

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. KRUEGER, DIAZ, HASSELL-THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to enacting the New York city department of buildings community accountability act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings. The legislature hereby finds and
2 declares that the health and safety of the population living in and
3 around the many construction projects within the densely populated city
4 of New York is a matter of state concern as pressure mounts to build
5 more and more while completing projects in the shortest time possible.
6 Construction is the most dangerous occupation, with death rates four
7 times the average for other workers and conditions adjacent to
8 construction sites dangerous to the public.
9 A comprehensive public reporting system for the tracking of accidents,
10 vacate orders, safety violations, and enforcement actions of the depart-
11 ment of buildings is an essential component of assuring greater account-
12 ability and transparency in assuring compliance with the building code
13 and the zoning resolution to improve public safety.
14 S 2. This act shall be known and may be cited as the "New York city
15 department of buildings community accountability act".
16 S 3. Section 28-103.18.1 of the administrative code of the city of New
17 York, as added by local law number 33 of the city of New York for the
18 year 2007, is amended to read as follows:
19 S 28-103.18.1 Complaint records. The department shall keep records of
20 complaints made by any person in reference to any building or other
21 matter under the jurisdiction of the department. Recorded complaints
22 shall include the name and residence of the complainant, the name of the

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 person complained of, the date of the entry of the complaint and any
2 suggested remedies. Except for entries of names and residences of the
3 complainants, such records shall be made available for public examina-
4 tion. RECORDS ON ACCIDENTS, UNSAFE BUILDING ORDERS, AND VACATE ORDERS
5 SHALL BE POSTED ON THE DEPARTMENT'S INFORMATION WEBSITE MAINTAINED BY
6 THE CITY OF NEW YORK, SUBJECT TO SUCH REGULATIONS AS THE COMMISSIONER
7 SHALL PRESCRIBE.

8 S 4. The administrative code of the city of New York is amended by
9 adding a new section 28-103.18.2 to read as follows:

10 S 28-103.18.2 RECORDS OF CONSTRUCTION AND BUILDING ACCIDENTS. THE
11 DEPARTMENT SHALL MAINTAIN A RECORD OF ALL CONSTRUCTION AND BUILDING
12 ACCIDENTS RESULTING IN EITHER INJURY OR DEATH TO PERSONS OR DAMAGE TO
13 PROPERTY ARISING OUT OF VIOLATIONS OF THE BUILDING CODE. SUCH RECORD
14 SHALL BE POSTED ON THE DEPARTMENT'S INFORMATION WEBSITE MAINTAINED BY
15 THE CITY OF NEW YORK, SUBJECT TO SUCH REGULATIONS AS THE COMMISSIONER
16 SHALL PRESCRIBE. THE COMMISSIONER SHALL CAUSE SUCH ACCIDENTS TO BE
17 INVESTIGATED AND A WRITTEN REPORT PREPARED REGARDING THE CIRCUMSTANCES
18 OF THE ACCIDENT.

19 S 5. The administrative code of the city of New York is amended by
20 adding a new section 28-201.5 to read as follows:

21 S 28-201.5 MONTHLY REPORTS TO COMMUNITY BOARDS AND BOROUGH PRESIDENTS.
22 THE DEPARTMENT SHALL PROVIDE A MONTHLY REPORT ON DEPARTMENT ACTIONS TO
23 EACH COMMUNITY BOARD, FOR DEPARTMENT ACTIONS WITHIN SUCH BOARD, AND TO
24 THE BOROUGH PRESIDENTS, FOR ACTIONS IN THE BOROUGH OF EACH BOROUGH PRES-
25 IDENT. SUCH REPORT SHALL INCLUDE THE STATUS OF ALL VIOLATIONS, BOTH
26 ENVIRONMENTAL CONTROL BOARD AND DEPARTMENT VIOLATIONS, ISSUED WITHIN THE
27 RESPECTIVE COMMUNITY BOARD AND BOROUGH. THE REPORT SHALL SHOW ALL
28 OUTSTANDING VIOLATIONS, VIOLATIONS CORRECTED DURING THE MONTH, ENFORCE-
29 MENT ACTIONS COMMENCED, AND THE DISPOSITION OF ENFORCEMENT ACTIONS,
30 WITHIN THE PERIOD. SUCH ENFORCEMENT ACTIONS SHALL INCLUDE COURT ACTIONS,
31 PADLOCK ORDERS, EMERGENCY REPAIR ORDERS, AND ENVIRONMENTAL CONTROL BOARD
32 ACTIONS AND ORDERS, INCLUDING FINES AND PENALTIES. THE REPORT SHALL
33 FURTHER SHOW ALL UNSAFE BUILDING ORDERS, VACATE ORDERS, AND STOP WORK
34 ORDERS. SUCH REPORT SHALL BE PROVIDED TO THE BOARDS AND THE BOROUGH
35 PRESIDENTS IN A CLEAR AND CONSISTENT FORMAT TO ENABLE A COMPLETE AND
36 ACCURATE TRACKING OF DEPARTMENT ACTIONS.

37 S 6. The administrative code of the city of New York is amended by
38 adding a new section 28-207.6 to read as follows:

39 S 28-207.6 INVESTIGATION AND REPORT; DANGEROUS BUILDING, NUISANCE AND
40 ORDER TO VACATE. WHENEVER THE DEPARTMENT HAS ISSUED AN ORDER REGARDING
41 ANY DANGEROUS BUILDING, PLACE, OR THING, OR ANY NUISANCE, OR ANY ORDER
42 TO VACATE ANY BUILDING, STRUCTURE, PLACE, OR PREMISES, OR FOR ANY SUCH
43 BUILDING, STRUCTURE, PLACE, OR PREMISES TO BE SEALED AND/OR SECURED, THE
44 COMMISSIONER SHALL CAUSE THE CIRCUMSTANCES REGARDING SUCH ORDER TO BE
45 INVESTIGATED, AND A WRITTEN REPORT PREPARED. SUCH REPORT SHALL BE AVAIL-
46 ABLE FOR PUBLIC EXAMINATION, AND POSTED ON THE DEPARTMENT'S INFORMATION
47 WEBSITE MAINTAINED BY THE CITY OF NEW YORK, PURSUANT TO SUCH REGULATIONS
48 AS THE COMMISSIONER MAY PRESCRIBE.

49 S 7. Section 28-118.1 of the administrative code of the city of New
50 York, as added by local law number 33 of the city of New York for the
51 year 2007, is amended to read as follows:

52 S 28-118.1 General provisions. No building or open lot shall be used
53 or occupied without a certificate of occupancy issued by the commission-
54 er. Issuance of a certificate of occupancy shall not be construed as an
55 approval of a violation of the provisions of this code or of other
56 applicable laws and rules.

1 NO CERTIFICATE OF OCCUPANCY SHALL BE ISSUED FOR A NEW OR ALTERED
2 BUILDING UNLESS PAYMENT HAS BEEN MADE OF ALL OUTSTANDING FINES, PENAL-
3 TIES, AND JUDGMENTS ARISING OUT OF DEPARTMENT VIOLATIONS ASSOCIATED WITH
4 THE PROPERTY, INCLUDING BUT NOT LIMITED TO VIOLATIONS ISSUED IN
5 CONNECTION WITH ANY CONSTRUCTION, EXCAVATION OR DEMOLITION WORK.

6 S 8. The administrative code of the city of New York is amended by
7 adding a new section 28-104.10 to read as follows:

8 S 28-104.10 COMMUNITY BOARD NOTIFICATION OF PLAN APPROVAL. 1. A. WHEN
9 AN APPLICATION FOR APPROVAL OF PLANS SUBMITTED TO THE DEPARTMENT HAS
10 BEEN APPROVED FOR A NEW BUILDING, THE DEPARTMENT SHALL NOTIFY THE COMMU-
11 NITY BOARD AND THE BOROUGH PRESIDENT OF THE BOROUGH WHERE THE NEW BUILD-
12 ING SHALL BE LOCATED OF THE DOCKET AND ITS NUMBER FOR SUCH PLAN, AND THE
13 ADDRESS WHERE THE BUILDING IS TO BE BUILT. UPON THE REQUEST OF THE
14 COMMUNITY BOARD, THE DEPARTMENT SHALL FURNISH, AND PROVIDE A REGULAR
15 UPDATE, OF THE COMPLETE DOCKET OF THE PROJECT, INCLUDING ALL PLANS AND
16 DRAWINGS, PERMITS, AMENDMENTS TO THE PLAN, AUDITS, OBJECTIONS, AND SUCH
17 OTHER MATERIAL AS SHALL COMPRISE THE DOCKET OF SAID PROJECT.

18 B. THE DEPARTMENT SHALL FURNISH THE COMPLETE DOCKET OF THE PROJECT
19 WITHIN FIVE BUSINESS DAYS OF SAID REQUEST, AND EACH ADDITIONAL DOCUMENT
20 ADDED TO THE DOCKET WITHIN FIVE DAYS OF SUCH ADDITION.

21 2. A. THE COMMUNITY BOARD IN WHICH ANY NEW BUILDING PROJECT IS
22 LOCATED, IN CONSULTATION WITH THE BOROUGH PRESIDENT IN THE BOROUGH OF
23 THE LOCATION OF SUCH PROJECT, MAY REQUEST IN WRITING AND UPON A VOTE OF
24 THE BOARD, AN AUDIT-REVIEW OF UP TO THIRTY PLANS PER YEAR BY THE DEPART-
25 MENT, WHICH THE DEPARTMENT SHALL BE OBLIGATED TO CONDUCT. THE DEPARTMENT
26 SHALL PROVIDE THE BOARD AND THE BOROUGH PRESIDENT THE RESULTS OF SUCH
27 AUDIT-REVIEW INCLUDING ANY OBJECTIONS TO THE PLAN PROVIDED TO THE APPLI-
28 CANT. THE DEPARTMENT SHALL FURNISH A PRELIMINARY REPORT TO THE BOARD AND
29 THE BOROUGH PRESIDENT WITHIN THIRTY DAYS, AND A FINAL REPORT WITHIN
30 SIXTY DAYS, OF WHETHER THE PLAN COMPLIES WITH THE BUILDING CODE AND THE
31 ZONING RESOLUTION.

32 B. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT REQUESTS FOR
33 AUDITS, REVIEWS, OR OTHER ACTIONS BY THE DEPARTMENT, BY COMMUNITY BOARDS
34 OR BOROUGH PRESIDENTS.

35 3. WHERE THE DEPARTMENT IS AUDITING AND REVIEWING ANY APPROVED PLAN,
36 ANY NOTICE OF OBJECTIONS TO THE PLAN SHALL BE PUBLISHED ON THE DEPART-
37 MENT OF BUILDINGS INFORMATION WEBSITE MAINTAINED BY THE CITY OF NEW
38 YORK.

39 4. WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS SUBDIVISION, THE
40 DEPARTMENT SHALL PROMULGATE STANDARDS FOR ALLOWING PERMITTED WORK TO
41 CONTINUE WHEN OBJECTIONS TO APPROVED PLANS BY THE DEPARTMENT OCCUR. THE
42 ADOPTION OF SUCH STANDARDS SHALL BE SUBJECT TO CHAPTER FORTY-FIVE OF THE
43 NEW YORK CITY CHARTER.

44 S 9. Section 28-105.1 of the administrative code of the city of New
45 York, as added by local law number 33 of the city of New York for the
46 year 2007, is amended to read as follows:

47 S 28-105.1 General. 1. It shall be unlawful to construct, enlarge,
48 alter, repair, move, demolish, remove or change the use or occupancy of
49 any building or structure in the city, or to erect, install, alter,
50 repair, or use or operate any sign or service equipment in or in
51 connection therewith, or to erect, install, alter, repair, remove,
52 convert or replace any gas, mechanical, plumbing or fire suppression
53 system in or in connection therewith or to cause any such work to be
54 done unless and until a written permit therefore shall have been issued
55 by the commissioner in accordance with the requirements of this code,

1 subject to such exceptions and exemptions as may be provided in section
2 28-105.4.

3 2. THE DEPARTMENT SHALL PUBLISH ON ITS WEBSITE BY COMMUNITY BOARD,
4 NOTICE OF PERMITS GRANTED FOR ANY NEW BUILDING, FOUNDATION AND EARTH-
5 WORK, ALTERATION, AND ANY DEMOLITION AND REMOVAL, INCLUDING THE ADDRESS
6 OF THE PROJECT WHERE THE PERMIT HAS BEEN GRANTED. THE DEPARTMENT SHALL
7 PROVIDE ACCESS TO OR FURNISH A COPY OF THE PERMIT AND OTHER DOCUMENTS
8 WITHIN THE DOCKET ESTABLISHED FOR THE PROJECT, EITHER ELECTRONICALLY OR
9 BY OTHER MEANS, UPON REQUEST AND SHALL MAKE SUCH DOCUMENTS AVAILABLE
10 WITHIN FIVE BUSINESS DAYS OF SUCH REQUEST. THE DEPARTMENT MAY WITHHOLD
11 PLANS FOR PARTICULAR BUILDINGS AT THE REQUEST OF LAW ENFORCEMENT AGEN-
12 CIES.

13 S 10. The administrative code of the city of New York is amended by
14 adding a new section 28-110.3 to read as follows:

15 S 28-110.3 PRESENCE OF SITE SAFETY COORDINATOR REQUIRED. A SITE SAFETY
16 COORDINATOR SHALL BE PRESENT ON ANY SITE OF CONSTRUCTION OF A NEW BUILD-
17 ING IN EXCESS OF FIVE STORIES IN HEIGHT, PURSUANT TO DEPARTMENT REGU-
18 LATIONS.

19 S 11. This act shall take effect July 1, 2012.