



Landscape Architecture Licensure Laws ASLA Summary of Provisions NEW YORK

New York State Education Law: Article 130, Article 148
Subpart 79-1 Landscape Architecture

Type of Law: Practice/title act.

State Board of Landscape Architecture

The board consists of seven landscape architects and one public member appointed by the Board of Regents of the Department of Education on recommendation of the Commissioner.

Powers: Assist the department in licensing and regulating the professional.

Definitions

Landscape Architecture: Performing services in connection with the development of land areas where, and to the extent that the dominant purpose of such services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings, approaches or environment for structures or other improvements, natural drainage and the consideration and determination of inherent problems of the land relating to the erosion, wear and tear, blight or other hazards. This practice includes the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in the law but does not include the design of structures or facilities with separate and self contained purposes such as are ordinarily included in the practice of engineering or architecture and does not include the making of land surveys or final land plats for official approval or recording.

Exemptions

Interprofessional practice: The law exempts architects, engineers and land surveyors.

Exempt persons:

- Employees of landscape architects acting under the instruction, control or supervision of their employers.
- Builders or superintendents employed by builders, supervising the installation of landscape projects.
- Any person engaged in business as an agriculturist, horticulturist, tree expert, arborist, forester, nurseryman or landscape nurseryman, gardener, landscape gardener, landscape contractor, garden or lawn caretaker or grader or cultivator of land, except that no such person may use the designation landscape architect, landscape architectural or landscape architecture.
- Any person employed as a junior or assistant landscape architect by the city of New York in a position the title of which was approved and in use as of July 1, 1971 provided such person acts under the general supervision of a landscape architect.

Eligibility Requirements – Initial Licensure

An applicant must pass a written examination and [meet one of the following sets of requirements: (1) graduation from a five-year professional program in landscape architecture registered by the department, accredited by an acceptable accrediting agency, or determined by the department to be the equivalent of a registered or accredited program, obtain a bachelor's or higher degree in landscape architecture and have three years of landscape architectural work experience; (2) graduation from a four-year professional program in landscape architecture registered by the department, accredited by an acceptable accrediting agency, or determined by the department to be the equivalent of a registered or accredited program, obtain a

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bachelor's or higher degree in landscape architecture and have four years of landscape architectural work experience; or (3) complete landscape architectural experience satisfactory to the board of a sufficient amount so that the combined education and experience total 12 years. Applicants with a second professional degree in landscape architecture substitute one year of experience for the second degree.

As specified by the board, eligibility for licensure is based on a combination of education and experience for which units of credit are awarded. The credit awarded for education determines the number of units of experience required and the combination of education and experience must total at least 12 units. Units are credited as follows: ASLA accredited undergraduate curriculum: graduation from a 4 year program: 8 units; graduation from a 5 year program: 9 units; ASLA accredited undergraduate curriculum plus graduate degree in landscape architecture: 4 year undergraduate program: 9 units; 5 year undergraduate program: 10 units; four year non-landscape architecture degree plus ASLA accredited graduate program: 8 units; landscape architecture undergraduate or graduate curriculum not ASLA accredited: 7 units (max); ABET accredited civil engineering program or NAAB accredited architecture program: 6 units (max); 2 year landscape architecture-related technical program: 1 unit for each year successfully completed (or the equivalent in course credit): 4 units (max); completion of a non-landscape architecture program (other than above) associate's degree: 2 units bachelor's degree or higher: 4 units.

Experience under a licensed landscape architect must also be under a landscape architect whose business entity is properly incorporated. If not, experience credit will not be granted, even if working under the supervision of a licensee.

Fee: Initial license, \$294. Triennial renewal, \$249.

Eligibility Requirements – Reciprocal Licensure

Licensure in another jurisdiction based on written examination provided the applicant's qualifications met the requirements of New York at the time the license was issued. Limited permits to practice are also available to out of state licensees on a per-project basis.

Fee: Initial license, \$294. Triennial renewal, \$249.

Limited Permit

On the recommendation of the board, the department may issue a limited permit to a landscape architect who is not a resident of New York and who does not have an established business in NY. The individual must be legally qualified to practice in the individual's home country or state and must submit evidence of established and recognized professional standing. Such permits are only in connection with a specific project. Fee: \$249.

Practice Entities

Professionals who offer landscape architectural services through a business entity must be incorporated through one of the following entities (with current filings):

- Sole proprietorship, where the sole proprietor is a New York licensee
- Professional partnership, where all Partners New York licensees
- Professional Service Corporation (PC)
- Design Professional Service Corporation (DPC)
- Professional Service Limited Liability Company (PLLC)
- Registered Limited Liability Partnership (LLP)
- Certain Grandfathered Corporations

Other entities are not valid and licensees are practicing illegally if doing so under the auspices of other entities. For more information, [click here](#).

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Engineers, land surveyors, architects and landscape architects may join in the formation of a joint enterprise, or a partnership or a professional service corporation or may form any desired combination of such professions and may use in the name of such corporation the title of any of the professions which will be practiced. Following the name of each member of the practice his or her profession must be indicated.

A firm name may be continued by employees having at least 15 years of continuous service if the retired members and legal representatives of deceased members consent to the continuance.

It is lawful for a corporation organized and existing under the laws of the state, and which on or before April 1, 1961 was legally incorporated to practice landscape architecture, while conforming to the provisions of the law, and which has been continuously engaged in practice since that time to continue to practice provided that the chief executive officer of the corporation is a landscape architect, and provided further that the supervision of projects is under the personal supervision of the landscape architect and that plans and designs are prepared under the personal direction and supervision of the landscape architect and bear the stamp of his or her official seal, and the drawings or specifications are also signed on the original, with the personal signature of the landscape architect. No such corporation shall be permitted to change its name and continue to practice landscape architecture, except upon the written approval of the department.

Seal Requirements

All working drawings and specifications prepared by a licensee relating to the setting, approaches or environment for structures or other improvements or under the supervision of the licensee, must be stamped with the official seal and signed on the original, with the personal signature of the landscape architect when filed with public officials.

Enforcement

Board powers: Conduct disciplinary proceedings and assist in other professional conduct matters as prescribed by the board of regents.

Department powers: The penalties which may be imposed by the board of regents on a present or former licensee found guilty of professional misconduct are: censure and reprimand; suspension of license, either wholly, for a fixed period of time, or partially, until the licensee successfully completes a course of retraining in the area to which the suspension applies, or wholly, until the licensee successfully completes a course of therapy or treatment prescribed by the regents; revocation of license; annulment of license; limitation on license or issuance of any further license; a fine not to exceed \$10,000, upon each specification of charges of which the respondent is determined to be guilty; a requirement that a licensee pursue a course of education or training; and a requirement that a licensee perform up to 100 hours of public service.

Prohibitions/penalties: Licensees may be disciplined for: obtaining a license fraudulently; practicing the profession fraudulently, beyond its authorized scope, with gross incompetence, with gross negligence on a particular occasion or negligence or incompetence on more than one occasion; practicing the profession while the ability to practice is impaired by alcohol, drugs, physical disability, or mental disability; being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects; being convicted of committing an act constituting a crime under: New York law, federal law or, the law of another jurisdiction and which, if committed within the state, would have constituted a crime under New York law; having been found guilty of improper professional practice or professional misconduct by a professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state constitute professional misconduct under the laws of New York.

Licensees may further be disciplined for: refusing to provide professional service to a person because of such person's race, creed, color, or national origin; permitting, aiding or abetting an unlicensed person to perform

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activities requiring a license; practicing the profession while the license is suspended, or willfully failing to register or notify the department of any change of name or mailing address, or, failing to abide by provisions regulating professional service corporations; committing unprofessional conduct or being in violation of support child orders.

Prohibitions/penalties for unlicensed practice: An unlicensed person who practices or offers to practice or holds himself or herself out as being able to practice landscape architecture, or who practices as an exempt person during the time when his or her license is suspended, revoked or annulled, or who aids or abets an unlicensed person to practice the profession, or who fraudulently sells, files, furnishes, obtains, or who attempts fraudulently to sell, file, furnish or obtain any diploma, license, record or permit purporting to authorize the practice of the profession, is be guilty of a class E felony.

Mandatory Continuing Education

New York requires landscape architects to complete 36 hours of continuing education as a condition of triennial license renewal.

- Once continuing education hour = 50 minutes of study.
- 24 hours must be in the areas of health, safety and welfare
- Up to 18 hours may be earned in non-course activities
- Acceptable continuing education must be taken only from approved providers. The following entities are providers approved by New York (Courses must fall within the subject areas deemed by New York as appropriate to meet the continuing education requirement - see activities, below):
 - LA CES
 - AIA/CES
 - International Association for Continuing Education and Training
 - The Practicing Institute of Engineering
 - Colleges, universities and other degree granting institutions offering degree (e.g. AAS, BS, MS), certificate or diploma programs carrying degree credit that are registered by the State Education Department or have authority to offer equivalent programs accredited by an acceptable accrediting agency (e.g., LAAB)
 - For specific colleges & providers who have been approved, see the [NYSED website](#).
- Excess hours may not be carried forward to subsequent reporting periods
- Licensees must pay an additional \$45 continuing education fee upon license renewal

AMERICAN
SOCIETY OF
LANDSCAPE
ARCHITECTS
636 EYE STREET, NW
WASHINGTON, DC
20001-3736

www.asla.org
1.888.999.ASLA
T 202.898.2444
F 202.898.1185

Administration:

- Department approves providers. All courses must be taken from approved providers (see above). The fee for making such application to become a state-approved provider is \$900.

Activities:

- Courses of learning and educational activities that contribute to professional practice in landscape architecture and fall under the following areas: code of ethics; codes, acts, laws, and regulations governing the practice of landscape architecture; construction administration, including the administration of construction contracts; construction documents; environmental process and analysis; erosion control methods, including stormwater management as is incidental and necessary to the practice of landscape architecture; design of environmental systems and use of site materials and methods of site construction; grading and natural drainage; horticulture; irrigation methods; land planning and land use analysis; landscape preservation, restoration and adaptive reuse; natural hazards-impact of earthquake, hurricane, or flood related to site design; New York State Building Code as it affects landscape architecture; resource conservation and management; site accessibility, including Americans with Disabilities Act standards for accessible site design; site and soils analysis; site design; site security and safety; specifications writing; surveying methods and techniques as they affect landscape architecture; sustainable design, including techniques related to energy efficiency;

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SOCIETY OF
LANDSCAPE
ARCHITECTS
636 EYE STREET, NW
WASHINGTON, DC
20001-3736

www.asla.org
1.888.999.ASLA
T 202.898.2444
F 202.898.1185

vegetative management; wetlands; zoning as it relates to the improvement and/or protection of the health, safety and welfare of the public; or other matters of law and ethics which contribute to the public health, safety and welfare. Activities may also include other topics that contribute to the professional practice of landscape architecture as it is defined by New York Law.

- At least 18 hours must be in “courses of learning,” defined as college courses (semester hour= 15 CE hours; quarter-hour= 10 CE hours), professional development, and technical training courses related to the practice of landscape architecture.
- The following methods of learning are permitted, but may not exceed 18 hours:
 - Preparing and teaching a course offered by an approved CE sponsor to landscape architects, provided that the course has not been taught by the licensee more than once without presenting new or revised material (Actual instructional time plus up to 2 additional preparation hours or each hour of presentation)
 - Authoring an article published in a peer-reviewed journal or a published book (9 hours for each work)
 - Making a technical presentation at a professional conference sponsored by an organization that is an approved CE sponsor (Actual instructional time plus up to 2 additional preparation hours or each hour of presentation)
 - Obtaining patent related to the practice of landscape architecture (9 hours per patent)
 - Self-study program, meaning structured study, provided by an approved CE sponsor, that is based upon audio, audio-visual, written, on-line, and other media, and does not include live instruction, transmitted in person or otherwise, during which the student may communicate and interact with the instructor and other students
 - Educational tour, meaning a structured tour provided by an approved CE provider

Recordkeeping: Licensees provide certification to the department upon renewal that they have complied with the requirements. Licensees must maintain adequate documentation of completion of acceptable CE and education activities and shall provide such documentation at the request of the department. Licensee has responsibility for maintaining six-year record.

Exemptions

- New licensees in the first renewal period (does not apply to new licensure by reciprocity)
- The department may grant an adjustment to the requirements for reasons of health certified by an appropriate health care professional, for extended active duty with the U.S. armed forces, or for other good cause acceptable to the department that may prevent compliance

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