

Res. No. 1771

Resolution calling upon the New York State Legislature to pass and the Governor to sign S.3942/A.4380, the “Engineers’, Architects’, Landscape Architects’ and Land Surveyors’ Good Samaritan Act” which would protect from liability professional engineers, architects, landscape architects and land surveyors who render voluntary services at the scene of a natural disaster or catastrophe.

By Council Members Oddo, Arroyo, Comrie, Eugene, Fidler, Gentile, James, Koo, Palma, Rose, Wills and Ulrich

Whereas, Following Superstorm Sandy, the New York City Department of Buildings (DOB) was tasked with inspecting tens of thousands of properties in the floodplain in all five boroughs to determine their structural stability; and

Whereas, DOB used its teams of inspectors and contracted with engineers from a private firm to help with inspections as the demand for services exceeded the capacity of its staff; and

Whereas, DOB spent weeks assessing and tagging properties with placards to indicate whether it was safe for homeowners to reoccupy or where necessary to begin repairs to a property; and

Whereas, According to the American Institute of Architects, after Superstorm Sandy, at least 300 architects and engineers in the New York area indicated a willingness to volunteer to inspect damaged properties; and

Whereas, Currently, New York State does not provide immunity for engineers, architects, landscape architects and land surveyors from liability for volunteer services provided in response to a natural disaster or catastrophic event; and

Whereas, Without the assurance that their volunteer services would not expose them to future litigation or liability, volunteer architects and engineers were unable to assist DOB with Sandy-related inspections; and

Whereas, In 2013, Senator Kemp Hannon (R-NY) and Assembly Member Steven

Englebright (D-NY) introduced S.3942 and companion bill A.4380; and

Whereas, This legislation would establish the " Engineers', Architects', Landscape Architects' and Land Surveyors' Good Samaritan Act," which would provide immunity for engineers, architects, landscape architects and land surveyors from liability for volunteer services rendered during or within 90 days of the termination of a declared natural disaster or catastrophic event when requested by or acting with approval from government officials; and

Whereas, Twenty-four other states have recognized this potential liability threat and to foster the use of these professionals after an emergency have enacted laws which provide immunity to certain professionals including engineers who provide voluntary services in response to a disaster; and

Whereas, In order to get homeowners back into their homes as quickly and safely as possible by avoiding lengthy home inspection processes in the aftermath of future disasters, engineers and architects should be protected from liability when contributing their professional services to recovery efforts; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign S.3942/A.4380, the "Engineers', Architects', Landscape Architects' and Land Surveyors' Good Samaritan Act" which would protect from liability professional engineers, architects, landscape architects and land surveyors who render voluntary services at the scene of a natural disaster or catastrophe.