

CONSTRUCTION LAW NEWSLETTER

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TRENDS IN CONSTRUCTION LAW

We have written previously regarding the push in New York State to promote MWBEs and the resulting legal implications.

A more recent development reflecting NYS' continued commitment to MWBEs is that Empire State Development and the New York State Business Development Corporation have instituted a "Bridge to Success Program" for certified MWBE subcontractors in order to encourage their participa-

tion in projects and in meeting MWBE participation requirements.

In lieu of conventional small business loans and lines of credit, the "Bridge to Success Program" mirrors a working capital line of credit at low interest rates and fast processing times.

The "Bridge to Success Program" line of credit would be secured through a collateral assignment of contract and proceeds.



The increased participation of MWBE companies in construction projects in NYS affects lien and bond claim rights, of which all contractors should be aware.

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CASE LAW UPDATE

On December 14, 2017, the First Department Appellate Division decided the case of *Hoyos v. NY —1095 Avenue of the Americas, LLC*. The case involved a worker who fell from an elevated loading dock and was injured.

Plaintiff Hoyos was a painter on the project. The accident occurred when Hoyos was standing in line with other construction workers, waiting to sign a security log and obtain a pass that

would allow him to enter the building where he was working. While waiting in line, Hoyos fell from the loading dock, which was four feet off the ground and had no railings, chain, rope, or other indication where the platform began and ended.

Hoyos sued for damages for, among other things, a violation of the scaffold law. He filed a motion for summary judgment on the scaffold claim. The de-

fendant opposed the motion, arguing that because Hoyos was not actually on the job site at the time of the accident, the scaffold law was inapplicable. The Supreme Court granted the motion in favor of Hoyos and the Appellate Division affirmed, finding that because Hoyos was required to enter the jobsite via the elevated loading dock it was covered under the scaffold law.

The contents herein are for informational purposes only. No contents herein should be construed as legal advice or create an attorney/client relationship.

Consult your attorney regarding specific legal needs. This may be construed as attorney advertising. Prior results do not guarantee a similar outcome.