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Sponsors: Barry S. Grodenchik, Brad S. Lander, Margaret S. Chin, Carlos Menchaca, James G. Van Bramer
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Int. No. 1319

By Council Members Grodenchik, Lander, Chin, Menchaca and Van Bramer

A Local Law to amend the administrative code of the city of New York, in relation to inactive construction sites

Be it enacted by the Council as follows:

Section 1. Article 116 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.13 to read as follows:

§ 28-105.13 Inactive construction site registry. The commissioner shall establish and maintain a registry identifying inactive construction sites, as defined in this section. Such registry shall be made publicly available on the website of the department.

§ 28-105.13.1 Inactive construction site. As used in section 28-105.13, the term “inactive construction site” means a construction site for which a permit has expired or a construction site for which there is an unexpired permit but no construction activity is visible on the site on two consecutive inspections by the department within a 30 day period, where such inspections occur between Monday and Friday, during the hours of 8:00 a.m. to 3:00 p.m., not including a major holiday.

§ 28-105.13.2 Inspection; safety conditions. Upon identifying an inactive construction site:

1. The commissioner shall notify the owner of such construction site within seven days after such site has been identified as an inactive construction site. Such notice shall (i) inform the owner that

the owner may appeal such identification, (ii) describe the process for making such an appeal and (iii) set forth the date by which such an appeal must be made, which shall be no less than 30 days after such notice and no more than 60 days after such notice.

2. Within 30 days after expiration of the time for making such an appeal, the commissioner shall conduct an inspection of such site to identify any safety conditions at such site and whether such site poses a safety risk to the public or a risk of damage to adjacent properties. If the commissioner is unable to obtain access to such site from the owner after making at least two attempts on separate days, where such attempts occur between Monday and Friday, during the hours of 8:00 a.m. to 3:00 p.m., not including a major holiday, the commissioner shall prepare an affidavit documenting each unsuccessful attempt to gain such access and the amount of time which has passed since such site was last inspected and shall transmit such affidavit to the corporation counsel together with any additional documents the commissioner deems relevant and a request that the corporation counsel seek an order from a court of competent jurisdiction directing that appropriate access to such site be granted to the commissioner. The corporation counsel shall promptly consider such request and, where the corporation counsel determines that there is appropriate basis to obtain such an order, shall seek such an order. The commissioner shall promptly execute any such order in accordance with its terms.
3. Within seven days after completion of such inspection, the commissioner shall notify the owner of the results of such inspection and shall order the correction of any unsafe condition identified that poses a safety risk to the public or a risk of damage to adjacent properties, provided that, if the commissioner identifies any conditions that pose an immediate risk to property or safety during such inspection, the commissioner shall immediately notify the owner and order correction of such conditions.

§ 28-105.13.3 Fees. The commissioner shall establish and impose fees upon owners of inactive construction sites to cover the cost of administering section 28-105.13, including but not limited to costs associated with conducting site inspections, providing appropriate notices, seeking access orders and maintaining the inactive inspection site registry.

§ 28-105.13.4 Removal from inactive construction site registry. The owner of any site identified by the commissioner as an inactive construction site pursuant to section 28-105.13.2 which does not pose a safety risk to the public or a risk of damage to adjacent properties may apply to the commissioner to determine that such site is no longer an inactive construction site and to remove such site from the registry required by section 28-105.13. Such application shall be in a form and manner determined by the commissioner. Within 60 days after receipt of a valid application, the commissioner shall conduct two inspections to confirm that construction activity has commenced. Such inspections shall not be on consecutive days and shall occur between Monday and Friday, during the hours of 8:00 a.m. to 3:00 p.m., and not including a major holiday. If the commissioner finds construction activity occurring at each such inspection, the commissioner shall remove such site from such registry.

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

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