



Legislation Text

File #: Int 0904-2024, **Version:** *

Int. No. 904

By Council Members Sanchez, Nurse, Marte, Restler, Cabán, Schulman, Hanks and Hudson

A Local Law to amend the administrative code of the city of New York, in relation to establishing a risk-based structural inspection system for buildings

Be it enacted by the Council as follows:

Section 1. Article 302 of title 28 of the administrative code of the city of New York, as amended by local law number 126 of the year 2022, is amended to add new section 28-302.7 to read as follows:

§ 28-302.7 Risk based inspection program. The commissioner shall establish a risk-based inspection program to identify structurally hazardous buildings. The risk-based inspection program shall use a model weighing factors to predict the likelihood of a structural failure. The model shall assign a risk score indicating the likelihood of a structural failure to each building analyzed through the model, and the department shall conduct structural inspections on buildings receiving above a threshold score, as determined by rule of the commissioner. The model shall, at minimum, weigh the following factors:

1. building data, including the building's age, occupancy type, ownership type, construction material, number of floors from the ground level, number of public-facing exposures, and number of inhabitants;
2. permit history and the date of the most recent alteration;
3. violation history;
4. current and prior critical examination reports;
5. qualified exterior wall inspector certification history;
6. prior maintenance records;
7. number of 311 complaints; and,
8. any other factors set by rule of the commissioner.

§ 2. Article 302 of title 28 of the administrative code of the city of New York, as amended by local law number 126 of the year 2022, is amended to add new section 28-302.7.1 to read as follows:

§ 28-302.7.1 Corrective action plan. Within 10 days of the issuance of a notice of violation for an unsafe condition resulting from an inspection under the risk-based inspection program pursuant to 28-302.7, the owner, the owner's agent or the person in charge shall submit to the department a corrective action plan. The corrective action plan shall be prepared by a registered design professional. The plan shall clearly document each structural defect and shall include a timeline detailing repairs to make the building safe. Such report must be signed and sealed by such registered design professional. The department shall conduct follow-up inspections every 60 days, to verify the progress of the corrective measures outlined in the corrective action

plan. The owner of a building must distribute the corrective action plan to the inhabitants of the building, made available in all designated citywide languages.

§ 3. Article 302 of title 28 of the administrative code of the city of New York, as amended by local law number 126 of the year 2022, is amended to add new section 28-302.7.2 to read as follows:

§ 28-302.7.2 Timeframe to correct violations. A building owner shall correct any immediately hazardous violation forthwith, and any major or lesser violation within 30 days, upon the issuance of a notice of violation following an inspection conducted by the department under the risk-based inspection program pursuant to 28-302.7.

§ 4. Article 302 of title 28 of the administrative code of the city of New York, as amended by local law number 126 of the year 2022, is amended to add new section 28-302.7.3 to read as follows:

§ 28-302.7.3 Non-emergency work permits. The commissioner shall not issue any non-emergency work permits to a building with uncorrected violations resulting from the risk-based inspection program pursuant to 28-302.7. The commissioner shall have the discretion to issue no more than two waivers per building.

§ 5. Article 302 of title 28 of the administrative code of the city of New York, as amended by local law number 126 of the year 2022, is amended to add new section 28-302.7.4 to read as follows:

§ 28-302.7.4 Escalating civil penalties. At intervals set by rule of the commissioner, the commissioner shall impose escalating civil penalties for failure to correct any violation issued as a result of the risk-based inspection program pursuant to 28-302.7.

§ 6. This local law takes effect immediately.

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LS #15472/15582/15518/15485/15475/15395/15394
6/12/2024 8:00 AM