# Legislation Details (With Text)

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| **File #:** | Int 0936-2015 **Version:** A | **Name:** | Tenant protection plans. |
| **Type:** | Introduction | **Status:** | Enacted |
| | | **In control:** | Committee on Housing and Buildings |
| **On agenda:** | 9/30/2015 | | |
| **Enactment date:** | 8/30/2017 | **Enactment #:** | 2017/154 |

**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 tenant protection plans, and to repeal section 1704.20.10 of the building code of the city of New York, in relation to special requirements for work in occupied multiple dwellings

**Sponsors:** Mark Levine, Rosie Mendez, Margaret S. Chin, Corey D. Johnson, Ben Kallos, Stephen T. Levin, Carlos Menchaca, Antonio Reynoso, Helen K. Rosenthal, Andy L. King, Deborah L. Rose, Brad S. Lander, Rory I. Lancman, Ydanis A. Rodriguez, I. Daneek Miller, Donovan J. Richards, Daniel R. Garodnick, James G. Van Bramer, Laurie A. Cumbo, Jumaane D. Williams, Bill Perkins, Rafael L. Espinal, Jr., Ritchie J. Torres, Daniel Dromm, Alan N. Maisel, Robert E. Cornegy, Jr., Julissa Ferreras-Copeland, Rafael Salamanca, Jr., Andrew Cohen

**Indexes:** Oversight

**Attachments:** 1. Legislative History Report, 2. Summary of Int. No. 936-A, 3. Summary of Int. No. 936, 4. Int. No. 936 - 9/30/15, 5. September 30, 2015 - Stated Meeting Agenda with Links to Files, 6. Committee Report 4/19/17, 7. Hearing Testimony 4/19/17, 8. Hearing Transcript 4/19/17, 9. Proposed Int. No. 936-A - 8/3/17, 10. Committee Report 8/8/17, 11. Hearing Transcript 8/8/17, 12. August 9, 2017 - Stated Meeting Agenda with Links to Files, 13. Int. No. 936-A (FINAL), 14. Fiscal Impact Statement, 15. Hearing Transcript - Stated Meeting 8-9-17, 16. Mayor's Letter, 17. Local Law 154, 18. Minutes of the Stated Meeting - August 9, 2017

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 9/30/2015 | * | City Council | Introduced by Council | |
| 9/30/2015 | * | City Council | Referred to Comm by Council | |
| 4/19/2017 | * | Committee on Housing and Buildings | Hearing Held by Committee | |
| 4/19/2017 | * | Committee on Housing and Buildings | Laid Over by Committee | |
| 8/8/2017 | * | Committee on Housing and Buildings | Hearing Held by Committee | |
| 8/8/2017 | * | Committee on Housing and Buildings | Amendment Proposed by Comm | |
| 8/8/2017 | * | Committee on Housing and Buildings | Amended by Committee | |
| 8/8/2017 | A | Committee on Housing and Buildings | Approved by Committee | Pass |
| 8/9/2017 | A | City Council | Approved by Council | Pass |
| 8/9/2017 | A | City Council | Sent to Mayor by Council | |
| 8/25/2017 | A | Mayor | Hearing Held by Mayor | |
| 8/30/2017 | A | Mayor | Signed Into Law by Mayor | |
| 9/1/2017 | A | City Council | Recved from Mayor by Council | |

Int. No. 936-A

By Council Members Levine, Mendez, Chin, Johnson, Kallos, Levin, Menchaca, Reynoso, Rosenthal, King, Rose, Lander, Lancman, Rodriguez, Miller, Richards, Garodnick, Van Bramer, Cumbo, Williams, Perkins, Espinal, Torres, Dromm, Maisel, Cornegy, Ferreras-Copeland, Salamanca and Cohen

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to tenant protection plans, and to repeal section 1704.20.10 of the building code of the city of New York, in relation to special requirements for work in occupied multiple dwellings

Be it enacted by the Council as follows:

Section 1. Section 28-104.8.4 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

**§ 28-104.8.4 Tenant protection plan.** Construction documents for alterations of buildings in which any dwelling unit will be occupied during construction shall include a tenant protection plan. Such plan shall contain a statement that the building contains dwelling units that will be occupied during construction and shall indicate in sufficient detail the specific units that are or may be occupied during construction, the means and methods to be employed to safeguard the safety and health of the occupants throughout the construction, including, where applicable, details such as temporary fire-rated assemblies, opening protectives, or dust containment procedures. Such means and methods shall be described with particularity and in no case shall terms such as "code compliant," "approved," "legal," "protected in accordance with law" or similar terms be used as a substitute for such description. The elements of the tenant protection plan may vary depending on the nature and scope of the work but at a minimum shall make detailed and specific provisions for:

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

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

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

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

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

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

**6. Noise restrictions.** Where hours of the day or the days of the week in which construction work may be

undertaken are limited pursuant to the New York city noise control code, such limitations shall be stated.

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

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

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

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

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

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

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

§ 2. Section BC 110 of the building code of the city of New York is amended by adding a new section 110.3.7 to read as follows:

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

§ 3. Section BC 1704.20.10 of the building code of the city of New York is REPEALED.

§ 4. Section BC 3303.10 of the building code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

**3303.10 Operations in occupied buildings.** When construction or demolition activity occurs in an occupied building, barricades, signs, drop cloths, and other protective means shall be installed and maintained as necessary to provide reasonable protection for the occupants against hazard and nuisance. Such protective means shall be indicated on an occupant protection plan, or where a tenant protection plan is required by Section 3303.10.1, on a tenant protection plan.

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

**3303.10.2 Inspections of tenant protection plan.** The owner shall notify the department in writing at least 72 hours prior to the commencement of any work requiring a tenant protection plan. The department shall conduct an inspection of five percent of such sites within seven days after the commencement of such work to verify compliance with the tenant protection plan. Thereafter, the department shall conduct an inspection upon the receipt of a complaint concerning such work.

**3303.10.3 Enforcement of tenant protection plan.** If work is not being performed in accordance with the tenant protection plan, the commissioner may issue a stop work order pursuant to section 28-207.2 of the administrative code.

§ 5. This local law takes effect 120 days after it becomes law, except that this local law shall not apply to applications for construction document approval filed before such effective date or to work related thereto, and except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

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