

STATE OF NEW YORK

499--A

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. CARROLL, HEVESI, L. ROSENTHAL, BENEDETTO, COLTON, CYMBROWITZ, DINOWITZ, GOTTFRIED, WEPRIN -- Multi-Sponsored by -- M. of A. GLICK, PERRY -- read once and referred to the Committee on Cities -- reported and referred to the Committee on Codes -- 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:

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 § 2. This act shall be known and may be cited as the "New York city
15 department of buildings community accountability act".
16 § 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:

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

LBD05232-02-1

1 § 28-103.18.1 Complaint records. The department shall keep records of
2 complaints made by any person in reference to any building or other
3 matter under the jurisdiction of the department. Recorded complaints
4 shall include the name and residence of the complainant, the name of the
5 person complained of, the date of the entry of the complaint and any
6 suggested remedies. Except for entries of names and residences of the
7 complainants, such records shall be made available for public examina-
8 tion and shall be posted on the department's information website main-
9 tained by the city of New York, subject to such regulations as the
10 commissioner shall prescribe.

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

13 § 28-103.18.2 Records of construction and building accidents. The
14 department shall maintain a record of all construction and building
15 accidents resulting in either serious physical injury or death to
16 persons or damage to property arising out of violations of the building
17 code, including but not limited to unsafe building orders and stop work
18 orders. Such record shall be posted on the department's information
19 website maintained by the city of New York, subject to such regulations
20 as the commissioner shall prescribe. The commissioner shall cause such
21 accidents to be investigated and a written report prepared regarding the
22 circumstances of the accident.

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

25 § 28-201.5 Biannual reports to community boards and borough presi-
26 dents. The department shall, not less than biannually, provide a report
27 on department actions to each community board, for department actions
28 within such board, and to the borough presidents, for actions in the
29 borough of each borough president. The report shall show all specified
30 immediately hazardous and specified major violations, the number of such
31 violations corrected, enforcement actions commenced, and the disposition
32 of enforcement actions, within the period, separated by community board
33 and borough president. Such enforcement actions shall include court
34 actions, orders of closure, and environmental control board actions and
35 orders, including fines and penalties. The report shall further show all
36 unsafe building orders, vacate orders, and stop work orders.

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 conditions, vacate
40 order. Whenever the department has issued an order regarding any danger-
41 ous conditions pursuant to section 28-216.4 of this chapter or any
42 vacate order, the commissioner shall cause the circumstances regarding
43 such order to be investigated, and a written report prepared. Such
44 report shall be available for public examination, and posted on the
45 department's information website maintained by the city of New York,
46 pursuant to such regulations as the commissioner may prescribe.

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