



S.1305 (Comrie) / A.1321 (Rajkumar)

STAFF CONTACT : Paul Zuber | Executive Vice President | 5

<p>BILL</p> <p>S.1305 (Comrie) / A.1321 (Rajkumar)</p>
<p>SUBJECT</p> <p>Access to Adjoining Property on Construction Projects</p>
<p>DATE</p> <p>March 07, 2023</p>
<p>SUPPORT</p>

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The Business Council supports S.1305 (Comrie) / A.1321 (Rajkumar), which would reform and update statutory provisions to allow access to adjoining property on construction projects. This legislation amends the Real Property and Proceedings Law related to owners having reasonable entry to nearby land to make repairs or improvements. Enactment will assist in the creation of a process that ensures that neighboring property owners are fully informed, engaged and protected during the redevelopment or improvements of properties.

The bill resolves many challenges related to the protection of private property rights. In New York City, the regulations that govern the terms under which a neighbor can grant a property owner access is in need of reform. In New York City, many construction challenges exist due to the fact that multiple properties can be on any lot and the close proximity of neighboring structures. In many cases, access is achieved through licensing and access agreements done by the NYC Buildings Department, which normally requires written consent of the neighbor to perform certain work. In these situations, the intrusion are often minimal, but they can be significant and add unforeseen costs and delays to construction projects.

In most cases, owners and their neighbors are able to finalize a solution, but the current process still leaves circumstances in which a neighbor is reluctant to grant access. Under Section 881 of the Real Property Actions and Proceedings Law, which governs efforts to enter a neighboring owner's property to make improvements or repairs, a method exists to have repairs and improvements done in an expeditious fashion. However, in certain instances, some owners seek financial windfalls causing delays.

The legislation creates a framework protecting adjacent property owners and ensures construction safety. Owners seeking access to an adjoining lot are required to provide the adjoining owner with a copy of all relevant approved documents pertaining to construction prior to work. Additionally, owners and

their contractors will be required to provide prior notice of entry and the anticipated duration of time for access to the adjoining owner's property. These actions give adjoining owners specifics of the work being performed and if it is necessary. Additionally, it requires an owner to pay for reasonable fees that are incurred to either engage an architect or engineer to review plans. It will ensure adjoining owners cannot randomly stop their neighbors from construction projects that require temporary access to their property.

For these reasons, the Business Council supports S.1305 (Comrie) / A.1321 (Rajkumar).