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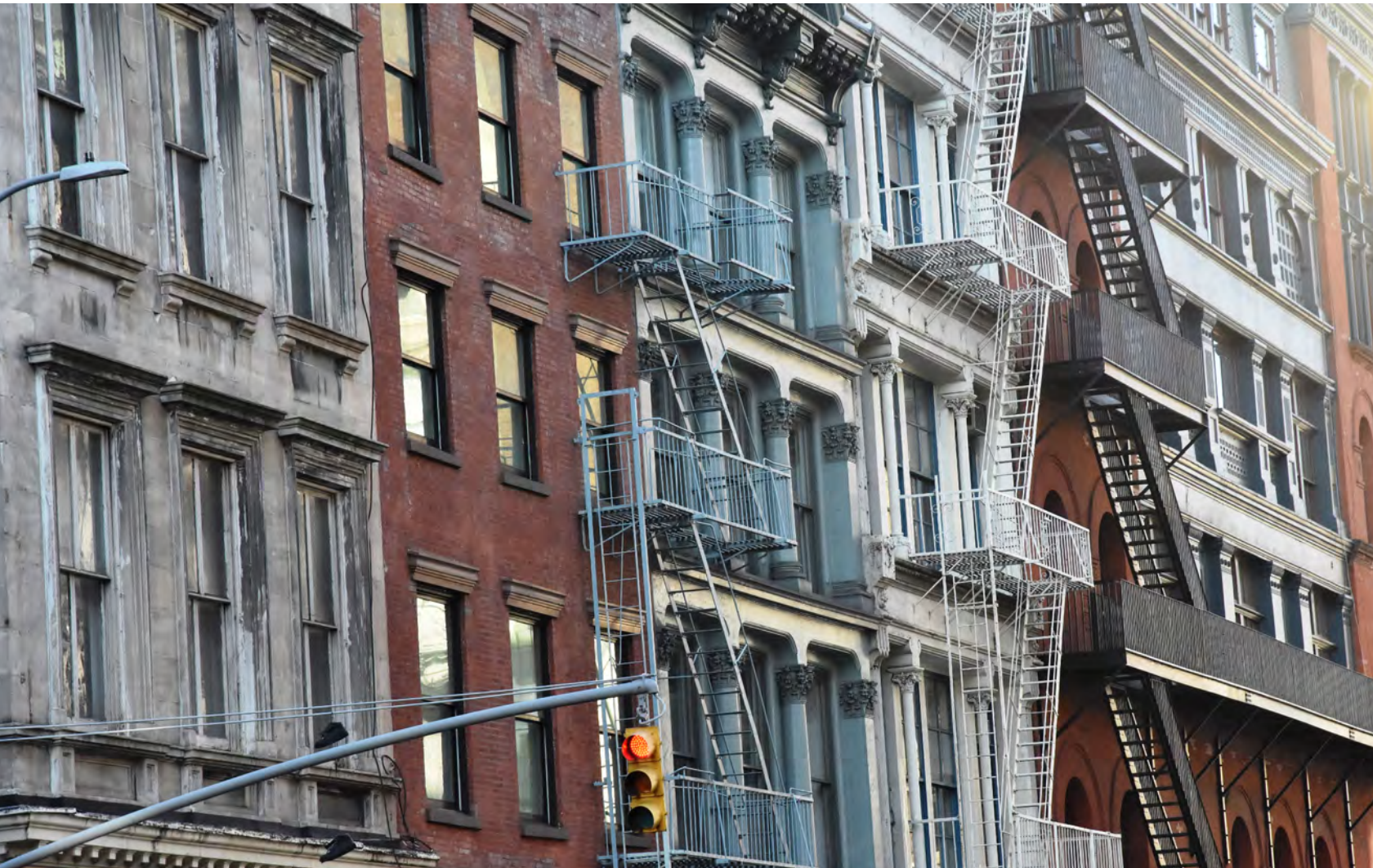
Buildings

Task Force on Construction in Occupied Multiple Dwellings:

ANNUAL RECOMMENDATIONS

Established by Local Law 151 of 2017, the Task Force on Construction in Occupied Multiple Dwellings (The Task Force) addresses issues stemming from construction across different City agency jurisdictions. The Task Force is charged with evaluating the practices of each agency and issuing an annual report detailing its findings and provides recommendations for improving interagency coordination and sharing of information.

12/2022 Recommendations



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

BACKGROUND: Current notice requirements state an owner must notify DOB “at least 72-hours prior to the commencement of work.” In practice, owners notify DOB prematurely; DOB inspectors repeatedly arrive at sites to find work has not yet started.

RECOMMENDATION: 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 ...”

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

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.

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 ~~at least~~ not earlier than 72 hours but at least 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.”

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

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.

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.”

4. Access to Tenant Protection Plans in DOB NOW.

BACKGROUND: Currently, while the TPP is viewable in the **DOB NOW Public Portal**, the public cannot print the online fillable DOB NOW TPP form.

RECOMMENDATION: Make the TPP in the DOB NOW Public Portal printable.

5. Publicly accessible building data.

BACKGROUND: Currently, 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.

RECOMMENDATION: The Task Force supports Mayor Adams' **MyCity** proposal, that will make individual City agency information accessible under a single (central) portal/platform and will expand accessible information.

- 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 the [Service Request Status search](#).
- In response to the Task Force recommendations, DEP's IT department initiated an Asbestos Control Program (ACP) public information portal project that will allow the viewing of current asbestos project notification (ACP-7 forms) and asbestos assessment reports (ACP-5 forms). This project is in the planning stages and will most likely be completed by November 2023.

