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**THE COUNCIL**

**Committee Report of the Infrastructure Division**

Jeffrey Baker, Legislative Director

**Committee on Housing and Buildings**

Hon. Robert E. Cornegy, Jr., Chair

**May 7, 2019**

**Int. No. 1533-A:** By The Public Advocate (Mr. Williams) and Council Members Menchaca, Ayala, Kallos, Perkins and Rivera

**Title:** A Local Law to amend the New York city building code, in relation to the definition of site safety training full compliance date and site safety training second compliance date

**Building Code:** Amends section 3302.1

**INT. No. 59-A:** By Council Members Cornegy, Lancman, Kallos, Rosenthal, Perkins and Rivera

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to required disclosures by persons making buyout offers

**Administrative Code:** Amends subparagraph f-2 of section 27-2004; adds a new section 27-2096.2

**INT. No. 551-A:** By Council Members Levine, Lancman, Kallos, Rosenthal and Rivera

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to filing information regarding buyout agreements

**Administrative Code:** Adds a new chapter 24 to title 26

**INT. No. 975-A:** By Council Members Brannan, Holden, Koslowitz, Yeger, Lancman, Kallos, Vallone, Rosenthal and Rivera

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to denying building permits where a residential building has an excessive number of violations

**Administrative Code:** Adds a new section 28-105.1.3

**INT. No. 977-A:** By Council Members Reynoso, Holden, Lancman, Kallos, Vallone, Rosenthal, Perkins and Rivera

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to sanctions for submitting incorrect professionally certified applications for construction document approval

**Administrative Code:** Amends sections 28-104.2.1.3.2 and 28-104.2.1.4

**INT. No. 1107-A:** By Council Members Rosenthal, Ayala, Lancman, Kallos, Perkins and Rivera

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to submittal of construction documents, applicant and owner statements, and tenant protection plans

**Administrative Code:** Adds new sections 28-104.7.16, 28-105.12.10; amends 28-104.8, 28-104.8.2; renumbers section 28-104.8.1 by repealing item 2 and renumbering items 3 and 4 as 2 and 3; adds new article 120 of chapter 1 of title 28; renumbers 28-104.8.4 as 28-120.1; amends 28-120.1

**Building Code:** Amends sections 3303.10.1 and 110.3.7

**INT. No. 1171-A:** By Council Members Torres, the Public Advocate (Mr. Williams), Powers, Rivera, Kallos, Chin, Lancman and Rosenthal

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to identifying unlawful statements in submissions to the department of buildings

**Administrative Code:** Adds new sections 28-211.1.3, 28-211.1.4 and 28-211.3

**INT. No. 1241-A:** By Council Members Ampry-Samuel, Lander, Lancman, Ayala, Kallos, Vallone, Rosenthal, Perkins, Rivera and Holden

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to expanding sanctions for submission of professionally-certified false or noncompliant building permit applications or plans

**Administrative Code:** Amends sections 28-104.2.1.2, 28-104.2.1.3.2, 28-104.2.1.3.2.2, 28-104.2.1.4

**INT. No. 1242-A:** By Council Members Ayala, Lander, Brannan, Ampry-Samuel, Lancman, Kallos, Rosenthal, Perkins and Rivera

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to expanding available data in the online property owner registry

**Administrative Code:** Amends section 27-2109.2

**INT. No. 1247-A:** By Council Members Cabrera, Brannan, Lancman, Kallos, Vallone, Rosenthal, Chin, Perkins, Rivera and Holden

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to providing residents with copies of notices of violations

**Administrative Code:** Adds new sections 28-204.1.2 and 28-204.1.3

**INT. No. 1257-A:** By Council Members Cornegy, Lancman, Kallos, Vallone, Rosenthal, Chin, Perkins, Rivera and Holden

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to inspections of construction sites for which the department of buildings has issued a permit

**Administrative Code:** Adds a new section 28-105.12.11

**INT. No. 1258-A:** By Council Members Cornegy, Lancman, Kallos, Perkins and Rivera

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to mandating audits of the records of process servers and creating a notification system regarding licensed process servers who have had their licenses suspended, revoked or who have had renewal denied

**Administrative Code:** Amends subdivisions a of 20-409 and c of section 20-406.3; adds a new subdivision d to section 20-406.3

**INT. No. 1274-A:** By Council Members Levine, Lander, Ampry-Samuel, Lancman, Ayala, Kallos, Rosenthal and Rivera

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to requiring landlords to obtain and provide tenants with the previous four years of rental history

**Administrative Code:** Adds new subdivision g to section 27-2005

**INT. No. 1275-A:** By Council Members Powers, Brannan, Lancman, Ayala, Kallos and Rivera

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to denying permits for occupied buildings

**Administrative Code:** Adds new sections 28-105.1.4 and 28-105.1

**INT. No. 1277-A:** By Council Members Ampry-Samuel, Lancman, Ayala, Kallos, Rosenthal, Perkins, Rivera and Holden

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to preliminary inspections

**Administrative Code:** Amends section 28-116.2.1; adds a new section 28-

116.2.1.1

**INT. No. 1278-A:** By Council Members Rivera, Levine, Ampry-Samuel, Gibson, Lancman, Powers, Kallos, Rosenthal and Perkins

**Title:** A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to requiring heightened review of tenant protection plans and increased enforcement of building code standards

**Administrative Code:** Amends section 28-120.1

**Building Code:** Amends section 3303.10.2; adds a new section 1704.33

**INT. No. 1279-A:** By Council Members Rosenthal, Ampry-Samuel, Lancman, Ayala, Kallos, Vallone, Perkins and Rivera

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of buildings and the department of housing preservation and development to audit a certain percentage of certifications of correction

**Administrative Code:** Adds a new chapter 25 to title 26

**INT. No. 1280-A:** By Council Members Rosenthal, Levine, Ampry-Samuel, Lancman, Ayala, Kallos, Perkins and Rivera

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to the tenant protection plan and penalties for false statements relating to tenant occupancy on certain construction documents

**Administrative Code:** Amends sections 28-120.1; amends section 28-202.1 by adding a new exception 11; amends section 28-203.1 by adding a new exception 6

**Introduction**

On May 7, 2019, the Committee on Housing and Buildings, chaired by Council Member Robert E. Cornegy, Jr., held a hearing on Int. No. 1533-A, Int. No. 59-A, Int. No. 551-A, Int. No. 975-A, Int. No. 977-A, Int. No. 1107-A, Int. No. 1171-A, Int. No. 1241-A, Int. No. 1242-A, Int. No. 1247-A, Int. No. 1257-A, Int. No. 1258-A, Int. No. 1274-A, Int. No. 1275-A, Int. No. 1277-A, Int. No. 1278-A, Int. No. 1279-A, and Int. No. 1280-A.

Int. No. 1533-A was originally heard on April 11, 2019. More information about Int. No. 1533-A, along with the materials for that hearing, can be found at <https://on.nyc.gov/2UHzC2v>.

Int. No. 59-A, Int. No. 551-A, Int. No. 975-A, Int. No. 977-A, Int. No. 1107-A, Int. No. 1171-A, Int. No. 1241-A, Int. No. 1242-A, Int. No. 1247-A, Int. No. 1257-A, Int. No. 1258-A, Int. No. 1274-A, Int. No. 1275-A, Int. No. 1277-A, Int. No. 1278-A, Int. No. 1279-A, and Int. No. 1280-A were originally heard on December 13, 2018. More information about these bills, along with the materials for that hearing, can be found at <https://on.nyc.gov/2H25bMQ>.

**Local Law 196 of 2017**

Construction remains one of New York’s most dangerous industries.[[1]](#footnote-1) In 2018, there were 761 construction related injuries.[[2]](#footnote-2) 2017 saw 650 construction related accidents and injuries and 81 fatalities.[[3]](#footnote-3) That same year, the Council enacted Local Law 196 for the year 2017, which requires construction safety training for workers.[[4]](#footnote-4) This law creates a robust training requirement for workers on construction sites, including requiring that workers on these sites undergo trainings approved by the Occupational Safety and Health Administration (OSHA).

**Related Legislation**

**Int. No 1533-A**

Int. No.1533-A would extend the date by which workers must complete an Occupational Safety and Health Thirty Hour Course (OSHA-30), an Occupational Safety and Health Ten Hour Course (OSHA-10) and an additional 20 hours of safety training, or a 100-hour training program approved by DOB. The current second compliance date pursuant to Local Law 196 of 2017 is June 1, 2019, which will be extended by six months, to December 1, 2019. Additionally, DOB may make a decision by September 1, 2019 to extend the deadline for an additional six months. This bill also establishes the date for full compliance with Local Law 196 as September 1, 2020.

This bill would take effect immediately.

**Anti-Tenant Displacement Background**

On May 20, 2018, the *New York Times* ran a three-part series that described the ways that landlords try to entice or compel tenants to leave rent-regulated apartments, so that these landlords can later replace the rent-regulated tenants with tenants who can pay market rents. The series focused on landlords who purchase buildings with rent-regulated units and discussed some of the methods that they used to force these tenants out of those units, thus removing the units from rent-regulation and, in the terms of certain exploitive landlords highlighted by the series, “unlocking” the potential value in their buildings.[[5]](#footnote-5) These landlords include so-called “predatory equity” investors, who purchase buildings at prices that far exceed their value given the income generated by the rent-regulated tenants in the building at the time of purchase.[[6]](#footnote-6)

One of the ways that landlords attempt to convince tenants of rent-regulated units to vacate these units is by offering them consideration, in the form of buyout offers, in exchange for an agreement that the tenant vacate the unit. Tenants sometimes enter into these buyout agreements without having a clear understanding of a given offer’s value, or the implications of vacating a rent-regulated unit.[[7]](#footnote-7) Landlords may also harass tenants into vacating their units by performing construction in their building at all hours, without required safety measures, and by failing to temper construction debris and noise.[[8]](#footnote-8) Under DOB’s Professional Certification Program, registered design professionals can self-certify that the plans they have filed with DOB are in compliance with applicable laws. This reduces delays in building permit issuance because it negates the need for plans to be examined and approved by DOB. Unfortunately, some registered design professionals self-certify plans that contain false statements about occupancy or about the type of work that is being performed. As a result, DOB is not aware that work is being performed in occupied buildings and without the proper safety precautions in place.

Landlords also bring baseless eviction lawsuits against tenants, who are then forced to defend these lawsuits. Some tenants may be evicted without receiving notices of court dates because process servers failed to properly serve them, and as a result they are not aware that their landlord has commenced eviction proceedings against them.[[9]](#footnote-9)

**Related Legislation**

**Int. No 59-A**

Int. No.59-A would require that persons making buyout offers to make certain disclosures, including a disclosure that there is no guarantee that the tenant will find a similar apartment in the same community district with the same number of bedrooms for the same rent as such person is paying at that time, and that there are additional factors that may impact a person’s ability to obtain housing.

The Department of Housing Preservation and Development (HPD) must also report on median asking rents, disaggregated by community district and number of bedrooms, if a statistically significant and representative sample of data is available. The first report would be due by September 1, 2019 with subsequent reports due every year on by September 1, thereafter. A disclosure of the median asking rent for such community district would also be required if HPD has reported on such within the previous twelve-month period.

The disclosures required by this bill would take effect on October 15, 2019, while the first report would be due by September 1, 2019.

**Int. No 551-A**

Int. No. 551-A would require that, where owners of apartments enter into buyout agreements with their tenants, the owners must electronically submit certain information about the terms of the agreement, including the name of the unit’s owner, the address of the unit that is the subject of the buyout agreement, the amount of money or other consideration paid to the tenant under the buyout agreement, the date the buyout agreement was executed, and the number of months remaining in the lease, to HPD within 90 days of the execution of the agreement. Failure to submit this information would result in the owner being liable for a non-hazardous violation under section 27-2115 of the Administrative Code. This bill would also require that HPD annually report to the Mayor and the Speaker of the City Council information about the buyout agreements submitted during the prior calendar year. The first report would be due no later than January 31, 2021 with each subsequent report due by January 31 of each following year.

This local law would take effect on July 1, 2020, except that the Commissioner of Housing Preservation and Development may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

**Int. No. 975-A**

Int. No. 975-A would require that DOB compile a list of multiple dwellings containing fewer than 35 units that have an average, in any combination, of at least three open immediately hazardous or hazardous housing maintenance code violations or immediately hazardous or major construction code violations per unit, and multiple dwellings of 35 units or more that have an average, in any combination, of at least two open immediately hazardous or hazardous housing maintenance code violations or immediately hazardous or major construction code violations per unit. DOB would be prohibited from issuing a permit to any multiple dwelling on such list. When, through the correction of such violations, the average number of violations per unit of a multiple dwelling falls below the average provided above, such multiple dwelling would be removed from the list. This prohibition on permit issuance would not apply to dwelling units owned as condominiums or held by shareholders as cooperatives. It would also not apply to properties subject to certain court proceedings, and it exempts applications for permits to correct outstanding DOB or HPD violations, to protect public health and safety, that are required to participate in certain DOB or HPD programs, and that are sought by a tenant occupying a portion of such property who is not responsible for any existing violations in such property.

This local law would take effect 210 days after it becomes law, except that the Commissioner of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

**Int. No. 977-A**

Int. No. 977-A would permit DOB to exclude, suspend or otherwise condition the participation of registered design professionals in the Professional Certification Program if such registered design professionals submit two professionally certified applications for construction document approval within any 12-month period that contain errors that result in a stop work order. It would also require that DOB maintain a database in a non-proprietary machine-readable format that permits automated processing, of registered design professionals who have been excluded, suspended or otherwise sanctioned by the DOB.

This local law would take effect 120 days after it becomes law, except that the Commissioner of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

**Int. No. 1107-A**

Int. No. 1107-A would require registered design professionals to prepare and submit for approval tenant protection plans when seeking a permit to perform construction, alteration or demolition in a building in which any dwelling unit will be occupied during such work. This bill would also require the inclusion of signed statements by building owners and contractors regarding the occupancy of a building and that the tenant protection plan complies with the scope of the work that will be performed. Finally, this bill would create the option to submit phased tenant protection plans to reflect the current stage of work.

This local law would take effect nine months after it becomes law, except that the Commissioner of Buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

**Int. No. 1171-A**

Int. No. 1171-A would: (a) require DOB and the Department of Finance (DOF) to share information in order to identify cases of false statements regarding occupied and rent-regulated housing; (b) require DOB to request information from the New York State Division of Housing & Community Renewal (DHCR) to identify false statements regarding occupied and rent-regulated housing; (c) require DOB to conduct an audit of an owner’s whole portfolio of properties using information obtained from DOF if the owner performs work without a permit or submits false statements regarding occupied and rent-regulated housing on an application for a building permit; (d) require DOB to conduct an annual audit of 25% of buildings on the speculation watch list maintained by HPD to ensure that the owners are complying with building permit requirements; and (e) require DOB to audit the whole portfolio of owners who have more than five amended building permits during a six-month period that indicate a change in occupancy, a change in whether the building contains rent-regulated units, or a change that would require the owner to submit an application for a new permit to the department.

If DOB finds that an owner has made a false statement, this bill would also require DOB to: (a) send a written notice of the falsification to the Council, the Department of Investigations, the DHCR, and the Tenant Protection Unit; (b) refer the matter to the relevant District Attorney and the New York State Attorney General for potential criminal prosecution; and (c) report on the punitive actions it took in every case in which it found evidence of false information in an application for a building permit.

This local law would take effect 180 days after it becomes law, except that the Commissioner of Buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

**Int. No. 1241-A**

Currently, penalties and sanctions for violating the terms of participation in DOB’s professional certification program only apply to the registered design professional who submitted the self-certification. Int. No. 1241-A would expand penalties for violating the terms of participation in DOB’s professional certification program to apply not just to the registered design professional of record but also to any other registered design professional who knowingly directs the professional to submit documents either containing false statements or that demonstrate a lack of knowledge of applicable laws, or who with knowledge of such conduct and while acting as a supervisor, fails to prevent it. Such activity may also result in permanent revocation of professional certification privileges if it occurs while such registered design professional is already on probation.

The bill would further require an annual notification to registered design professionals informing them of the grounds upon which they may be excluded, suspended or otherwise sanctioned.

Finally, the bill would require that DOB incorporate information on the current firms and affiliations of registered design professionals who have been sanctioned into its existing database of registered design professionals.

This local law would take effect 90 days after it becomes law, except that the Commissioner of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

**Int. No. 1242-A**

Int. No. 1242-A would expand HPD’s online property owner registry by requiring inclusion of DOB violations related to construction as harassment, including violations issued for performing work without a permit and work in violation of a stop work order. It would also require HPD to include rent overcharge information from DHCR and incorporate that information into the registry, if that information is available.

This local law would take effect onMay 1, 2021, except that the Commissioner of Housing Preservation and Development may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

**Int. No. 1247-A**

Int. No. 1247-A would require that owners of residential buildings provide copies of any notices of violation issued against that building to the residents of that building. For any violation in a common area or for a condition that affects all residents of that building, the owner would be required to post a copy of the notice of violation conspicuously in the building’s lobby. For any violation issued for a condition present in an occupied dwelling unit, the owner would be required to distribute a copy of such notice of violation to the resident of such unit and to the residents of each adjacent occupied unit. This bill also requires DOB to create a pamphlet or flyer explaining the adjudication process for such violations, to be distributed with the copies of notices of violations.

This local law would take effect 180 days after it becomes law, except that the Commissioner of Buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

**Int. No. 1257-A**

Int. No. 1257-A would establish the right, in accordance with applicable law, of DOB inspectors to enter a construction site to ensure that work is conducted safely and in compliance with the law. If an inspector is unable gain access to a property expeditiously, and has reason to believe that work is being done in violation of the law, the DOB inspector will be required to issue a stop work order.

This local law would take effect 120 days after it becomes law, except that the Commissioner of Buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

**Int. No. 1258-A**

Int. No. 1258-A would require that the Department of Consumer Affairs (DCA) annually audit the records of at least 20% of the licensed process servers who have served at least one summons, subpoena, notice, citation or other process for a housing court proceeding within a calendar year. This bill would also require that process servers notify DCA on February 1, 2020, and every six months thereafter, if they have served process for a housing court proceeding in the prior six-month period. For reports due on February 1, such prior six month period would be July to December of the preceding calendar year, and for reports due on August 1, such prior six month period would be January to June of that calendar year. This bill would further require that the DCA post on its website, and notify all process serving agencies, when a process server has been disciplined, or where the process server’s license has been suspended or revoked, or license renewal is denied.

This local law would take effect 120 days after it becomes law, except that the Commissioner of Consumer Affairs may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

**Int. No. 1274-A**

This bill would require owners of multiple dwellings to obtain the previous four years rent history from the DHCR for each dwelling unit, if available, and provide such information to the current tenant of each such dwelling unit.

This local law would take effect 120 days after it becomes law, except that the Commissioner of Housing Preservation and Development may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

**Int. No. 1275-A**

Int. No. 1275-A would require that DOB not issue any permit to a building for at least one year following a determination that a false statement about the occupancy status of the building was made on a construction application for that building. This bill would also require that DOB not issue any permit to a building for at least one year following a determination that work was conducted without a permit while such building was occupied. This prohibition on permit issuance would not apply to dwelling units owned as condominiums or held by shareholders as cooperatives. It would also not apply to properties subject to certain court proceedings, and exempts permits sought to correct outstanding DOB or HPD violations, permits necessary to protect public health and safety, permits required by certain DOB or HPD programs, and permits sought by tenant occupying a portion of such property who is not responsible for any existing violations in such property.

This local law would take effect 180 days after it becomes law, except that the Commissioner of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

**Int. No. 1277-A**

Int. No. 1277-A would require DOB to perform preliminary inspections to verify the occupancy status of buildings where the owner has indicated on an application for a construction document that the building is unoccupied, before the construction begins on the building. This local law would require DOB to perform such inspections for at least 20% of applications submitted for buildings containing six or more dwelling units.

This local law would take effect on January 1, 2020, except that the Commissioner of Buildings may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

**Int. No. 1278-A**

Int. No. 1278-A would require DOB to approve Tenant Protection Plans (TPPs) prior to construction and to inspect at least 10% of construction sites with TPPs within seven days after commencement of work, to verify compliance with the TPP. The bill would further require that DOB perform follow-up inspections of such sites every 180 days, until such construction is completed, to ensure compliance with approved TPPs.

This local law would take effect on the same date as a local law amending the administrative code of the city of New York, relating to submittal of construction documents, applicant and owner statements, and tenant protection plans, as in introduction number 1107-A, would take effect, except that the Commissioner of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

**Int. No. 1279-A**

Int. No. 1279-A would require DOB and HPD to audit at least 15% of the certifications of correction filed in connection with immediately hazardous violations, and to report on the results of such audits to the City Council.

This local law would take effect 180 days after it becomes law, except that the Commissioner of Buildings and the Commissioner of Housing Preservation and Development may promulgate rules as may be necessary for the purpose of implementing and carrying out the provisions of this local law, prior to its effective date.

**Int. No. 1280-A**

Int. No. 1280-A would require that construction documents for alterations contain a statement signed by the owner and applicant identifying any occupied units in the building. This bill would also establish specific civil and criminal penalties for submitting false information to obtain a building permit of no less than $10,000 for the first offense, and no less than $25,000 for each subsequent offense.

This local law would take effect on the same date as a local law amending the administrative code of the city of New York, relating to submittal of construction documents, applicant and owner statements, and tenant protection plans, as in introduction number 1107-A for the year 2018, would take effect, except that the Commissioner of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

**Update**

On Tuesday, May 7, 2019, the Committee adopted Int. No. 1533-A, Int. No. 59-A, Int. No. 551-A, Int. No. 975-A, Int. No. 977-A, Int. No. 1107-A, Int. No. 1171-A, Int. No. 1241-A, Int. No. 1242-A, Int. No. 1247-A, Int. No. 1257-A, Int. No. 1274-A, Int. No. 1275-A, Int. No. 1277-A, Int. No. 1278-A, Int. No. 1279-A, and Int. No. 1280-A by a vote of nine in the affirmative, zero in the negative, and no abstentions, and Int. No. 1258-A, by a vote of eight in the affirmative, zero in the negative, and one abstention.

Int. No. 1533-A

By The Public Advocate (Mr. Williams) and Council Members Menchaca, Ayala, Kallos, Perkins and Rivera

..Title

A Local Law to amend the New York city building code, in relation to the definition of site safety training full compliance date and site safety training second compliance date

..Body

Be it enacted by the Council as follows:

Section 1. The definitions of “SITE SAFETY TRAINING (SST) FULL COMPLIANCE DATE” and “SITE SAFETY TRAINING (SST) SECOND COMPLIANCE DATE” in section 3302.1 of the New York city building code, as added by local law number 196 for the year 2017, are amended to read as follows:

**SITE SAFETY TRAINING (SST) FULL COMPLIANCE DATE.** [Five months after the SST second compliance date, or, if the department publishes a finding that there is insufficient capacity to provide the training required by Section 3321 of the New York city building code to the workers who would need such training, a later date established by the department, provided that such date is not later than] September 1, 2020.

**SITE SAFETY TRAINING (SST) SECOND COMPLIANCE DATE.** December 1, 2019 [2018], or, if the department publishes a finding by September 1, 2019 that there is insufficient capacity to provide the training required by Section 3321 of the New York city building code to the workers who would need such training, a later date established by the department, provided that such date is not later than June 1, [2019] 2020.

§ 2. This local law takes effect immediately.

GZ

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Int. No. 59-A

By Council Members Cornegy, Lancman, Kallos, Rosenthal, Perkins and Rivera

A Local Law

To amend the administrative code of the city of New York, in relation to required disclosures by persons making buyout offers

Be it enacted by the Council as follows:

Section 1. Subparagraph f-2 of paragraph 48 of subdivision a of section 27-2004 of the administrative code of the city of New York, as added by local law number 82 of 2015, is amended to read as follows:

f-2. contacting any person lawfully entitled to occupancy of such dwelling unit to offer money or other valuable consideration to induce such person to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy, unless such owner discloses to such person in writing (i) at the time of the initial contact, and (ii) in the event that contacts continue more than 180 days after the prior written disclosure, at the time of the first contact occurring more than 180 days after the prior written disclosure:

(1) the purpose of such contact,

(2) that such person may reject any such offer and may continue to occupy such dwelling unit,

(3) that such person may seek the guidance of an attorney regarding any such offer and may, for information on accessing legal services, refer to The ABCs of Housing guide on the department’s website,

(4) that such contact is made by or on behalf of such owner, [and]

(5) that such person may, in writing, refuse any such contact and such refusal would bar such contact for 180 days, except that the owner may contact such person regarding such an offer if given express permission by a court of competent jurisdiction or if notified in writing by such person of an interest in receiving such an offer[;],

(6)(i) the median asking rent for a dwelling unit in the same community district, provided that the department has reported such data pursuant to section 27-2096.2, within the previous twelve-month period; or (ii) the median asking rent for a dwelling unit in the same community district with the same number of bedrooms, provided that the department has reported such data, pursuant to section 27-2096.2, within the previous twelve-month period,

(7) that there is no guarantee that such person will be able to rent a dwelling unit in the same community district with the same number of bedrooms as the dwelling unit that such person is currently lawfully entitled to occupancy of, for the same rent such person is paying at the time of such contact, and

(8) that additional factors may impact the ability of such person to rent a dwelling unit, including, but not limited to, the current employment and credit history of such person;

                     § 2. Article 1 of subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2096.2 to read as follows:

                     § 27-2096.2 Median asking rents. By no later than September 1, 2019 and by September 1 of every year thereafter, the commissioner shall, upon the availability of a statistically significant and representative sample of data, submit to the mayor and the speaker of the council, and publish online, a listing of median asking rents for dwelling units, disaggregated by community district and, if such data is available in a statistically significant and representative sample, by the number of bedrooms.

§ 3. This local law takes effect on October 15, 2019, except that section 2 shall take effect immediately.

JW / BM/GZ

Int 1105-2016 / LS 6898

LS# 929

4.30.19 5:50 pm

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Int. No. 551-A

By Council Members Levine, Lancman, Kallos, Rosenthal and Rivera

..Title

A Local Law

To amend the administrative code of the city of New York, in relation to filing information regarding buyout agreements

..Body

Be it enacted by the Council as follows:

      Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 24 to read as follows:

CHAPTER 24

BUYOUT AGREEMENT FILING REQUIREMENTS

§ 26-2401 Application.

§ 26-2402 Definitions.

§ 26-2403 Owner filing requirements.

§ 26-2404 Department reporting requirements.

§ 26-2405 Penalties and enforcement.

§ 26-2401 Application. This chapter applies to all buyout agreements executed on or after the effective date of this chapter.

§ 26-2402 Definitions. As used in this chapter:

Buyout agreement. The term "buyout agreement" means an agreement wherein the owner of a dwelling unit exchanges money or other valuable consideration to induce any person lawfully entitled to occupancy of such unit to surrender or waive any rights in relation to such occupancy that results in the tenant vacating such unit.

Commissioner. The term “commissioner” means the commissioner of housing preservation and development and any successor thereto.

Department. The term "department" means the department of housing preservation and development and any successor thereto.

§ 26-2403 Owner filing requirements. Within 90 days after the execution of a buyout agreement for a dwelling unit, the owner of such unit must electronically provide the following to the department in a manner prescribed by the commissioner of the department:

1. The name of the owner;

2. The address of the dwelling unit that is the subject of the buyout agreement;

3. The amount of money or, if applicable, a description of other valuable consideration agreed upon in the buyout agreement. If such other valuable consideration included the dismissal of a pending action or proceeding, the caption, index number and county in which the pending action or proceeding was venued;

4. The date that the buyout agreement was executed; and

5. The amount of time, in months, remaining in the lease for the subject dwelling unit, provided that a tenant with a legal right to a lease renewal pursuant to state law shall be indicated as having an unlimited number of months remaining.

§ 26-2404 Department reporting requirements. No later than January 31, 2021, and by January 31 of each year thereafter, the commissioner shall submit a report to the mayor and the speaker of the council that contains the total number of buyout agreements executed during the prior calendar year. Such report shall include, but need not be limited to, the following for each census tract:

1. The amount of money or other consideration agreed upon in each such agreement;

2. The date that each such agreement was executed; and

3. The amount of time, in months, remaining in the lease for the dwelling unit subject to such agreement, provided that a tenant with a legal right to a lease renewal pursuant to state law shall be indicated as having an unlimited number of months remaining.

§ 26-2405 Penalties and enforcement. An owner who is required to file a buyout agreement under this chapter and who fails to file in the time required by section 26-2403 shall be liable for a non-hazardous violation pursuant to section 27-2115.

§ 2. This local law takes effect July 1, 2020, except that the commissioner of housing preservation and development may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

FM/MAJ/GZ/AB

LS #2496/ Int- 576-2014

LS 1144

4/10/19 10am

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Int. No. 975-A

By Council Members Brannan, Holden, Koslowitz, Yeger, Lancman, Kallos, Vallone, Rosenthal and Rivera

..Title

A Local Law

To amend the administrative code of the city of New York, in relation to denying building permits where a residential building has an excessive number of violations

..Body

Be it enacted by the Council as follows:

                     Section 1. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.1.3 to read as follows:

**§ 28-105.1.3 Denial of permits for excessive violations**. The commissioner shall, no less than once every six months, compile a list of multiple dwellings that includes: (i) all multiple dwellings containing fewer than 35 units that have a ratio of open hazardous or immediately hazardous housing maintenance code violations or immediately hazardous or major construction code violations that equal in the aggregate three or more such violations for every dwelling unit in such multiple dwelling; and (ii) all multiple dwellings containing 35 units or more that have a ratio of open hazardous or immediately hazardous housing maintenance code violations or immediately hazardous or major construction code violations that equal in the aggregate two or more such violations for every dwelling unit in such multiple dwelling. The commissioner shall not issue permits for multiple dwellings on such list. If the owner of a multiple dwelling on such list corrects open hazardous or immediately hazardous housing maintenance code violations or immediately hazardous or major construction code violations in such multiple dwelling so that the ratio of such violations to the number of dwelling units in such multiple dwelling falls below those outlined in this section, the commissioner shall remove such multiple dwelling from such list. Such denial shall not apply where a dwelling unit within such multiple dwelling is owned as a condominium or held by a shareholder of a cooperative corporation under a proprietary lease.

**Exceptions**:

1. Where the issuance of such permit is necessary to correct an outstanding violation of

this code, the housing maintenance code or any other applicable provisions of law or

rule.

2. Where the issuance of such permit is necessary to perform work to protect public

health and safety.

3. For a portion of a property occupied by a tenant who is not an owner of such property or responsible for any existing violations in such property.

4. Where a property was the subject of an in rem foreclosure judgment in favor of the city and was transferred by the city to a third party pursuant to section 11-412.1 of the code.

5. Where a property is the subject of a court order appointing an administrator pursuant to article 7-a of the real property actions and proceedings law in a case brought by the department of housing preservation and development.

6. Where a property is the subject of a loan provided by or through the department of housing preservation and development or the New York city housing development corporation for the purpose of rehabilitation that has closed within the five years preceding the application for such permit.

7. For a property where the department of housing preservation and development or the New York city housing development corporation notifies the commissioner that the permit is required in connection with the implementation of a program of such department or corporation.

                     § 2. This local law takes effect 210 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

MAJ/GZ/AS

LS # 4542/ Int. No 1044-2016

LS #1203

4/10/19 6:20pm

Int. No. 977-A

By Council Members Reynoso, Holden, Lancman, Kallos, Vallone, Rosenthal, Perkins and Rivera

..Title

A Local Law to amend the administrative code of the city of New York, in relation to sanctions for submitting incorrect professionally certified applications for construction document approval

..Body

Be it enacted by the Council as follows:

Section 1. Section 28-104.2.1.3.2 of the administrative code of the city of New York is amended to read as follows:

**§ 28-104.2.1.3.2 Mandatory sanctions.** The commissioner shall, after the opportunity for a hearing before the office of administrative trials and hearings in accordance with department rules, exclude, suspend, or otherwise condition the participation of a registered design professional who (i) knowingly or negligently submits a professional certification of an application and/or construction and other related documents that contains false information or is not in compliance with all applicable provisions of law, or (ii) submits two professionally certified applications for construction document approval within any 12-month period containing errors that result in revocation of an associated permit or that otherwise demonstrate incompetence or a lack of knowledge of applicable laws. The commissioner may, after the opportunity for a hearing before the office of administrative trials and hearings in accordance with department rules, exclude, suspend, or otherwise condition the participation of a registered design professional who submits two professionally certified applications for construction document approval within any 12-month period containing errors that result in a stop work order. The term “otherwise condition” shall mean limitations on such professional’s participation in the program, such as, but not limited to, audits and monitoring of the registered design professional’s applications and other submissions. For purposes of this section, a professionally certified application shall include the professional certification of construction and other related documents and the satisfaction of objections issued at plan examination.

§ 2. Section 28-104.2.1.4 of the administrative code of the city of New York is amended to read as follows:

**§ 28-104.2.1.4 Database.** The department shall create and maintain a database of all registered design professionals who have been excluded, suspended or otherwise sanctioned by the department. Within 7 business days of the date a sanction is imposed, the department shall post on its website, in a non-proprietary machine-readable format that permits automated processing, and shall make available upon request, the name of the registered design professional, a description of the sanction, the initial date of the sanction, the reinstatement date, if applicable, the address of the premises for which the application associated with the sanction was submitted, and whether the sanction was imposed after a hearing or a settlement. The department shall provide requested information concerning the exclusion, suspension or other sanction of a specific registered design professional within 30 days of such request.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

JW/KS/GZ

LS 1961/Int 439/2014

LS 5644

4/9/19 5:32pm

Int. No. 1107-A

By Council Members Rosenthal, Ayala, Lancman, Kallos, Perkins and Rivera

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to submittal of construction documents, applicant and owner statements, and tenant protection plans

Be it enacted by the Council as follows:

Section 1. Section 28-104.7 of the administrative code of the city of New York is amended by adding a new section 28-104.7.16 to read as follows:

**§ 28-104.7.16 Tenant protection plan.** The title sheet of construction documents shall contain a statement requiring a tenant protection plan be submitted in accordance with the requirements of article 120 prior to the issuance of a permit for alteration, construction or partial demolition work in a building containing one or more occupied dwelling units.

§ 2. Section 28-104.8 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

**§ 28-104.8 Applications.** All applications shall comply with sections 28-104.8.1 through [28-104.8.4] 28-104.8.3.

§ 3. Item 2 of section 28-104.8.1 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is repealed and items 3 and 4 of section 28-104.8.1 are renumbered 2 and 3, respectively.

§ 4. Section 28-104.8.2 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

**§28-104.8.2 Owner [statement] statements.** The application shall contain a signed statement by the owner, and, in the case of cooperative or condominium forms of ownership, the application shall also contain a statement by the cooperative or condominium board, affirming that the applicant is authorized to make the application and, if applicable, acknowledging that construction and related documents will be accepted with less than full examination by the department based on the professional certification of the applicant. Such statement shall list the owner’s full name and address, as well as the names of the principal officers, partners or other principals if a corporation, partnership or other entity. Principal officers of a corporation shall be deemed to include the president, vice presidents, secretary and treasurer. Where a current deed holder with a valid property interest or a court appointed entity or equivalent in charge of the property, or in the case of a cooperative or condominium unit, the cooperative or condominium board, notifies the department in writing that the applicant does not have authority to make the application, the department is authorized pursuant to section 28-104.2.10 to revoke approval of construction documents. In addition, the application shall contain the following:

1. A signed statement certifying whether the building to be altered, constructed or demolished contains one or more occupied dwelling units;

2. A signed statement indicating whether the building to be altered, constructed or demolished contains housing accommodations subject to rent control or rent stabilization under chapters 3 and 4 of title 26 of the administrative code or rent regulation under Article 7-C of the Multiple Dwelling Law; and

3. If the building to be altered, constructed or demolished contains occupied housing accommodations subject to rent control under chapter 3 of title 26 of the administrative code, the application shall contain a signed statement indicating that the owner has notified the New York state division of homes and community renewal that the owner has complied with all requirements imposed by the regulations of such agency as preconditions for such filing; or that the owner has not notified such agency because the nature and scope of the work proposed, pursuant to such regulations, does not require notification; or, if the building is subject to Article 7-C of the Multiple Dwelling Law, the application shall contain a signed statement indicating that the owner will notify the New York City Loft Board of the filing of the construction documents and will comply with all requirements imposed by Multiple Dwelling Law Article 7-C and the Loft Board’s rules.

§ 5. Chapter 1 of title 28 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to add a new article 120, and section 28-104.8.4 of the administrative code of the city of New York, as amended by local law number 154 for the year 2017, is renumbered 28-120.1 and amended to read as follows:

**ARTICLE 120**

**TENANT PROTECTION PLAN**

**[§ 28-104.8.4] § 28-120.1 Tenant protection plan.** [Construction documents] A tenant protection plan shall be prepared and submitted for the alteration[s], construction, or partial demolition of buildings in which any dwelling unit will be occupied during construction [shall include a tenant protection plan], including newly constructed buildings that are partially occupied where work is ongoing. The tenant protection plan shall be prepared by a registered design professional and filed with the department. The registered design professional preparing the tenant protection plan shall be retained by the general contractor performing the alteration, construction, or partial demolition work. Such plan shall contain a statement that the building contains dwelling units that will be occupied during construction and shall indicate in sufficient detail the specific units that are or may be occupied during construction, the means and methods to be employed to safeguard the safety and health of the occupants throughout the construction, including, where applicable, details such as temporary fire-rated assemblies, opening protectives, or dust containment procedures. Such means and methods shall be described with particularity and in no case shall terms such as “code compliant,” “approved,” “legal,” “protected in accordance with law” or similar terms be used as a substitute for such description. The elements of the tenant protection plan may vary depending on the nature and scope of the work but at a minimum shall make detailed and specific provisions for:

**1. Egress.** At all times in the course of construction provision shall be made for adequate egress as required by this code and the tenant protection plan shall identify the egress that will be provided. Required egress shall not be obstructed at any time except where approved by the commissioner.

**2. Fire safety.** All necessary laws and controls, including those with respect to occupied dwellings, as well as additional safety measures necessitated by the construction shall be strictly observed.

**3. Health requirements.** Specification of means and methods to be used for control of dust, disposal of construction debris, pest control, and maintenance of sanitary facilities[, and limitation of noise to acceptable levels] shall be included.

3.1. There shall be included a statement of compliance with applicable provisions of law relating to lead and asbestos, and such statement shall describe with particularity what means and methods are being undertaken to meet such compliance.

**4. Compliance with housing standards.** The requirements of the New York city housing maintenance code, and, where applicable, the New York state multiple dwelling law shall be strictly observed.

**5. Structural safety.** No structural work shall be done that may endanger the occupants.

**6. Noise restrictions.** Specification of means and methods to be used for the limitation of noise to acceptable levels in accordance with the New York city noise control code shall be included. Where hours of the day or the days of the week in which construction work may be undertaken are limited pursuant to the New York city noise control code, such limitations shall be stated.

**7. Maintaining essential services.** Where heat, hot water, cold water, gas, electricity, or other utility services are provided in such building or in any dwelling unit located therein, the tenant protection plan shall specify the means and methods to be used for maintaining such services during such work in accordance with the requirements of the New York city housing maintenance code. If a disruption of any such service is anticipated during the work, then such plan shall specify the anticipated duration of such disruption and the means and methods to be employed to minimize such disruption, including the provision of sufficient alternatives for such service during such disruption. Notification of the disruption must be given to all affected occupants of occupied dwelling units.

**Exception:** In the following instances, the tenant protection plan may be prepared and filed by the registered design professional of record for the alteration, construction, or partial demolition work as part of the underlying application:

1. Work in occupied one- and two-family homes.

2. Work limited to the interior of a single dwelling unit of an occupied multiple dwelling with no disruption to the essential services of other units, where such dwelling is owner-occupied. For a dwelling unit within a property that is owned by a condominium or held by a shareholder of a cooperative corporation under a proprietary lease, the unit must be occupied by the owners of record for such unit.

**[§ 28-104.8.4.1] § 28-120.1.1 Public availability of tenant protection plan.** Upon issuance of a permit for work containing a tenant protection plan, the department shall make the tenant protection plan publicly available on its website.

**[§ 28-104.8.4.2] § 28-120.1.2 Provision of copy of tenant protection plan to occupants upon request.** The owner of a building undergoing work for which a tenant protection plan is required by section [28-104.8.4] 28-120.1 shall, upon request from an occupant of a dwelling unit within such building, provide such occupant with a paper copy of the tenant protection plan approved by the department.

**[§ 28-104.8.4.3] § 28-120.1.3 Notice to occupants.** Upon issuance of a permit for work containing a tenant protection plan, the owner shall (i) distribute a notice regarding such plan to each occupied dwelling unit [or] and (ii) post a notice regarding such plan in a conspicuous manner in the building lobby, as well as on each floor within ten feet of the elevator, or in a building where there is no elevator, within ten feet of or in the main stairwell on such floor. The notice shall be in a form created or approved by the department and shall include:

1. A statement that occupants of the building may obtain a paper copy of such plan from the owner and may access such plan on the department website;

2. The name and contact information for the site safety manager, site safety coordinator or superintendent of construction required by section 3301.3 of the New York city building code, as applicable, or, if there is no site safety manager, site safety coordinator or superintendent of construction, the name and contact information of the owner of the building or such owner’s designee; and

3. A statement that occupants of the building may call 311 to make complaints about the work.

**§ 28-120.2 Phased tenant protection plans.** Multiple layouts of the tenant protection features enumerated in section 28-120.1 may be submitted at any time during construction operations to show phased tenant protection plan designs consistent with the phase of anticipated work. Layouts submitted subsequent to a previously approved tenant protection plan shall constitute an amendment to such plan. Such amended plan shall be approved by the department prior to the commencement of the work requiring such amended plan.

**§ 28-120.3 Contractor statement.** The permit holder for the underlying alteration, construction, or partial demolition shall sign a statement certifying that the tenant protection plan submitted by the registered design professional coordinates with the scope of work intended.

**Exception:** This statement shall not be required for:

1. Work in occupied one- and two-family homes.

2. Work limited to the interior of a single dwelling unit of an occupied multiple dwelling with no disruption to the essential services of other units, where such dwelling is owner -occupied. For a dwelling unit within a property that is owned by a condominium or held by a shareholder of a cooperative corporation under a proprietary lease, the unit must be occupied by the owners of record for such unit.

§ 6. Section 28-105.12 of the administrative code of the city of New York, is amended by adding a new section 28-105.12.10 to read as follows:

**§28-105.12.10 Tenant protection plan required.** Where a tenant protection plan is required by article 120, all work shall adhere to the tenant protection plan.

§ 7. Section BC 110.3.7 of the building code of the city of New York, as added by local law number 154 for the year 2017, is amended to read as follows:

**110.3.7 Tenant protection plan compliance inspections.** For buildings undergoing work for which a tenant protection plan is required by [section 28-104.8.4] Article 120 of Title 28 of the [administrative code] *Administrative Code*, inspections shall be made by the department to determine compliance with the tenant protection plan.

§ 8. Section BC 3303.10.1 of the building code of the city of New York, as amended by local law number 141 for the year 2013 and further amended by local law number 154 for the year 2017, is amended to read as follows:

**3303.10.1 Tenant protection plan**. In buildings containing any occupied dwelling units, including newly constructed buildings that are partially occupied where work is still ongoing within the building, all alteration, construction, or partial demolition work shall be performed in accordance with a tenant protection plan as required by [Chapter 1] Article 120 of Title 28 of the *Administrative Code*.

§ 9. Section 27–2009.2 (d) of the administrative code of the city of New York as amended by local law number 159 for the year 2017, is amended to read as follows:

d. Tenant protection plan. When notice is required pursuant to this section, the owner shall (i) distribute a notice meeting the requirements of [section 28-104.8.4.3 of the code] article 120 of title 28 of the administrative code regarding the tenant protection plan to each occupied dwelling unit [or] and (ii) post such notice in a conspicuous manner in the building lobby, as well as on each floor within 10 feet of the elevator, or in a building where there is no elevator, within 10 feet of the main stairwell on such floor.

§ 10. This local law takes effect nine months after it becomes law, except that the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

NC/APB

LS #5129

4/10/19 9:50 am

Int. No. 1171-A

By Council Members Torres, the Public Advocate (Mr. Williams), Powers, Rivera, Kallos, Chin, Lancman and Rosenthal

..Title

A Local Law

To amend the administrative code of the city of New York, in relation to identifying unlawful statements in submissions to the department of buildings

..Body

Be it enacted by the Council as follows:

Section 1. Section 28-211.1 of the administrative code of the city of New York, as added by local law number 141 for the year 2013, is amended by adding new sections 28-211.1.3 and 28-211.1.4 to read as follows:

**§ 28-211.1.3 Notification to other government agencies**. Where the department makes a determination that a person has violated section 28-211.1, the department shall send written notice to the council, the department of investigation, New York state division of housing and community renewal and the state tenant protection unit, and shall refer such finding to the district attorney of the county in which the property is located and the state attorney general.

**§ 28-211.1.4. Reporting.** By no later than January 30 of each year, the department shall submit a report to the mayor and to the speaker of the council that indicates the actions it took in every instance in which it made a determination that a person had violated section 28-211.1.

§ 2. Article 211 of title 28 of the administrative code of the city of New York, as added by local law number 141 for the year 2013, is amended by adding a new section 28-211.3 to read as follows:

**§ 28-211.3 Identifying unlawful statements.** The department, in coordination with the department of finance, shall collect information from the department of finance regarding occupied and rent regulated buildings to identify violations of section 28-211.1. The department shall also request information from the New York state division of housing and community renewal regarding occupied and rent regulated buildings to identify violations of section 28-211.1.

**§ 28-211.3.1 Required audits**. If the department determines that a person has violated section 28-211.1, or that the person has performed work in violation of section 28-105.1 in a building that is occupied as a dwelling, the department shall conduct an audit of filings for all buildings owned by such person and located in the city to determine if other violations of 28-211.1 have occurred with respect to other buildings owned by such person. If more than five amendments to approved construction documents have been submitted to the department within a six month period for a single building, and where such amendments indicate (i) a change in occupancy, (ii) a change in whether the building contains occupied housing accommodations subject to rent control or rent stabilization under chapters 3 and 4 of title 26 of the code or (iii) a change that would require the person to submit an application for a new permit to the department, the department shall conduct an audit of all properties owned by such person and located in the city to determine if any statements were made that are unlawful pursuant to section 28-211.1. At least once per year, the department shall audit no less than 25 percent of buildings placed on the watch list established by article 3 of subchapter 4 of chapter 2 of title 27 for compliance with building permit requirements, including whether section 28-211.1 has been violated.

§ 3. This local law takes effect 180 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

CCF/GZ/APB

LS 5723

4/10/19 4:30pm

Int. No. 1241-A

By Council Members Ampry-Samuel, Lander, Lancman, Ayala, Kallos, Vallone, Rosenthal, Perkins, Rivera and Holden

..Title

A Local Law to amend the administrative code of the city of New York, in relation to expanding sanctions for submission of professionally-certified false or noncompliant building permit applications or plans

..Body

Be it enacted by the Council as follows:

Section 1. Section 28-104.2.1.2 of the administrative code of the city of New York, as amended by local law number 33 for the year 2007, is amended to read as follows:

**§ 28-104.2.1.2** **Program requirements.** The commissioner may establish qualifications and requirements for registered design professionals to participate in such program and may exclude, suspend or otherwise sanction participants for cause. The commissioner shall send an annual notification to registered design professionals who are currently participating in this program notifying them, in a manner to be determined by the commissioner, of the grounds upon which they may be excluded, suspended or otherwise sanctioned.

§ 2. Section 28-104.2.1.3.2 of the administrative code of the city of New York, as amended by a local law for the year 2019 in relation to sanctions for submitting incorrect professionally certified applications for construction document approval, as in introduction number 977-A for the year 2018, is amended to read as follows:

**§ 28-104.2.1.3.2 Mandatory sanctions.** The commissioner shall, after the opportunity for a hearing before the office of administrative trials and hearings in accordance with department rules, exclude, suspend or otherwise condition the participation of a registered design professional who (i) knowingly or negligently submits a professional certification of an application and/or construction and other related document[s] that contains false information or is not in compliance with all applicable provisions of law, [or] (ii) submits two professionally certified applications for construction document approval within any 12-month period containing errors that result in revocation of an associated permit or that otherwise demonstrate incompetence or a lack of knowledge of applicable laws, or (iii) knowingly orders or directs another registered design professional to submit a professional certification of an application and/or construction and any other related document that contains false information or is not in compliance with all applicable provisions of law or that otherwise demonstrates incompetence or a lack of knowledge of applicable laws, or with knowledge of such specific conduct, ratifies or assents to such conduct or with knowledge of such specific conduct and while acting as a supervisor otherwise fails to prevent it. The commissioner may, after the opportunity for a hearing before the office of administrative trials and hearings in accordance with department rules, exclude, suspend, or otherwise condition the participation of a registered design professional who submits two professionally certified applications for construction document approval within any 12-month period containing errors that result in a stop work order. The term "otherwise condition" shall mean limitations on such professional's participation in the program, such as, but not limited to, audits and monitoring of the registered design professional's applications and other submissions. For purposes of this section, a professionally certified application shall include the professional certification of construction and other related documents and the satisfaction of objections issued at plan examination.

§ 3. Section 28-104.2.1.3.2.2 of the administrative code of the city of New York, as amended by local law number 33 for the year 2007, is amended to read as follows:

**§ 28-104.2.1.3.2.2 Mandatory permanent revocation.** The commissioner (i) shall permanently revoke, without the opportunity of restoration, the professional certification privileges of an engineer or architect who, while on probation, professionally certifies an application, plans, construction or other related document[s] that contains false information or is not in compliance with all applicable provisions of law or who otherwise demonstrates incompetence or a lack of knowledge of applicable laws and (ii) may permanently revoke the professional certification privileges of an engineer or architect who knowingly orders or directs another registered design professional to, while on probation, professionally certify an application, plans, construction or other related document that contains false information or is not in compliance with all applicable provisions of law or that otherwise demonstrates incompetence or a lack of knowledge of applicable laws, or with knowledge of such specific conduct, ratifies or assents to, or with knowledge of such specific conduct and while acting as a supervisor otherwise fails to prevent it.

§ 4. Section 28-104.2.1.4 of the administrative code of the city of New York, as amended by a local law for the year 2019 in relation to sanctions for submitting incorrect professionally certified applications for construction document approval, as in introduction number 977-A for the year 2018, is amended to read as follows:

**§ 28-104.2.1.4 Database.** The department shall create and maintain a database of all registered design professionals who have been excluded, suspended or otherwise sanctioned by the department, all current firms of employment or affiliation of such professionals, if known or readily ascertainable, and the firm that employed such professionals, or with which such professional was affiliated, at the time such professionals were sanctioned, and the status of such sanction or sanctions. Within 7 business days of the date a sanction is imposed, the department shall post on its website, in a non-proprietary machine-readable format that permits automated processing, and shall make available upon request, the name of the registered design professional and the firm that employed such professionals, or with which such professionals were affiliated, at the time such professionals were sanctioned, and a description of the sanction, the initial date of the sanction, the reinstatement date, if applicable, the address of the premises for which the application associated with the sanction was submitted, and whether the sanction was imposed after a hearing or a settlement. The department shall provide requested information concerning the exclusion, suspension or other sanction of a specific registered design professional and the firm of employment of such professionals, or the firm with which such professionals were affiliated, when such professionals were sanctioned, within 30 days of such request.

§ 5. This local law takes effect 90 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

MJT/GZ/APB

LS #8403

4/30/19 10:30pm

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Int. No. 1242-A

By Council Members Ayala, Lander, Brannan, Ampry-Samuel, Lancman, Kallos, Rosenthal, Perkins and Rivera

..Title

A Local Law

To amend the administrative code of the city of New York, in relation to expanding available data in the online property owner registry

..Body

Be it enacted by the Council as follows:

Section 1. Section 27-2109.2 of the administrative code of the city of New York, as added by local law number 62 for the year 2018, is amended to read as follows:

§ 27-2109.2 Online portfolio report of registered property owners. The department shall maintain through the department’s website a publicly accessible electronic interface that reports portfolio information based on the name of a property owner. The report shall be based on the last valid information registered with the department pursuant to section 27-2097. Such report shall include (i) the address of each registered property owned by such registered owner; (ii) the current number of outstanding violations issued by the department, disaggregated by class, for each property; (iii) the number of findings of harassment currently on record with the department; [and] (iv) the number and types of departmental orders pending on each property; (v) the number of violations issued by the department of buildings pursuant to sections 28-207.2.6 or 28-213.1.2 for each property, including the status of each violation and the date each violation was issued; (vi) findings from the appropriate state agency of rent overcharges against a property, including the reasons provided by the owner for such overcharge, if available, or why such findings could not be included; and (vii) findings from the appropriate state agency indicating illegal removal from rent-regulation, if available, or why such findings could not be included. The department may provide the aggregate data used to create such website to the public advocate upon request in a form that permits automated processing and downloading.

§ 2. This local law takes effect May 1, 2021, except that the commissioner of housing preservation and development may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

MJT/GZ/APB/AS

LS #7100

4/30/19 7:45pm

Int. No. 1247-A

By Council Members Cabrera, Brannan, Lancman, Kallos, Vallone, Rosenthal, Chin, Perkins, Rivera and Holden

..Title

A Local Law

To amend the administrative code of the city of New York, in relation to providing residents with copies of notices of violations

..Body

Be it enacted by the Council as follows:

Section 1. Article 204 of chapter 2 of title 28 of the administrative code of the city of New York is amended by adding new sections 28-204.1.2 and 28-204.1.3 to read as follows:

**§ 28-204.1.2 Notice of violating conditions outside of occupied dwelling units**. An owner must post a copy of a notice of violation that relates to a violating condition outside of an occupied dwelling unit, including in a common area or affecting all residents, of such owner’s building in a conspicuous manner in the building’s lobby until such violation has been closed. In addition, such owner shall post a flyer or pamphlet, created by the department, with information about the adjudication process. Such notice of violation and flyer or pamphlet shall be posted as soon as practicable, but no later than five calendar days after it has been served.

**§ 28-204.1.3 Notice to occupants of violating conditions in occupied dwelling units**. An owner must distribute a copy of a notice of violation to the resident of an occupied dwelling unit where such violation relates to a violating condition that is present within such dwelling unit, and to residents of occupied dwelling units adjacent to such dwelling unit. In addition, such owner shall provide such residents with a flyer or pamphlet, created by the department, with information about the adjudication process. Such notice of violation and flyer or pamphlet shall be distributed to such occupied dwelling units as soon as practicable, but no later than five calendar days after it has been served.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

MJT/GZ/APB/AS

LS #7108

4/30/19 8:52pm

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Int. No. 1257-A

By Council Members Cornegy, Lancman, Kallos, Vallone, Rosenthal, Chin, Perkins, Rivera and Holden

..Title

A Local Law to amend the administrative code of the city of New York, in relation to inspections of construction sites for which the department of buildings has issued a permit

..Body

Be it enacted by the Council as follows:

Section 1. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.12.11 to read as follows:

**§ 28-105.12.11 Inspections.** Upon issuance of a permit and at any time during such permit period, the commissioner or his or her authorized representatives, in the discharge of their duties, shall have the right to enter, in accordance with applicable law, upon any buildings, enclosures, premises, or any part thereof, or attached thereto for the purposes of an inspection of work pursuant to such permit to ensure that such work is not occurring in an unsafe or dangerous manner, and that such work is being performed in compliance with applicable code provisions. If the commissioner or his or her authorized representative is unable to gain access to such property expeditiously for the purposes of an inspection of work pursuant to such permit and there is a reason to believe that the work is being done in violation of the law, the commissioner shall issue a stop work order. Such stop work order may be rescinded in accordance with section 28-207.2.3.

§ 2. This local law shall take effect 120 days after it becomes law, except that the commissioner of the department of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

APB/GZ

LS #7106

4/10/19 3:50 pm

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Int. No. 1258-A

By Council Members Cornegy, Lancman, Kallos, Perkins and Rivera

..Title

A Local Law to amend the administrative code of the city of New York, in relation to mandating audits of the records of process servers and creating a notification system regarding licensed process servers who have had their licenses suspended, revoked or who have had renewal denied

..Body

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 20-406.3 of the administrative code of the city of New York, as added by local law number 7 for the year 2010, is amended to read as follows:

c. The commissioner [may] shall conduct audits of the information required to be kept pursuant to subdivision [(]a[)] of this section in order to monitor compliance with this subchapter. The commissioner shall conduct annual audits, of the information required to be kept pursuant to subdivision a, for at least 20 percent of the licensed process servers who have certified, pursuant to subdivision d, having served at least one summons, subpoena, notice, citation or other process, directing an appearance or response to a legal action, legal proceeding or administrative proceeding that is subject to the provisions of section 110 of the civil court act.

§ 2. Section 20-406.3 of the administrative code of the city of New York, as added by local law number 7 for the year 2010, is amended by adding a new subdivision d to read as follows:

d. By February 1, 2020 and every six months thereafter, each licensed process server shall submit electronically to the commissioner a certification, in a form to be determined by the commissioner, stating whether the licensed process server has served at least one summons, subpoena, notice, citation or other process, directing an appearance or response to a legal action, legal proceeding or administrative proceeding that is subject to the provisions of section 110 of the civil court act within the immediately prior semi-annual calendar year period.

§ 3. Subdivision a of section 20-409 of the administrative code of the city of New York is amended to read as follows:

a. A license issued hereunder may be suspended or revoked or its renewal denied by the commissioner at any time for the failure of the licensee to comply with any rule, regulation or order promulgated by the commissioner. Where a license is suspended or revoked or its renewal denied for the reasons set forth in this section, where a penalty is issued pursuant to section 20-409.1 or where such license holder is otherwise disciplined by the commissioner, the commissioner shall post to the department’s website and notify all process serving agencies of the suspension, revocation or denial of renewal of such license, the issuance of a penalty pursuant to section 20-409.1 and the reasons for such suspension, revocation or denial of renewal or issuance of such penalty. Such notification and posting shall occur no more than five days from the date the department has suspended, revoked or denied renewal of such license, or issued such penalty.

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of consumer affairs may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

JG/GZ

LS #7722

4.30.19 6:30pm

Int. No. 1274-A

By Council Members Levine, Lander, Ampry-Samuel, Lancman, Ayala, Kallos, Rosenthal and Rivera

..Title

A Local Law

To amend the administrative code of the city of New York, in relation to requiring landlords to obtain and provide tenants with the previous four years of rental history

..Body

Be it enacted by the Council as follows:

Section 1. Section 27-2005 of article 1 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

g. The owner of a multiple dwelling shall obtain for each dwelling unit, where available, the previous four years of rent amounts from the New York state division of housing and community renewal, and provide such rent amounts to the current tenant of such dwelling unit.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of housing preservation and development may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

JG/GZ/AS

LS # 4446

04/10/19 5:11pm

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Int. No. 1275-A

By Council Members Powers, Brannan, Lancman, Ayala, Kallos and Rivera

..Title

A Local Law

To amend the administrative code of the city of New York, in relation to denying permits for occupied buildings

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.1.4 to read as follows:

**§ 28-105.1.4** **Denial of permits for false statements on applications for construction document approval.** The commissioner shall not issue a permit for an occupied building for at least one year following the date of a determination by the commissioner that a false statement about the occupancy status of such building has been made in an application for construction document approval. Such denial shall not apply where a dwelling unit within such multiple dwelling is owned as a condominium or held by a shareholder of a cooperative corporation under a proprietary lease.

**Exceptions:**

1. Where the issuance of such permit is necessary to correct an outstanding violation of

this code, the housing maintenance code or any other applicable provisions of law or

rule.

2. Where the issuance of such permit is necessary to perform work to protect public

health and safety.

3. For a portion of a property occupied by a tenant who is not an owner of such property

or responsible for any existing violations in such property.

4. Where a property was the subject of an in rem foreclosure judgment in favor of the city and was transferred by the city to a third party pursuant to section 11-412.1 of the code.

5. Where a property is the subject of a court order appointing an administrator pursuant

to article 7-a of the real property actions and proceedings law in a case brought by the

department of housing preservation and development.

6. Where a property is the subject of a loan provided by or through the department of housing preservation and development or the New York city housing development corporation for the purpose of rehabilitation that has closed within the five years preceding the application for such permit.

7. For a property where the department of housing preservation and development or the New York city housing development corporation notifies the commissioner that the permit is required in connection with the implementation of a program of such department or corporation.

§ 2. Chapter 2 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.1.5 to read as follows:

**§ 28-105.1.5 Denial of permits for work without permit on occupied building.** The commissioner shall not issue a permit for a building for at least one year following the date of a determination by the commissioner that work has been performed without a permit in such building and such building was occupied at the time such work was being performed. Such denial shall not apply where a dwelling unit within such multiple dwelling is owned as a condominium or held by a shareholder of a cooperative corporation under a proprietary lease.

**Exceptions:**

1. Where the issuance of such permit is necessary to correct an outstanding violation of

this code, the housing maintenance code or any other applicable provisions of law or

rule.

2. Where the issuance of such permit is necessary to perform work to protect public

health and safety.

3. For a portion of a property occupied by a tenant who is not an owner of such property

or responsible for any existing violations in such property.

4. Where a property was the subject of an in rem foreclosure judgment in favor of the city and was transferred by the city to a third party pursuant to section 11-412.1 of the code.

5. Where a property is the subject of a court order appointing an administrator pursuant

to article 7-a of the real property actions and proceedings law in a case brought by the

department of housing preservation and development.

6. Where a property is the subject of a loan provided by or through the department of housing preservation and development or the New York city housing development corporation for the purpose of rehabilitation that has closed within the five years preceding the application for such permit.

7. For a property where the department of housing preservation and development or the New York city housing development corporation notifies the commissioner that the permit is required in connection with the implementation of a program of such department or corporation.

§ 3. This local law takes effect 180 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

JG/GZ/AS

LS # 8401

4/30/19 8:11pm

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Int. No. 1277-A

By Council Members Ampry-Samuel, Lancman, Ayala, Kallos, Rosenthal, Perkins, Rivera and Holden

..Title

A Local Law to amend the administrative code of the city of New York, in relation to preliminary inspections

..Body

Be it enacted by the Council as follows:

Section 1. Section 28-116.2.1 of the administrative code of the city of New York is amended to read as follows:

**§ 28-116.2.1 Preliminary inspection.** Before approving construction documents, the commissioner is authorized to examine or cause to be examined structures or premises for which an application has been filed. The department shall conduct preliminary inspections of no less than 20 percent of buildings containing six or more units where (i) an application for construction documents is submitted to the department and (ii) the applicant has indicated that the building that is the subject of such application is unoccupied, in order to verify the occupancy status of such sites.

§ 2. Article 116 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-116.2.1.1 to read as follows:

**§ 28-116.2.1.1 Preliminary inspection reporting.** By January 1, 2021 and no later than January 1 annually thereafter, the department of buildings shall submit to the mayor and the speaker of the council a report describing the findings of preliminary inspections performed pursuant to section 28-116.2.1 in the preceding year. Such report shall include, but not be limited to: (i) the total number of applications found to have falsely indicated that a building was unoccupied; and (ii) for each application found to have falsely indicated that a building was unoccupied, the location of the associated building and date of filing for such application.

§ 3. This local law takes effect on January 1, 2020, except that the commissioner of buildings may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

GP/MPC/JG

LS 3588

LS 8402

4/30/19 8:45 pm

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Int. No. 1278-A

By Council Members Rivera, Levine, Ampry-Samuel, Gibson, Lancman, Powers, Kallos, Rosenthal and Perkins

..Title

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to requiring heightened review of tenant protection plans and increased enforcement of building code standards

..Body

Be it enacted by the Council as follows:

Section 1. Section 28-120.1 of the administrative code of the city of New York, as added by a local law amending the administrative code of the city of New York, in relation to submittal of construction documents, applicant and owner statements, and tenant protection plans, as in introduction number 1107-A, is amended to read as follows:

**§ 28-120.1 Tenant protection plan.** A tenant protection plan shall be prepared and submitted for the alteration, construction, or partial demolition of buildings in which any dwelling unit will be occupied during construction, including newly constructed buildings that are partially occupied where work is ongoing. The tenant protection plan shall be prepared by a registered design professional and filed with the department. The registered design professional preparing the tenant protection plan shall be retained by the general contractor performing the alteration, construction, or partial demolition work. No permit shall be issued for work that requires a tenant protection plan unless such plan is approved by the department. Such plan shall contain a statement that the building contains dwelling units that will be occupied during construction and shall indicate in sufficient detail the specific units that are or may be occupied during construction, the means and methods to be employed to safeguard the safety and health of the occupants throughout the construction, including, where applicable, details such as temporary fire-rated assemblies, opening protectives, or dust containment procedures. Such means and methods shall be described with particularity and in no case shall terms such as "code compliant," "approved," "legal," "protected in accordance with law" or similar terms be used as a substitute for such description. The tenant protection plan must be site specific. The elements of the tenant protection plan may vary depending on the nature and scope of the work but at a minimum, must comply with all applicable laws and regulations, including the New York city construction codes, the New York city housing maintenance code, the New York city noise control code and the New York city health code, and shall make detailed and specific provisions for:

**1. Egress**. At all times in the course of construction provision shall be made for adequate egress as required by this code and the tenant protection plan shall identify the egress that will be provided. Required egress shall not be obstructed at any time except where approved by the commissioner.

**2. Fire safety.** All necessary laws and controls, including those with respect to occupied dwellings, as well as additional safety measures necessitated by the construction shall be strictly observed.

**3. Health requirements.** Specification of means and methods to be used for control of dust, disposal of construction debris, pest control and maintenance of sanitary facilities shall be included.

3.1. There shall be included a statement of compliance with applicable provisions of law relating to lead and asbestos, and such statement shall describe with particularity what means and methods are being undertaken to meet such compliance.

**4. Compliance with housing standards.** The requirements of the New York city housing maintenance code, and, where applicable, the New York state multiple dwelling law shall be strictly observed.

**5. Structural safety.** No structural work shall be done that may endanger the occupants.

**6. Noise restrictions.** Specification of means and methods to be used for the limitation of noise to acceptable levels in accordance with the New York city noise control code shall be included. Where hours of the day or the days of the week in which construction work may be undertaken are limited pursuant to the New York city noise control code, such limitations shall be stated.

**7. Maintaining essential services.** Where heat, hot water, cold water, gas, electricity, or other utility services are provided in such building or in any dwelling unit located therein, the tenant protection plan shall specify the means and methods to be used for maintaining such services during such work in accordance with the requirements of the New York city housing maintenance code. If a disruption of any such service is anticipated during the work, then such plan shall specify the anticipated duration of such disruption and the means and methods to be employed to minimize such disruption, including the provision of sufficient alternatives for such service during such disruption. Notification of the disruption must be given to all affected occupants of occupied dwelling units.

**Exception:** In the following instances, the tenant protection plan may be prepared and filed by the registered design professional of record for the alteration, construction, or partial demolition work as part of the underlying application:

1. Work in occupied one- and two-family homes.

2. Work limited to the interior of a single dwelling unit of an occupied multiple dwelling with no disruption to the essential services of other units, where such dwelling is owner-occupied. For a dwelling unit within a property that is owned by a condominium or held by a shareholder of a cooperative corporation under a proprietary lease, the unit must be occupied by the owners of record for such unit.

§ 2. Section BC 1704 of the building code of the city of New York is amended by adding a new section 1704.33 to read as follows:

**1704.33 Tenant protection plan.** When alteration, partial demolition, or construction operations are performed at occupied multiple dwellings, the department shall periodically verify compliance with a tenant protection plan as provided for in Chapter 1 of Title 28 of the *Administrative Code* and Section 3303.10.

§ 3. Section 3303.10.2 of the New York city building code, as added by local law number 154 for the year 2017, is amended to read as follows:

**3303.10.2 Inspections of tenant protection plan**. The owner shall notify the department in writing at least 72 hours prior to the commencement of any work requiring a tenant protection plan. The department shall conduct an inspection of [five] 10 percent of such sites within seven days after the commencement of such work to verify compliance with the tenant protection plan. The department shall conduct follow up inspections of such sites every 180 days until such construction is completed to verify compliance with the building code and tenant protection plan. Thereafter, the department shall conduct an inspection [upon the] within 10 days of receipt of a complaint concerning such work.

§ 4. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to submittal of construction documents, applicant and owner statements, and tenant protection plans, as in introduction number 1107-A for the year 2018, takes effect, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

JG/ APB

LS # 7111

4/30/19 7:19 pm

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Int. No. 1279-A

By Council Members Rosenthal, Ampry-Samuel, Lancman, Ayala, Kallos, Vallone, Perkins and Rivera

..Title

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of buildings and the department of housing preservation and development to audit a certain percentage of certifications of correction

..Body

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 25 to read as follows:

CHAPTER 25

AUDITS OF CERTIFICATIONS OF CORRECTION

§ 26-2501 Definitions. As used in this chapter, the term “certification of correction” means the paper or electronic document filed with the department of buildings or the department of housing preservation and development by a property owner or managing agent to affirm that the violating conditions cited on a notice of violation have been corrected within the required timeframe.

§ 26-2502 Audits of certifications of correction. a. The department of buildings shall audit no fewer than 15 percent of certifications of correction of immediately hazardous violations filed with such department. Such audit shall include, at minimum, an inspection by such department to ensure that the violating conditions cited in the notice of violation have been corrected.

b. The department of housing preservation and development shall audit no fewer than 15 percent of all certifications of correction of class C violations filed with such department. Such audit shall include, at minimum, an inspection by such department to ensure that the violating conditions cited in the notice of violation have been corrected.

§ 26-2503 Reporting. By March 31, 2020 and no later than March 31 annually thereafter, the department of buildings and the department of housing preservation and development shall each submit to the speaker of the council an electronic report describing the findings of the audits performed by such departments in the previous year pursuant to section 26-2502 of this chapter. Such report shall include, but not be limited to:

1. The total number of audits conducted;

2. The percentage of certifications of correction audited;

3. The percentage of audited certifications of correction found to have been false;

4. For audited certifications of correction found to have been false, the total amount of civil penalties collected and, if applicable, the number of additional sanctions imposed, disaggregated by type; and

5. For buildings where an audited certification of correction is found to have been false in the reporting period, whether a certification of correction filed for such building has been audited by the department of buildings or the department of housing preservation and development in the previous five years, and whether such audit or audits resulted in a finding or findings of false certification.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of buildings and the commissioner of housing preservation and development may promulgate rules as may be necessary for the purpose of implementing and carrying out the provisions of this local law, prior to its effective date.

CCF/APB

LS 2369

4/30/19 6:09 pm

Int. No. 1280-A

By Council Members Rosenthal, Levine, Ampry-Samuel, Lancman, Ayala, Kallos, Perkins and Rivera

..Title

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the tenant protection plan and penalties for false statements relating to tenant occupancy on certain construction documents

..Body

Be it enacted by the Council as follows:

Section 1. Section 28-120.1 of the administrative code of the city of New York, as added by a local law amending the administrative code of the city of New York, relating to submittal of construction documents, applicant and owner statements, and tenant protection plans, as in introduction number 1107-A, and as amended by a local law amending the administrative code of the city of New York, relating to requiring heightened review of tenant protection plans and increased enforcement of building code standards as in introduction number 1278-A, is amended to read as follows:

**§ 28-120.1 Tenant protection plan.** A tenant protection plan shall be prepared and submitted for the alteration, construction, or partial demolition of buildings in which any dwelling unit will be occupied during construction, including newly constructed buildings that are partially occupied where work is ongoing. The tenant protection plan shall be prepared by a registered design professional and filed with the department. The registered design professional preparing the tenant protection plan shall be retained by the general contractor performing the alteration, construction, or partial demolition work. No permit shall be issued for work that requires a tenant protection plan unless such plan is approved by the department. Such plan shall contain a statement signed by the owner and signed by the applicant affirming that the building contains dwelling units that will be occupied during construction and shall [indicate] identify in sufficient detail the specific units that are or may be occupied during construction, the means and methods to be employed to safeguard the safety and health of the occupants throughout the construction, including, where applicable, details such as temporary fire-rated assemblies, opening protectives, or dust containment procedures. Such means and methods shall be described with particularity and in no case shall terms such as “code compliant,” “approved,” “legal,” “protected in accordance with law” or similar terms be used as a substitute for such description. The tenant protection plan must be site specific. The elements of the tenant protection plan may vary depending on the nature and scope of the work but at a minimum, must comply with all applicable laws and regulations, including the New York city construction codes, the New York city housing maintenance code, the New York city noise control code and the New York city health code, and shall make detailed and specific provisions for:

**1. Egress.** At all times in the course of construction provision shall be made for adequate egress as required by this code and the tenant protection plan shall identify the egress that will be provided. Required egress shall not be obstructed at any time except where approved by the commissioner.

**2. Fire safety.** All necessary laws and controls, including those with respect to occupied dwellings, as well as additional safety measures necessitated by the construction shall be strictly observed.

**3. Health requirements.** Specification of means and methods to be used for control of dust, disposal of construction debris, pest control and maintenance of sanitary facilities shall be included.

3.1. There shall be included a statement of compliance with applicable provisions of law relating to lead and asbestos, and such statement shall describe with particularity what means and methods are being undertaken to meet such compliance..

**4. Compliance with housing standards.** The requirements of the New York city housing maintenance code, and, where applicable, the New York state multiple dwelling law shall be strictly observed.

**5. Structural safety.** No structural work shall be done that may endanger the occupants.

**6. Noise restrictions.** Specification of means and methods to be used for the limitation of noise to acceptable levels in accordance with the New York city noise control code shall be included. Where hours of the day or the days of the week in which construction work may be undertaken are limited pursuant to the New York city noise control code, such limitations shall be stated.

**7. Maintaining essential services.** Where heat, hot water, cold water, gas, electricity, or other utility services are provided in such building or in any dwelling unit located therein, the tenant protection plan shall specify the means and methods to be used for maintaining such services during such work in accordance with the requirements of the New York city housing maintenance code. If a disruption of any such service is anticipated during the work, then such plan shall specify the anticipated duration of such disruption and the means and methods to be employed to minimize such disruption, including the provision of sufficient alternatives for such service during such disruption. Notification of the disruption must be given to all affected occupants of occupied dwelling units.

**Exception:** In the following instances, the tenant protection plan may be prepared and filed by the registered design professional of record for the alteration, construction, or partial demolition work as part of the underlying application:

1. Work in occupied one- and two-family homes.

2. Work limited to the interior of a single dwelling unit of an occupied multiple dwelling with no disruption to the essential services of other units, where such dwelling is owner-occupied. For a dwelling unit within a property that is owned by a condominium or held by a shareholder of a cooperative corporation under a proprietary lease, the unit must be occupied by the owners of record for such unit.

§ 2. Section 28-202.1 of the administrative code of the city of New York, as amended by local law number 70 for the year 2018, is amended by adding a new exception 11 to read as follows:

11. For (i) a violation of section 28-211.1 or (ii) where a tenant protection plan is required pursuant to section 28-120.1, but has not been submitted to the department, the minimum civil penalty for a first offense shall be no less than $10,000 and, for each subsequent offense, no less than $25,000.

§ 3. Section 28-203.1 of the administrative code of the city of New York, as amended by local law number 203 for the year 2017, is amended by adding a new exception 6 to read as follows:

6. For (i) a violation of section 28-211.1 or (ii) where a tenant protection plan is required pursuant to section 28-120.1, but has not been submitted to the department, the minimum fine shall be no less than $10,000 and, for each subsequent offense, no less than $25,000.

§ 4. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to submittal of construction documents, applicant and owner statements, and tenant protection plans, as in introduction number 1107-A for the year 2018, takes effect, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

MJT/GZ/AS

LS #2148/3359

4/30/19 4:59pm

1. Rebecca Baird-Remba, *Construction Is Still NYC’s Most Fatal Industry,* Commercial Observer, Jan. 10, 2019, <https://commercialobserver.com/2019/01/nyc-construction-death-data-2017-2018> [↑](#footnote-ref-1)
2. Ali Oriaku, *Construction is N.Y.C.’s deadliest industry, according to annual reports,* ArchPaper, Jan. 22, 2019, <https://archpaper.com/2019/01/construction-new-york-deadliest-industry>. [↑](#footnote-ref-2)
3. Joe Anuta, *City construction enduring most dangerous year in nearly a decade Accidents and injuries reach post-recession high,* Crain’s New York, Dec. 21, 2018, <https://www.crainsnewyork.com/real-estate/city-construction-enduring-most-dangerous-year-nearly-decade>. [↑](#footnote-ref-3)
4. <https://www1.nyc.gov/assets/buildings/local_laws/ll196of2017.pdf> [↑](#footnote-ref-4)
5. *Id.* [↑](#footnote-ref-5)
6. *See* Laura Gottesdiener, *When Predatory Equity Hit the Big Apple How Private Equity Came to New York’s Rental Market*, TomDispatch, (Apr. 8, 2014), available at <https://www.motherjones.com/politics/2014/04/predatory-equity-wall-street-screwed-over-renters-new-york-city> [↑](#footnote-ref-6)
7. *See* DW Gibson, *How to Dump Tenants and Make a Fortune*, The Nation (June 11, 2015), available at <https://www.thenation.com/article/how-to-dump-tenants-and-make-a-fortune-2> [↑](#footnote-ref-7)
8. *Id*. [↑](#footnote-ref-8)
9. *See* part 2, Kim Barker, et al. *The Eviction Machine Churning Through New York City Housing court, a system created to protect tenants, has become a powerful tool for landlords*, New York Times (May 20, 2018), available at <https://www.nytimes.com/interactive/2018/05/20/nyregion/nyc-affordable-housing.html> [↑](#footnote-ref-9)