



**TESTIMONY BEFORE THE NEW YORK CITY COUNCIL
NEW YORK CITY DEPARTMENT OF BUILDINGS
MELANIE E. LA ROCCA, COMMISSIONER
NOVEMBER 20, 2019**

Good morning Chair Cornegy, Chair Borelli and members of the Committees on Housing and Buildings and Fire and Emergency Management. I am Melanie E. La Rocca, Commissioner of the New York City Department of Buildings ("the Department"). I am joined today by Gus Sirakis, my First Deputy Commissioner and Joseph Jardin, Chief of the New York City Fire Department's Bureau of Fire Prevention. We are pleased to be here today to discuss the important issue of sprinkler systems in high-rise office buildings.

The benefits of sprinkler systems are well known, they provide a heightened level of fire protection for building occupants. New York City, through the New York City Construction Codes, has a long history of requiring sprinkler systems in high-rise buildings. Local Law 5 of 1973 required existing office buildings one hundred feet or more in height to install a sprinkler system or to protect areas without sprinkler systems with rated fire separations. Further, Local Law 16 of 1984 required new office buildings seventy five feet or more in height to install sprinkler systems. Local Law 26 of 2004 ("Local Law 26"), which I will discuss in further detail momentarily, was intended to close the gap by requiring all existing office buildings one hundred feet or more in height to install sprinkler systems.

The Department established the World Trade Center Building Code Task Force ("Task Force") following the tragic September 11, 2001 terrorist attack and collapse of the World Trade Center. The Task Force was primarily established to ensure that requirements, standards, and practices in the design and construction of buildings provide safety for occupants of high-rise buildings. The Task Force was composed of an Executive Committee, which included representatives from the

Department, the New York City Fire Department, as well as labor, design and real estate organizations. Additionally, the Task Force was composed of five working groups; Structural Strength, Emergency Evacuation, Fire Protection, Mechanical Systems and Department Operations. The Task Force issued 21 recommendations in 2003, one of which was requiring existing office buildings one hundred feet or more in height without sprinkler systems to install such systems throughout the building within fifteen years. This recommendation later became Local Law 26, which also required that compliance reports in years one, seven and fourteen be filed with the Department to demonstrate progress with the installation of sprinkler systems. Installations were required to be completed by July 1, 2019.

Since the enactment of Local Law 26, the Department has been primarily focused on providing education and outreach to building owners. To date, the Department has:

- Created a detailed FAQ, available on our website, to provide guidance to building owners;
- Created a dedicated portal where questions regarding the law could be posed by building owners;
- Issued a Building Bulletin in July 2011 that clarified which buildings were exempt from the law's requirements;
- Issued a Building Bulletin in December 2017 that provided additional background on the law and its applicability, as well as information regarding requesting an extension from the Department for additional time to comply with the law;
- Mailed a letter to building owners in early 2018, which informed them that the fourteen year compliance report would be due in July 2018;
- Issued a Service Notice in June 2018, which informed building owners that the fourteen year compliance report would be due on July 1, 2018 and reminded them about the opportunity to apply for an extension;
- Issued a Service Notice in June 2019 advising property owners that final certifications would be due in July 2019; and

- Mailed a letter to building owners in June 2019 advising them that final certifications would be due in July 2019 and that they would be subject to enforcement action by the Department for failure to comply.

Local Law 26 applies to 1,308 office buildings, primarily located in Manhattan. To date, 368 buildings have certified compliance with Local Law 26, which means that they have installed a sprinkler system in their building or demonstrated that they were already in compliance. Building owners were afforded the opportunity to apply to the Department for additional time to comply with Local Law 26 and few building owners came forward to apply for an extension. The Department received 112 extension applications, of which 22 were approved. Over the coming months, the Department will be focused on bringing the remaining buildings into compliance with this requirement by performing heightened engagement with building owners and by taking enforcement actions. The focus is on bringing building owners into compliance and for those owners who do not demonstrate that they are taking steps to comply with Local Law 26, violations will be issued and penalties will be levied.

After reviewing the final certifications that came in by the July 1, 2019 compliance deadline, the Department issued 1,088 violations in September 2019 to building owners who were not in compliance. These violations were DOB violations, which are not accompanied by a monetary penalty, but do include an order to correct the conditions for which the violations are issued. On December 1, 2019, the Department will issue OATH summonses to building owners who are not in compliance with Local Law 26. The monetary penalty associated with these violations can be waived if building owners certify that they are in compliance with Local Law 26 within 60 days of the violations being issued. Future enforcement actions will include issuing OATH summonses with heightened penalties, which are not subject to waiver, to building owners who are not in compliance with Local Law 26. Additionally, the Department will conduct an inspection every 60 days to determine whether there has been compliance and these inspections could result in additional enforcement action being taken by the Department.

Thank you for your longstanding commitment to this issue. We look forward to updating the committees on a regular basis as we work on ensuring compliance is achieved with Local Law 26. We welcome any questions you may have.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Melanie La Rocca

Address: 280 Broadway, NY NY

I represent: NYC DOB

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: GUS SIRAKIS

Address: 280 BROADWAY

I represent: NYC DOB

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Joseph Tardif, Chief of Fire Prevention

Address: 4 Metrotech

I represent: FDNY

Address: 4 Metrotech

Please complete this card and return to the Sergeant-at-Arms