Legislation Details (With Text)

File #:	Int 1278-2018 **Version:** A	**Name:**	Requiring heightened review of tenant protection plans and increased enforcement of building code standards.
Type:	Introduction	**Status:**	Enacted
		In control:	Committee on Housing and Buildings
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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 requiring heightened review of tenant protection plans and increased enforcement of building code standards

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Date	Ver.	Action By	Action	Result
11/28/2018	*	City Council	Introduced by Council	
11/28/2018	*	City Council	Referred to Comm by Council	
12/13/2018	*	Committee on Housing and Buildings	Laid Over by Committee	
12/13/2018	*	Committee on Housing and Buildings	Hearing Held by Committee	
5/7/2019	*	Committee on Housing and Buildings	Hearing Held by Committee	
5/7/2019	*	Committee on Housing and Buildings	Amendment Proposed by Comm	
5/7/2019	*	Committee on Housing and Buildings	Amended by Committee	
5/7/2019	A	Committee on Housing and Buildings	Approved by Committee	Pass
5/8/2019	A	City Council	Approved by Council	Pass
5/8/2019	A	City Council	Sent to Mayor by Council	
6/8/2019	A	Administration	City Charter Rule Adopted	
6/11/2019	A	City Council	Returned Unsigned by Mayor	

Int. No. 1278-A

By Council Members Rivera, Levine, Ampry-Samuel, Gibson, Lancman, Powers, Kallos, Rosenthal, Perkins and Ayala

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to requiring heightened review of tenant protection plans and increased enforcement of building code standards

Be it enacted by the Council as follows:

Section 1. Section 28-120.1 of the administrative code of the city of New York, as added by a local law amending the administrative code of the city of New York, in relation to submittal of construction documents, applicant and owner statements, and tenant protection plans, as proposed in introduction number 1107-A, is amended to read as follows:

§ 28-120.1 Tenant protection plan. A tenant protection plan shall be prepared and submitted for the alteration, construction, or partial demolition of buildings in which any dwelling unit will be occupied during construction, including newly constructed buildings that are partially occupied where work is ongoing. The tenant protection plan shall be prepared by a registered design professional and filed with the department. The registered design professional preparing the tenant protection plan shall be retained by the general contractor performing the alteration, construction, or partial demolition work. No permit shall be issued for work that requires a tenant protection plan unless such plan is approved by the department. 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 tenant protection plan must be site specific. The elements of the tenant protection plan may vary depending on the nature and scope of the work but at a minimum, must comply with all applicable laws and regulations, including the New York city construction codes, the New York city housing maintenance code, the New York city noise control code and the New York city health code, and 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 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. Specification of means and methods to be used for the limitation of noise to acceptable levels in accordance with the New York city noise control code shall be included. 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. Notification of the disruption must be given to all affected occupants of occupied dwelling units.

Exception: In the following instances, the tenant protection plan may be prepared and filed by the registered design professional of record for the alteration, construction, or partial demolition work as part of the underlying application:

1. Work in occupied one- and two-family homes.
2. Work limited to the interior of a single dwelling unit of an occupied multiple dwelling with no disruption to the essential services of other units, where such dwelling is owner-occupied. For a dwelling unit within a property that is owned by a condominium or held by a shareholder of a cooperative corporation under a proprietary lease, the unit must be occupied by the owners of record for such unit.

§ 2. Section BC 1704 of the building code of the city of New York is amended by adding a new section 1704.33 to read as follows:

1704.33 Tenant protection plan. When alteration, partial demolition, or construction operations are performed at occupied multiple dwellings, the department shall periodically verify compliance with a tenant protection plan as provided for in Chapter 1 of Title 28 of the *Administrative Code* and Section 3303.10.

§ 3. Section 3303.10.2 of the New York city building code, as added by local law number 154 for the year 2017, is amended to read as follows:

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] 10 percent of such sites within seven days after the commencement of such work to verify compliance with the tenant protection plan. The department shall conduct follow up inspections of such sites every 180 days until such construction is completed to verify compliance with the building code and tenant protection plan. Thereafter, the department shall conduct an inspection [upon the] within 10 days of receipt of a complaint concerning such work.

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§ 4. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to submittal of construction documents, applicant and owner statements, and tenant protection plans, as proposed in introduction number 1107-A for the year 2018, takes effect, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

JG/ APB
LS # 7111
4/30/19 7:19 pm