



T A S K F O R C E O N  
**CONSTRUCTION IN  
OCCUPIED MULTIPLE  
DWELLINGS**

2 0 1 9 - 2 0 2 4



*Report Pursuant to*  
**LOCAL LAW 151 OF 2017**



# CURRENT MEMBERS

## NYC Agency Members

Representatives from **NYC Department of Buildings** (co-chair): Salvatore Agostino, Sarah Desmond; **NYC Department of Housing Preservation & Development** (co-chair): Martha Weithman, Grace Defina, Tawanda Hamilton; **NYC Department of Environmental Protection**: Mark Page, Rajeshwar Harilall, Ronald Vaughan; **NYC Department of Health & Mental Hygiene**: Andrew Faciano

## Mayoral Appointees

Emily Goldstein (Association for Neighborhood & Housing Development), Rolando Guzman (St. Nick's Alliance), Rachel Nager (Brooklyn Legal Services), Emilio Paesano (Mobilization for Justice).

## NYC Council Appointees

Sam Chiera (Communities Resist), Yonatan Tadele (Cooper Square Committee), Vacancies (3).

# HIGHLIGHTS

- Task Force on Construction in Occupied Multiple Dwellings convened in March 2019 under Local Law 151 of 2017.
- Met 18 times over the past 4.5 years.
- Conducted an assessment of current agency practices
- For the assessment, used buildings with active construction, identified by the tenant advocate task force members, as case studies to evaluate the collective response of the agencies and to examine ways in which collaborative efforts could be improved.
- Case studies buildings selected include
  - Round 1: 221 East 10 Street, MN; 272 Stagg Street, BK; 1549 Dekalb Avenue, BK
  - Round 2: 232 Stanhope Street, BK; 57 Herbert Street, BK; 312 Manhattan Avenue, MN
  - Tenant representatives at 312 Manhattan Avenue, BK attended the 12/14/2023 meeting.
- Submitted annual recommendations to the Mayor and the NYC Council to improve interagency cooperation on 2/2021, 3/2023, and 3/2024.





# TASK FORCE RECOMMENDATIONS

## 1. Access to Tenant Protection Plans in DOB NOW.

- a. **Background:** Currently, while the TPP is viewable in the DOB NOW Public Portal, the public cannot print the online fillable DOB NOW TPP form.
- b. **Recommendation:** Make the TPP in the DOB NOW Public Portal printable.

## 2. Publicly accessible building data

- a. **Background:** Building information data that is publicly accessible varies by city agency. Each agency makes certain data available on its respective website. For example, DOB provides information on its website related to filings, violations, inspection outcomes, and required safety filings. DOB has also transitioned to DOB NOW to allow applicants to file online. HPD provides information online on violations, litigation status, vacate orders and Emergency Repair Program, among other information. DEP currently provides public access via premise address searches for (1) air pollution equipment permits (boilers and industrial equipment); (2) Construction Noise Mitigation Plans and (3) Alternative Noise Mitigation Plans through the DEP webpage. Asbestos Project Notification form information is currently available on NYC Open Data. Access to DEP and DOHMH records online is more limited, in part due to HIPAA requirements related to lead paint poisoning.
- b. **Recommendation:** The Task Force supports Mayor Adams' proposal, **MyCity** that will make information from individual city agencies accessible under a single (central) portal/platform and expand accessible information.
  - i. In the short term, DOHMH is making new data available on complaint response to reports of uncontained construction dust in common areas of buildings. This data will be available to search via NYC Open Data and through **Service Request Status searches**.
  - ii. In response to the Task Force recommendations, DEP launched an Asbestos Control Program (ACP) public information portal project that includes all current asbestos project notification forms (ACP-7) and asbestos assessment reports (ACP-5 forms).

## 3. Tenant Harassment Prevention Task Force (THPTF) Building Selection Criteria

- a. **Background:** Due to market changes, renewal of the rent laws and other external factors, the indicators for at-risk buildings may change over time. THPTF's MODA selection criteria should therefore be periodically reviewed to ensure it is targeted to



the most at-risk buildings, given changing external factors.

- b. Recommendation:** Task Force on Construction in Occupied Multiple Dwellings shall review the THPTF building selection criteria annually. The annual review will include an analysis of outcomes by selection criteria and input from housing agencies with respect to 'on the ground' trends, etc. The Task Force will extend invitations to one representative from up to five local housing organizations to discuss recent trends. Finally, each agency should individually review its respective MODA selection criteria to ensure the accuracy of, inclusion of newly created complaint codes and recommend new indicators annually.

#### 4. Quarterly THPTF meetings to Review Inspection Results

- a. Background:** Following a THPTF inspection, each agency takes follow-up action based on their jurisdiction and business processes which may allow for a period of owner compliance. However, it is difficult to know if other agency issues were addressed by the owner following the inspection and/or if the THPTF should return to the building for an additional inspection.
- b. Recommendation:** The THPTF will convene a quarterly meeting of agency THPTF participants to review inspection outcomes of buildings inspected that quarter. Each agency will present inspection outcomes and a determination as to whether or not the owner has taken steps to comply with their agency's violations/citations. The team will discuss next steps and determine a lead agency for follow-up.

#### 5. Wider distribution of Tenant Education materials

- a. Background:** The inspectors of each city agency come in contact with hundreds of NYC tenants daily. Each interaction presents a unique opportunity to distribute tenant education materials for tenants who may otherwise not receive this information. The challenge is that inspectors have limited means to carry brochures (i.e., DOHMH travel by subway, others have a different car each day, limiting the ability to carry any agency's brochures). Additionally, if distributing brochures from another city agency, the inspector would need to ensure that it is current.
- b. Recommendation:** Develop a One Pager or smaller card with a QR code for all City agencies that will be distributed by all agency inspectors. The purpose of the document/linked information to the QR code is to provide concise information about common issues that each agency addresses, information about how to make a complaint to that agency, suggest keywords to use when calling 311, and provide a brief description about what happens after a complaint is made. Additionally, distribute each agency's brochures at THPTF inspections.



## 6. Inter-agency Trainings for Issues with Multi-agency Jurisdictions

- a. **Background:** Many housing-related issues have components that cross multi-agency jurisdictions. Agency staff may lack knowledge of what steps have been taken by other agencies and their processes.
- b. **Recommendation:** Offer periodic inter-agency trainings on relevant topics for 'on the ground' staff. Periodically review/clarify each agency's procedures regarding:
  - i. Asbestos (DEP/DOB)
  - ii. Lead (DOHMH/HPD/DOB)
  - iii. Noise (DEP/DOB)
  - iv. Egress (HPD/DOB)

## 7. Text revision of Local Law 116 of 2019 related to 72 Hour Notifications.

- a. **Background:** Current notice requirements state that an owner must notify DOB **at least 72-hours prior to the commencement of work**. In practice, owners notify DOB prematurely; Inspectors repeatedly arrive at sites to find work has not yet started.
- b. **Recommendation:** In an effort to increase efficiency, DOB recommends the following change to 3303.10.2 for more precise notifications: "**3303.10.2 Inspections of Tenant Protection Plan.** *The owner shall notify the department in writing (at least) not earlier than 72 hours, but at least 24 hours prior to the commencement of any work requiring a tenant protection plan ...*"

## 8. Text revision of Local Law 116 of 2019 related to 180-day re-inspection.

- a. **Background:** Currently inspectors are required to inspect at the start of work, and then again at 180-day intervals until the work is complete. Many of the small to mid-size jobs in multiple dwellings are completed within the 180-days. The re-inspection interval is too long, as Inspectors often find the worksite closed and work complete at the time of inspection.
- b. **Recommendation:** Allow follow-up inspection(s) at a shorter interval than 180-days, as follows: "**3303.10.2 Inspections of Tenant Protection Plan.** *The owner shall notify the department in writing not more than 72 hours, but not less than 24 hours prior to the commencement of any work requiring a tenant protection plan. The department shall conduct an inspection of 10 percent of such sites within seven days after the commencement of such work to verify compliance with the tenant protection plan. The Department shall conduct follow up inspections of such sites ~~every~~ within 180 days ~~until such construction is completed~~ to verify compliance with the Building Code and*



*Tenant Protection Plan. Thereafter, the Department shall conduct an inspection within 10 days of receipt of a complaint concerning such work until such construction is completed.*

## **9. Text revision to Local Law 159 of 2017 related to service requirements of the Safe Construction Bill of Rights (SCBR).**

- a. Background:** Currently the SCBR must be posted on each floor or served upon each occupied unit while the Tenant Protection Plan Notice (TPPN) must be posted on each floor and served upon each occupied unit. The different service requirements of the two required documents causes confusion for owners and tenants. The recommendation is to change the service provision for the SCBR to mirror that of the TPPN for purposes of clarity. Additionally, service upon each individual occupied unit is difficult to ascertain for an inspector.
- b. Recommendation:** Make the following change to the Housing Maintenance Code:  
*"§27-2009.2 (b). Notice. 1. Contemporaneously with an application for a permit for work not constituting minor alterations or ordinary repairs, contemporaneously with the owner's notification of the department that an emergency work permit is being sought, or, for new buildings, immediately upon application for a temporary certificate of occupancy, the owner of a multiple dwelling shall (i) distribute a notice, titled the "Safe Construction Bill of Rights," to each occupied dwelling unit ~~or~~ and (ii) post such notice, in a conspicuous manner in the building lobby, adjacent to the posted notice required pursuant to chapter 11 of title 26 of the code, and on every floor within 10 feet of every elevator bank, or, in a building with no elevator, within 10 feet of or inside every main stairwell."*

