

Town of St. Armand  
PO Box 338  
1704 NYS Route 3  
Bloomingdale NY 12913  
518-891-3189 – office  
518-891-6092 - fax

IMPORTANT INFORMATION FOR YOUR BUILDING PERMIT APPLICATION:

- If you are repairing or installing water or sewer lines, you must contact the Water & Sewer Clerk at 518-891-3189 to coordinate a time for repairs or installations with the Water Superintendent and/or the Wastewater Superintendent.
- The property owner is responsible for hiring a company to install water and sewer taps and to repair any water and sewer lines.
- A MEMBER OF THE ST. ARMAND WATER AND/OR WASTEWATER DEPARTMENT MUST BE PRESENT WHEN ANY WATER OR SEWER LINES ARE REPAIRED OR INSTALLED – NO EXECPTIONS. THE TOWN WATER AND WASTEWATER SUPERINTENDENTS DO NOT PERFORM TAPPING OF WATER OR SEWER LINES.
- If you need a water meter or reader, please contact the Water & Sewer Clerk at 518-891-3189
- You must contact Dig Safe before doing any excavation work on or near the road.
- Please fill out the Building Permit application completely. Use additional paper if necessary.
- Building Permits are not issued until payment is received in full.
- The Town of St. Armand does not have zoning; we follow the New York State Uniform Fire Prevention & Building Code
- Please visit [www.townofstarmandny.gov](http://www.townofstarmandny.gov) for more information including:

Water & Sewer Rules and Regulations

Local Laws for Water and Sewer

Local Law for Nuisance Abatement (noise, odors, etc.)

Contact information for Town employees

# TOWN OF ST. ARMAND BUILDING PERMIT APPLICATION INSTRUCTIONS

Office of Building Code Enforcement  
Code Enforcement Officer

**Address:**

Town of St. Armand  
1702 NYS Route 3  
PO Box 338  
Bloomingdale, NY 12913

**Contact Information:**

CEO Cell Phone: 838-202-0802  
Fax Number: 518-891-6092  
Town Hall Number: 518-891-3189  
Web-Site: [www.townofstarmandny.gov](http://www.townofstarmandny.gov)

**Building Permits:**

Building permits are required for the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion, or change in the nature of any building, structure, or swimming pool. The following is a list of common projects for which a building permit is required:

- New Home and Building Construction
- Home Improvements: Additions, Decks, Porches, Garages, Major Renovation and Roof Replacements, New and Full Siding Replacements.
- Swimming Pools
- Storage Sheds / Out Buildings > 140 Square Feet Non-Commercial
- Wood Stoves, Fireplaces, and other Solid Fuel Heating Devices

Building Permits are not required for ordinary repairs that are not structural in nature or do not involve material alterations or structural features, plumbing, electrical or heating/ventilating systems, for agricultural buildings such as dairy barns and poultry houses, erecting fences, constructing non-commercial storage facilities under 140 square feet and siding repairs. However, any construction or repair work not requiring a permit must nonetheless be done in full compliance with the New York State Uniform Fire Prevention Code 19NYCRR, and any and all other state and local statutes.

The Code Enforcement Officer (CEO) is available to discuss any planned projects and review what permits/approvals may be required.

The CEO may revoke a permit where it is found:

1. There has been any false statements or misrepresentations made as to a material fact in the application.
2. That the permit was issued in error and should not have been issued in accordance with that applicable law.
3. That the work is not being performed in accordance with the provisions of the applications, plans or specifications.
4. The person to whom a permit has been issued fails or refuses to comply with a Stop Work Order.

The CEO may issue a Stop Work Order whenever there are reasonable grounds to believe that such work is being performed in an unsafe and dangerous manner, or for any of the reasons stated above.

**Submission of your Application:**

To help facilitate your Building Permit, please review your application and be sure that it is fully complete. Please make note of the following special items:

Tax Map Number: The tax map number for the property can be obtained from the Essex County Office of Real Property, Tax Collector or Town Clerk.

**Project Information:** Complete description of project, including drawings as described below and narrative of work including trades to be involved and cost estimates for materials and labor and a statement that the work shall be performed in compliance with the Uniform Code, applicable state/local laws, rules, and regulations.

Drawings (with the full name and address of the property owner/applicant) shall include:

- Site Plan with limits of site work and the location of the well, septic system, APA delineated Wetlands, Flood Plan, Property Lines, Setbacks and any other relevant information.
- Building Plans must include complete detail; Plan View, Elevations, Sections, dimensions and material schedules, to allow for a complete review of the NYS Building and Fire Code.

An original seal and signature of a licensed NYS registered architect/engineer must be affixed to all drawings and the cover page of the specifications, with the exception of, unless specially required by the Code Enforcement Officer; (N.Y. Educ. Law, Article 145, §7307)

- New residential buildings of 1500 square feet of living area or less not including garages, carports, porches, cellars, or uninhabitable basements or attics;
- Alterations to any building or structure costing \$20,000 or less, which do not involve changes affecting the structural safety or public safety thereof; or
- Any habitable space (Living or Sleeping Areas) require adherence to the energy and property lite section of the NYS Building Code.
- Farm buildings including barns, sheds, poultry buildings, and other buildings used directly and solely for Agricultural purposes.
- Manufactured homes will have an insignia of approval issued by New York State Fire Prevention and Building Code.

### **Hazardous Materials Survey**

#### **“Notice to Building Permit Applicants”**

An asbestos survey is required for all renovation, remodeling, repair and demolition of all interior and exterior building materials installed on or after 01 January 1974, or as detailed in 12 NYCRR 56. As per NYS Industrial Code Rule 56, asbestos material must be abated by licensed contractors utilizing certified asbestos handlers, with the exception of owner-occupied single family homes, where the owner may remove asbestos. However, it is not recommended that the owner remove asbestos. The owner could potential expose themselves, their family and neighbors to asbestos fibers if correct engineering controls and work methods are not utilized during the abatement. For further information and updates, please see the NYS website at: [www.labor.ny.gov](http://www.labor.ny.gov)

### **Proof of Workers Compensation**

ACORD forms are not acceptable proof of New York State Workers’ Compensation. Under Workers’ Compensation Law (WCL) Section 57, businesses requesting permits, licenses or seeking to enter into contracts must provide one of the following forms to the entity issuing the permit or entering into a contract.

The following are acceptable forms:

- CE-200 Certificate of Attestation of Exemption from New York State Workers’ Compensation and/or Disability Benefits Insurance Coverage; or
- C-105.2 (9-07) Certificate of Workers’ Compensation Insurance; or
- U-26.3 State Insurance Fund’s version of the C-105.2 form; or
- SI-12 Certificate of Workers’ Compensation Self-Insurance (the business calls the Board's Self-Insurance Office at 518-402-0247); or
- GSI-105.2 Certificate of Participation in Workers’ Compensation Group Self-Insurance (2-02)

*If there are no employees* the contractor can complete the CE-200 “Certificate of Attestation for New York entities With No Employees and Certain Out of State Entities, that New York State Workers’ Compensation and/or Disability Benefits Insurance Coverage Is Not Required,,. The new Form CE-200 will be valid for a single building permit only. Form CE-200 can be filled out electronically on the Board’s website, [www.wcb.state.ny.us](http://www.wcb.state.ny.us) under the heading “Forms,, Applications filing electronically are able to print a finished Form CE-200 immediately upon, completion of the electronic application. Applicants without access to a computer may obtain a paper application for the CE-200 by writing or visiting the Customer Service Center at any District Office of the Workers’ Compensation Board.

*For Residential Projects, if the homeowner is performing the work* they may complete Form “BP-1 09 2007 Affidavit of Exemption Homeowners,, (Available from the CEO on request)

### **Inspections During Construction**

It is the full and complete responsibility of the permit holder to schedule inspections and to make sure that all inspections required for the Certificate of Occupancy are secured with the CEO. It is recommended that, at a minimum that, Forty-Eight (48) hour notice is provided for all inspections. The Town of St. Armand Code Enforcement Office is a part-time operation and while every attempt will be made to work with your schedule with appropriate notice, it is not always practical to accommodate all requests, please plan ahead to ensure for the unexpected.

An inspection is required upon completion of each stage of construction, including but not limited to:

- Footings/foundation
- Framing
- Insulation
- Electrical (Third Party Inspection – Only preapproved Electrical Inspectors)
- Plumbing
- HVAC
- Septic Systems (Before Backfilling)
- Final Inspection

Some projects may have a complexity that requires Special Inspections or additional inspections required by the CEO. It is the permit holder’s responsibility for all third party inspections or to arrange for all additional inspections. No construction items or elements shall be covered or buried before they are inspected by the CEO.

### **Term of Permits**

Building Permits for new structures (except as noted below) shall be valid for two (2) year.

Building Permits for renovations and repairs shall be valid for one (1) year.

Building Permits for Pools, Garages, Decks, Chimneys, Roofs, Septic Systems and Fuel Burning Devices will be valid for one (1) year.

End of Document

Town of St. Armand  
Building Permit Application

*Please note: All new construction needs the approval of the Code Enforcement Officer BEFORE a Permit can be issued. Thank you.*

Property Tax Map Number: \_\_\_\_\_ Permit Number: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Project site address: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Additional Contact info: \_\_\_\_\_

Architect/Engineer: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Additional Contact info: \_\_\_\_\_

General Contractor/Builder: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Additional Contact info: \_\_\_\_\_

Worker's Compensation/Disability wages: \_\_\_\_\_ yes \_\_\_\_\_ no *If yes, please provide copy of insurance*

Project Includes: *Please circle all that apply*

New House/Building

Garage/Carport

Swimming Pool

Deck

Mobile Home

Storage/Utility Shed

Change of Use

Septic System

Manufactured Home

Addition

Demolition

Relocation

Masonry/Chimney

Repairs/Alterations

Solid Fuel

Liquid/Gas Fuel

Other: \_\_\_\_\_

Construction Class: Please circle all that apply.

Type I (non-combustible)    Type II (non-combustible)    Type III (non-combustible exterior)  
Type IV (heavy timber)    Type V (combustible)

Use and Occupancy Classification: Please circle all that apply.

A – Assembly    B – Business    E – Educational    F – Factory/Industrial  
H – High Hazard    I – Institutional    M – Mercantile    R – Residential  
S – Storage    U – Utility/Misc.

Primary Source of Heat: \_\_\_\_\_

Is the site in a Flood Plain? \_\_\_\_\_ In a wetland? \_\_\_\_\_ APA jurisdiction? \_\_\_\_\_

Does the property have: Please circle all that apply.

Public Water    Public Sewer    New Private Well    Existing Private Well  
New Septic System    Existing Septic System    Other: \_\_\_\_\_

Please include copies of plans, tax map plot, survey or any other pertinent documentation.

Estimated Cost of Project: \$ \_\_\_\_\_ Has any work been started or completed: \_\_\_\_\_

*Applicant Certification: I hereby certify that I have read all the instructions and examined the same to be true and correct. All provisions of laws and ordinances covering this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulation construction or land use of the performance of construction.*

Signature of Applicant/Authorized Agent: \_\_\_\_\_ Date: \_\_\_\_\_

Do not write below this line

*For agency use only*

Required fee \$ \_\_\_\_\_ Cash \_\_\_\_\_ Check number \_\_\_\_\_

Date received \_\_\_\_\_ Date permit issued \_\_\_\_\_

Permit Denied (state reason)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TOWN OF ST. ARMAND PERMIT FEE SCHEDULE**  
10 May 2016

(SF = Square Feet)

<b>Residential Occupancies (One &amp; Two Family Dwellings and Multiple Family Dwellings)</b>	
<b>1) New Construction: Fees Based on SF, with a Minimum Fee</b>	\$0.20 per SF
Minimum Fee:	\$300.00
<b>2) Single-Wide Mobile Homes: Fees Based on SF, with a Minimum Fee</b>	\$0.15 per SF
Minimum Fee: *	\$75.00
<i>*Includes porch system ≤ 64 SF, for Porches &amp; Decks &gt; 64 SF see Note 7.</i>	
<b>3) Unattached Garages, Carports &amp; Sheds: Fees Based on SF, with a Minimum Fee</b>	\$0.15 per SF
Minimum Fee:	\$80.00
Structures ≤ 140 SF, require no Building Permit	No Fee
<b>4) Additions: Fees Based on SF, with a Minimum Fee</b>	\$0.20 per SF
Minimum Fee:	\$80.00
<b>5) Repairs &amp; Alterations:</b>	
<b>5A) One and Two-Family Dwellings</b>	
Repairs	\$25.00
Alteration Level #1	\$50.00
Alteration Level #2	\$75.00
<b>5B) Multiple Dwellings</b>	
Repairs and Alteration Level #1	\$50.00 per Unit
Alteration Level #2	\$75.00 per Unit
Alteration Level #3	\$100.00 per Unit
<b>6) Decks and Porches: (All Residential Occupancies)</b>	
Porches and Decks of 300 SF or less	\$50.00
Additional SF above 300 SF	\$8.00 per 100 SF
ADA Access or Ramps	Exempt (Note 9)
<b>7) Residential Siding: Fee is based on Alteration Level #1 or less</b>	\$25.00
<b>8) Solar Panel System: (Per Residential Occupancy)</b>	\$50.00
<b>Non-Residential Occupancies (Refer to Notes and Glossary of Terms on Page 2)</b>	
<b>9) New Construction: Fees Based on SF, with a Minimum Fee</b>	\$0.30 per SF
Minimum Fee:	\$200.00
<b>10) Unattached Structures and Additions Fees Based on SF, with a Minimum Fee</b>	\$0.20 per SF
Minimum Fee:	\$100.00
<b>11) Repairs &amp; Alterations:</b>	
Repairs and Alteration Level #1	\$50.00
Alteration Level #2	\$75.00
Alteration Level #3	\$100.00
<b>General Permits and Inspections</b>	
<b>12) Roofing</b>	
Re-Roofing (Includes all Changes in Roof Coverings)	\$50.00
Roof Reconstruction (Alteration Level #2, Both Categories)	\$75.00
<b>13) Demolition:</b>	
Owner-Occupied Single Family Dwellings (See Note 8)	\$10.00
Non-Owner-Occupied Single Dwellings and all other Occupancies	\$25.00
<b>14) Swimming Pools:</b>	
Includes above and below ground pools and enclosures	\$50.00
Enclosures around pre-existing pools	\$30.00
<b>15) Chimney Permit:</b>	\$25.00

<b>16) Fuel Burning Devices (Includes Exterior Wood Boilers) and Chimney:</b>	\$50.00
<b>17) Septic Systems</b>	\$50.00
<b>18) Fire Safety and Property Maintenance Inspections:</b>	
1 <sup>st</sup> Inspection and Follow-Up Inspection for Compliance Check	No Fee
Additional Follow-Up Inspections for Failure to Comply or Inspection at Owner's Request	\$25.00
<b>19) Commercial Cellular/Satellite Antenna</b>	\$100.00
<b>20) Building Permit Renewal: For New Construction (Items 1, 2 and 9)</b>	\$25.00
Renewal for Additions, Repairs, Alterations and Other General Permits	\$10.00
<b>21) Certificate of Inspection (No Permit Issued) /Change in Occupancy</b>	\$50.00
<b>22) Records Search</b>	\$50.00

### **Notes and Glossary of Terms**

**(Refer to Building Permit Instructions for detailed information on Terms and Conditions of Building Permitting)**

1: Square footage is based on exterior dimensions of the building at each level and shall include all habitable/occupied basement areas and attached garages.

2: All fees will be rounded to the nearest dollar.

3: An additional 50% of all applicable fees will be charged for any construction started prior to issuance of a Building Permit.

4: Building Permits for new structures will run for three (3) years. All other Building Permits shall run for one (1) year. All renewed Permits shall run for one (1) year.

5: Building which are exempt from a Permit shall comply with the NYS Uniform Building and Fire Prevention Code.

6: No Mobile Homes built prior to 1973 shall be allowed to be installed in the Town of St. Armand.

7: Single-Wide Mobile Homes Building Permits include a porch system of up to 64 SF include within the Fee. If the Permittee requires additional porch space, an additional Fee per "Item 6) Deck/Porch" shall apply.

8: NYCCR Title 9, Chapter XXXII, §1203.3 exempts the construction of noncommercial storage facilities of less than 140 SF of gross floor area from requiring a Building Permit. Residential Structures 140 SF or less do not require a Demolition Permit.

9: For ADA project's to be exempt from Fee's, the project shall comply with that 2010 ADA Standards for Accessible Design.

### **One and Two Family Dwellings: Repairs and Alterations**

#### **Repairs**

Repairs include the patching or restoration of materials, elements, equipment, or fixtures for the purpose of maintaining such materials, elements, equipment or fixtures in good or sound condition. (Includes electrical devices and systems)

#### **Alterations - Level 1**

Level 1 Alterations include the removal and replacement or the covering of existing materials, elements, equipment or fixtures using new materials, elements, equipment or fixtures that serve the same purpose, without reconfiguring the space.

#### **Alteration - Level 2**

Level 2 Alterations include the reconfiguration of space, the addition or elimination of any door or window, the reconfiguration or extension of any system, or the installation of any additional equipment.

### **Non-Residential Occupancy: Repairs and Alterations**

#### **Repairs:**

Repairs include the patching or restoration or replacement of damaged materials, elements, equipment or fixtures for the purpose of maintaining such components in good or sound condition with respect to existing loads or performance requirements.

#### **Alteration - Level 1**

Level 1 alterations include the removal and replacement or the covering of existing materials, elements, equipment, or fixtures using new materials, elements, equipment, or fixtures that serve the same purpose.

#### **Alteration - Level 2**

Level 2 alterations include the reconfiguration of space, the addition or elimination of any door or window, the reconfiguration or extension of any system, or the installation of any additional equipment.

#### **Alteration - Level 3**

Level 3 alterations apply where the work area exceeds 50 percent of the aggregate area of the building.



# 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)

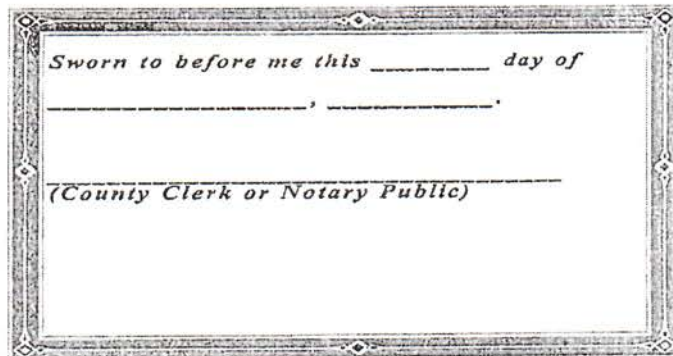
\_\_\_\_\_  
(Date Signed)

\_\_\_\_\_  
(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 (12/08).

- ◆ 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(12/08), 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.

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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.

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- ◆ 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.

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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 (12/08).

- ◆ 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(12/08), 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.