

USEFUL PHONE NUMBERS

BROOKLYN NEIGHBORHOOD PRESERVATION:

Code Enforcement Office: 718-802-3662

HPD REGISTRATION ASSISTANCE UNIT: 212-863-7000

NEW YORK STATE ATTORNEY GENERAL:

information on rights and obligations of building owners, tenants and real estate brokers information and complaint line: 1-800-771-7755.

NYS DIVISION OF HOMES AND COMMUNITY RENEWAL (HCR):

information on rent and services for rent controlled and rent stabilized apartments:

1-866-ASKDHCR (1-866-275-3427), 718-739-6400 OR 311

NYC RESIDENTIAL MORTGAGE

INSURANCE CORPORATION: 212-227-5500

THE CENTER FOR NEW YORK CITY NEIGHBORHOODS

(CNYCN): CNYCN provides referrals to legal services, housing counseling, and consumer education to New York City residents in danger of foreclosure.

For more information please go to CNYCN.ORG, or 646-786-0888.

NYC DEPARTMENT OF BUILDINGS:

311-following your call to 311, be sure to call Assemblyman Perry's office at 718-385-3336 for some personal and direct assistance to expedite action on your complaint.

You may also visit www.nyc.gov to view property information, construction violations, and to report illegal/unsafe construction work and improper building use.

NYC BOARD OF STANDARDS AND APPEALS: 212-386-0009

Tenants and owners who cannot afford legal representation may be eligible for free or inexpensive assistance. To see if you qualify for free legal assistance, call:

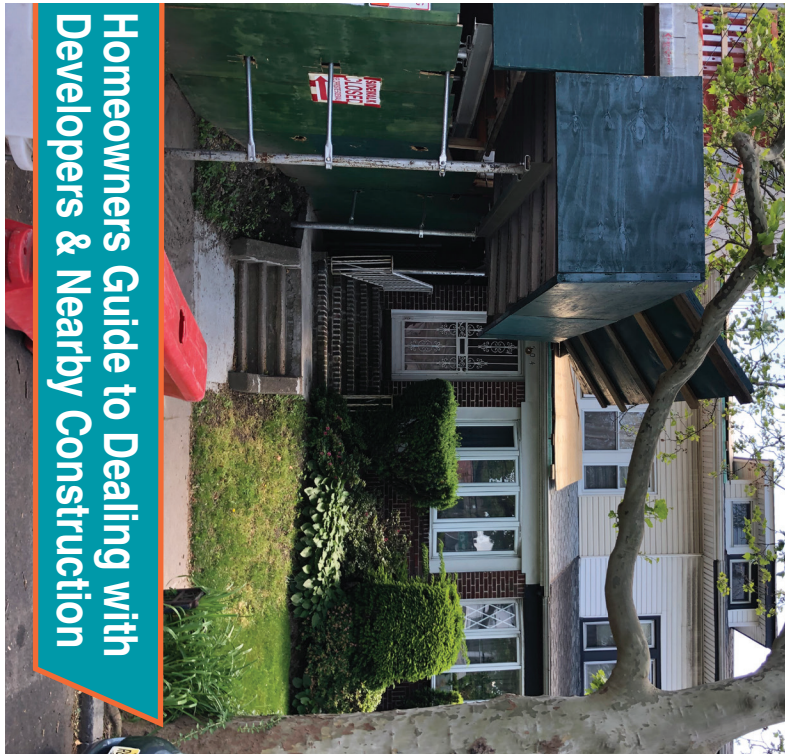
LEGAL AID SOCIETY: 212-577-3300 OR

LEGAL SERVICES NYC: 646-442-3600

BROOKLYN BAR ASSOCIATION

LAWYER REFERRAL SERVICE: 718-624-0843

Homeowners Guide to Dealing with Developers & Nearby Construction



903 Utica Avenue • Brooklyn, New York 11203



COMPLIMENTS OF:
ASSEMBLYMAN
N. Nick Perry
58TH ASSEMBLY DISTRICT

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Permit No. 75

A message from Assemblyman Perry

Dear constituent,

Not only in our neighborhoods, but throughout the borough of Brooklyn, the need for housing has created a deluge of new construction that is drastically changing the blocks we live on.

Current laws give property owners the right to sell or build on their property as they choose to within the zoning regulations, significantly limiting our community's efforts to protect against changes to the character of the neighborhoods we would like to keep as they are.

While I continue to work with community leaders to provide practical solutions to this challenge, I am providing you with this pamphlet, briefly explaining your rights and how to deal with development that may occur next to your beloved little piece of Brooklyn.

I hope you find this helpful, but if you should require assistance with dealing with nearby construction, or other issues please do not hesitate to contact me.

Working for you,

Assemblyman Perry



Office of Assemblyman
N. Nick Perry

903 Utica Avenue
Brooklyn, NY 11203
718-385-3336

Your Rights as a Homeowner with Nearby Construction

Construction at an Adjoining Property; Law requires builder must protect you and your property

Under “as-of-right” development, the owner of an adjoining property has a legal right to develop the property in a manner that complies with existing zoning regulations. However the New York City Building Code, Chapter 33, requires a developer to safeguard adjoining property during all construction and demolition operations.

Sometimes during construction the builder may need to access the construction site via your property, or to erect required safety structures that encroach on your property. The law doesn't give the builder a right to use your property, therefore an agreement must be negotiated with you. If you refuse, or are unable to reach an agreement, the builder can bring a lawsuit to have the court impose an order allowing access, and use of your property by the builder.

Under previous New York State court rulings when the builder takes you to court to force use of your property, the court usually awards your legal fees in the settlement. The court may impose what is termed a license agreement, which will provide legal authority to the builder to access your property. The license agreement usually includes compensation to you for the use of your property.

For your information, builders in other parts of the city have paid out large sums of money for such access, so Assemblyman Perry advises that you consult an expert, negotiate wisely, and carefully evaluate the cost of the value of the access and the inconvenience imposed on you, in order to receive sufficient compensation.

During this entire process of construction, your rights must be respected by the developer, and you can enforce these rights through legal action that could result in significant cost to the developer who persists with efforts to violate your rights. Legal experts highly recommend you enter a license agreement with the developer, and include the following:

- minimize the access and intrusion required
- adequately protect the adjoining property
- define the period of time for the access and intrusion, and what happens if the period must be extended
- compensation, either in cash or in-kind, for the access and intrusion, and who receives it if there are affected tenants or occupants apart from the property owner
- insurance or bonding against potential property damage or personal injury
- indemnification against claims arising from the access, construction.

Legal Hours of Construction

Construction is prohibited Monday to Friday before 7 AM or after 6 PM, or anytime on weekends.

You can report noise from street or building construction, including jackhammering and construction activity through 311, but please always call Assemblyman Perry so he can insure your complaint gets the attention it deserves.



Building and Zoning Terms

AS-OF-RIGHT DEVELOPMENT: means that the property owner has the lawful right to build so long as the building constructed complies with the rules found in the NYC zoning resolution, and would not be subject to any review or special permit from the Department of City Planning. The Department of Buildings will still review the building plans to determine compliance with the Zoning code and must issue building permits accordingly.

CONTEXTUAL ZONING: Assemblyman Perry has advocated for Contextual zoning. Contextual zoning is a planning tool used to preserve neighborhood character and promote desirable development.

CONVERSION: a change of a building's use to another use.

DEVELOPMENT: the construction of a new building or other structure on a zoning lot, the relocation of an existing building to another zoning lot, or the establishment of a new open use on a tract of land.

FENCE: In residential districts, the maximum height of a fence constructed along a front lot line is four feet above ground level.

The maximum height of a fence along the side or rear lot line is six feet. In most instances, fences are considered permitted obstructions.

MIXED BUILDING: a building in a commercial district used partly for residential use and partly for community facility or commercial use.

UNIFORM LAND USE REVIEW PROCEDURE (ULURP): is the public review process, mandated by the City Charter, for all proposed zoning map amendments, special permits and other actions such as site selections and acquisitions for city capital projects and disposition of city property. ULURP sets forth a time frame and other requirements for public participation at the Community Board, Borough Board and Borough President levels, and for the public hearings and determinations of the Community Boards, Borough Presidents, City Planning Commission and City Council.