



Legislation Text

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Int. No. 560

By Council Members Gentile, Katz, Dilan, Brewer, Comrie, James, Koppell, Mark-Viverito, Nelson, Palma, Liu and Gerson

A Local Law to amend the administrative code of the city of New York, in relation to inspections by the department of buildings.

Be it enacted by the Council as follows:

Section 1. Subchapter one of chapter one of title 26 of the administrative code of the city of New York is amended by adding a new section 26-115.1 to read as follows:

§26-115.1 Classification of violations. On or before July first, two thousand seven, the department shall by rule classify all violations of the building code and other applicable state and local laws as non-hazardous, hazardous and/or immediately hazardous. Such classification shall be based on the effect of the violation upon the life, health or safety of the occupants of any building, enclosure, premises, structure or any part thereof and upon the general public.

§2. Article 4 of subchapter three of chapter one of title 26 of the administrative code of the city of New York is amended by adding new sections 26-216.1 and 26-216.2 to read as follows:

§26-216.1 Inspection, failure to gain access to premises. a. The commissioner or his or her authorized representative shall attempt to enter and inspect any building, enclosure, premises, structure or any part thereof when the department has received a complaint of a condition which, if observed, would be classified by the department as an immediately hazardous or hazardous violation.

b. After two attempts to gain access to the building, enclosure, premises, structure or any part thereof without success, the commissioner or his or her authorized representative shall prepare an affidavit that

documents each unsuccessful attempt to enter and inspect. The commissioner or the designee of the commissioner shall review the allegations and documentation available, including the complaint, and shall also seek to obtain an affidavit from the complainant, if available. If the commissioner or his or her designee is satisfied with the veracity and reliability of the allegations in the complaint, then the department shall seek an order from a court of competent jurisdiction directing that access be provided to an inspector or other authorized representative of the department to any building, enclosure, premises or part thereof that might potentially be classified by the department as an immediately hazardous or hazardous violation. The department shall promptly execute any such order in accordance with its terms.

§26-216.2 Court order for failure to gain access to inspect premises. a. Upon the issuance of an order directing that access to enter and inspect any building, enclosure, premises, structure or part thereof be provided to an inspector or other authorized representative of the department, the person, officer or inspector seeking to gain access shall, before entry, give notice of his or her authority and purpose to any occupant of the premises and shall, upon request, show such occupant the order or a copy thereof.

b. Nothing herein shall affect the validity of inspections authorized and conducted under any other provision of any other statute, law, rule or regulation without the issuance of an inspection order or warrant.

c. The department shall promptly execute any such order in accordance with its terms.

§3. This local law shall take effect immediately upon its enactment.