33 of NYC Building Code for notification requirements for demolition and excavation). We are not aware of similar requirements or a similar bill for construction projects in New York State outside of NYC. Finally, the NYC DOB is currently updating the NYC building code and perhaps the underlying reasons for this bill can be reviewed and relevant concepts incorporated into the current code update.

While well intentioned, this bill is duplicative of existing requirements and if enacted it could slow development and for these reasons we urge you to veto this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Simson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jay Simson
President & CEO
ACEC New York