



NEW YORK STATE SENATOR

Velmanette Montgomery

Senator Montgomery's Construction/Demolition Notification Bill (S.4519A/A.5823B) Passes The Senate

SENATOR VELMANETTE MONTGOMERY June 6, 2018

| ISSUE: **CONSTRUCTION, HOMEOWNERS, CONSTRUCTION PROPERTY DAMAGE, NYC DEPARTMENT OF BUILDINGS**



Senator Velmanette Montgomery and Assemblywoman Tremaine Wright celebrate the passage of S.4519A/A.5823B which would require the New York City Department of Buildings (NYC DOB) to provide written notification to adjoining property owners when an application for approval of construction documents and when an application for a permit is submitted to the DOB. The legislation also requires the DOB to provide proof of insurance and a copy of

the permit to owners of adjoining property thirty days before construction, or demolition work begins except in the event that emergency work is authorized.

Senator Montgomery and Assemblywoman Wright introduced this legislation in response to the large volume of complaints their offices received from homeowners throughout their districts. Construction, or demolition work performed on a building that shares a wall with a neighboring building, is always complicated. For brownstone homeowners and property owners of older buildings that share walls and foundational support, an adjacent construction or renovation project can cause substantial and expensive property damage. Issues can range from construction noise, to damage from vibrations to dangerous structural conditions such as cracks in the party wall or foundation.

Homeowners whose property are damaged by neighboring construction are often at a loss on what to do and who to contact to get repairs made; or are forced to pursue costly civil litigation. Senator Montgomery and Assemblywoman Wright believe the written notification and proof of insurance requirements will empower homeowners who have sustained damage with information on who to contact to have repairs made to their property.

In June 2009 when a building collapsed on 493 Myrtle Avenue, it collapsed largely because the engineers and contractors were unaware of several significant story vertical cracks, although they were visible to the tenants. As a result, the appropriate precautions were not followed, and 493 Myrtle collapsed to the ground. Several people were injured and fourteen were left homeless. However, had this legislation been in place, this unfortunate incident would not have occurred.

The legislation has passed both the Senate and the Assembly; and awaits consideration by Governor Cuomo.

To learn more about the bill, visit

<https://www.nysenate.gov/legislation/bills/2017/s4519/amendment/>