

UPDATE OF RECENT LEGISLATIVE ACTION

Signage (New York City Firms Only)-In the last issue, we discussed a problem recently imposed upon storefront businesses that install signs. The NYC Administrative Code ([Section 28-105.1](#)) requires permits be issued by the NYC Department of Buildings for signs larger than six square feet in total area, in addition to complying with local zoning regulations. We reported that the NYC Department of Buildings was issuing violations against business owners at an alarming rate at fines starting at \$6,000.00. To remove the violation, the fees for retaining an architect and the cost of the permit could exceed \$5,000.00. The New York Times reported that on January 8, 2019 the The New York City Council voted to institute a two-year moratorium on violations related to store signs and awnings after a large increase in 311 complaints that led to these costly penalties. The article indicated that during the last year, more than 2,000 calls were made to the City, double the amount from the previous year, and the task force created by the recent legislation will investigate the reasons for the increase in reported violations. Businesses will now have two years to obtain the required permits if and when the moratorium is lifted.

New Smoke Detector Law-On April 1, 2019, pursuant to General Business Law §399-ccc, the distribution, sale, offering for sale or importation of any solely battery operated (replaceable batteries like 9 volt) is prohibited by law. Thereafter, the smoke detectors sold must be either hard wired or contain a ten year non-removable or non-replaceable battery. Real estate rentals and sales are not subject to the new law. Any battery operated devices “that have been ordered by, or are in the inventory of owners, managing agents, contractors, wholesalers or retailers” on or after April 1, 2019 do not have to be replaced; however, once the inventory is depleted, it must be replaced with only a device that is hard wired or contains a ten year non removable/replaceable battery. The New York State Association of Realtors indicates that there is nothing in the law that prevents a real estate licensee from recommending that a seller or landlord upgrade its current smoke detector devices with the newer models if they believe it will assist in the sale or rental of the listed property.

Submitted by Alfred M. Fazio, Esq. of Capuder Fazio Giacoia LLP. Visit our website at CFGNY.com for copies of recent articles as well as other areas of interest to the real estate community. If you would like to be added to our mailing list and receive future articles, please click the link below.

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