



City of Rome

Code Enforcement

Residential Building

Permit Guidelines

Updated: March 2012

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Overview

The Code Enforcement office is responsible for enforcement of building codes, enforcement of zoning code, and issuance building permits and their required inspections. The City of Rome Common Council has adopted the New York State Uniform Fire Prevention and Building Code for the administration and enforcement of all construction and maintenance of existing properties. Permits issued through the Codes Department are only available Tuesday and Thursdays between 8:30am and 4:30pm **by appointment.**

All building projects that require a building permit must conform to the New York State Uniform Fire Prevention and Building Code. Prior to issuing building permits the code enforcement department will perform a site visit, evaluate required submittals for compliance and determine if the proposed land use is consistent with the zone district. A project may be subject to an approval by either the Planning Board and/or Zoning Board of Appeals. Pending zoning, planning and code requirement compliance, a building permit will be issued. Review of documents can take one to three weeks. If approval is required by the planning or zoning board, additional time will be required as they meet on the first Tuesday and Wednesday of the month respectfully.

The Zoning Ordinance, developed in conjunction with the Comprehensive Plan, was adopted April 28, 2004. The new ordinance is a complete revision of the former ordinance adopted in the early 1960's. The zoning ordinance regulates permitted uses in various zoning districts and development standards which govern any additions or new construction.

The City of Rome requires all plumbing work to be performed by a City of Rome Licensed Plumber. The Code Enforcement Office oversees a plumbing board, administers plumbing exams and enforces the performance of all plumbing activities in the City of Rome to ensure the health and safety of the public water and sanitation while enforcing quality workmanship and adherence to standards.

Contact Information

City Hall Annex

Code Enforcement Office
198 N. Washington Street
Rome, NY 13440
Phone: (315) 339-7642
Fax: (315) 339-7638

<http://www.romenewyork.com/>

Who Applies For The Building Permit?

The person or company doing the work must apply for the permit. New York State law requires that all contractors provide proof of worker's compensation insurance when applying for the building permit. Contractors that are sole proprietors that may be exempt must submit a Certificate of Attestation of Exemption from NYS Worker's Compensation. Application is on line at <http://www.wcb.state.ny.us/content/ebiz/OnlineServices.jsp> . Home owners performing the work will be required to complete a BP-1 form and have their signature notarized. See Appendix E for a copy of the BP-1 Form. Building inspectors are required to contact the NYS Worker's Compensation Board if violations are witnessed.

Can The Home Owner Perform The Construction Work?

The home owner is authorized to physically perform all work for which they believe are qualified with the exception of plumbing installation. All plumbing work must be performed by a City of Rome licensed plumber with the exception of replacement of domestic fixtures and hot water tanks. See Appendix C for a list of City of Rome licensed plumbers. All electrical work must be inspected by a certified inspection agency with certification submitted to the Codes Office. See Appendix D for a list of certified electrical inspection agencies.

Residential Building Permits

Residential building permits are issued to construction projects that involve single family dwellings, two family dwelling or townhouses. The construction of these projects are regulated by the 2007 Residential Code of New York State. All construction documents and methods must comply with the aforementioned standards. Zoning issues which involve set back from lot lines, lot coverage or parking areas are governed by the Rome Zoning Ordinance. All site and structure location parameters must comply with the City of Rome development standards.

Application for residential building permits shall include the following submittal items. See Appendix A for the building permit application. Stamped drawings are not required for residential construction projects less than 1500 square feet, however, all submittals must demonstrate compliance with 2007 Residential Code of New York State.

Required Residential Building Permit Application Submittals

Scaled Drawings conforming to 2007 NYSRBC with design professional stamp including:

- Completed building permit application
- Site plan – dimensioned property description indicating position of proposed construction and existing structures, if applicable
- Footing and Foundation plan (scale ¼ inch = 1 foot)
- Floor Plan (scale ¼ inch = 1 foot)
- Building Elevations ((scale ¼ inch = 1 foot)
- Header schedule
- Framing Plan with room square footage provided and floor loads designated
- Truss and structural member specifications
- Plumbing, Electrical and Mechanical Plan
- Engineered Septic plan (if required)
- Window and Door schedule
- Manufacturer’s Installation Procedures for mechanicals and solid fuel appliances.
- Energy Compliance Calculations utilizing DOE RESCHECK or use of prescription energy compliance method. See <http://www.energycodes.gov/rescheck/> to download software.

All residential construction projects in the City of Rome must conform to the following site specific requirements for the 2007 Residential Code of New York State. Soil bearing capacity must be verified by the design professional at time of application.

Table R301.2(1) of
NYSRC

Ground Snow Load(lbs)	Wind Speed (MPH)	Seismic Design Category	Subject to Damage From				Winter Design Temperature	Ice Shield Underlayment Required	Flood Hazards	Air Freezing Index
			Weathering	Frost Depth Line	Termite	Decay				
70	90	B	Severe	48"	Slight to Moderate	None to Slight	-5	Yes	Various Dates	1545

Upon submittal of the preceding items, the Code Enforcement Office will review for compliance with zoning and building codes. The review period can be from one to three weeks depending on the volume of activity. The building permit applicant will be notified within this period if any deficiencies exist that must be corrected or to schedule issuance of the building permit.

Issuance of Building Permit

Upon successful review of the building permit application and submittals, appointments will be made to issue a building permit. At the time of issuance the party performing the construction must present one of the following:

- Proof of Workers Compensation Insurance (**Companies that employ workers**)
- Certificate of Attestation of Exemption from NYS Worker’s Compensation Insurance (Form CE-200). **Sole Proprietors** may apply for exemption at <http://www.wcb.state.ny.us/content/ebiz/OnlineServices.jsp>
- Completed Affidavit of Exemption to Show Worker’s Compensation Insurance (**1, 2, 3 or 4 family owner occupied residence and is not paying more than 40 hours labor**) See Appendix E for form BP-1.

Each building permit has a fee associated with the project. The fee is dependent on the size and type of project. The fee must be paid at the time of issuance of the building permit. Issuance of the building permits gives consent to the City of Rome Code Department to enter the property in order to perform the required building inspections.

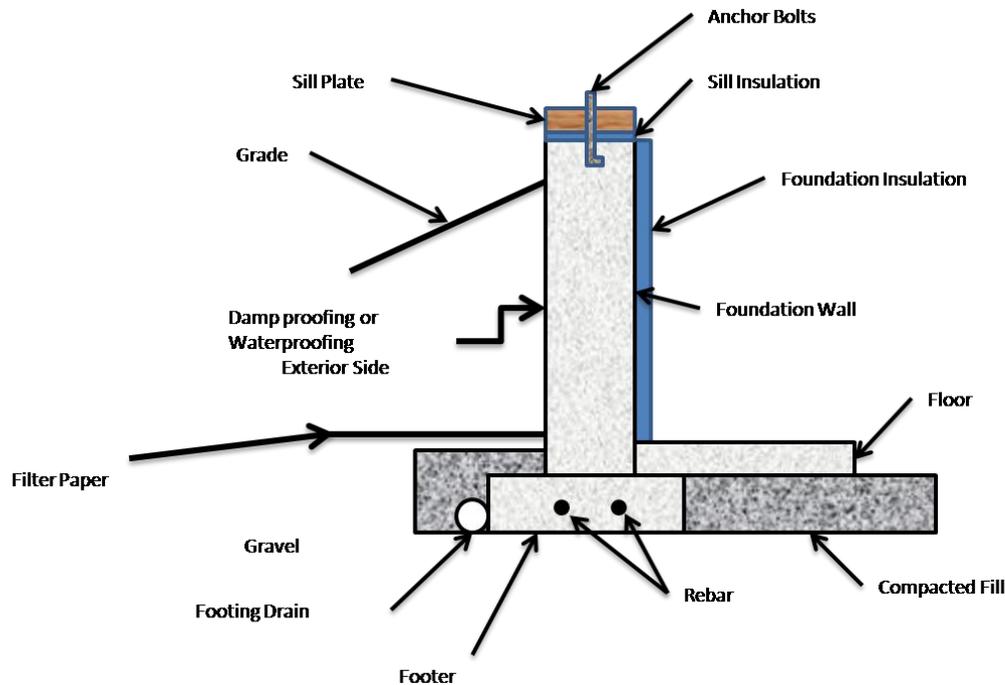
Execution of Residential Construction Project

This phase of the construction project is the most vital element of the project and presents the most financial and schedule risk if not appropriately conducted. During this phase the contractor or home owner will be building the project as presented during the application process. The Codes Department will be performing a series of inspections depending on the scope of the project. The comprehensive list of inspections is provided below, all of which may or may not be applicable to your project. You must call the codes department for an inspection prior to continuing to the next phase of the project. Failure to call for an inspection can result in a Stop Work Order and may result in partial demolition prior to

commencing again. The owner / contractor are prohibited from making alterations to the plans without authorization from the building inspectors. A stop work order will be issued for all unauthorized work.

Residential Inspection Schedule

All applicable inspections listed below are mandatory and must be completed by a City of Rome Building Inspector prior to use or occupancy. **Please call 48 hours prior to required inspection.**



FOOTINGS / POSTS: Are to be placed on undisturbed soil, a minimum of 48" below finished grade, formed on both sides of the concrete with 2 by X lumber, sized in accordance with the NYS Uniform Building Code. Forms are to be squared and leveled to fit the structure. Rebar is to be installed per ACI specs, each bar to be aligned under edges of foundation. Rebar is to be located one-third up in the forms and is to be supported on chairs or wire-tied to the forms. Overlaps are to be a minimum of 24" and tied on both ends.

CALL FOR INSPECTION BEFORE ORDERING CONCRETE OR FILLING POST HOLES

FOUNDATION / PERIMETER DRAINS: Foundation walls including pressure treated sill plate, anchor bolts (1/2" in diameter, 3" embedment, 6' on center and 12 inches from the end of any section of sill plate), waterproofing/damp proofing, drainage tile and stone and exterior insulation.

CALL FOR INSPECTION BEFORE BACKFILLING

CONCRETE / UNDER SLAB: reinforcing rod/ wire mesh and 6 mil vapor barrier. Expansion joints properly positioned. Sub base properly prepared.

CALL FOR INSPECTION BEFORE ORDERING CONCRETE

ROUGH IN ELECTRICAL: Rough-in electrical inspection is required. Evidence of electrical rough-in must be provided by certified electrical inspection agency. See Appendix D for a complete list of third party electrical inspection agencies.

CALL PRIOR TO INSULATING OR ENCLOSING

ROUGH IN PLUMBING: Rough-in plumbing inspection is required. Vent/drain stack test required and supply pressure test required.

CALL PRIOR TO INSULATING OR ENCLOSING

FRAMING: Vertical and horizontal members, trusses and engineered beams, headers, jack posts, columns, sub-flooring and wall and roof sheathing, window rough openings, attic access, interior members after electrical and plumbing rough-ins.

CALL BEFORE INSULATING OR ENCLOSING.

CHIMNEYS & FIREPLACES: To be inspected **BEFORE ENCLOSING**. Must be approved before insulation or gypsum is applied. All heating devices are to comply with **manufacturer's specifications**

CALL BEFORE INSULATING OR ENCLOSING.

INSULATION: Insulation and integrity of thermal envelop to be inspected. Insulation rating must be visible. All air infiltration points to be sealed.

CALL PRIOR TO ENCLOSING

FIRE SEPARATION: Fire separations for attached garages are to be as follows: 5/8" type X gypsum wallboard on **garage side** of the partition between the garage and the house and 5/8 inch or 1/2 inch type X gypsum on the **house side**. Complete coverage to underside of roof deck or entire garage ceiling coverage is required. Fasteners are to be 12 inches on center along framing members and countersunk 1/32". Where a room exists above the garage all load bearing garage walls are to be covered with 5/8" type X gypsum wallboard and the fasteners on the ceiling are to be 6 inches on center. Entrance doors from garage to be self closing and rated.

CALL PRIOR TO APPLYING JOINT COMPOUND AND CONCEALING FASTENERS

BUILDING SYSTEMS: All Heating, Ventilation and Air Conditioning (HVAC), central vacuum, passive heating systems, garage door openers, etc. must be inspected when installation is complete. Proper insulation and controls in place per manufacturer's instructions.

CALL FOLLOWING INSTALLATION OF SYSTEMS

FINAL BUILDING INSPECTION:

- **FINAL ELECTRICAL & PLUMBING INSPECTIONS:** Should be scheduled prior to final building inspection. Third party electrical inspection agency certification must be provided.
- Smoke Detector / Carbon Monoxide Detectors operational and correctly placed
- Interior and Exterior coverings in place
- Windows and doors operational.
- Railing / staircases / landings in place
- All mechanical systems operational
- 911 House Number in Place

CALL PRIOR TO OCCUPYING BUILDING

Tax Reduction Programs

The State of New York, County of Oneida and City of Rome each provide phased tax reduction programs to encourage new development. A summary of the tax reductions programs is listed below. Please visit our website www.rome-ny.gov for more information or to acquire application forms. You may also contact the City of Rome Assessor's office at (315) 339-7614. Applications for exemption are accepted between January 1st through the last Tuesday in July of each year.

Capital Improvements To Residential Property Exemption- 421f

Residential buildings at least (5) years old, reconstructed, altered or improved shall be exempt for one year to the extent of 100% of the increase of assessment provided the value of the improvement exceeds \$3,000 and the improvement is attached to and part of the residential building. The exemption amount decreases by 12½% each year until it returns to full assessment. This exemption is limited to \$30,000 of the increase of assessment. This exemption applies to **City and County** taxes. If the property transfers to a new owner, the exemption shall cease. Effective after 8/1/98 - City and after 12/1/98 - County.

Commercial, Business Or Industrial Property Exemption – 485b

The increase of assessment due to the construction, alterations of improvements to commercial business or industrial property is subject to a 50% exemption. The cost of the improvements must exceed \$10,000. The exemption amount decreases by 5% each year. This exemption applies to **City, County and Rome/VVS School taxes**. This exemption must be applied for within 1 year of the Certificate of Occupancy.

New Construction Tax Exemption- 485i

In December 2004, the City of Rome and the State of New York signed a bill to offer tax exemptions for new construction. The new law 485-I provides a real property tax exemption on City taxes to property owners within the City of Rome who construct and occupy new structures on their property after **April 1, 2004**. This exemption is equal to 50% of the increase in the assessed value of the property for the first year. The exemption shall be decreased 5% per year for an additional 9 years. **Applies to City taxes only**. The cost of such construction, alteration, installation or improvement must exceed \$70,000. Ordinary maintenance and repairs do not qualify for the exemption. This exemption must be applied for within 1 year of the Certificate of Occupancy. If initial property owner sells property the exemption shall cease.

Alteration or Rehabilitation of Historic Real Property - 444A

This exemption applies to the increase of assessment due to alterations or rehabilitation made to a property located in the designated Historic District of the City of Rome. Alterations or rehabilitation must be for the purpose of historic preservation and must commence subsequent to the effective date of the local law adopted **June 10, 1998**. This exemption is equal to 100% of the increase in the assessed value of the property for the first 5 years and then decreases 20% per year for an additional 4 years. This exemption applies to **City taxes only**.

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Appendix A - City of Rome Building Permit Application

Building Permit Application

Property Owner

Name	
Street Address	
City ST ZIP Code	
Home Phone	
Work Phone	
E-Mail Address	

Design Professional Information

Name	
Company Name	
License Number (if applicable)	
Street Address	
City ST ZIP Code	
Home Phone	
Work Phone	
E-Mail Address	

Contractor Information Do You Employ Workers ___Yes ___No

Name	
Company Name	
License Number (if applicable)	
Street Address	
City ST ZIP Code	
Home Phone	
Work Phone	
E-Mail Address	

Type of Building Project Planned

Check all that apply

<input type="checkbox"/> New Residential Construction	<input type="checkbox"/> Above Ground Pool	<input type="checkbox"/> Plumbing <input type="checkbox"/> New <input type="checkbox"/> Repair
<input type="checkbox"/> New Commercial Construction	<input type="checkbox"/> In Ground Pool	<input type="checkbox"/> Well <input type="checkbox"/> New <input type="checkbox"/> Replacement
<input type="checkbox"/> Residential Addition	<input type="checkbox"/> Shed / Garage	<input type="checkbox"/> Septic <input type="checkbox"/> New <input type="checkbox"/> Repair
<input type="checkbox"/> Commercial Addition	<input type="checkbox"/> Deck	<input type="checkbox"/> Sign <input type="checkbox"/> New <input type="checkbox"/> Replacement
<input type="checkbox"/> Change in Occupancy	<input type="checkbox"/> Electrical Work	<input type="checkbox"/> Heating, Ventilation and Cooling Sign <input type="checkbox"/> New <input type="checkbox"/> Replacement
<input type="checkbox"/> Demolition	<input type="checkbox"/> Building Relocation	<input type="checkbox"/> Wood Stove / Fireplace

Project Description

Describe the project for which you are planning

Estimated Construction Cost \$ _____

Project Specifics - Check All that Apply

Utility Information		
Water Supply <input type="checkbox"/> Public <input type="checkbox"/> Private	Sewer <input type="checkbox"/> Public <input type="checkbox"/> Private	Water Meter <input type="checkbox"/> Yes <input type="checkbox"/> No

Construction Information		
Number of Stories _____	Number of Bedrooms _____	Accessory Building Square Ft _____
Total Square Footage _____	Number of Bathrooms _____	Deck Square Feet _____
Building Height (feet) _____	Spa <input type="checkbox"/> Yes <input type="checkbox"/> No	Finished Basement <input type="checkbox"/> Yes <input type="checkbox"/> No
Site Build <input type="checkbox"/> Yes <input type="checkbox"/> No	Food Disposal <input type="checkbox"/> Yes <input type="checkbox"/> No	Fireplace <input type="checkbox"/> Yes <input type="checkbox"/> No
Garage <input type="checkbox"/> Yes <input type="checkbox"/> No		
Attached <input type="checkbox"/> Yes <input type="checkbox"/> No		

Energy Source						
Fuel	Natural Gas	Liquid Petroleum	Oil	Electric	Solid	Solar / Passive
Space Heating	<input type="checkbox"/> Yes <input type="checkbox"/> No					
Water Heating	<input type="checkbox"/> Yes <input type="checkbox"/> No					

Site Information	
Tax Number	Width of Driveway (Residential)
Lot Dimensions	Percent of Lot covered by Structure
Front Set Back (feet)	Percent of Lot covered by parking area
Rear Set Back (feet)	Will One Acre of Soil be Disturbed? <input type="checkbox"/> Yes <input type="checkbox"/> No
Side 1 Set Back (feet)	Survey Attached <input type="checkbox"/> Yes <input type="checkbox"/> No
Side 2 Set Back (feet)	
Corner Lot? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Applicant Attestation

I understand that submittal of a building permit application is not an authorization to proceed with the proposed project and the application is correct to the best of my knowledge. I also understand that pending the review of the application and submittals, modifications may be required to the construction documents in order to comply with New York State Building Codes and City of Rome Zoning and Planning requirements.

Applicant Signature

Date

For Official Use Only

Routing Required

Public Works Department Yes No

Fire Department Yes No

Planning Department Yes No

Parks and Recreation Yes No

Responses due by: _____

Zoning District _____

ZBA Required Yes No

Historic District Yes No

Planning Board
Action Required Yes No

On State Highway Yes No

Flood Plain Checked Yes No

DEC Map Checked Yes No

ROW Permit Required Yes No

Are Open Roof or
Floor joists uses? Yes No

Is an Elevator Planned Yes No

Appendix B - City of Rome Licensed Plumbers

JOSEPH R. FUSCO JR
Mayor



MARK DOMENICO
Director

DEPARTMENT OF CODE ENFORCEMENT

ROME CITY HALL, 198 N. WASHINGTON STREET
ROME, NEW YORK 13440-5815

Telephone: (315) 339-7642 Fax: (315) 339-7638
www.romenewyork.com

PLUMBING BOARD

J. Michael Mondrick, Plumbing Inspector
Frank D. Tallarino, Jr., Commissioner of Public Works

Board Members

Michael Holst
Gary Scharf
James Phillips

CITY OF ROME – LICENSED PLUMBERS

Mike Caringi
Caringi's HVAC &
Plumbing Inc.
9687 Taberg-Florence Road
Taberg, NY 13471
315-337-0374

James Falcone, Jr.
James Falcone, Jr. Plumbing
Heating & Air Conditioning
5159 Stop 7 Road
Whitesboro, NY 13492
315-853-2727

Richard Falvo
H.J. Brandeles Corp.
300 Lafayette Street
Utica, NY 13502
315-733-7565

Anthony Giruzzi, Jr.
Giruzzi Plumbing &
Heating Inc.
713 Blecker Street
Utica, NY 13501
315-732-5936

Vincent Godlewski
VG Plumbing Service
PO Box 173
Mattydale, NY 13211
315-263-6279

Mike Holst
Mondrick Plumbing/Htg/AC
102 S. Levitt Street
Rome, NY 13440
315-337-8863

Rodney Imhoff
102 S. Levitt Street
Rome, NY 13440
315-337-8863

Stephen Jones
Mondrick Plumbing/Htg/AC
102 S. Levitt Street
Rome, NY 13440
315-337-8863

Alfio LaRossa
ALT Plumbing & Mechanical
LLC
5329 Palmer Road
Chittenango, NY 13037
315-378-3951/315-692-4590

Lincoln T. Mondrick
4426 Oswego Road
Blossvale, NY 13308
315-225-2068

James Phillips
Green Plumbing Inc.
1810 Cold Springs Road
Liverpool, NY 13090
315-453-3046

David Rizio
1003 Croton Street
Rome, NY 13440
315-337-7211

Robert Rizio
Rizio Plumbing
413 Ridgewood Drive
Rome, NY 13440
315-525-3284

Ralph Rossi

315-271-7440

Aaron Zammiello
8970 Grange Hill Road
Sauquoit, NY 13456
315-725-2659

Anthony Zammiello
42 Clinton Street
New York Mills, NY 13417
315-269-9803

Sewer Rooter/Ralph's
Plumbing Service Inc.
511 W. Thomas Street
Rome, NY 13440
315-336-7878

Gary R. Scharf
Superior Plumbing & Heating
514 Potter Avenue
Utica, NY 1350
315-732-4191

Lawrence H. Scharf
Scharf Plumbing & Htg
2429 Chenango Road
Utica, NY 13502
315-724-9839

Stephen Schmalz
Schmalz Mechanical
Contractors Inc.
529 Oriskany Street
Utica, NY 13502
315-797-0858

William Schmalz
Schmalz Mechanical
Contractors, Inc.
529 Oriskany Street
Utica, NY 13502
315-797-0858

Ricky A. Sherwood
9097 Fraser road
Holland Patent, NY 13354
315-281-4191

Gary Springer
DJ Springer, Inc.
2019 Sunset Ave
Utica, NY 13502
315-337-9449

Mark Syfert
Heating Plus
PO Box 4586
Rome, NY 13442
315-337-9449

Denys S. Thompson
Comfort Systems USA
(Syracuse), Inc.
Woodcock & Armani
Mechanical Contractors
6500 New Venture Gear Drive
East Syracuse, NY 13057
315-425-7100

Todd Town
Town Mechanical Inc.
5879 Jordan Road
Jordan, NY 13080
315-277-0295

Ray Vanderjact
Ralph's Plumbing Service, Inc.
511 W. Thomas Street
Rome, NY 13440
315-337-2477

John T. Wilhelmsen, III
9205 Podunk Road
Lee Center, NY 13363

Appendix C - Third Party Electrical Inspectors

Joseph R. Fusco Jr.
Mayor



MARK DOMENICO
Director

DEPARTMENT OF CODE ENFORCEMENT

ROME CITY HALL, 198 N. WASHINGTON STREET
ROME, NEW YORK 13440-5815

Telephone: (315) 339-7642 Fax: (315) 339-7638
www.romenewyork.com

DEPARTMENT OF CODE ENFORCEMENT

Third Party Electrical Inspectors

The following electrical inspection agencies have entered into contractual agreements with the City of Rome to act as our agents for electrical inspections:

Middle Department Inspection Agency

PO Box 2654
West Chester, PA 19380-0904
(610) 696-3900
Local Office:
143 Troy-Schenectady Road
Watervliet, NY 12189
(518) 273-0861
Attn: David Chartrand, Manager
Or Frank Mazzara

The Inspector, LLC
7063 State Route 374
Chateaugay, NY 12920
800-487-0535
(518) 497-9918
Local Office:
PO Box 140
Little York NY, 13087
Attn: Timothy Willsey
(315) 247-9162

Independent Consolidated Inspection Services, Inc.

1410 Albany St. PO Box 4178
Utica, NY 13504-4178
(315) 735-5233
Attn: Thomas Morosco

Commonwealth Electrical Inspection Services, Inc

357 Elwyn Terrace
Manheim, MA 17545
(717) 664- 2347
Local Office:
One Main Street
Whitesboro, NY 13492
800-437-5799
Attn: Keith Townsend (cell) 240-0687
Or Dick McCarthy (cell) 534-0077

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Appendix D - Owner Occupier Exemption Form BP-1

Affidavit of Exemption to Show Specific Proof of Workers' Compensation Insurance Coverage for a 1, 2, 3 or 4 Family, Owner-occupied Residence

***This form cannot be used to waive the workers' compensation rights or obligations of any party. ***

Under penalty of perjury, I certify that I am the owner of the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit that I am applying for, and I am not required to show specific proof of workers' compensation insurance coverage for such residence because (please check the appropriate box):

- I am performing all the work for which the building permit was issued.
- I am not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping me perform such work.
- I have a homeowners insurance policy that is currently in effect and covers the property listed on the attached building permit AND am hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for which the building permit was issued.

I also agree to either:

- ◆ acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if I need to hire or pay individuals a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit, or if appropriate, file a CE-200 exemption form; OR
- ◆ have the general contractor, performing the work on the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit that I am applying for, provide appropriate proof of workers' compensation coverage or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if the project takes a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit.

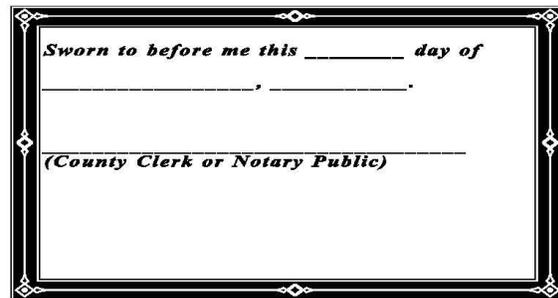
(Signature of Homeowner)

(Date Signed)

(Homeowner's Name Printed)

Home Telephone Number _____

Property Address that requires the building permit:



Once notarized, this BP-1 form serves as an exemption for both workers' compensation and disability benefits insurance coverage.

LAWS OF NEW YORK, 1998
CHAPTER 439

The **general municipal law is amended by adding a new section 125** to read as follows:

125. ISSUANCE OF BUILDING PERMITS. NO CITY, TOWN OR VILLAGE SHALL ISSUE A BUILDING PERMIT WITHOUT OBTAINING FROM THE PERMIT APPLICANT EITHER:

1. PROOF DULY SUBSCRIBED THAT WORKERS' COMPENSATION INSURANCE AND DISABILITY BENEFITS COVERAGE ISSUED BY AN INSURANCE CARRIER IN A FORM SATISFACTORY TO THE CHAIR OF THE WORKERS' COMPENSATION BOARD AS PROVIDED FOR IN SECTION FIFTY-SEVEN OF THE WORKERS' COMPENSATION LAW IS EFFECTIVE; OR

2. AN AFFIDAVIT THAT SUCH PERMIT APPLICANT HAS NOT ENGAGED AN EMPLOYER OR ANY EMPLOYEES AS THOSE TERMS ARE DEFINED IN SECTION TWO OF THE WORKERS' COMPENSATION LAW TO PERFORM WORK RELATING TO SUCH BUILDING PERMIT.

Implementing Section 125 of the General Municipal Law

1. General Contractors -- Business Owners and Certain Homeowners

For **businesses and certain homeowners listed as the general contractors on building permits**, proof that they are in compliance with Section 57 of the Workers' Compensation Law (WCL) is **ONE** of the following forms that indicate that they are:

- ◆ insured (C-105.2 or U-26.3),
- ◆ self-insured (SI-12), or
- ◆ are exempt (CE-200),

under the mandatory coverage provisions of the WCL. Any residence that is not a **1, 2, 3 or 4 Family, Owner-occupied Residence** is considered a business (income or potential income property) and must prove compliance by filing one of the above forms.

2. Owner-occupied Residences

For homeowners of a **1, 2, 3 or 4 Family, Owner-occupied Residence**, proof of their exemption from the mandatory coverage provisions of the Workers' Compensation Law when applying for a building permit is to file form BP-1.

- ◆ Form BP-1 shall be filed if the homeowner of a **1, 2, 3 or 4 Family, Owner-occupied Residence** is listed as the general contractor on the building permit, and the homeowner:
 - ◇ is performing all the work for which the building permit was issued him/herself,
 - ◇ is not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping the homeowner perform such work, or
 - ◇ has a homeowner's insurance policy that is currently in effect and covers the property for which the building permit was issued AND the homeowner is hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued.
- ◆ If the homeowner of a **1, 2, 3 or 4 Family, Owner-occupied Residence** is hiring or paying individuals a total of **40 hours or MORE** in any week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued, then the homeowner may not file the "Affidavit of Exemption" form, BP-1(11/04), but shall either:
 - ◇ acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit (the C-105.2 or U-26.3 form), OR
 - ◇ have the general contractor, (performing the work on the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit) provide appropriate proof of workers' compensation coverage, or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit.