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**The New York City Council**

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**Committee Report of the Infrastructure Division**

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**Committee on Housing and Buildings**

Hon. Robert E. Cornegy, Jr., Chair

**September 13, 2021**

**Preconsidered Int. No. :** By Council Member Lander

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to requiring a certification of no harassment prior to approval of construction documents or issuance of permits for demolition or renovation of certain buildings

**Administrative Code:** Amends sections 27-2093.1 and 28-505.31

**Int. No. 1817:** By Council Members Cumbo, Barron, Cornegy and Kallos

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to affordable housing lottery processes

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

**Int. No. 2259:** By Council Member Cornegy

**Title:** A Local Law in relation to an extension of the deadlines for inspection and correction of building gas piping systems in certain community districts

**Int. No. 2262:** By Council Members Cornegy, Kallos and Chin (by request of the Mayor)

**Title:** A Local Law to amend the New York city building code, in relation to final inspections for temporary construction equipment permits and prohibiting stand-off brackets

**Administrative Code:** Amends section 28-116.2.4.2

**Building Code:** Amends section 3302.1; adds a new section 3314.10.12

**Int. No. 2263:** By Council Members Cornegy and Chin (by request of the Mayor)

**Title:** A Local Law to amend the New York city building code, in relation to the definition of major building

**Building Code:** Amends section 3302.1

**Int. No. 2264:** By Council Members Cornegy and Chin (by request of the Mayor)

**Title:** A Local Law to amend the New York city building code, in relation to cold-formed steel construction

**Building Code:** Amends table 1704.3.4; adds a new section 3305.6

**Int. No. 2265:** By Council Members Cumbo, Chin, Kallos, Louis and Rivera

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to stove safety knobs

**Administrative Code:** Amends section 27-2046.4

**Int. No. 2276:** By Council Members Moya and Chin (by request of the Mayor)

**Title:** A Local Law to amend the New York city building code, in relation to construction superintendents, and repealing sections 3310.8.3 and 3310.8.6 of the New York city building code in relation to inspections required by site safety managers or coordinators, and in relation to reasonable prudence required by site safety managers or coordinators to ensure safety

**Building Code:** Amends sections 3301.13.1, 3301.13.2, 3301.13.3, 3301.13.6, 3301.13.7, 3301.13.8, 3301.13.9, 3301.13.10, 3301.13.11, 3301.13.12, 3301.13.13, 3301.13.16, 3310.5, 3310.8, 3310.8.1 and 3310.8.2; adds new sections 3301.13.18, 3310.8.2.1.2 and 3310.8.4.3; repeals section 3310.8.3 and adds a new section 3310.8.3; repeals section 3310.8.6

**Proposed Int. No. 2278-A:** By the Public Advocate (Mr. Williams) and Council Members Koslowitz, Holden and Chin (by request of the Mayor)

**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 the licensing of general contractors

**Administrative Code:** Amends sections 28-105.5.1, 28-401.3, 28-401.15, items 15 and 16 of 28-401.19; repeals section 28-401.19.4.2; amends article 418 of title 28; repeals article 420 of chapter 4 of title 28

**Int. No. 2309:** By Council Members Kallos, Rivera, Rosenthal, Reynoso, Gibson, Powers, Ayala, Brannan, Gennaro, Moya, Adams, Dromm and Levine

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to requiring registration for short-term rentals and booking services

**Administrative Code:** Adds a new chapter 30 to title 26

**Int. No. 2321:** By Council Members Cornegy, Yeger and Gennaro

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to creating a hardship program for inspection and correction of building gas piping systems

**Administrative Code:** Adds a new section 28-318.6

**Int. No. 2361:** By Council Members Cornegy and Yeger

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to creating a questionnaire related to the inspection and correction of building gas piping systems

**Administrative Code:** Amends item 4 of section 28-318.3.3; adds new sections 28-318.6 and 28-318.7

**Int. No. 2377:** By Council Member Cornegy

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to extending the physical scope of gas piping inspections

**Administrative Code:** Amends section 28-318.3.2

**Introduction**

On September 13, 2021, the Committee on Housing and Buildings, chaired by Council Member Robert E. Cornegy, Jr. will hold a hearing on the following legislation: Preconsidered Int. No. , sponsored by Council Member Lander, in relation to requiring a certification of no harassment prior to approval of construction documents or issuance of permits for demolition or renovation of certain buildings; Int. No. 1817, sponsored by Council Member Cumbo, in relation to affordable housing lottery processes; Int. No. 2259, sponsored by Council Member Cornegy, in relation to an extension of the deadlines for inspection and correction of building gas piping systems in certain community districts; Int. No. 2262, sponsored by Council Member Cornegy, in relation to final inspections for temporary construction equipment permits and prohibiting stand-off brackets; Int. No. 2263, sponsored by Council Member Cornegy, in relation to the definition of major building; Int. No. 2264, sponsored by Council Member Cornegy, in relation to cold-formed steel construction; Int. No. 2265, sponsored by Council Member Cumbo, in relation to stove safety knobs; Int. No. 2276, sponsored by Council Member Moya, in relation to construction superintendents, and repealing sections 3310.8.3 and 3310.8.6 of the NYC building code in relation to inspections required by site safety managers or coordinators, and in relation to reasonable prudence required by site safety managers or coordinators; Int. No. 2309, sponsored by Council Member Kallos, in relation to requiring registration for short-term rentals and booking services; Proposed Int. No. 2278-A, sponsored by the Public Advocate (Mr. Williams), in relation to the licensing of general contractors; Int. No. 2309, sponsored by Council Member Kallos, in relation to requiring registration for short-term rentals and booking services; Int. No. 2321, sponsored by Council Member Cornegy, in relation to creating a hardship program for inspection of correction of building gas piping systems; Int. No. 2361, Sponsored by Council Member Cornegy, in relation to creating a questionnaire related to the inspection and correction of building gas piping systems; and Int. No. 2377, sponsored by Council Member Cornegy, in relation to extending the physical scope of gas piping inspections. The Committee expects to receive testimony from the New York City Department of Buildings (“DOB”), the New York City Department of Housing Preservation and Development (“HPD”) and the Mayor’s Office of Special Enforcement (“OSE”), along with members of the real estate and construction industries, housing advocates, and other interested parties.

**Legislation**

Below is a brief summary of the legislation being heard by the Committee at this hearing. These summaries are intended for informational purposes only and do not substitute for legal counsel. For more detailed information, you should review the full text of the bill, which is attached below.

**Preconsidered Int. No.**

This bill would extend the certification of no harassment (“CONH”) pilot created by Local Law 1 of 2018 until September 27, 2026.  Buildings where an Article 7-A administrator has been appointed, buildings where the DOB has determined there has been a failure to comply with any term of a tenant protection plan, buildings included on the speculation watch list, and buildings in any community district determined to be at a high risk for displacement by the equitable development data tool would be required to apply for the CONH for covered work. The Building Qualification Index (“BQI”) would be updated to include open and closed hazardous and immediately hazardous violations issued by the Department of Health and Mental Hygiene or DOB. Penalties for new determinations of harassment following a CONH application would include a civil penalty of not less than two thousand dollars and not more than ten thousand dollars for each dwelling unit and twice the rent charged for the month of the CONH denial for each of up to five years of occupancy.

This legislation would take effect immediately and would be deemed repealed on the same day as Local Law 1 of 2018, as amended.

**Int. No. 1817**

Int. No. 1817 would require HPD to promulgate certain minimum rules governing affordable housing lotteries. Such rules would require marketing agents (*i.e.*, anyone responsible for advertising affordable housing units and selecting residents for those units), to provide applicants for affordable housing written notification stating whether they are accepted or rejected for occupancy in an affordable housing unit, that applicants be given sufficient time and information to respond to the marketing agent’s requests for information and to appeal a rejection, and that applicants, if rejected, be provided written notification of community-based service providers that may assist the applicant. Applicants may file a complaint with HPD or the New York City Housing Development Corporation, as applicable, if they believe their application was rejected in error. HPD rules must also provide guidance to marketing agents regarding information it may consider in selecting applicants, specifically prohibiting marketing agents from considering photographs of an applicant’s current living situation or minor children’s report cards, prohibiting marketing agents from rejecting applicants based solely on credit score, and requiring marketing agents to consider all sources of an applicant’s income. HPD would be required to provide training for marketing agents regarding applicant selection and to maintain a compliance hotline to offer guidance and information to marketing agents.

This legislation would take effect 120 after becoming law.

**Int. No. 2259**

Int. No. 2259 would extend the December 31, 2021 inspection deadline for gas piping as required by Local Law 152 and DOB rules for buildings in community districts 2, 5, 7, 13, and 18 in all boroughs until June 30, 2022. Int. No. 2259 would also provide that for such buildings inspected between January 1, 2021 and December 31, 2021, the certification of correction may be submitted later than 120 days or later than 180 days following the inspection date, as applicable, but no later than June 30, 2022. This bill would also require DOB to conduct targeted outreach regarding complying with the requirements of Local Law 152 of 2016

This legislation would take effect immediately while subdivisions b and c of section one of this bill would be retroactive to and deemed to have been in full force and effect as of January 1, 2021.

**Int. No. 2262**

Int. No. 2262 would add an exception to the requirement that a final inspection be conducted prior to the issuance of a letter of completion so that final inspection is not required for temporary construction equipment permits. This bill would also prohibit the installation and use of stand-off brackets, which DOB has identified as a contributing factor in suspended scaffolding incidents.

This legislation would take effect immediately.

**Int. No. 2263**

Int. No. 2263 would amend the definition of “major building” by lowering the threshold for a major building construction site. The definition lowers the number of stories in an existing or proposed building from 10 or more stories to seven or more stories, and the height from 125 feet or more to 75 feet or more. This change would trigger additional site safety requirements for more construction sites.

This legislation would take effect three years after becoming law and would apply only to permits issued or renewed on or after that date.

**Int. No. 2264**

Int. No. 2264 would amend certain existing requirements and establish new requirements for the use of cold-formed steel light-frame construction. This bill would amend special inspection requirements for the use of such construction. It would also create new requirements for the installation of cold-formed steel light-frame construction, the installation of decking on cold-formed steel light-frame construction, and the use of such framing and decking during construction and demolition.

This legislation would take effect 120 days after becoming law and would apply to permits issued prior to that date, but not to applications for construction document approval filed prior to that date.

**Int. No. 2265**

Int. No. 2265 would amend the Housing Maintenance Code by requiring owners of units in multiple dwellings to provide to tenants the option of either permanent stove safety knobs with integrated locking mechanisms or stove knob covers for each knob located on the front of each gas-powered stove.

This legislation would take effect 180 days after becoming law.

**Int. No. 2276**

Int. No. 2276 would expand on the requirements of Local Law 196 for the year 2017 by requiring additional site safety supervision at major building construction sites. Such sites would be required to designate a primary Construction Superintendent, who would be responsible for safety and code compliance, along with overall management of the construction project, in addition to a Site Safety Coordinator or Site Safety Manager.

This legislation would take effect on January 1, 2022, and would apply to permits issued or renewed on or after that date.

**Proposed Int. No. 2278-A**

Proposed Int. No. 2278-A would require general contractors to be licensed by DOB in a manner similar to how other trades are licensed under DOB, and would prohibit any person from performing general contractor work unless approved by DOB. Applicants for permits from DOB must be licensed general contractors who are “designees” of approved general contracting businesses or, with respect to work performed by city agencies, the “designees” of such agencies. This bill would require applicants for a general contractor license from DOB to meet certain qualifications, including, but not limited to, possessing a valid Site Safety Training Supervisor Card.

This legislation would take effect three years after becoming law.

**Int. No. 2309**

Int. No. 2309 would require applicants seeking to rent out rooms in dwelling units, or housing accommodations within a building, for fewer than 30 consecutive days, as short-term rentals, to register annually with OSE and obtain a registration number before being permitted to rent out rooms in such a manner. Booking services would be required to obtain a registration from OSE and verify the short-term rental registration number of any accommodation before listing it on their service.

This legislation would take effect 180 days after becoming law.

**Int. No. 2321**

Int. No. 2321 would create a hardship program for compliance with Local Law 152 for the year 2016. This would allow a building owner to apply to a hardship program if such owner is unable to complete the inspection by the due date set by Local Law 152. Upon acceptance to such hardship program, the property owner would receive a deferral of the inspection due date and all associated due dates for 90 days. If the property owner does not complete the inspection within that 90-day period, the property owner would be responsible for all noncompliance penalties. This bill would also require the commissioner of DOB to conduct outreach to buildings with gas piping systems that must be inspected six months before the associated due dates.

This legislation would take effect 120 days after becoming law.

**Int. No. 2361**

Int. No. 2361 would require DOB to create a questionnaire seeking feedback on Local Law 152 for the year 2016. Beginning on March 1, 2022, and annually on March 1 thereafter, DOB would be required to report to the City Council, the Mayor, and post on its websites, the results of the questionnaires received during the prior calendar year.

This legislation would take effect 120 days after becoming law.

**Int. No. 2377**

Int. No. 2377 would extend the physical scope of inspection of gas piping within buildings as required by Local Law 152 from individual tenant spaces to the point of connection for any equipment that uses gas supplied by gas piping instead of exposed gas lines from point of entry up to individual tenant spaces as currently required by the law.

This legislation would take effect 120 days after becoming law.

Preconsidered Int. No.

By Council Member Lander

A LOCAL LAW

to amend the administrative code of the city of New York, in relation to requiring a certification of no harassment prior to approval of construction documents or issuance of permits for demolition or renovation of certain buildings

Be it enacted by the Council as follows:

Section 1. The definition of “building qualification index” in subdivision a of section 27-2093.1 of the administrative code of the city of New York, as added by local law 1 of 2018, is amended to read as follows:

Building qualification index. The term “building qualification index” means an index created by the department and promulgated in rules to evaluate prospective pilot program buildings for distress based on the department’s records of open and closed hazardous and immediately hazardous violations of the housing maintenance code, records of paid and unpaid liens for expenses incurred by the department for the repair or elimination of dangerous conditions under the emergency repair program, open and closed hazardous and immediately hazardous violations issued by the department of health and mental hygiene or department of buildings, change of ownership or any other factor that reasonably indicates distress and would qualify such building for the certification of no harassment pilot program as determined by the department.

§ 2. Subdivision b of section 27-2093.1 of the administrative code of the city of New York, as added by local law 1 of 2018, is amended to read as follows:

b. Pilot program list. The department shall compile and publish a pilot program list. The criteria used to select buildings to be included on the pilot program list shall be promulgated by the department in rules and shall be limited to:

(1) Buildings with scores on the building qualification index indicating significant distress as determined by the department, and located within:

(i) Bronx community district 4,

(ii) Bronx community district 5,

(iii) Bronx community district 7,

(iv) Brooklyn community district 3,

(v) Brooklyn community district 4,

(vi) Brooklyn community district 5,

(vii) Brooklyn community district 16,

(viii) Manhattan community district 9,

(ix) Manhattan community district 11,

(x) Manhattan community district 12,

(xi) Queens community district 14, and

(xii) Any community district where any part of such district is subject to a city-sponsored neighborhood-wide rezoning after the date of enactment of the local law that added this section.

 (2)(i) Buildings where a full vacate order has been issued by the department or by the department of buildings, or (ii) buildings where there has been active participation in the alternative enforcement program for more than four months since February 1, 2016; [and]

(3) Buildings where there has been a final determination by New York state homes and community renewal or any court having jurisdiction that one or more acts of harassment were committed at such building within the 60 months prior to the effective date of the local law that added this section or on or after the effective date of the local law that added this section. The department shall establish a method of identifying buildings where there have been adjudications of harassment after the effective date of the local law that added this section, and may request the cooperation of the tenant harassment prevention task force to establish and effectuate such method. The department shall add a building to the pilot program list within 30 days after it is identified in accordance with such method[.];

(4) Buildings where an administrator has been appointed under article seven-A of the real property actions and proceedings law;

(5) Buildings where the department of buildings has determined there has been a failure to comply with any term of a tenant protection plan required by section 28-104.8.4;

(6) Buildings which the department has included on the speculation watch list required by section 27-2109.52; and

(7) Any community district determined by the department to be at a high risk for displacement pursuant to the index required by subdivision c of section 25-117.

§ 3. Section 27-2093.1 of the administrative code of the city of New York, as added by local law 1 of 2018, is amended to add a new subdivision j to read as follows:

j. Penalties. Where the department has denied a certificate of no harassment pursuant to subparagraph (5)(c) of subdivision d of this section, such determination shall be conclusive proof that harassment occurred and the owner of record of such pilot program building:

(1) shall be subject to a civil penalty of not less than two thousand dollars and not more than ten thousand dollars for each dwelling unit; and

(2) shall within 60 days of the notice of such denial provide to any tenant of each dwelling unit during the previous 60 months an amount equal to twice the rent charged for the month of the denial for each year of occupancy during such period.

§ 4. Section 28-505.31 of the administrative code of the city of New York, as added by local law 1 of 2018, is amended to read as follows:

 Applications for the approval of construction documents for the following categories of work are covered by this article:

1.                     demolition of all or part of the pilot program building;

2.                     change of use or occupancy of all or part of a dwelling unit, any residential portion of the pilot program building, or any part of such building serving such dwelling units;

3.                     any alteration resulting in the addition or removal of kitchen or bathrooms, an increase or decrease in the number of dwelling units, or any change to the layout, configuration, or location of any portion of any dwelling unit;

4.                     an application for a new or amended certificate of occupancy; or

5.                     such other types of alteration work to a pilot program building as shall be prescribed by rule of the commissioner of housing preservation and development.

**Exceptions:**

1.                     Work solely for the purpose of either (i) making the public areas of a pilot program building accessible to persons with disabilities without altering the configuration of any dwelling unit or rooming unit or (ii) making the interior or the entrance to a dwelling unit or a rooming unit accessible to persons with disabilities shall not be covered by this article.

2.                     Repairs, demolition or any other work performed by a city agency or by a contractor pursuant to a contract with a city agency shall not be covered by this article.

[3.      Work performed on a building that has an administrator currently appointed pursuant to article seven-a of the real property actions and proceedings law shall not be covered by this article.

4]3. Other categories of work that are excluded from the definition of covered categories of work by rule of the department of housing preservation and development shall not be covered by this article.

§ 5. The department, with the advice and assistance that may be provided by any community group described in paragraph (4) of subdivision d of section 27-2093.1 of the administrative code of the city of New York shall conduct a study to evaluate the effectiveness of the program in reducing harassment of tenants in the areas described in subdivision b of section 27-2093.1 of the administrative code of the city of New York. Such study shall be completed and a report shall be submitted to the Speaker no later than 6 months prior to the expiration of this local law. Such report shall contain the following information:

1. the number of covered buildings where the owner applied for a certificate of no harassment disaggregated by whether the department issued a certificate of no harassment, a cure agreement was reached, or a waiver of a certificate of no harassment;

2. the location of buildings where the department determined that harassment had occurred, disaggregated by community board and council district disaggregated by whether such building was subject to a cure agreement;

3. metrics which the department determines appropriate to determine the preventive impacts of such program;

4. a determination, using such metrics, as to whether such program resulted in preventive impacts;

5. estimated costs of the program to the city; and

6. recommendations for improving the efficacy of such program if the pilot program continues.

                     § 6. Section 5 of local law of 2018 is amended to read as follows:

§ 5. This local law takes effect 270 days after it becomes a law except that the departments of housing preservation and development and the department of buildings may promulgate rules or take other administrative action for the implementation of this local law prior to such date. This local law shall remain in effect until September 27, 2026 [for 36 months], after which it is deemed repealed. Notwithstanding the repeal of this local law, the provisions of this local law shall remain in effect for any pilot program building which submits an application for construction document approval pursuant to section 28-505.4 of the administrative code of the city of New York[, as added by section three of this local law,] prior to the repeal of such section. This local law shall not apply to work relating to applications for construction document approval filed with the department of buildings prior to the inclusion of a building on the pilot program list pursuant to subdivision b of section 27-2093.1 of the administrative code of the city of New York, as amended by a local law for the year 2021 amending the administrative code of the city of New York in relation to requiring a certification of no harassment prior to approval of construction documents or issuance of permits for demolition or renovation of certain buildings as proposed in introduction number XX for the year 2021 [added by section two of this local law].

§ 7. This local law shall take effect immediately and shall be repealed on the same day as local law 1 of 2018, as amended by this local law.

LS 4995

9/08/21

Int. No. 1817

By Council Members Cumbo, Barron, Cornegy and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to affordable housing lottery processes

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 26 to read as follows:

CHAPTER 26  
AFFORDABLE HOUSING LOTTERIES

§ 26-2601 Definitions.

§ 26-2602 Affordable housing lotteries.

§ 26-2601 Definitions. For the purposes of this chapter, the following terms have the following meanings:

Affordable housing lottery. The term “affordable housing lottery” means any lottery for affordable housing units that is administered by or on behalf of the department.

Affordable housing unit. The term “affordable housing unit” means “affordable housing unit” as defined in section 26-2201.

Applicant. The term “applicant” means an applicant for an affordable housing unit.

Application. The term “application” means an application for occupancy of an affordable housing unit.

Appeal. The term “appeal” means an appeal of a marketing agent’s determination not to select an applicant to occupy an affordable housing unit.

Department. The term “department” means the department of housing preservation and development.

Marketing agent. The term “marketing agent” means any individual or entity responsible for the advertising of and resident selection for affordable housing units.

§ 26-2602 Affordable housing lotteries. a. The department shall promulgate rules governing affordable housing lotteries consistent with, but not limited to, the provisions of this subdivision.

1. The department shall provide every applicant a written notification, online or by electronic mail, and by regular mail, stating whether such applicant was selected in an affordable housing lottery.

2. The department shall maintain a compliance hotline for the purpose of providing information and guidance to marketing agents.

3. Every marketing agent shall attend at least one in-person or online training regarding resident selection for affordable housing units. Such training shall be developed by the department.

4. Every applicant shall be permitted a reasonable amount of time, but not less than five business days after receiving notice from a marketing agent of any deficiencies identified in an application, to cure any such deficiencies before such marketing agent may reject the application. Marketing agents shall accept an applicant’s revised application online or by electronic mail, and by regular mail.

5. Every applicant shall be permitted a reasonable amount of time, but not less than five business days, to respond to a marketing agent’s request for information before such marketing agent may reject the application. Marketing agents shall accept an applicant’s responses to requests for information online or by electronic mail, and by regular mail.

6. Marketing agents shall provide every applicant a written notification stating whether such applicant is selected to occupy an affordable housing unit. If any applicant is not selected to occupy an affordable housing unit such written notification shall provide specific and detailed reasoning why an applicant cannot be approved, information explaining how the applicant may appeal and information about community-based service providers that may assist the applicant. All written notifications sent pursuant to this paragraph shall be delivered online or by electronic mail, and by regular mail. Marketing agents shall send the department or the New York city housing development corporation, as applicable, a copy of every written notification sent pursuant to this paragraph.

7. Marketing agents shall not use the following information and criteria to determine if an applicant is selected to occupy an affordable housing unit:

(a) Home visits, photographs, videos, or other representations of an applicant’s current living situation;

(b) Report cards or other school records relating to minor children residing with an applicant; or

(c) Such other information and criteria as the department may specify by rule.

8. Marketing agents shall not reject any applicant based solely on an applicant’s credit score. Marketing agents may consider an applicant’s credit score only as an indicator of such applicant’s financial stability, consistent with rules promulgated by the department.

9. Marketing agents shall review and evaluate all sources of an applicant’s income, including, but not limited to, wages, self-employment income, unemployment income and income from other sources consistent with rules promulgated by the department.

10. Any applicant not selected to occupy an affordable housing unit shall be permitted a reasonable amount of time, but not less than 30 business days, to appeal such determination.  Marketing agents shall accept an applicant’s appeal online or by electronic mail, and by regular mail. Marketing agents shall send the department or the New York city housing development corporation, as applicable, a copy of every appeal.

11. Marketing agents shall provide every applicant who submits an appeal a written notification stating whether such applicant is selected to occupy an affordable housing unit. If any applicant is not selected to occupy an affordable housing unit such written notification shall provide specific and detailed reasoning why an applicant cannot be approved, information explaining how to file a complaint with the department or the New York city housing development corporation, as applicable, and information about community-based service providers that may assist the applicant. All written notifications sent pursuant to this paragraph shall be delivered online or by electronic mail, and by regular mail.  Marketing agents shall send the department or the New York city housing development corporation, as applicable, a copy of every written notification sent pursuant to this paragraph.

12. Any applicant whose appeal is rejected shall be permitted a reasonable amount of time, but not less than five business days, to file a complaint with the department or the New York city housing development corporation, as applicable. Such complaint shall include a written explanation of why the applicant believes the appeal was rejected in error and documentation to support the explanation. The department or the New York city housing development corporation, as applicable, shall accept such complaints online or by electronic mail, and by regular mail. During the pendency of its review of such complaint, provided no other affordable housing units are available, the department or the New York city housing development corporation, as applicable, may prohibit a marketing agent from selecting another applicant to occupy an affordable housing unit at issue in the complaint. The department or the New York city housing development corporation, as applicable, shall provide every applicant who submits a complaint a written notification stating whether such applicant is selected to occupy an affordable housing unit. All written notifications sent pursuant to this paragraph shall be delivered online or by electronic mail, and by regular mail.

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

DFC

LS # 8606, 9270

10/30/19 2:51 p.m.

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Int. No. 2259

By Council Member Cornegy

..Title

A Local Law in relation to an extension of the deadlines for inspection and correction of building gas piping systems in certain community districts

..Body

Be it enacted by the Council as follows:

Section 1. Periodic inspection of gas piping systems in certain community districts. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Certification form. The term “certification form” means the certification required to be submitted to the department pursuant to subdivision 4 of section 28-318.3.3 of the administrative code of the city of New York and paragraphs (3) or (4) of subdivision (d) of section 103-10 of title 1 of the rules of the city of New York, stating that all conditions identified in the gas piping system periodic inspection report provided to a building owner have been corrected.

Commissioner. The term “commissioner” means the commissioner of buildings.

Department. The term “department” means the department of buildings.

b. Notwithstanding the provisions of any other law or rule, building gas piping systems in community districts 2, 5, 7, 13, and 18 in each borough required to be periodically inspected pursuant to article 318 of chapter 3 of title 28 of the administrative code of the city of New York shall be inspected on or between January 1, 2021 and June 30, 2022, provided that the inspection requirements, including due dates for inspecting gas piping systems and submitting certification forms to the department in section 103-10 of title 1 of the rules of the city of New York shall apply after June 30, 2022.

c. Notwithstanding the provisions of any other law or rule, for building gas piping systems in community districts 2, 5, 7, 13, and 18 in each borough required to be periodically inspected pursuant to article 318 of chapter 3 of title 28 of the administrative code of the city of New York that are inspected on or between January 1, 2021 and December 31, 2021, such building owners may submit the certification form to the department later than 120 days following the building’s inspection date or later than 180 days following the building’s inspection date, as applicable, but in no event shall the certification form be submitted later than June 30, 2022.

d. Failure to submit the certification form required by subdivision c of this section shall be classified as a major violation subject to the provisions of chapter 2 of title 28 of the administrative code of the city of New York.

e. Nothing in this section shall affect the requirements to report and correct unsafe or hazardous conditions revealed by a gas piping system inspection as set forth in section 28-318.3.4 of the administrative code of the city of New York.

f. As soon as practicable, but no later than June 1, 2021, the department shall conduct targeted outreach and education regarding the provisions of this section, which shall at a minimum include notifying building owners in community districts 2, 5, 7, 13, and 18 in each borough and posting information on the department’s website.

g. Notices and educational materials distributed pursuant to subdivision f of this section shall be prepared in plain language using words with common everyday meanings, and made available in all of the designated citywide languages, as defined in section 23-1101 of the administrative code of the city of New York. Such notices and educational materials shall include, but not be limited to:

1. Information regarding the requirements of article 318 of chapter 3 of title 28 of the administrative code of the city of New York, and to which buildings such article applies; and

2. Best practices related to hiring a plumber to perform a gas piping system inspection as set forth in article 318 of chapter 3 of title 28 of the administrative code of the city of New York.

§ 2. This local law takes effect immediately and subdivisions b and c of section one are retroactive to and deemed to have been in full force and effect as of January 1, 2021.

GZ

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Int. No. 2262

By Council Members Cornegy, Kallos and Chin (by request of the Mayor)

..Title

A Local Law to amend the New York city building code, in relation to final inspections for temporary construction equipment permits and prohibiting stand-off brackets

..Body

Be it enacted by the Council as follows:

Section 1. Section 28-116.2.4.2 of the administrative code of the city of New York, as added by local law number 149 for the year 2017, is amended to read as follows:

**§ 28-116.2.4.2 Final inspection prior to letter of completion.** In all cases where the permitted work does not require the issuance of a certificate of occupancy, the final inspection shall be performed by the department or at the option of the owner by an approved agency. Whenever the department performs a final inspection, the department shall charge a fee for such inspection. The applicant shall take all reasonable and necessary steps to ensure that the final inspection is performed within one year after the expiration of the last permit. The inspection shall be performed after all work authorized by the building permit is completed. The approved agency performing the inspection shall report defective work and discrepancies with the approved construction documents to the contractor and, when applicable, to the superintendent of construction, for correction. The approved agency shall report uncorrected discrepancies and defective work to the registered design professional of record and the owner in writing. The approved agency shall report all conditions noted or observed as hazardous to life, safety or health that are not immediately corrected to the immediate attention of the commissioner. All defects noted in such inspection shall be corrected. The final inspection report shall confirm that defects noted have been corrected, that the work is in substantial compliance with the approved construction documents and with this code and other applicable laws and rules and that all required inspections were performed. Final inspection reports shall be filed with and maintained by the department. Records of final inspections made by approved agencies shall be maintained by such persons for a period of six years after sign-off or for such other period as the commissioner shall require and shall be made available to the department upon request.

**[Exception] Exceptions:**

1. Final inspection shall be performed by the department for permitted work in R-2 occupancies if the building is listed on the department of housing preservation and development’s website pursuant to paragraph 6 of subdivision m of section 27-2115.

2. Final inspection shall not be required for temporary construction equipment permits.

§ 2. Section BC 3302.1 of chapter 33 of the New York city building code is amended by adding a new definition of “stand-off bracket (suspended scaffold)” in alphabetical order to read as follows:

**STAND-OFF BRACKET (SUSPENDED SCAFFOLD).** A rigid member that attaches to a cornice hook (c-hook) in order to provide additional outreach from the face of the parapet or wall.

§ 3. Section BC 3314.10 of chapter 33 of the New York city building code is amended by adding a new section 3314.10.12 to read as follows:

**3314.10.12 Stand-off brackets prohibited.** The installation or use of a stand-off bracket is prohibited.

§ 4. This local law takes effect immediately and shall apply to stand-off brackets installed or in use on or after such effective date.

Int. No. 2263

By Council Members Cornegy and Chin (by request of the Mayor)

..Title

A Local Law to amend the New York city building code, in relation to the definition of major building

..Body

Be it enacted by the Council as follows:

Section 1. The definition of “major building” in section 3302.1 of chapter 33 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**MAJOR BUILDING.** An existing or proposed building [10] 7 or more stories or [125 feet (38 100 mm)] 75 feet (22 860 mm) or more in height, or an existing or proposed building with a building footprint of 100,000 square feet (30 480 m2) or more regardless of height, or an existing or proposed building so designated by the commissioner due to unique hazards associated with the construction or demolition of the structure.

§ 2. This local law shall take effect three years after it becomes law and shall apply to permits issued or renewed on or after such date, provided that the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

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Int. No. 2264

By Council Members Cornegy and Chin (by request of the Mayor)

..Title

A Local Law to amend the New York city building code, in relation to cold-formed steel construction

..Body

Be it enacted by the Council as follows:

Section 1. Table 1704.3.4 of chapter 17 of the New York city building code, as added by local law number 8 for the year 2008 is amended to read as follows:

**TABLE 1704.3.4**

**REQUIRED VERIFICATION AND INSPECTION OF**

**COLD-FORMED STEEL LIGHT-FRAME CONSTRUCTION**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Verification and inspection** | **Continuous** | **Periodic** | **Referenced Standard** | **Code Reference** |
| **1. Material Verification:** |  |  |  |  |
| a. Verify that identification markings conform to AISI S200 and as specified in the approved construction documents. |  | X | AISI 200, Section A5.4 |  |
| b. Verify that material is clean, straight and undamaged. |  | X |  |  |
| **2. Inspection of general framing:** |  |  |  |  |
| a. Verify that member sizes conform to the approved construction documents. |  | X |  |  |
| b. Verify that member layout conforms to the approved construction documents. |  | X |  |  |
| c. Verify that proper bearing lengths are provided in accordance with approved construction documents. |  | X |  |  |
| d. Verify that punched holes and sheared or flame cut edges of material in members are clean and free from notches and burred edges. |  | X |  |  |
| **3. Inspection of framing connections and anchorages:** |  |  |  |  |
| a. Verify that screws, bolts, and other fasteners conform to approved construction document requirements for diameter, length, quantity, spacing, edge distance, and location. |  | X | AISI S200, Section D |  |
| b. Verify that manufactured connectors, such as joist hangers, caps, straps, clips, ties, hold-downs, and anchors conform to approved construction document requirements for manufacturer, type, gauge, and fastener requirements. |  | X | AISI S200, Section D |  |
| **4. Inspection of welding:** |  |  |  |  |
| a. Inspect welds in accordance with Table 1704.3. |  | X | AWS D1.3 |  |
| **5. Bracing:** |  |  |  |  |
| a. Verify that temporary bracing, shoring, jacks, etc., are installed, modified, and not removed until no longer necessary, in accordance with the approved construction documents and approved erection drawings, as required by Sections 3305.6.6.8 and 3305.6.7.5. |  | X |  |  |
| b. Verify that permanent bracing, web stiffeners, bridging, blocking, wind bracing, etc., are installed in accordance with the approved construction documents and approved erection drawings, as required by Sections 3305.6.6.8 and 3305.6.7.5. |  | X |  |  |
| c. Where a cold-formed steel truss clear span is 60feet (18 288 mm) or greater, the special inspector shall verifythat the temporary installation restraint/bracing and thepermanent individual truss member restraint/bracing areinstalled in accordance with the approved truss submittalpackage. |  | X |  | 2210.3.4 |

§2. Section BC 3305 of chapter 33 of the New York city building code is amended by adding a new section 3305.6 to read as follows:

**3305.6 Cold-formed steel light-frame construction.** The installation of cold-formed steel light-frame construction, the installation of decking on cold-formed steel light-frame construction, as well as the use of such framing and decking during construction or demolition operations shall be in accordance with the requirements of AISI S240 and the following sections. The design of cold-formed steel light-frame construction and decking on cold-formed steel light-frame construction shall meet the requirements of Chapter 22.

**3305.6.1 Cutting, notching, and splicing.** Cutting, notching, and splicing of cold-formed steel structural members shall be performed only in accordance with specifications as indicated on drawings, including but not limited to erection drawings, approved by a registered design professional.

**3305.6.2 Uniform bearing surface.** A uniform bearing surface shall be provided under cold-formed steel structural members. In no case shall the gap between the bottom track and the uniform bearing surface exceed ¼ of an inch (6.4 mm). Leveling shall be subject to the approval of a registered design professional and shall be achieved through the use of either load bearing shims or grout.

**3305.6.3 Corrosion protection.** The following precautions shall be taken to prevent corrosion of cold-formed steel structural members:

1. Dissimilar metals shall not be used in direct contact with cold-formed steel framing members unless approved for that application by the registered design professional of record for the cold-formed steel framing system.

2. Cold-formed steel framing members shall not be embedded in concrete unless approved for that application by the registered design professional of record for the cold-formed steel framing system.

3. Fasteners shall have a corrosion-resistant treatment, or be manufactured from material not susceptible to corrosion.

4. Welded connections shall be protected with a treatment, approved by the registered design professional of record for the cold-formed steel framing system, to retain corrosion resistance of the welded area.

**3305.6.4 Screw connections.** Screw fasteners in cold-formed steel structural members shall extend through the steel connection with a minimum of three exposed threads.

**3305.6.4.1 Stripped screws in direct tension prohibited.** Stripped screws in direct tension shall not be permitted.

**3305.6.4.2 Stripped screws in shear connections.** Stripped screws in shear connections shall only be permitted if the number of stripped screw fasteners does not exceed 25% of the total number of fasteners in the connection.

**3305.6.5 In-line framing.** Each joist, rafter, truss, and structural wall stud (above or below) shall be aligned vertically in accordance with the limits depicted in Figure B1.2.3-1 of AISI S240.

**Exception:** The alignment tolerance depicted in Figure B1.2.3-1 of AISI S240 shall not be required to be met when a structural load distribution member is specified in accordance with the approved construction documents.

**3305.6.6 Joists, decking, and shoring and bracing.** Joists, temporary decking, permanent decking, and shoring and bracing for joists and decking shall be installed in accordance with the requirements of Section 3305.6.6.1 through 3305.6.6.9.

**3305.6.6.1 Installed as indicated on drawings.** Joists, temporary decking, permanent decking, and shoring and bracing for joists and decking shall be installed as indicated on drawings, including but not limited to erection drawings, approved by a registered design professional. Such drawings shall be specific to the site and shall, at a minimum, indicate the following details:

1. Joists;

2. Permanent decking material;

3. Allowable temporary decking material;

4. Members and fasteners, including bridging, strapping, stiffeners, and placement of diaphragm;

5. Shoring and bracing, whether permanent or temporary, for joists, trusses, and decking, through all phases of work, including interim sequences;

6. Allowable designated temporary loading areas, or if no designated temporary loading areas are specified, include a note that no temporary loading is allowed;

7. Types of materials and maximum loads allowed in each temporary loading area;

8. The permissible live and construction loads of the decking (temporary and permanent) and structure outside of temporary loading areas;

9. The minimum spacing of deck screws required for loading of the deck (temporary and permanent) during construction; and

10. Conditions to be satisfied before temporary shoring and bracing can be removed.

**3305.6.6.2 Lateral bracing of floor joists.** Floor joists shall be laterally braced. Types of bracing to maintain structural integrity include but are not limited to steel straps screwed to top and bottom flanges, bridging between joists, web reinforcement, cross bracing, diagonal strap bracing, wall anchorage, or any other details as specified on the approved drawings.

**3305.6.6.3 Ceiling joists and roof trusses.** Ceiling joists and roof trusses shall be installed in accordance with one of the following:

1. With full bearing over the width of the bearing wall beneath;

2. Minimum 1 1/2 inch (38 mm) bearing end condition; or

3. In accordance with design drawings approved by a registered design professional.

**3305.6.6.4 Account for all loads during construction.** Framing and decking, whether temporary or permanent, shall be designed to sustain all anticipated loads to be imposed by construction activity, including construction loads, concentrated loading caused by material delivery, and loads generated by the movement of material and equipment.

**3305.6.6.5 Bracing and shoring for temporary loading areas.** Bracing and shoring shall be provided for all temporary loading areas and shall be designed to support the maximum load allowed in the temporary loading area. In no case shall the required shoring be designed for a construction load of less than 100 psf. Bracing and shoring shall ultimately bear upon permanent structure or earth capable of sustaining the loads transmitted. The design shall also specify the criteria for the removal of any temporary bracing or shoring.

**3305.6.6.6 Floor joists to be braced prior to installation of decking.** No decking or section of decking shall be placed on a joist until the joist has been fully installed and braced in accordance with Sections 3305.6.5 and 3305.6.6.

**3305.6.6.7 Placing loads on cold-formed steel.** Loads shall be placed on cold formed steel in accordance with section 3305.6.7.

**3305.6.6.8 Removal or modification of temporary shoring and bracing.**  No temporary shoring or bracing shall be removed until the cold-formed steel special inspector required by Chapter 17 has verified the shoring or bracing is no longer required in accordance with item number 10 of Section 3305.6.6.1. Modifications to temporary shoring or bracing shall be verified by the special inspector. In addition to the documentation required by Chapter 17, the special inspector shall document the verification in accordance with the checklist required by Section 3305.6.8.

**3305.6.6.9 Deviations.** Deviations from the drawings required by Section 3305.6.6.1 that are not immediately corrected shall be brought to the attention of the registered design professional who prepared the drawings.

**3305.6.7 Placing loads on cold-formed steel.** The placing of loads during construction or demolition work on cold-formed steel framing or on decking on cold-formed steel framing shall be in accordance with the requirements of Sections 3305.6.7.1 through 3305.6.7.6.

**3305.6.7.1 System in place.** No person, material, or equipment shall be permitted on any joist, temporary decking, or permanent decking, until all members, fasteners, shoring, and bracing have been installed as indicated on the drawings required by Section 3305.6.6.1.

**3305.6.7.2 Maximum loads.** Loading shall not exceed that as indicated on the drawings required by Section 3305.6.6.1.

**3305.6.7.3 Placed as indicated on plans.** Construction loads shall only be placed in areas and to the extent as indicated on the drawings required by Section 3305.6.6.1.

**3305.6.7.4 Marking the temporary loading area.** Temporary loading areas shall be clearly marked on the deck by spray paint or equivalent means. The markings shall indicate the boundaries of the loading area and the maximum loads allowed in the temporary loading area as specified in the drawings required by Section 3305.6.6.1.

**3305.6.7.5 Verification by special inspector.** No construction load shall be placed on a floor or portion of a floor until the temporary or permanent decking for the floor or such portion is in place and the cold-formed steel special inspector required by Chapter 17 has verified compliance with Section 3305.6.6, including but not limited to the drawings required by Section 3305.6.6.1. At a minimum this special inspection shall be performed at least once for each floor. In addition to the documentation required by Chapter 17, the special inspector shall document the verification in accordance with the checklist required by Section 3305.6.8.

**3305.6.7.6 Verification inspection by a competent person.** Immediately prior to the placement of any person, material, or equipment on a section of cold-formed steel framing for the first time, or on a section of decking on cold-formed steel framing for the first time, a competent person designated by the construction superintendent, or where the project does not require a construction superintendent, a competent person designated by the permit holder, shall determine that the structure is ready to receive the person, material, or equipment by performing an inspection that:

1. Verifies compliance with applicable drawings, specifications, and regulations, including but not limited to the approved construction documents, the erection drawings, the manufacturer specifications, and the requirements of Section 3305.6;

2. Ascertains the weight of the material or equipment to be placed, and determines it does not exceed that specified in the drawings required by Section 3305.6.6.1;

3. Confirms that any special inspections for the cold-formed steel required by Chapter 17 and Section 3305.6 have been successfully completed; and

4. Verifies compliance with the requirements of Sections 3305.6.7.1 through 3305.6.7.4.

**3305.6.7.6.1 Record of designation of competent person.** The designation of the competent person required by Section 3305.6.7.6 shall be recorded in the construction superintendent’s log required by Section 3301.13.13, or where the project does not require a construction superintendent, the designation of the competent person shall be documented in the form of a notarized letter on the letterhead of the permit holder. The record letter shall state the name and contact information of the competent person, the date of designation, and shall be signed and dated by the permit holder, the competent person and the person who designated the competent person.

**3305.6.7.6.2 Record of inspection.** The results of the inspection shall be documented in accordance with the checklist required by Section 3305.6.8.

**3305.6.7.6.3 Does not diminish responsibility.** The designation of a competent person does not alter or diminish any obligation imposed upon the construction superintendent or the permit holder to maintain a safe site and ensure compliance with the requirements of this code.

**3305.6.8 Inspection checklist.** The results of the verification inspections required by Sections 3305.6.6.8, 3305.6.7.5, and 3305.6.7.6 shall be documented on a verification inspection checklist signed and dated by the person who performed the inspection. The verification inspection checklist shall be developed by the designer who prepared the drawings required by Section 3305.6.6.1.

§3. This local law shall take effect 120 days after it becomes law. This local law shall not apply to applications for construction document approval filed prior to such effective date, except that it shall apply to permits issued prior to such effective date upon renewal. The commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

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Int. No. 2265

By Council Members Cumbo, Chin, Kallos, Louis and Rivera

..Title

A Local Law to amend the administrative code of the city of New York, in relation to stove safety knobs

..Body

Be it enacted by the Council as follows:

Section 1. Section 27-2046.4 of the administrative code of the city of New York, as added by local law number 117 for the year 2018, is amended to read as follows:

§ 27-2046.4 Stovetop protection. a. An owner of a unit in a multiple dwelling shall provide the tenant with the option of either permanent stove safety knobs with integrated locking mechanisms or stove knob covers, for each knob located on the front of each gas-powered stove to tenants in each dwelling unit in which the owner knows or reasonably should know a child under six years of age resides, except where such owner has documented proof that there is no available permanent stove safety knob with an integrated locking mechanism or stove knob cover that is compatible with the knobs on such stove. Such permanent stove safety knobs with integrated locking mechanisms or stove knob covers shall be made available within thirty days of such owner providing the notice required in subdivision b of this section unless such owner has previously made such permanent stove safety knobs with integrated locking mechanisms or stove knob covers available to the tenant and the tenant has not requested a replacement.

b. 1. Such owner shall provide an annual notice to each tenant of a unit regarding the owner's obligation to provide permanent stove safety knobs with integrated locking mechanisms or stove knob covers pursuant to subdivision a of this section. Such notice shall inform the tenant of [his or her] the tenant’s option to refuse permanent stove safety knobs with integrated locking mechanisms or stove knob covers.

2. Upon being provided with such notice, a tenant may notify such owner, in writing, that such tenant refuses permanent stove safety knobs with integrated locking mechanisms or stove knob covers. If the tenant does not notify the owner, in writing, that the tenant refuses permanent stove safety knobs with integrated locking mechanisms or stove knob covers, the owner will make the permanent stove safety knobs with integrated locking mechanisms or stove knob covers available to the tenant pursuant to subdivision a of this section.

3. An owner [will] shall keep a record of: (i) written notifications of refusal of permanent stove safety knobs with integrated locking mechanisms or stove knob covers received from a tenant of a dwelling unit, (ii) the owner's attempts to provide permanent stove safety knobs with integrated locking mechanisms or stove knob covers to tenants pursuant to subdivision a of this section, (iii) units for which permanent stove safety knobs with integrated locking mechanisms or stove knob covers were made available, and (iv) tenants who have requested permanent stove safety knobs with integrated locking mechanisms or stove knob covers.

c. No owner shall refuse a written request of a tenant of such dwelling unit to provide permanent stove safety knobs with integrated locking mechanisms or stove knob covers, regardless of whether making such covers available is required pursuant to this section.

d. Any owner who is required to provide permanent stove safety knobs with integrated locking mechanisms or stove knob covers pursuant to this section who fails to do so shall be liable for a class B hazardous violation, provided that it shall be an exception to a violation where (i) the owner provides documented proof that there is no available permanent stove safety knob with an integrated locking mechanism or stove knob cover that is compatible with [the knobs on] such stove or (ii) the owner has already fulfilled two requests for replacement permanent stove safety knobs with integrated locking mechanisms or stove knob covers within the previous year.

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

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Int. No. 2276

By Council Members Moya and Chin (by request of the Mayor)

..Title

A Local Law to amend the New York city building code, in relation to construction superintendents, and repealing sections 3310.8.3 and 3310.8.6 of the New York city building code in relation to inspections required by site safety managers or coordinators, and in relation to reasonable prudence required by site safety managers or coordinators to ensure safety

..Body

Be it enacted by the Council as follows:

Section 1. Section 3301.13.1 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

**3301.13.1 Site safety plan.** For jobs that require the designation of a primary construction superintendent pursuant to Section 3301.13.3, a site safety plan that meets the applicable requirements of Article 110 of Chapter 1 of Title 28 of the *Administrative Code* shall be kept on site and made available to the department upon request. Prior to the commencement of work, the permit holder must submit a statement to the department attesting that the site safety plan meets the requirements of Article 110 of Chapter 1 of Title 28 of the *Administrative Code* and coordinates with the scope of work intended.

**Exception:** For a major building subject to the provisions of Section 3310, the site safety plan requirements of Section 3310.3 shall apply.

§ 2. The definition of “approved documents” in section 3301.13.2 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

**Approved documents.** For the purpose of this section, approved documents include construction documents as defined by this code, and any and all documents that set forth the location and entire nature and extent of the work proposed with sufficient clarity and detail to show that the proposed work conforms to the provisions of this code and other applicable laws and rules. In addition to construction documents, such documents include, but are not limited to, site safety plans, tenant or occupant protection plans, shop drawings, specifications, manufacturer's instructions and standards that have been accepted by the design professional of record or such other design professional retained by the owner for this purpose.

§ 3. Section 3301.13.3 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

**3301.13.3 Designation of primary construction superintendent.** The permit holder shall designate a primary construction superintendent, who shall carry out all duties and responsibilities assigned to the construction superintendent by this chapter and rules promulgated by the commissioner, and notify the department of such designation prior to the commencement of work, [in a form and manner acceptable to the department,] for the following types of jobs:

1. The construction of a new building;

2. The full demolition of an existing building;

3. An alteration to an existing building that involves one or more of the following:

3.1 A vertical enlargement;

3.2 A horizontal enlargement;

3.3 The alteration or demolition of more than 50 percent of the floor area of the building during the course of work over any 12 month period;

3.4 The removal of one or more floors during the course of work over any 12 month period;

3.5 Work that requires a special inspection for underpinning; or

3.6 Work that requires a special inspection for the protection of sides of excavations; or

4. Other jobs that pose an enhanced risk to the public and property, as determined by the commissioner.

[**Exceptions:** Notwithstanding the above, a construction superintendent is not required for:

1. Work listed in Section 3310.1, for which a site safety manager or coordinator must be designated.]

2. Work which solely involves the construction of a new 1-, 2-, or 3-family building.]

**Exception:** A construction superintendent is not required for work that solely involves a 1-, 2-, or 3-family building, or an accessory use to such building, provided the permit holder for such work is registered as a general contractor in accordance with Article 418 of Chapter 4 of Title 28 of the *Administrative Code*.

§ 4. Section 3301.13.6 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

**3301.13.6 Limitations on the designation of primary or alternate construction superintendents.** An individual may only be designated as a primary or alternate construction superintendent for that number of jobs for which he or she can adequately perform all required duties. No individual may be designated as the primary construction superintendent on more than ten jobs.

**Exceptions:**

1. If one of the jobs for which the construction superintendent is designated as a primary construction superintendent is on a building that meets the definition of a major building, the individual may only be designated as the primary construction superintendent for that job and may not serve as the primary construction superintendent for any other job.

2. Notwithstanding exception number 1, beginning on January 1, 2022, no individual may be designated as the primary construction superintendent for more than five jobs.

3. Notwithstanding exception number 1, beginning on January 1, 2024, no individual may be designated as the primary construction superintendent for more than three jobs.

4. Notwithstanding exception number 1, beginning on January 1, 2026, no individual may be designated as the primary construction superintendent for more than one job.

5. A construction superintendent designated as the primary construction superintendent at a job site may serve as a non-primary construction superintendent at another job site, provided there is no work requiring the presence of such individual occurring at the job site for which the individual has been designated as the primary construction superintendent.

6. Subject to the approval of the commissioner, a construction superintendent may serve as the primary construction superintendent for multiple non-major building jobs located on the same lot or on contiguous lots.

§ 5. Section 3301.13.7 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

**3301.13.7 Duties of construction superintendents.** The duties of a construction superintendent shall include:

1. Acting in a reasonable and responsible manner to maintain a safe job site and [assure] ensure compliance with this chapter and any rules promulgated thereunder at each job site for which the construction superintendent is responsible;

2. To the extent that a registered design professional or special inspection agency is not responsible, the construction superintendent must [assure] ensure compliance with the approved documents at each job site for which the construction superintendent is responsible;

3. Fulfilling the duties of a superintendent of construction assigned by Chapter 1 of Title 28 of the Administrative Code at each job site for which the construction superintendent is responsible; and

4. Visiting each job site for which the construction superintendent is responsible each day when active work is occurring[.]; or, beginning January 1, 2026, where Section 3301.13.6 requires the construction superintendent to be dedicated to one job, being present at the job site for which the construction superintendent is responsible during all times when active work is occurring.

**Exception:** The construction superintendent is not required to be present at the site during the following activities, provided no other work is in progress:

1. Surveying that does not involve the disturbance of material, structure, or earth;
2. Use of a hoist to transport personnel only;
3. Use of a material hoist that is fully enclosed within the perimeter of the building;
4. Finish trowelling of concrete floors;
5. When personnel are provided for temporary heat, light, or water; or
6. Truck deliveries to the site where the sidewalk is closed and the entrance gate is within

that closed sidewalk area.

§ 6. Section 3301.13.8 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

**3301.13.8 Inspection by the construction superintendent.** Each time the construction superintendent visits a job site for which he or she is responsible, the construction superintendent must inspect all areas and floors where construction or demolition work, and ancillary activity, is occurring, and:

1. Verify work is being conducted in accordance with sound construction/demolition practices;

2. Verify compliance with the approved documents; and

3. Verify compliance with this [section] chapter and any rules promulgated thereunder.

**Exception:** Where a site safety manager or coordinator has been designated for the job in accordance with Section 3310, the construction superintendent does not need to perform the inspections required by this section. Site safety inspections shall be performed by the site safety manager or coordinator in accordance with Section 3310.

§ 7. Section 3301.13.9 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

**3301.13.9 Correcting unsafe conditions.** In the event the construction superintendent discovers work or conditions at a job site for which he or she is responsible that [is] are not being conducted in accordance with sound construction/demolition practices, not in compliance with approved documents, or not in compliance with this [section] chapter and any rules promulgated thereunder, the construction superintendent must take all appropriate action to correct the unsafe work or condition, including but not limited to immediately [notify] notifying the person or persons responsible for creating the unsafe work or condition, [order] and ordering the person or persons to correct the unsafe work or condition, to cease operations, or to leave the job site. [and take all appropriate action to ensure the unsafe condition is corrected.] Where [an] unsafe work or a condition relates to an item which a registered design professional or special inspection agency is responsible for implementing or verifying, the construction superintendent must also notify the responsible registered design professional or special inspection agency of the unsafe work or condition. All such unsafe conditions, work, notices, orders, and corrective [work] action must be recorded in the log required by Section 3301.13.13.

§ 8. Section 3301.13.10 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

**3301.13.10 Notification of conditions to the department.** The construction superintendent must immediately notify the department[, in a form and manner acceptable to the department,] when he or she discovers, at any job site for which the construction superintendent is responsible, any of the conditions listed in Section 3310.8.2.1. Notification to the department does not relieve the construction superintendent of their obligations under Section 3301.13.9.

**Exception:** Where a site safety manager or coordinator has been designated for the job in accordance with Section 3310, the construction superintendent does not need to provide the notification required by this section. Notifications shall be made by the site safety manager or coordinator in accordance with Section 3310.

§ 9. Section 3301.13.11 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

**3301.13.11 Reporting of accidents and damage to adjoining property.** The construction superintendent must immediately notify the department[, in a form and manner acceptable to the department,] of any accident at any job site for which the construction superintendent is responsible, or any damage to adjoining property caused by construction or demolition activity at the job site.

**Exception:** Where a site safety manager or coordinator has been designated for the job in accordance with Section 3310, the construction superintendent does not need to provide the notification required by this section. Notifications shall be made by the site safety manager or coordinator in accordance with Section 3310.

§ 10. Section 3301.13.12 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

**3301.13.12 Competent person.** The construction superintendent must designate a competent person for each job site for which the construction superintendent is responsible and ensure such competent person is present at the designated job site at all times active work occurs. The designation of a competent person does not alter or diminish any obligation imposed upon the construction superintendent. The competent person must carry out orders issued by the construction superintendent; be able to identify unsanitary, hazardous or dangerous conditions; take prompt corrective measures to eliminate such conditions; immediately report to the construction superintendent accidents at the job site or any damage to adjoining property caused by construction or demolition activity at the job site; and be able to effectively communicate workplace instructions and safety directions to all workers at the site.

**Exception:** Beginning January 1, 2026, where Section 3301.13.6 requires the construction superintendent to be dedicated to one job, the designation of a competent person is not authorized. In the event the primary construction superintendent cannot be present at the job site while active work is occurring, an alternate construction superintendent shall act on behalf of the primary construction superintendent in accordance with Section 3301.13.5.

§ 11. Section 3301.13.13 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

**3301.13.13 Log.** The construction superintendent must maintain a log at each job site for which the construction superintendent is responsible. Such log must be made available to the commissioner upon request. The construction superintendent must complete such log prior to departing the job site [and shall sign and date each day's log entry.], or, where the job occurs on a building that meets the definition of a major building, by the end of the day. [Such log must be organized and recorded in a form and manner acceptable to the department.] Each day’s log entry must be signed and dated by the construction superintendent. Such log must contain, at a minimum, the following information:

1. The presence of the construction superintendent at the job site as evidenced by their printed name and signature and a notation indicating the times of arrival at, and departure from the site, which must be recorded immediately after arriving at the site and immediately prior to leaving the site, respectively;

2. The general progress of work at the job site, including a summary of that day's work activity;

3. The construction superintendent's activities at the job site, including areas and floors inspected;

4. Any unsafe condition(s) observed pursuant to Section 3301.13.9, and the time and location of such unsafe condition(s);

5. Orders and notice given by the construction superintendent pursuant to Section 3301.13.9, including the names of individuals issued orders or notices, any refusals to comply with orders or respond to notices given, follow up action taken by the construction superintendent, and where the condition giving rise to the order or notice is corrected, the nature of the correction;

6. Any violations, stop work orders, or summonses issued by the department, including date issued and date listed or dismissed;

7. Any accidents or damage to adjoining property caused by construction or demolition activity at the job site; [and]

8. The name of the competent person designated in accordance with Section 3301.13.12, along with an accompanying signature of the competent person. If the construction superintendent assigns a new competent person, the date and time of this change, along with the name of the new competent person, must be recorded, accompanied by the signature of the new competent person. If the construction superintendent is not at the job site when this occurs, the new competent person must instead make the log entry, which the construction superintendent must sign and date upon his or her next visit to the job site[~~.~~];

9. All construction superintendent personnel changes, accompanied by the signature of the new construction superintendent. Construction superintendent personnel changes include, but are not limited to: a change to the primary construction superintendent; an alternate construction superintendent acting in the place of the primary construction superintendent; or a new alternate construction superintendent taking over for the previous alternate construction superintendent; and

10. A record of the weekly safety meeting required by Section 3301.13.18, including date and time of meeting, summary of issues discussed, and the names and affiliation of those who attended.

§ 12. Section 3301.13.16 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

**3301.13.16 Obligation of others.** Nothing in this [rule] section is intended to alter or diminish any obligation otherwise imposed by law on others, including but not limited to, the owner, permit holder, construction manager, general contractor, contractor, materialman, architect, engineer, land surveyor, site safety manager, site safety coordinator, concrete safety manager, or other party involved in a construction project to engage in sound engineering, design, and construction practices, and to act in a reasonable and responsible manner to maintain a safe job site.

§ 13. Section BC 3301.13 of chapter 33 of the New York city building code is amended by adding a new section 3301.13.18 to read as follows:

**3301.13.18 Weekly safety meeting.** The construction superintendent shall, for each job site for which the construction superintendent is responsible, lead a safety meeting with the designated representative of the general contractor, construction manager, and each subcontractor to ascertain that all contractors and subcontractors are complying with the applicable provisions of this chapter, the site safety plan, and the tenant or occupant protection plan. Where a site safety manager or coordinator has been designated for the job in accordance with Section 3310, the site safety manager or coordinator shall also attend the meeting. Such meeting shall occur at least once a week while active work is occurring.

§ 14. Section 3310.5 of chapter 33 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**3310.5 Site safety manager or coordinator to be designated.** [One or more] A primary site safety [managers] manager shall be designated[, as necessary, to ensure compliance with the site safety plan and all site safety requirements as specified in this chapter. Such site safety manager or managers shall be designated] by the owner, agent, construction manager, or general contractor. [All] Where more than one site safety manager is to serve at the site, all such entities shall agree to designate one such site safety manager as the primary site safety manager, or where there is only one site safety manager, such manager shall automatically be designated as the primary site safety manager. [Such] The primary site safety [manager(s)] manager shall carry out all duties and responsibilities assigned to the site safety manager or coordinator by this chapter and rules promulgated by the commissioner, and shall be certified by the department in accordance with Article 402 of Chapter 4 of Title 28 of the *Administrative Code*.

**Exception:** [One or more] A site safety [coordinators] coordinator, certified by the department in accordance with the requirements of Article 403 of Chapter 4 of Title 28 of the *Administrative Code*,may be designated in lieu of a site safety manager for the construction, vertical or horizontal enlargement, or full or partial demolition of a major building, provided such building:

1. Is less than 15 stories or 200 feet (60 960 mm) in height; and
2. Has a building footprint of 100,000 square feet (30 480 m2) or less.

§ 15. Section 3310.8 of chapter 33 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**3310.8 Site safety manager’s and coordinator’s duties.** The site safety manager or coordinator shall monitor compliance with the site safety plan, the tenant or occupant protection plan, and the [safety] requirements of this chapter and any rules promulgated thereunder by performing the duties required by Sections 3310.8.1 through 3310.8.6 and by performing all other safety duties assigned by the owner or general contractor to meet legal requirements.

§ 16. Section 3310.8.1 of chapter 33 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**3310.8.1 Meetings.** [The site safety manager or coordinator shall, at a minimum, meet on a weekly basis with the designated representative of each sub­contractor to ascertain that all subcontractors are complying with the applicable provisions of this chapter.] The requirements of Section 3301.13.18 shall apply.

§ 17. Section 3310.8.2 of chapter 33 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**3310.8.2 Notification of violations.** In the event the site safety manager or coordinator discovers a violation of this chapter or any rules promulgated thereunder, the site safety plan, or the tenant or occupant protection plan, he or she shall immediately notify the person or persons responsible for creating the violation, whether these persons are employed by the general contractor or by subcontractors. If the site safety manager or coordinator is unable to obtain the cooperation of these persons in correcting the violation, he or she shall immediately inform the direct supervisor of the person or company responsible for creating the violation and request that the supervisor order the necessary corrective action. If such supervisor is not present at the site or is otherwise unavailable, or if informing the direct supervisor does not result in the violation being corrected, the site safety manager or coordinator shall notify the construction superintendent, or if the job does not require a construction superintendent, any other supervisory personnel of the permit holder or any other responsible manager or officer of the permit holder. All such violations and corrective work shall be recorded in the daily log.

§ 18. Section 3310.8.2 of chapter 33 of the New York city building code is amended by adding a new section 3310.8.2.1.2 to read as follows:

**3310.8.2.1.2 Notification of construction superintendent.** For a job that requires a construction superintendent, upon notification of the above conditions to the department, the site safety manager or coordinator shall notify the construction superintendent of the condition and that notification has been made to the department.

§ 19. Section 3310.8.3 of chapter 33 of the New York city building code is REPEALED and replaced with a new section 3310.8.3 to read as follows:

**3310.8.3 Inspections.** Site safety inspections shall be performed and documented as required by Sections 3310.8.3.1 through 3310.8.3.4.

**3310.8.3.1 Spot checks.** The site safety manager or coordinator shall personally perform spot checks of the site on a regular basis throughout the day for compliance with the site safety plan, the tenant or occupant protection plan, the requirements of this chapter, and any rules promulgated thereunder.

**3310.8.3.2 Enumerated inspections.** The following inspections shall be performed by the site safety manager or coordinator, or by one or more individuals designated by the site safety manager or coordinator and certified as a site safety manager or coordinator in accordance with Chapter 4 of Title 28 of the *Administrative Code*:

1. Daily, weekly, and other checks as specified in rules promulgated by the commissioner.

2. Daily checks to ensure that a standpipe system is available and in a state of readiness at all times for use by firefighting personnel by verifying:

2.1. That valves are in place at each story below the construction floor;

2.2. That standpipes are connected to a water source or fire department connection; and

2.3. That fire department hose connections are free from obstruction and are marked by a red light and sign that reads, “Standpipe Connection.”

3. Weekly checks to verify that no breach exists in the standpipe system by visually tracing the standpipe, including risers, cross connections and fire department connections.

**3310.8.3.3 Delegation.** Nothing in this code shall be read to prohibit the site safety manager from delegating enumerated inspections to an individual certified as a site safety coordinator at a site where a primary site safety manager is required; however, the site safety manager or coordinator may not delegate their general responsibility to perform spot checks of the site throughout the day. Delegation does not relieve the site safety manager or coordinator from the responsibility to ensure such inspections are adequately performed.

**3310.8.3.4 Record of inspections.** A record of all such inspections shall be maintained by such site safety manager or coordinator in the site safety log in accordance with Section 3310.8.4.

§ 20. Section 3310.8.4 of chapter 33 of the New York city building code is amended by adding a new section 3310.8.4.3 to read as follows:

**3310.8.4.3 Review and signature by the construction superintendent.** Prior to the start of the subsequent work day, the previous day’s entries in the site safety log shall be reviewed by the construction superintendent, and an entry shall be made in the site safety log, signed and dated by the construction superintendent, that he or she has reviewed all of the previous day’s entries.

§ 21. Section 3310.8.6. of chapter 33 of the New York city building code is REPEALED and reserved.

§ 22. This local law shall take effect on January 1, 2022 and shall apply to permits issued or renewed on or after such date, provided that the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

Proposed Int. No. 2278-A

By the Public Advocate (Mr. Williams) and Council Members Koslowitz, Holden and Chin (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to the licensing of general contractors

Be it enacted by the Council as follows:

Section 1. Section 28-105.5.1 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:

**§28-105.5.1 Applicant for permit.** The  applicant  for  a  permit  shall  be  the  [person who] designee of the approved general contractor business that  performs  the work or retains a subcontractor to perform the  work [or  who retains  a subcontractor to do the work] or with respect to work performed by employees of a city agency, the designee of such agency.

**Exception:** [For  permits  issued  for  plumbing  work,  fire  protection  and  suppression  work,  and  oil burner/boiler  work,  the applicant for such permits shall be the licensed master plumber, licensed master fire suppression piping contractor, or licensed oil-burning equipment installer, respectively, who performs the work.] Permits for work required to be performed by licensees other than licensed general contractors.

§ 2. Section 28-401.3 of the administrative code of the city of New York, is amended by adding and setting forth in alphabetical order in such section, definitions of “DESIGNEE”, “GENERAL CONTRACTOR BUSINESS”, “GENERAL CONTRACTOR WORK”, “LICENSED GENERAL CONTRACTOR, LIMITED”, and “LICENSED GENERAL CONTRACTOR, UNLIMITED” to read as follows:

**DESIGNEE**. A limited or unlimited licensed general contractor who has sole authority and full responsibility for all general contractor work performed in conjunction with a general contractor business, or performed by employees of a city agency, and for the supervision of all employees of the business or city agency who perform such work.

**GENERAL CONTRACTOR BUSINESS.** A sole proprietorship, partnership or corporation authorized by the commissioner to conduct general contractor work as defined in this section under a designee who holds a limited general contractor license or an unlimited general contractor license. The term “general contractor business” shall not be construed to mean a city agency that performs general contractor work.

**GENERAL CONTRACTOR WORK.** Work requiring a permit pursuant to this code to construct, enlarge, alter, repair, demolish, or remove any building or structure in the city, or change the use or occupancy of such building or structure or an open lot or portion thereof. The term “general contractor work” shall not be construed to mean work performed by an individual, corporation, partnership, or other business entity that holds another license pursuant to this code or subchapter twenty-two of chapter two of title twenty of the administrative code, and that is exclusively within the scope of such license.

**LICENSED GENERAL CONTRACTOR, LIMITED.** An individual who has satisfied the qualification requirements of this chapter for the limited general contractor license, has been issued such a license, and is authorized under the provisions of this chapter to perform general contractor work on a building that is not a major building as that term is defined in section 202 of the *New York city building code* and on a major building that is not subject to the scope of section 3310 of the *New York city building code*.

**LICENSED GENERAL CONTRACTOR, UNLIMITED.** An individual who has satisfied the qualification requirements of this chapter for the unlimited general contractor license, has been issued such a license, and is authorized under the provisions of this chapter to perform general contractor work.

§3. The term “GENERAL CONTRACTOR,” in section 28-401.3 of the administrative code of the city of New York, as added by local law number 8 for the year 2008, is amended and set forth in alphabetical order in such section, to read as follows:

**LICENSED GENERAL CONTRACTOR. [**An individual, corporation, partnership or other business entity that applies for a permit pursuant to this code to construct a new residential structure containing no more than three dwelling units.] An individual who has satisfied the qualification requirements of this chapter for a limited general contractor license or an unlimited general contractor license, has been issued such a license, and is authorized under the provisions of this chapter to perform general contractor work in the city of New York. The term “general contractor” shall not be construed to [include]mean an individual, corporation, partnership or other business entity that holds [a]another license pursuant to this code or subchapter twenty-two of chapter two of title twenty of the administrative code, and [enters into a contract to perform]performs work exclusively within the scope of such license, [nor shall it include an individual who constructs a residential structure containing no more than three dwelling units for his or her own occupancy,] or any subcontractors working for the licensed general contractor.

§4. Section 28-401.15 of title 28 of the administrative code of the city of New York, as added by local law number 8 for the year 2008 and amended by local law number 8 for the year 2009, is amended to read as follows:

**28-401.15 Schedule of fees.**

|  |  |  |  |
| --- | --- | --- | --- |
| **LICENSE TYPE** | **INITIAL FEE** | **RENEWAL FEE** | **ADDITIONAL FEES** |
| Master rigger license. | $200 | $150 triennially | Late-renewal fee: $50  Reissuance fee: $50 |
| Special rigger license. | $100 | $75 triennially | Late-renewal fee: $50  Reissuance fee: $50 |
| Basic hoisting machine operator license (Class A). | $150 | $150 triennially | Late-renewal fee: $50  Reissuance fee: $50 |
| Basic hoisting machine operator license with endorsement to operate hoisting machinery without limitation or restriction (Class B). | $200 | $150 triennially | Late-renewal fee: $50  Reissuance fee: $50 |
| Special hoisting machine operator license (Class C). | $100 | $75 triennially | Late-renewal fee: $50  Reissuance fee: $50 |
| Concrete testing laboratory license. | $100 | $75 annually | Late-renewal fee: $50  Reissuance fee: $50 |
| Welder license. | $50 | $45 triennially | Late-renewal fee: $50  Reissuance fee: $50 |
| Master plumber license (certificate of competence). | $200 | $150 triennially | Late-renewal fees:  Up to 30 days late, $50;  From 31 days to five years late, $100 for each year or part thereof.  Reissuance fee: $50 |
| Master plumber license plate. | $75 | $100 triennially | Replacement fee upon loss of plate, w/affidavit: $100 |
| Master plumber license seal. | $50 | $75 triennially | Replacement fee upon loss of seal, w/affidavit: $75 |
| Journeyman plumber registration. | $50 |  | No renewal, no reissuance. |
| Master fire suppression piping contractor (class A, B or C) license (certificate of competence). | $200 | $150 triennially | Late-renewal fees:  Up to 30 days late, $50;  From 31 days to five years late, $100 for each year or part thereof.  Reissuance fee: $50 |
| Master fire suppression piping contractor (class A, B or C) license plate. | $75 | $100 triennially | Replacement fee upon loss of plate, w/affidavit: $100 |
| Master fire suppression piping contractor (class A, B or C) license seal. | $50 | $75 triennially | Replacement fee upon loss of seal, w/affidavit: $75 |
| Journeyman fire suppression piping installer registration. | $50 |  | No renewal, no reissuance. |
| Oil-burning equipment installer. License (class A or B). | $100 | $75 triennially | Late-renewal fee: $50  Reissuance fee: $50 |
| High-pressure boiler operating engineer license. | $50 | $45 triennially | Late-renewal fee: $50  Reissuance fee: $50 |
| Portable high-pressure boiler operating engineer license. | $50 | $45 triennially | Renewal fee includes renewal fee for a hoisting machine operator license.  Late-renewal fee: $50  Reissuance fee: $50 |
| Master sign hanger license. | $100 | $75 triennially | Late-renewal fee: $50  Reissuance fee: $50 |
| Special sign hanger license. | $100 | $75 triennially | Late-renewal fee $50  Reissuance fee: $50 |
| Outdoor advertising company registration. | As  provided  by dept  rules. | As provided by dept rules. | As provided by dept rules. |
| Filing representative registration. | As provided by dept rules. | As provided by dept rules. | As provided by dept rules. |
| Reinstatement of expired license, certificate of competence or certification without examination, if approved by commissioner, in addition to applicable renewal fees. | Same as initial license. |  | $100 for each year or part thereof from date of expiration |
| Site safety coordinator certificate. | $100 | $50 | Late-renewal fee $50  Reissuance fee: $50 |
| Site safety manager certificate. | $300 | $150 | Late-renewal fee $50  Reissuance fee: $50 |
| [General contractor registration.] | [$300] | [$240 triennially] | [Late-renewal fee $50  Reissuance fee: $50] |
| Tower crane rigger license. | $150 | $50 triennially | Late-renewal fee $50  Reissuance fee: $50 |
| [Safety registration number (concrete contractor, demolition contractor, general contractor)] | [$80 each] | [$80 triennially] | [Late-renewal fee: $50  Reissuance fee: $50] |
| Lift director registration | As provided by dept rules. | As provided by dept rules. | As provided by dept rules. |
| Limited general contractor license. | As provided by dept rules. | As provided by dept rules. | As provided by dept rules. |
| Unlimited general contractor license. | As provided by dept rules. | As provided by dept rules. | As provided by dept rules. |

§5. Item 15 of section 28-401.19 of title 28 of the administrative code of the city of New York, as added by local law number 8 for the year 2008, is renumbered 16 and amended to read as follows, and section 28-401.19, as added by local law number 33 for the year 2007, is amended by adding a new item 15 to read as follows:

15. Failure to demonstrate fitness to engage in the trade for which the individual is licensed.

[15.]16.With respect to a general contractor [registration]license or general contractor business, upon a finding that the applicant, designee or [registrant or] a business entity in which one of the applicant’s or [registrant’s]business’s principals, officers or directors is a principal, officer or director has engaged in any of the acts set forth in items 1 through [14]15 or any of the following:

[15.1.]16.1. Fraud, misrepresentation or bribery in securing a sign-off of work or a temporary or permanent certificate of occupancy.

[15.2.]16.2. A practice [on the part of the registrant]of [failure]failing to timely perform or complete its contracts for the construction of new residential structures containing no more than three dwelling units, or the manipulation of assets or accounts, or fraud or bad faith.

[15.3.]16.3. Approval or knowledge [on the part of the registrant] of an act of omission, fraud, or misrepresentation committed by one or more agents or employees of the [registrant] licensee, and failure to report such act to the department.

[15.4. The applicant or registrant, or any of its principals, officers or directors, or any of its stockholders owning more than ten percent of the outstanding stock of the corporation has been convicted] 16.4 Conviction of a crime which, in accordance with article twenty-three-a of the correction law, is determined to have a direct relationship to such person’s fitness or ability to perform any of the activities for which a [registration] license is required under this article.

[15.5. The applicant or registrant, or any of its principals, officers or directors has] 16.5. Has been or is a principal, officer or director of a [registered] licensed general contractor business whose registration or license has been revoked.

§6 Section 28-401.19.4.2 of title 28 of the administrative code of the city of New York is REPEALED.

§7. Article 418 of title 28 of the administrative code of the city of New York, as added by local law number 8 for the year 2008 and amended by local law number 141 for the year 2013, is amended to read as follows:

**ARTICLE 418  
GENERAL CONTRACTOR [REGISTRATION]LICENSE**

**§28-418.1 Requirement of [registration] license. [**On and after November 1, 2008, it] It shall be unlawful for a person to [conduct business as a general contractor] perform general contractor work unless such person holds a general contractor [registration] license in accordance with the provisions of this article or such work is performed under the supervision of a person who holds such a license.

**§28-418.1.1 Expiration of [registration]license.** A general contractor [registration]license shall expire on the third anniversary of such [registration]license or such other date as determined by the commissioner by rule so as to distribute the expiration dates of the [registrations]licenses evenly over the course of a year.

**§28-418.2 Unlawful use of general contractor title.** [On and after November 1, 2008, it] It shall be unlawful to use or cause to be used the title registered or licensed general contractor or any other title in a manner as to convey the impression that an individual, corporation, partnership or other business entity, or any person it employs, is a [registered] licensed general contractor, unless such individual, corporation, partnership or other business entity is [registered] licensed in accordance with the provisions of this article.

**§28-418.3 Application requirements.** An application for a general contractor [registration] license or renewal shall be made in writing to the commissioner on a form provided by the department and shall be accompanied by [the following:] such documentation as required by the department.

[1. If the applicant is an individual: the applicant’s full name, residence address, business address and business telephone number;

1. If the applicant is a corporation:

2.1. The corporate name, address and telephone number of the applicant’s principal office or place of business;

2.2. The date and state of incorporation;

2.3. The name, residence address and residence telephone number of all corporate officers and registered agents and any person owning an interest of ten percent or more in the corporation;

2.4. Proof that the corporation is in good standing under the laws of the state of New York;

1. If the applicant is a partnership:

3.1. The name, address and telephone number of the applicant’s principal office or place of business;

3.2. The name, residence address and residence telephone number of all partners;

1. The registration fee;
2. A verified statement that the applicant is financially solvent;
3. The name and address of the principal location from which the applicant has engaged in the business of general contracting at any time within the last five years;
4. If the applicant is not a sole proprietor, proof that the applicant is authorized to do business in the state of New York;
5. Proof of insurance as required by section 28-401.9;
6. The name and address of the officer, principal or director of the applicant who is primarily responsible for the registrant’s compliance with the requirements of this code or any rule adopted there under;
7. Any other information that the commissioner may require.]

**[§28-418.3.1]§28-418.4 Financial solvency.** Financial solvency is a requirement for all authorized general contractor businesses. For the purposes of this article, financial solvency shall mean that the [applicant’s] operating capital of a general contractor business approved by the department pursuant to this article shall exceed twenty-five thousand dollars, or a higher amount as set forth in department rules, beginning 90 days prior to the license application.

**[§28-418.4]§28-418.5 Warranties.** A warranty shall be provided to the buyer of a new one-, two- or three-family structure that accords with the provisions of article thirty-six-B of the New York state general business law, including the following:

1. One year from and after the warranty date the home will be free from defects due to a failure to have been constructed in a skillful manner;
2. Two years from and after the warranty date the plumbing, electrical, heating, cooling and ventilation systems of the home will be free from defects due to a failure by the builder to have installed such systems in a skillful manner; and
3. Six years from and after the warranty date the home will be free from material defects, including, but not limited to, any construction that is not in compliance with the building code or the zoning resolution of the city of New York.

**[§28-418.4.1]§28-418.5.1 Modification prohibited.** Except as otherwise provided in section seven hundred seventy-seven-b of such article thirty-six-B, no such warranty shall be modified or excluded in any way.

**[§28-418.5]§28-418.6 Duties and responsibilities.** Licensed general contractors shall be responsible for all work performed in accordance with permits issued under their license, and any associated work, including work performed by their subcontractors. The licensed general contractor shall comply with sections [28-418.5.1**]**§28-418.6.1 through [28-418.5.3]§28-418.6.3.

**[§28-418.5.1]§28-418.6.1 Subcontractor information.** The licensed general contractor shall be responsible for [providing information to the department about his or her subcontractors and the particular work they perform on jobs for which the department has issued permits to the general contractor. Such information shall be provided in a format and at the times specified in the rules of the department.] maintaining records that include current information about all permits obtained and all contractors or subcontractors performing work on any project permitted or requiring a permit under this code, including the contractor's or subcontractor's name and address, and, if applicable, their license number. The licensed general contractor shall, in a form and manner determined by the department, provide such records to the department at the start of the project and within 24 hours of a request by the commissioner.

**[§28-418.5.2]§28-418.6.2 Technical reports.** The licensed general contractor shall maintain at the work site such technical reports as specified in the rules of the department and shall make such reports available to department personnel on request.

**[§28-418.5.3 Notice of pending disciplinary actions.** The general contractor shall notify all of its suppliers of any pending suspension or revocation actions against such general contractor and shall provide an affidavit to the department stating that this notification has been made.]

**§28-418.6.3 Submission of plan to reduce rate of hazardous violations.** The commissioner may require any licensed general contractor and general contractor business to provide the department with a plan to improve its rate of hazardous violations or to submit a formal site safety plan meeting the requirements of this code. The plan must be approved by the department and may include such measures as employment of a safety compliance officer, at the licensee’s expense, to ensure compliance with the approved plan.

**§28-418.7 Qualifications.** Applicants for a general contractor license shall meet the qualifications of sections 28-418.7.1 or 28-418.7.2.

**§28-418.7.1 Licensed general contractor, limited.** An applicant for a limited general contractor license shall:

1. Possess a valid Site Safety Training (SST) Supervisor Card.
2. Meet one of the following requirements:

2.1. Has received, at minimum, a baccalaureate degree from an accredited four-year college or university in the field of engineering, architecture, construction management, building construction/demolition or a degree deemed substantially similar by the department and has at least one year of practical field experience in general construction on buildings; or

2.2. Has a total of at least five years of practical experience working in a construction industry related field, at least three (3) of which shall have been in general construction on buildings, and the balance shall have been in or relating to engineering, architecture, construction/demolition supervision, or construction/demolition project management, or functions deemed substantially similar by the department; or

2.3. Is a New York State licensed Professional Engineer (PE) or Registered Architect (RA) in good standing with the state of New York and with the city of New York for a minimum of three (3) years immediately prior to application.

**§28-418.7.2 Licensed general contractor, unlimited.** An applicant for an unlimited general contractor license shall:

1. Possess a valid Site Safety Training (SST) Supervisor Card.
2. Successfully complete a Department-approved 40-hour Site Safety Manager training course.
3. Meet one of the following requirements:

3.1. Satisfy the qualification requirements for one of the bases in section 28-418.7.1 and have at least three (3) additional years of experience, within the five (5) years prior to application, performing work on a major building as defined in section 202 that is within the scope of work regulated by section 3310 of the *New York city building code.*

3.2 Is a New York city limited general contractor licensee in good standing for a minimum of three (3) years immediately prior to application and has at least three (3) years of practical experience, within the five (5) years prior to application, working as a limited general contractor and permit holder on projects subject to the requirements of Section 3301.13 of the *New York city building code.*

**§28-418.8 General contractor business.** It shall be unlawful for any person to engage in the business of performing general contractor work unless such business is approved by the department in accordance with this section.The application for approval of a general contractor business under a licensed general contractor shall be filed with the commissioner, in such form as the commissioner may direct.

1. The application shall indicate the name and license number of the licensed general contractor who shall serve as the designee of such business, and, if the business is a partnership or corporation, the names of all other licensed general contractors associated with such business. Upon approval of such application the commissioner shall issue an authorization number to the business. The authorization number shall be included on all applications for permits and any other documents required to be filed with the department.
2. In the case of a partnership or corporation, only one licensed general contractor shall be the designee of such partnership or corporation.
3. A general contractor business, whether in the form of a corporation, a partnership or a sole proprietorship, may continue to engage in general contractor work only so long as the designee of such business identified on the application for approval of the general contractor business remains an officer, member, or shareholder owning 10% or more of company stock of such corporation, a partner of such partnership or the proprietor of such sole proprietorship, unless the department is notified of the change in the designee as provided in paragraph 4, below.
4. A general contractor business shall not change its name, or business structure without prior notice to the department.
5. A general contractor business shall not change its designee without prior notice to the department. A co-designee or other licensed general contractor may be designated to fulfill the designee’s duties and responsibilities on behalf of such general contractor business or city agency, provided that such co-designee or licensed general contractor meets the requirements of item 3 of this section.
6. A general contractor business shall comply with the financial solvency requirements in section 28-418.4.

**§28-418.9 Designee for general contractor business or city agency.** Each general contractor business or city agency shall authorize one responsible designee who shall apply for permits on behalf of the business, or agency, be licensed pursuant to this article and shall comply with the following:

1. The designee shall have full responsibility over the general contractor work.
2. The designee shall be responsible for exercising supervision of the licensed general contractor business’ operations, including any subcontractors retained to carry out permitted work, to ensure compliance with this chapter and the rules of the department.
3. Notify the department if they leave the general contractor business or city agency, or are otherwise no longer the designee. After notification to and acknowledgement by the department, the designated general contractor may relinquish such authority and the general contractor business or city agency may name a new designee in accordance with item 5 of section 28-418.8.

**§28-418.9.1 Restriction.** A designee for a city agency may not be a designee for any general contractor business at the same time.

**§28-418.9.2 Co-designees.** A general contractor business or city agency whose designee holds an unlimited general contractor license may have up to five (5) co-designees who also hold an unlimited general contractor license and may supervise the permitted work.

**§28-418.10 Status of general contractor registrations and safety registration numbers as of the effective date of this section.**  General contractor registrations and safety registration numbers that are active as of the effective date of this section shall be automatically converted to a limited general contractor license with the full authority to file permits for the scope of work allowed by such license until the expiration of such registration term. To be converted to an unlimited general contractor license, proof of the experience required by 28-418.7.2 shall be provided in a form and manner determined by the Department. Individuals seeking to renew such limited and unlimited general contractor license shall comply with the qualifications set out in section 28-418.7.

**§28-418.11 Designees as of the effective date of this section.** Individuals who hold general contractor registrations as of the effective date of this section will be automatically named the designee for their associated general contractor business or city agency. Businesses with individuals who hold associated safety registration numbers but do not also hold general contractor registrations, must submit the name of their designee to the department in such form and manner as determined by the commissioner. Designees may be changed for a general contractor business or city agency by a written notice to the department.

**§28-418.12 Unregistered entities having or applying for permits to perform general contractor work as of the effective date of this section.** Individuals, corporations, partnerships or other business entities not required to be registered in accordance with the law in effect prior to the effective date of this section performing general contractor work pursuant to permits issued prior to such effective date must obtain a general contractor license to continue work under such permit after such effective date, unless otherwise exempted. Permits will not be issued with respect to applications for permits for general contractor work filed prior to the effective date of this section, but not yet approved by the department by the effective date of this section, unless the applicant obtains a general contractor license prior to issuance of such permit.

§8. Article 420 of chapter 4 of title 28 of the administrative code of the city of New York is REPEALED.

§9. This local law takes effect three years 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, prior to such effective date.

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Int. No. 2309

By Council Members Kallos, Rivera, Rosenthal, Reynoso, Gibson, Powers, Ayala, Brannan, Gennaro, Moya, Adams, Dromm and Levine

A Local Law to amend the administrative code of the city of New York, in relation to requiring registration for short-term rentals and booking services

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 30 to read as follows:

CHAPTER 30

REGISTRATION REQUIREMENTS FOR SHORT-TERM RENTALS

AND BOOKING SERVICES

                     § 26-3001 Definitions.

                     § 26-3002 Short-term rental registration.

                     § 26-3003 Posting and advertising requirements.

                     § 26-3004 Registration verification system.

                     § 26-3005 Booking service registration.

                     § 26-3006 Exemptions.

                     § 26-3007 Penalties; revocation and suspension of registrations.

§ 26-3001 Definitions. As used in this chapter:

                     Administering agency. The term “administering agency” means the office of special enforcement, as established under executive order number 96 for the year 2006, or such other agency as the mayor may designate by executive order.

                     Booking platform. The term “booking platform” means one or more online, computer or application-based platforms that individually or collectively can be used to (i) list or advertise offers for short-term rentals and (ii) either accept such offers, or reserve or pay for such rentals.

Booking service. The term “booking service” shall have the meaning ascribed to such term by section 26-2101, as added by local law number 146 for the year 2018.

Directly or indirectly. The term “directly or indirectly” shall have the meaning ascribed to such term by section 26-2101, as added by local law number 146 for the year 2018.

Dwelling unit. The term “dwelling unit” shall have the meaning ascribed to such term by section 26-2101, as added by local law number 146 for the year 2018.

                     § 26-3002 Short-term rental registration. a. It shall be unlawful for a person to offer, manage or administer a short-term rental at a dwelling unit or housing accommodation, or part thereof, in the city unless such person has been issued a short-term rental registration, including a unique short-term rental registration number, for such unit or accommodation pursuant to this section.

                     b. A person shall apply for a short-term rental registration for a dwelling unit or housing accommodation before such unit or accommodation, or part thereof, is advertised or otherwise offered for short-term rental.

                     c. The form and manner of applying for a short-term rental registration or renewal thereof shall be established by rules of the administering agency, except that no short-term rental registration or renewal thereof may be issued for such unit or accommodation unless:

                     1. The applicant has established to the satisfaction of the administering agency that:

                     (a) The amount that may be charged and collected as rent for such unit is not regulated by the emergency tenant protection act of 1974, the rent stabilization law of 1969, the local emergency housing rent control act of 1962 or any other law or rule or an agreement with a governmental entity;

(b) Such applicant is the lawful occupant of such unit or accommodation;

                     (c) Such applicant is the owner of such unit or accommodation or has the written consent of such owner to apply for a short-term rental registration for such unit or accommodation and to subsequently offer, manage or administer a short-term rental at such unit or accommodation;

(d) Such applicant is not prohibited by the terms of a lease or other agreement from applying for a short-term rental registration for such unit or accommodation and from subsequently offering, managing or administering a short-term rental at such unit or accommodation;

                     (e) Such applicant has described, in a form acceptable to the administering agency, any parts of the premises containing such unit or accommodation that a person occupying a short-term rental at such unit or accommodation will be allowed to occupy or use;

                     (f) For each part of such premises described pursuant to subparagraph (e), such applicant (i) is the owner of such part or has the written consent of the owner of such part to allow a person occupying a short-term rental at such unit or accommodation to occupy or use such part and (ii) is not prohibited by the terms of a lease or other agreement from allowing a person occupying a short-term rental at such unit or accommodation to occupy or use such part;

                     2. The applicant has submitted a signed and notarized certification in a form acceptable to the administering agency attesting that there are no outstanding hazardous or immediately hazardous violations of the housing maintenance code or rules promulgated pursuant thereto, major or immediately hazardous violations of the New York city construction codes or rules promulgated pursuant thereto, violations of the New York city fire code or rules promulgated pursuant thereto or violations of such other law or rule as the administering agency may identify by rule, relating to (i) such unit or accommodation or any part of such premises described pursuant to subparagraph (e) of paragraph 1 or (ii) such premises in a manner that would reasonably be expected to affect the health or safety of a person occupying a short-term rental at such unit or accommodation;

                     3. The applicant has submitted a certification from (i) a person licensed and registered to practice the profession of architecture under the education law, (ii) a person licensed and registered to practice the profession of engineering under the education law or (iii) a person approved pursuant to rules promulgated by the administering agency to conduct inspections and issue certifications pursuant to this paragraph, attesting that such unit or accommodation and each part of such premises described pursuant to subparagraph (e) of paragraph 1 meet the requirements of all applicable city, state, and federal laws, rules and regulations; provided that nothing in this chapter shall be deemed to authorize the city to conduct an inspection of such unit or accommodation or a part of such premises described pursuant to subparagraph (e) of paragraph 1 without the consent of the owner or occupant thereof, in the absence of a warrant duly issued by a court of competent jurisdiction; and

4. The applicant has paid an application or renewal fee in an amount to be established by rule of the administering agency.

d. A short-term rental registration or renewal thereof shall be valid for a period of one year from the date of issuance unless terminated sooner.

                     e. A short-term rental registration or renewal thereof is not transferable.

                     f. If the information provided by an applicant in connection with an application for a short-term rental registration or renewal thereof changes before expiration of such registration or renewal thereof, such applicant shall submit such changes to the administering agency in a time, form and manner established by the administering agency.

                     g. The administering agency shall by rule establish a process for an applicant who is denied a short-term rental registration or renewal thereof to appeal such denial, including (i) an opportunity to be heard with respect to such denial and (ii) the time, form and manner in which such applicant may after such denial re-apply for a short-term rental registration or renewal thereof.

                     h. A person who offers, manages or administers a short-term rental at a dwelling unit or housing accommodation, or part thereof, in the city shall create and maintain, for at least seven years after such short-term rental, a written or electronic transaction record for each such short-term rental including:

                     1.  The date or dates of such short-term rental;

2. A copy of the short-term rental registration for such unit or accommodation;

3. The short-term rental registration number for such unit or accommodation;

4. The physical address of such unit or accommodation, including the street name, street number, apartment or unit number, borough or county, and zip code; and

5. The rent charged and collected for such short-term rental.

                     § 26-3003 Posting and advertising requirements. a. A person who offers, manages or administers a short-term rental at a dwelling unit or housing accommodation, or part thereof, in the city shall, in a form and manner established by the administering agency, conspicuously post and maintain within such unit or accommodation, during each short-term rental thereof, (i) a diagram indicating normal and emergency egress routes from such unit or accommodation and the premises containing such unit or accommodation and (ii) a copy of the short-term rental registration for such unit or accommodation.

                     b. Such person shall include in any advertisement or other offer for short-term rental of such unit or accommodation, or part thereof, the short-term registration number for such unit or accommodation.

                     § 26-3004 Registration verification system. a. The administering agency shall create and maintain an electronic system that a booking service may use to (i) verify whether a short-term rental registration has been issued for a dwelling unit or housing accommodation in the city and (ii) obtain a unique confirmation number reflecting that such verification has occurred.

                     b. The administering agency may by rule establish a fee to charge and collect from a booking service for use of such system.

§ 26-3005 Booking service registration. a. It shall be unlawful for a booking service to charge, collect or receive a fee from a person for the use of a booking platform directly or indirectly provided by such booking service, or for provision of any service, in connection with a short-term rental at a dwelling unit or housing accommodation, or part thereof, in the city unless (i) such booking service has been issued a booking service registration pursuant to this section, (ii) such person provides such booking service with a copy of the short-term rental registration, including the short-term rental registration number, for such unit or accommodation and (iii) such booking service has used the system established pursuant to section 26-3003 to verify such short-term rental registration number and has obtained a unique confirmation number reflecting that such verification has occurred.

b. The form and manner of applying for a booking service registration or renewal thereof shall be established by rules of the administering agency.

c. A booking service registration or renewal thereof shall be valid for a period of two years from the date of issuance unless terminated sooner.

                     d. A booking service registration or renewal thereof is not transferable.

                     e. If the information provided by an applicant in connection with an application for a booking service registration or renewal thereof changes before expiration of such registration or renewal thereof, such applicant shall submit such changes to the administering agency in a time, form and manner established by the administering agency.

f. The administering agency shall by rule establish a process for an applicant who is denied a booking service registration or renewal thereof to appeal such denial, including (i) an opportunity to be heard with respect to such denial and (ii) the time, form and manner in which such applicant may after such denial re-apply for a booking service registration or renewal thereof.

g. 1. For each transaction in which a booking service charges, collects or receives a fee, directly or indirectly, for activity described in the definition of booking service in relation to a short-term rental, such booking service shall create and maintain, for at least seven years after the date on which such transaction is executed, an electronic transaction record that includes:

(a) The date of such transaction;

(b) A copy of the short-term rental registration for the dwelling unit or housing accommodation associated with such short-term rental;

(c) The short-term rental registration number for such unit or accommodation;

(d) The unique confirmation number obtained by such booking service for verifying such short-term rental registration number using the system established pursuant to section 26-3003;

(e) The physical address of such unit or accommodation, including the street name, street number, apartment or unit number, borough or county, and zip code; and

(f) The amount of such fee.

2. In each month, or less frequently as determined by the administering agency, and in a time, manner and form established by rules of the administering agency, such booking service shall electronically submit to the administering agency each electronic transaction record associated with a transaction that occurred during the preceding reporting period.

§ 26-3006 Exemptions. The provisions of this chapter shall not apply to short-term rental of a dwelling unit or housing accommodation, or part thereof, within a class B multiple dwelling on the list published pursuant to section 26-2103, as added by local law number 146 for the year 2018.

§ 26-3007 Penalties; revocation and suspension of registrations. a. 1. For each short-term rental that a person offers, manages or administers at a dwelling unit or housing accommodation, or part thereof, in violation of subdivision a of section 26-3002 or for which such person fails to create and maintain a written or electronic transaction record pursuant to subdivision h of such section, such person shall be liable to the city for a civil penalty of not more than $15,000 or, if such person has not violated such subdivision in the five years preceding such violation, not more than $7,500; provided that if such person can establish the duration of such short-term rental and the total rent charged and collected for such short-term rental, such civil penalty shall be not more than the greater of (i) $500 for each day of such short-term rental or three times such rent or (ii) if such person has not violated such subdivision in the five years preceding such violation, $250 for each day of such short-term rental or 1.5 times such rent.

2. A person who fails to provide information changes in compliance with subdivision f of section 26-3002 shall be liable to the city for a civil penalty of not more than $250 or, if such person has not violated such subdivision in the five years preceding such violation, not more than $125.

b. 1. For each transaction in which a booking service charges, collects or receives a fee, directly or indirectly, for activity described in the definition of booking service in relation to a short-term rental in violation of subdivision a of section 26-3005 or for which such booking service fails to create, maintain or submit an electronic transaction record for such transaction pursuant to subdivision g of such section, such booking service shall be liable to the city for a civil penalty of not more than $1,500; provided that if such booking service can establish the amount of such fee, such civil penalty shall be not more than three times such fee.

2. If a booking service fails to provide information changes in compliance with subdivision e of section 26-3005 relating to an application for a booking service registration or renewal thereof, such booking service shall be liable to the city for a civil penalty of not more than the greater of $10,000 or two times the applicable fee for such registration or renewal thereof.

c. The civil penalties established by this section may be recovered in a proceeding before the office of administrative trials and hearings or a court of competent jurisdiction.

d. The administering agency shall by rule establish a process for (i) suspending and subsequently restoring a short-term registration or booking service registration for a person or booking service who intentionally, recklessly or repeatedly violates the requirements of this chapter, (ii) revoking the short-term registration or booking service registration of, and barring further issuance of such a registration to, a person or booking service who continues to intentionally, recklessly or repeatedly violate the requirements of this chapter after previously being subjected to a suspension pursuant to this subdivision and (iii) appealing such a suspension or revocation, including an opportunity for such person or booking service to be heard with respect to such suspension or revocation.

§ 2. This local law takes effect 180 days after it becomes law, except that the head of the administering agency, as such term is defined in section 26-3001 as added by this local law, shall take such actions as are necessary for its implementation, including the promulgation of rules, before such date.

LS # 1534

4/26/2021 2:26 PM

Int. No. 2321

By Council Members Cornegy, Yeger and Gennaro

..Title

A Local Law to amend the administrative code of the city of New York, in relation to creating a hardship program for inspection and correction of building gas piping systems

..Body

Be it enacted by the Council as follows:

Section 1. Article 318 of section of chapter 3 of title 28 of the administrative code of the city of New York, as added by local law 152 for the year 2016, is amended by adding a new section 28-318.6 as follows:

§ 28-318.6 Hardship program. a. The commissioner shall create a hardship program for buildings that cannot be inspected prior to the due date for an inspection required by this article. No later than 30 days after the enactment of the local law that created this section, the commissioner shall solicit input from community boards and civic associations for the design of such program, including the standard for hardship and requirements for acceptance into the program. The owner of a building that cannot be inspected prior to the due date for an inspection for such building may apply to the commissioner for acceptance into such program by completing a form created by the commissioner and affirming under penalty of perjury that the building owner is unable to complete the inspection prior to the due date for an inspection for such building and that requiring the property owner to complete the inspection prior to such due date for an inspection would cause the property owner to suffer a hardship. The standard for hardship may be determined by rule of the commissioner.. Upon acceptance into the program, the owner of such building will receive a deferral of the due date for such inspection together with a deferral of all associated due dates and penalties of 90 days. If the property owner fails to comply with the requirements of this article by any such deferred due date, the property owner will be subject to the penalties provided by this article and the rules of the commissioner. Applications to this hardship program shall be accepted not less than 90 days before the inspection deadline.

b. Six months before the inspection of a building's gas piping system is to be conducted at the periodic interval set forth by rule of the commissioner, the commissioner shall conduct outreach to all owners of buildings with gas piping systems that must be inspected at that periodic interval to notify them of the pending deadline and the existence of the hardship program.

§ 2. This local law takes effect 120 days after becoming law.

GZ

LS #16851

5.17.21

Int. No. 2361

By Council Members Cornegy and Yeger

..Title

A Local Law to amend the administrative code of the city of New York, in relation to creating a questionnaire related to the inspection and correction of building gas piping systems

..Body

Be it enacted by the Council as follows:

Section 1. Item 4 of section 28-318.3.3 of the administrative code of the city of New York, as added by local law 152 for the year 2016, is amended to read as follows:

4. No later than 120 days after the due date for such inspection, in accordance with department rules, such owner shall submit to the department, in a form and manner determined by the department, (i) a certification from a licensed master plumber that all conditions that were identified in the inspection report for which a certification was submitted pursuant to item 2 of this section have been corrected, except that such certification may note that correction of one or more conditions identified in such report, other than conditions referred to in section 28-318.3.4, will reasonably take additional time to complete and (ii) a certification from such owner that such owner is in compliance with item 3 of this section. Along with such certification, such owner may also submit a completed questionnaire as described in section § 28-318.6.. If such certification notes that one or more conditions will take additional time to complete, such owner shall, no later than 180 days after the due date for such inspection, submit to the department, in a form and manner determined by the department, a certification from a licensed master plumber that all conditions identified in such report have been corrected.

§ 2. Article 318 of section of chapter 3 of title 28 of the administrative code of the city of New York, as added by local law 152 for the year 2016, is amended by adding a new section 28-318.6 as follows:

**§ 28-318.6 Questionnaire.** The department shall create a questionnaire that shall seek feedback from the owner of any building required to undergo periodic inspections under article 318 of chapter 3 of this section. The questionnaire shall include, but need not be limited to the following: questions regarding the implementation of gas inspections as required by article 318 of chapter 3 of this section; hardships experienced by owners whose buildings are required to undergo such periodic inspection; and general concerns related to article 318 of chapter 3 of this section. Such questionnaire shall be mailed to each owner whose building is required to undergo periodic inspections under article 318 of chapter 3 of this section, made available on the department’s website and may be requested by calling 311. A link to the questionnaire shall also be included with every service update provided in connection with the implementation of article 318 of chapter 3 of this section.

§ 3. Article 318 of section of chapter 3 of title 28 of the administrative code of the city of New York, as added by local law 152 for the year 2016, is amended by adding a new section 28-318.7 as follows:

**§ 28-318.7 Report**. No later than March 1, 2022 and on March 1 of every year thereafter, the department shall submit to the mayor and the speaker of the council, and shall post on its website, a report summarizing the results of all completed questionnaires received during the prior calendar year.

§ 4.This local law takes effect 120 days after becoming law.

GZ

LS #17666

6.28.21

Int. No. 2377

By Council Member Cornegy

..Title

A Local Law to amend the administrative code of the city of New York, in relation to extending the physical scope of gas piping inspections

..Body

Be it enacted by the Council as follows:

Section 1. Section 28-318.3.2 of the administrative code of the city of New York, as added by local law 152 for the year 2016, is amended to read as follows:

**§ 28-318.3.2 Scope**. At each inspection, in addition to the requirements prescribed by this article or by the commissioner, all exposed gas lines from the point of entry of gas piping into a building, through the point of connection to any equipment that uses gas supplied by such piping, including building service meters, [up to individual tenant spaces] shall be inspected for evidence of excessive atmospheric corrosion or piping deterioration that has resulted in a dangerous condition, illegal connections, and non-code compliant installations. The inspection entity shall also test all exposed gas lines from the point of entry of gas piping into a building through the point of connection to any equipment that uses gas supplied by such piping, including, but not limited to, building service meters, public spaces, hallways, corridors, [and] mechanical and boiler rooms and tenant-operated commercial kitchens with a portable combustible gas detector to determine if there is any gas leak, provided that such testing need only include [public] spaces, hallways and corridors on floors that contain gas piping or gas utilization equipment.

§ 2. This local law takes effect 120 days after becoming law.

GZ

LS #18026

8.16.21