



A357 (Rajkumar)/S3799 (Comrie)

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BILL
A357 (Rajkumar)/S3799 (Comrie)
SUBJECT
Support of A357 (Rajkumar)/S3799 (Comrie) which aims to provide an owner or lessee access to adjoining property to make improvements or repairs under specific circumstances
DATE
February 07, 2025
SUPPORT

The Business Council of New York State strongly supports A357 (Rajkumar)/S3799 (Comrie), legislation that establishes a clear and equitable framework for property owners and lessees seeking access to adjoining properties for necessary repairs and improvements. This bill is essential for streamlining construction processes while ensuring fairness and protection for all parties involved. Under current law, property owners often face unnecessary delays and financial burdens when attempting to access neighboring properties to perform critical work. While Real Property Actions and Proceedings Law (RPAPL) §881 provides a mechanism for securing a license for temporary entry, the process is frequently inconsistent and unpredictable. Some property owners face unreasonable demands or outright refusals from adjoining owners, leading to prolonged litigation, increased costs, and significant project delays. This bill addresses these inefficiencies by establishing clear guidelines and expectations for both parties.

A357 (Rajkumar)/S3799 (Comrie) modernizes RPAPL §881 by explicitly defining key terms and conditions under which access may be granted. By clarifying what constitutes a refusal, specifying the circumstances under which access can be sought, and outlining the responsibilities of the requesting party, the legislation ensures a balanced approach that protects property rights while allowing necessary construction to proceed. Additionally, this bill introduces critical safeguards to protect adjoining property owners. It mandates that the requesting party provide prior notice, share relevant construction documents, and secure appropriate insurance coverage. It also requires reasonable compensation for the use and occupancy of the adjoining property. These measures ensure that property owners are adequately informed, financially protected, and compensated fairly when access is required for construction purposes.

Moreover, the legislation empowers the courts to play an active role in ensuring a fair resolution of disputes. Judges will be authorized to award reasonable attorney fees when a party acts in bad faith, to oblige the requesting party to cover costs associated with reviewing construction plans, and to enforce

compliance with agreed-upon terms. These provisions discourage frivolous objections and prevent unnecessary delays that can hinder economic development and infrastructure improvements. By enacting A357 (Rajkumar)/S3799 (Comrie), New York will take an important step toward a more predictable and equitable process for resolving property access disputes. The bill supports efficient construction practices, reduces litigation, and promotes responsible property development without compromising the rights of adjoining owners. It balances the interests of all stakeholders, ensuring that both property owners and their neighbors can work collaboratively to address construction needs while minimizing disruption and conflict.

The Business Council of New York State urges the swift passage of this legislation to facilitate responsible development, protect property rights, and create a more efficient and fair process for granting temporary access to adjoining properties. This reform is necessary to promote economic growth, improve construction efficiency, and prevent unnecessary project delays. We strongly encourage lawmakers to advance this bill without delay to benefit property owners, developers, and communities across New York.