Int. No. 393-A

By Council Members Powers, Bottcher, Sanchez, Abreu, Restler, Brewer, Hanif, Hudson, Avilés, Schulman, Krishnan, Rivera, Salaam, Banks, Louis, Marte, Dinowitz, Ung, Brooks-Powers, Ayala, Joseph, Hanks, Gutiérrez, Mealy, Ariola and Paladino (in conjunction with the Manhattan Borough President)

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to penalties for sidewalk sheds in the public right-of-way

Be it enacted by the Council as follows:

Section 1. Section 28-105.8.1 of chapter 1 of title 28 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§ 28-105.8.1 Duration of permit. Permits may be issued for a period of up to [two] 2 years unless otherwise limited by law.

Exception: Sidewalk shed permits shall be issued for a period of 90 days and may not be renewed until department penalties for sidewalk sheds in the public right-of-way are paid.

§ 2. Chapter 2 of title 28 of the administrative code of the city of New York is amended by adding a new article 220 to read as follows:

ARTICLE 220
SIDEWALK SHED PENALTIES

§ 28-220.1 Department penalty for sidewalk sheds occupying the public right-of-way for an extended period. Beginning with the second renewal, every renewal of a permit for a sidewalk shed installed in the public right-of-way issued after the effective date of the local law that added this section shall require the building owner to conduct work to address the condition for which the sidewalk shed permit was issued, as determined in accordance with the rules of the department, during the period of time for which such renewal of the permit is issued. Where work is not in progress during such period of time, the building owner may be liable for a penalty, as determined in accordance with this section, which shall be payable prior to the renewal of such permit. Penalties shall be assessed by the department as set forth in items 1 through 3.

1. Where a sidewalk shed is in existence for less than 3 years, the penalties shall be assessed at $10 per linear foot of sidewalk shed per month in which work was not in progress during the term of such renewal.

2. Where a sidewalk shed is in existence for 3 years but less than 4 years, the penalties shall be assessed at

$100 per linear foot of sidewalk shed per month in which work was not in progress during the term of such renewal.

3. Where a sidewalk shed is in existence for 4 years or more, the penalties shall be assessed at $200 per linear foot of sidewalk shed per month in which work was not in progress during the term of such renewal, provided that penalties shall not exceed $6,000 per month.

Exception: Department penalties for sidewalk sheds in the public right-of-way shall not apply to one- or two-family homes or to sidewalk sheds that are installed in connection with new building, enlargement, or demolition work for which a permit has been issued.

§ 28-220.1.1 Procedure. The department shall adopt rules setting forth procedures for the assessment of penalties pursuant to this section, which shall include notice and an opportunity to be heard.

§ 3. Section 106.8.2 of chapter 1 of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

106.8.2 Term of permit. Notwithstanding any other provision of this code, a temporary construction installation permit shall expire 1 year from the date of issuance, or when the permit holder's insurance or street obstruction bond expires, whichever is earlier. Such permit shall be renewable. Such permit must be in effect at all times during which the temporary construction installation is at the work site.

Exception: Sidewalk shed permits shall be issued for a period of 90 days and may not be renewed until department penalties for sidewalk sheds in the public right-of-way are paid pursuant to Section 28-220.1 of the *Administrative Code*.

§ 4. Section 106.8.3 of chapter 1 of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

106.8.3 Special provisions for renewal of permit for a sidewalk shed. An application for the renewal of a temporary construction installation permit for a sidewalk shed [used in connection with the alteration of a building] shall be accompanied by a report, in a form and manner acceptable to the department, prepared by a registered design professional who has examined that part of the premises on which the [work requiring the] use of a sidewalk shed is [being performed] associated. Such report shall document the condition of the applicable part of the premises and the scope of work that has been performed thereon since the issuance of the permit and shall provide an estimate of the additional time needed to complete the work. In addition, such report shall document, in a form and manner acceptable to the department, the work that was performed during the period of time since the last renewal of the permit and the work that is currently in progress to address the condition for which the sidewalk shed permit was issued. If work has not been performed since the last renewal of the permit due to financial hardship, inability to access a neighboring property, issues with acquiring necessary materials, or any other reason established pursuant to department rules, such report shall include, in a form and manner acceptable to the department, documentation showing such reason, which the department may accept for purposes of renewing the permit.

Exception: Reports shall not be required for sidewalk sheds associated with one- or two-family homes or for sidewalk sheds that are installed in connection with new building, enlargement, or demolition work for

which a permit has been issued.

§ 5. A sidewalk shed permit or renewal issued prior to the effective date of this local law shall remain in effect until it expires according to the term for which it was issued. Upon the expiration of such term, renewal shall be for a term in accordance with section 106.8.2 of the New York city building code as amended by section three of this local law.

§ 6. This local law takes effect 270 days after it becomes law and applies to sidewalk sheds in existence on the effective date of this local law and to sidewalk sheds erected after such effective date.

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