STATE OF NEW YORK

3115--A

2019-2020 Regular Sessions

IN ASSEMBLY

January 28, 2019

Introduced by M. of A. CARROLL, L. ROSENTHAL, HEVESI, LENTOL, COLTON, BENEDETTO, CYMBROWITZ, GOTTFRIED, DINOWITZ, JAFFEE, CRESPO, WEPRIN -- Multi-Sponsored by -- M. of A. GLICK, PERRY -- read once and referred to the Committee on Cities -- recommitted to the Committee on Cities in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Legislative findings. The legislature hereby finds and declares that the health and safety of the population living in and around the many construction projects within the densely populated city of New York is a matter of state concern as pressure mounts to build more and more while completing projects in the shortest time possible. Construction is the most dangerous occupation, with death rates four times the average for other workers and conditions adjacent to construction sites dangerous to the public.

A comprehensive public reporting system for the tracking of accidents, 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.

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

§ 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:

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

LBD02047-03-0

§ 28-103.18.1 Complaint records. The department shall keep records of complaints made by any person in reference to any building or other matter under the jurisdiction of the department. Recorded complaints shall include the name and residence of the complainant, the name of the person complained of, the date of the entry of the complaint and any suggested remedies. Except for entries of names and residences of the complainants, such records shall be made available for public examination **and shall be posted on the department's information website maintained by the city of New York, subject to such regulations as the commissioner shall prescribe**.

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

§ 28-103.18.2 Records of construction and building accidents. The department shall maintain a record of all construction and building accidents resulting in either injury or death to persons or damage to property arising out of violations of the building code, including but not limited to unsafe building orders and stop work orders. Such record shall be posted on the department's information website maintained by the city of New York, subject to such regulations as the commissioner shall prescribe. The commissioner shall cause such accidents to be investigated and a written report prepared regarding the circumstances of the accident.

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

§ 28-201.5 Biannual reports to community boards and borough presidents. The department shall, not less than biannually, provide a report on department actions to each community board, for department actions within such board, and to the borough presidents, for actions in the borough of each borough president. The report shall show all specified immediately hazardous and specified major violations, the number of such violations corrected, enforcement actions commenced, and the disposition of enforcement actions, within the period, separated by community board and borough president. Such enforcement actions shall include court actions, orders of closure, and environmental control board actions and orders, including fines and penalties. The report shall further show all unsafe building orders, vacate orders, and stop work orders.

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

§ 28-207.6 Investigation and report; dangerous conditions, vacate order. Whenever the department has issued an order regarding any dangerous conditions pursuant to section 28-216.4 of this chapter or any vacate order, the commissioner shall cause the circumstances regarding such order to be investigated, and a written report prepared. Such report shall be available for public examination, and posted on the department's information website maintained by the city of New York, pursuant to such regulations as the commissioner may prescribe.

§ 7. This act shall take effect one year after it shall have become a law.