



## Legislation Text

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Int. No. 1280

By Council Members Rosenthal, Levine, Ampy-Samuel, Lancman and Ayala

A Local Law to amend the administrative code of the city of New York, in relation to the tenant protection plan and penalties for false statements relating to tenant occupancy on certain construction documents

Be it enacted by the Council as follows:

Section 1. The first paragraph of section 28-104.8.4 of the administrative code of the city of New York, as amended by local law 154 for the year 2017, 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 identify the total number of units in the building, identify the total number of occupied units in the building, and identify [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:

§ 2. Section 28-202.1 of the administrative code of the city of New York, as amended by local law number 70 for the year 2018, is amended by adding a new exception 11 to read as follows:

11. For (i) a violation of section 28-211.1 as pertains to items 1, 2, or 5 of section 28-105.2 or (ii) where a tenant protection plan is required pursuant to section 28-104.8.4, but has not been submitted to the department, the minimum civil penalty for a first offense shall be no less than \$10,000 and no less than \$25,000 for each subsequent offense.

§ 3. Section 28-203.1 of the administrative code of the city of New York, as amended by local law number 203 for the year 2017, is amended by adding a new exception 6 to read as follows:

6. For (i) a violation of section 28-211.1 as pertains to items 1, 2, or 5 of section 28-105.2 or (ii) where a tenant protection plan, as required pursuant to section 28-104.8.4 has not been submitted to the department, the minimum fine shall be no less than \$10,000 and no less than \$25,000 for each subsequent offense.

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

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