

# STATE OF NEW YORK

555

2023-2024 Regular Sessions

## IN SENATE

January 5, 2023

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1

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 amended by section 1 of part A of local law number 126 of the  
18 city of New York for the year 2021, 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  
23 person complained of, the date of the entry of the complaint and any  
24 suggested remedies. Except for entries of names and residences of the

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

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1 complainants, such records shall be made available for public examina-  
2 tion and shall be posted on the department's information website main-  
3 tained by the city of New York, subject to such regulations as the  
4 commissioner shall prescribe.

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

7 § 28-103.18.2 Records of construction and building accidents. The  
8 department shall maintain a record of all construction and building  
9 accidents resulting in either serious physical injury or death to  
10 persons or damage to property arising out of violations of the building  
11 code, including but not limited to unsafe building orders and stop work  
12 orders. Such record shall be posted on the department's information  
13 website maintained by the city of New York, subject to such regulations  
14 as the commissioner shall prescribe. The commissioner shall cause such  
15 accidents to be investigated and a written report prepared regarding the  
16 circumstances of the accident.

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

19 § 28-201.5 Biannual reports to community boards and borough presi-  
20 dents. The department shall, not less than biannually, provide a report  
21 on department actions to each community board, for department actions  
22 within such board, and to the borough presidents, for actions in the  
23 borough of each borough president. The report shall show all specified  
24 immediately hazardous and specified major violations, the number of such  
25 violations corrected, enforcement actions commenced, and the disposition  
26 of enforcement actions, within the period, separated by community board  
27 and borough president. Such enforcement actions shall include court  
28 actions, orders of closure, and environmental control board actions and  
29 orders, including fines and penalties. The report shall further show all  
30 unsafe building orders, vacate orders, and stop work orders.

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

33 § 28-207.6 Investigation and report; dangerous conditions, vacate  
34 order. Whenever the department has issued an order regarding any danger-  
35 ous conditions pursuant to section 28-216.4 of this chapter or any  
36 vacate order, the commissioner shall cause the circumstances regarding  
37 such order to be investigated, and a written report prepared. Such  
38 report shall be available for public examination, and posted on the  
39 department's information website maintained by the city of New York,  
40 pursuant to such regulations as the commissioner may prescribe.

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