

# STATE OF NEW YORK

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4705

2017-2018 Regular Sessions

## IN ASSEMBLY

February 3, 2017

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Introduced by M. of A. CARROLL, ROSENTHAL, HEVESI, LENTOL, COLTON, BENEDETTO, CYMBROWITZ, GOTTFRIED, DINOWITZ, JAFFEE, CRESPO, WEPRIN -- Multi-Sponsored by -- M. of A. FARRELL, GLICK, PERRY -- read once and referred 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 department of buildings is an essential component of assuring greater accountability and transparency in assuring compliance with the building code and the zoning resolution to improve public safety.

14 § 2. This act shall be known and may be cited as the "New York city department of buildings community accountability act".

16 § 3. Section 28-103.18.1 of the administrative code of the city of New York, as added by local law number 33 of the city of New York for the year 2007, is amended to read as follows:

19 § 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.

LBD08464-01-7

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 § 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 § 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 § 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 § 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 § 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 § 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 § 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 § 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 § 8. The administrative code of the city of New York is amended by  
7 adding a new section 28-104.11 to read as follows:

8 § 28-104.11 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 § 9. The opening paragraph of section 28-105.1 of the administrative  
45 code of the city of New York is designated subdivision 1 and a new  
46 subdivision 2 is added to read as follows:

47 2. The department shall publish on its website by community board,  
48 notice of permits granted for any new building, foundation and earth-  
49 work, alteration, and any demolition and removal, including the address  
50 of the project where the permit has been granted. The department shall  
51 provide access to or furnish a copy of the permit and other documents  
52 within the docket established for the project, either electronically or  
53 by other means, upon request and shall make such documents available  
54 within five business days of such request. The department may withhold  
55 plans for particular buildings at the request of law enforcement agen-  
56 cies.

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

3 § 28-110.3 Presence of site safety coordinator required. A site safety  
4 coordinator shall be present on any site of construction of a new build-  
5 ing in excess of five stories in height, pursuant to department regu-  
6 lations.

7 § 11. This act shall take effect on the ninetieth day after it shall  
8 have become a law.