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Int. No. 357

By Council Members Rosenthal and Perkins

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to construction conditions in housing development projects

Be it enacted by the Council as follows:

Section 1. Chapter 61 of the New York city charter is amended by adding a new section 1807 to read as follows:

§ 1807 Housing development project ombudsperson. There shall be in the department the position of housing development project ombudsperson whose duties shall include, but not be limited to:

1. establishing a system to receive comments and complaints with respect to any construction conditions in housing development projects, as such terms are defined in section 26-901 of the administrative code;

2. investigating such complaints and taking appropriate action; and

3. making recommendations to the commissioner with respect to criteria for inclusion on the list of preferred contractors established pursuant to section 26-906 of the administrative code.

§ 2. Paragraph (6) of subdivision a of section 26-903 of the administrative code of the city of New York, as added by local law number 44 for the year 2012, is amended to read as follows:

(6) for the developer, contractors and subcontractors for such project:

(i) the name and address;

(ii) the name and title of each principal officer and principal owner of such developer, contractor or subcontractor; [and]

(iii) when applicable, whether the wage information described by subdivision a of section 26-904 of this chapter has been provided to the department for such developer, contractor or subcontractor; and

(iv) the total number of construction conditions substantiated by the department for housing development projects that such developer, contractor or subcontractor served as a developer or contractor on;

§ 3. Chapter 10 of title 26 of the administrative code of the city of New York is amended by adding new sections 26-908 and 26-909 to read as follows:

§ 26-908 List of preferred contractors. The department shall make publicly available on its website a list of each person who was a contractor on a housing development project where the developer of such project was selected on or after January 1, 2013, based on information reported to the department pursuant to section 26-903 of this chapter, and who:

a. has not, within the previous five years, been a contractor on a housing development project where the number of construction conditions substantiated by the department divided by the number of dwelling units in such project, or if such project has not been completed, the number of proposed dwelling units in such project, is equal to or greater than a threshold number established by department rule; and

b. has not, to the extent known to the department, based on information reported by the department

pursuant to section 26-903 of this chapter that the department reasonably believes to be correct and complete, been subject to a judicial finding that such person violated section 220 of the New York state labor law or subchapter IV of chapter thirty-one of part A of subtitle II of title 40 of the United States code or any applicable regulations or rules, within the previous five years;

c. satisfies such other criteria as the department may establish by rule.

§ 26-909 Reporting by housing development project ombudsperson. a. The housing development project ombudsperson shall submit monthly reports to the commissioner of the department. Each such report shall include, at a minimum, the following information:

(1) the number and nature of any comments and complaints received by such ombudsperson regarding construction conditions in housing development projects in the reporting month;

(2) a description of each investigation undertaken by such ombudsperson pursuant to subdivision 2 of section 1806 of the New York city charter in response to such a complaint, including the results of such investigation; and

(3) any recommendations made pursuant to subdivision 3 of such section.

b. In December of each year, the housing development project ombudsperson shall submit to the mayor and the speaker of the council, and make publicly available online, a report that includes, at a minimum, the following information:

(1) a compilation of the monthly reports submitted by such ombudsperson to the commissioner of the department pursuant to subdivision a of this section during the preceding fiscal year; and

(2) for each complaint received by such ombudsperson regarding construction conditions in housing development projects during the preceding fiscal year, a description of:

(i) the housing development project to which such complaint applies;

(ii) the nature of the complaint;

(iii) whether such complaint was substantiated by the department;

(iv) a description of any remedial actions taken, ordered or requested by the department with respect to such complaint; and

(v) whether the construction condition underlying such complaint was corrected.

§ 4. This local law takes effect 120 after it becomes law, except that the commissioner of housing preservation and development may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

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