

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

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 for which I am applying and I am not required to show specific proof of workers' compensation insurance coverage for such residence because: (Please check the appropriate box below.)

- ☐ I am performing all work for which the building permit is issued.
- ☐ I am not hiring, paying or compensating in any way the individuals whom are performing all the work for which the building permit is 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 individual(s) a total of less than forty (40) hours per week (aggregate hours for all paid individuals on the jobsite) for which the building permit is 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 permits if I need to hire or pay individuals a total of forty (40) hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit;
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 for which I am applying 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 permits if the project takes a total of forty (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

Printed Name

Phone Number

_____, Auburn, NY 13021
Property Address Requiring Permit

Sworn to before me this ____ day of _____, 20__.

Commissioner of Deeds or Notary Public

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 COVER 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 and Business Owners

For **businesses 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 (C-105.21),

Under the mandatory coverage provision of the SCL 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 provision of the Workers' Compensation law when applying for a building permit is to file form BP-1(3/99).

- Form BP-1(3/99) 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 work for which the building permit was issued him/herself.
 - is not hiring, paying or compensating in any way the individuals whom are performing all the work for which the building permit is issued or helping the homeowner perform such work; OR
 - has a homeowners' 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 forty (40) hours per week (aggregate hours for all paid individuals on the jobsite) 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(3/99) 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.