



AIA New York State, Inc.

An Organization of The American Institute of Architects

2007 Legislative Program

ARCHITECTS AS ADVOCATES FOR LIVABLE COMMUNITIES

Architecture profoundly affects the lives of every man, woman and child. Architects are uniquely suited to advocate for more livable communities. They are trained to solve problems, make ideas visible, and synthesize fragmented parts into a coherent whole, all within the context of the built environment. The architect's role in creating livable communities involves taking into consideration issues of urban design, housing, historic preservation, comprehensive energy, the environment, and health. The AIANYS supports the following legislative initiatives:

Smart Growth—Livable Communities

We support initiatives to revamp local, state and federal community planning and zoning practices and principles to revitalize development; encourage the re-generation of the physical fabric and infrastructure of our urban, suburban and rural communities across the state; and enhance and improve the quality of life for our residents.

Affordable Housing Initiatives

We support initiatives to raise the state's investment in affordable housing to levels to meet the needs of disadvantaged, moderate and middle-income working families, seniors, and special needs populations in upstate and downstate communities in New York State. Revenues from the real estate transfer tax and the mortgage recording tax surcharge, the products of the state's housing and real estate industry, would make it possible for New York State to increase its capital investment in affordable housing. The state needs a policy of "smart," environmentally-responsible economic growth that can foster sustainable communities and invest in affordable housing that can be shared with those who have been and are being left out of the housing boom market.

Green Building and Sustainable Development

We support initiatives that will encourage the certification of Green Buildings that are in concert with LEED™ throughout New York State. At the present time LEED certification is done on a voluntary basis, this initiative would be in concert with the affordable housing initiative that also encourages environmentally responsible growth.

"Crumbling Schools" Initiatives

We support state and federal funding initiatives and appropriations for the repair, maintenance and new construction needed to rehabilitate and modernize our schools so that our students will be prepared to meet the challenges of the 21st Century. There is a fundamental need to build school facilities that will enable the reforms of our education system contemplated by the Campaign for Fiscal Equity Court of Appeals decision. Smaller classes, expanded pre-K, small learning environments, after school programs, all require appropriate educational facilities. Capital investment in our schools also adds much needed safeguards which will ensure structural, environmental and life-safety compliance, will remedy the life-cycles of our school facilities, and will bring them into compliance with applicable building and safety codes as well as with the mandated ADA.

ARCHITECTS AS ADVOCATES FOR IMPROVING DESIGN AND CONSTRUCTION PRACTICE ISSUES

Architects drive the design/construction sector of our nation's gross domestic product, which represents over 8 percent of the economy. The AIA New York State supports a wide range of legislative issues to improve and enhance the built environment in which we live, work, worship and play. We support legislative initiatives on public procurement and project delivery methods, fair civil-liability laws, housing and building codes, professional licensing and continuing education. The AIANYS supports the following legislative initiatives:

Funding for Prosecution of Illegal Practice

We strongly support funding for legislation which would establish a ten dollar fee on triennial professional registrations to be used for the implementation of illegal practice investigation and prosecution of unlawful practice of professions. Chapter 615 of the Laws of 2003 provided the State Education Department with the authority to seek injunctive relief against illegally practicing individuals, issue cease and desist orders and seek civil restitution and penalties from unlicensed individuals. Under the prior law, the Department had the responsibility to regulate the State's professions and investigate allegations of abuse, but lacked the statutory authority to impose meaningful sanctions. This surcharge is necessary to assist the Department in implementing this important legislation, and the Regents have incorporated this into its 2007 Legislative Program.

Certificate of Authorization for Architectural & Landscape Architectural Firms

We support certificates of authorization that would require all entities legally permitted to provide or offer to provide architectural and/or landscape architectural services to obtain a "Certificate of Authorization." Individual licensees, who are legally permitted to practice architecture and/or landscape architecture in New York State, may also obtain a "Certificate of Authorization; however, under certain circumstances of practice, they may not be required to do so. This legislation would extend to architecture and landscape architecture the same requirement to obtain a "certificate of authorization" as Section 7210 requires of professional engineers and land surveyors. Such a provision would bring the four licensed design professions into similar conformance, would provide the consumer with additional information regarding the state's professional licensing law and who may practice, and would be a protection to the public's health, safety and welfare as a deterrent to the illegal practice of a licensed profession by strengthening the enforcement of the state's laws, rules and regulations governing who may legally practice a licensed profession in New York State.

REFORM OF PUBLIC BIDDING LAW FOR CONSTRUCTION SERVICES

Wicks Reform

We have long supported repeal of Wicks and continue to favor repeal and/or legislation which would reform the Public Bidding Law for Construction Services, which would provide public owners the freedom to choose efficient construction methods. The state's multiple-prime mandate (Wicks Law) is costly to New York State. Study after study indicated that non-Wicks projects save time and money on public works projects in New York State. New York State should enact legislation, which would provide state and local public owners with a choice to choose either a single-prime contract or a multiple-prime contract for their public works project. Absent reform or repeal, we would support legislation, which would expand the bid threshold for multiple-prime contracts to \$10 million for all levels of government, including state construction agencies, public authorities, public benefit corporations as well as all public education institutions in new exemptions.

Design-Build

We support amending Article 147 of Title VIII of the State Education Law, which licenses and regulates the profession and practice of architecture, to permit architect-led and contractor-led design/build in such a manner that does not diminish or dilute the role and responsibilities of the architect in the design process and that does not compromise or jeopardize the public's health, safety and welfare as protected by the state's licensing laws and regulations. Design-build is commonly defined as a form of project delivery in which owners contract with a single entity, the design-builder, to provide both design and construction services.

Corporate Practice of Design Professions

We support legislation to allow a business corporate practice of design professions, which would limit ownership to under 25% and control of a design professional firm by individuals not licensed under Title VIII of the State Education Law and more than 75% ownership and control by licensed, registered design professionals. This legislation would continue to require that all professional design work be carried out under the responsible design professional. Many states allow design professionals to form regular or business corporations. However, New York remains one of only three states that do not permit some form of business corporate practice (with the exception of its grandfathered corporations).

Qualifications-Based Selection

We believe that architects and other design professionals should be selected on the basis of professional qualifications and competence. The present State Finance Law, Section 136-a, provides for open competition among design professional firms in the areas of competence, experience, prior performance, and technical qualifications, followed by negotiated compensation. This

bill would extend these QBS procedures to public authorities and public benefit corporations. Government is responsible to the taxpayers for obtaining the best building possible that addresses health and safety considerations as well as maintenance and operating costs for the life-cycle of the building.

Good Samaritan Act

We support legislation which provides liability protection for architects, landscape architects, engineers and land surveyors who voluntarily provide professional services in response to natural disasters or other catastrophic events. The legislation is important to design professionals as well as to the state and local jurisdictions. Architects, landscape architects, engineers and land surveyors can provide essential needed professional services during natural or manmade disasters and emergencies to help protect the public's health, safety and welfare with the confidence that there will be sufficient immunity from liability while providing these professional services.

Design Liability Reform

Ten-Year Statute of Repose for Third Party Suits

Civil Justice Reform Act

Certificate of Merit

We support the initiatives of the New Yorkers for Civil Justice Reform for comprehensive tort reform, which will restore fairness, balance and common sense to our civil justice system and which includes the following Design Professionals Liability Reform issues: 10-year Statute of Repose for third party suits brought against design professionals and a Certificate of Merit provision before commencing suit. These legislative bills would extend to design professionals protection from perpetual liability exposure to third party suits in the case of a statute of repose and in the case of a certificate of merit process, protection from non-meritorious litigation in a manner similar to that currently provided for health professionals.