

## ***Stand for Tenant Safety***

### **Legislative Platform to Reform DOB**

Below are summaries for each of the bills in our 12 bill package sponsored by 11 City Council Members.

#### [Int 0918-2015: Professionally certified applications for construction document approval and final inspections of permitted work](#)

##### **Chin & Menchaca**

Self-Certification, also known as Professional Certification, is a process by which licensed professionals may bypass a full review of a building project by the NYC Department of Buildings (DOB).<sup>1</sup> For buildings where more than 10% of units are occupied and buildings that are owned by a person who has been found guilty of tenant harassment, DOB must conduct its own inspection or investigation before issuing any permits for construction work.

#### [Int 0924-2015: Vacate Orders](#)

##### **Espinal**

Currently when DOB judges a building unsafe or unfit for habitation, it issues vacate orders to help maintain tenants' safety while the underlying problem is solved. While vacate orders are helpful in protecting tenants' safety, if they are not issued concurrently with orders to correct, landlords can use these vacate orders as a way to displace tenants and never improve building conditions. This creates a perverse incentive for landlords to make buildings unsafe or unfit for habitation as a tactic to remove tenants. By issuing orders to correct simultaneously with full or partial vacate orders, we correct the incentive system: the orders to correct would require building owners to correct the underlying problems within a certain period of time, to be determined by DOB but not to be longer than 10 days, and therefore would put pressure on landlords to improve building conditions in a timely manner and return tenants to their apartments. Along with the order to correct, DOB would notify building owners that failure to correct the underlying building conditions could result in significant consequences, including penalties and fines.

#### [Int 0926-2015: Creating a task force on construction work in occupied multiple dwellings](#)

##### **Garodnick**

Because various city and state agencies have jurisdiction and mandates to oversee the types of issues that routinely arise for tenants during residential rehabilitation and renovation construction work, these agencies should communicate clearly. This bill mandates that DOB, HPD, DOH, and DEP create an interagency taskforce with 13 standing members. Four of the members will be the commissioners for the aforementioned city agencies, four members will be city councilmembers appointed by the Mayor, and five members will be city councilmembers appointed by the Speaker. This Taskforce will meet at least once a month, do annual reports, and facilitate oversight hearings. The Taskforce will disband 3 years after its establishment.

#### [Int 0930-2015: Distressed buildings subject to foreclosure by action in rem](#)

##### **Kallos**

After a violation, penalty, or fine is issued on a building, there is no enforcement for the collection of these penalties. As such, some landlords ignore the penalties and let them accrue on their property. Currently the City has the power to put liens on certain properties if they fail to pay their ECB fines, but we want to make it possible for the city to put liens on apartment buildings (buildings with 20 units or more with at least \$60,000 of ECB fine judgements against them, or buildings with six to nineteen units with at least \$15,000 of ECB fine judgements against them) if they fail to pay their ECB fines.

---

<sup>1</sup> In 2007 the City Council passed legislation to sanction professional engineers and registered architects who knowingly or negligently professionally certify a false or noncompliant building permit (309-A 2007). However, seven years later, abuses at the DOB persist. In 2013, only 13 architects had any of their self-certification privileges limited or surrendered ([http://www.nyc.gov/html/dob/html/safety/voluntary\\_surrender.shtml](http://www.nyc.gov/html/dob/html/safety/voluntary_surrender.shtml)). We propose that the law limit Self-Certification to only activities that relate to the code, such as wiring and fireproofing and not the current expanded view put in place under Mayor Giuliani (<http://www.nytimes.com/2000/12/03/realestate/when-builders-are-inspectors.html>).

[Int 0931-2015: Building violations adjudicated before the office of administrative trials and hearings](#)

**Kallos**

Part of the reason we want to expand the category of buildings for which ECB fines can be made lien collectable is that we want the city to have the power to commence foreclosure proceedings on buildings that have accrued a lot of violations and fines. The abovementioned expansion to the buildings that can have ECB fines made lien collectable means that this expanded category of buildings will be included in the group of properties of “distressed buildings” that the city can commence foreclosure proceedings against. The threat of foreclosure proceedings will help push landlords to actually pay their fines before they become at risk of the city beginning their foreclosure proceeding.

[Int 0934-2015: Creation of a real time enforcement unit in the department of buildings](#)

**Levin**

One of the biggest issues tenants encounter is the inadequate response time for DOB to tenants’ complaints. By creating a Real Time Enforcement unit (RTE), DOB will be able to respond in a timelier manner to complaints, and they will have a unit to help measure and track complaints and violators. The RTE is mandated to conduct inspections for complaints about work being done without a permit within two hours of the receipt of the complaint; must inspect buildings doing significant amounts of construction (buildings with construction plans that will alter more than 10% of the existing floor surface area of the building or construction permits for making an addition to the building) within five days of the start of construction work and make periodic unannounced inspections afterwards; and has the ability to issue violations or stop work orders. The DOB must also publish an online annual report outlining the number of complaints received, the average time taken to respond to complaints, the number of buildings with significant construction, the number of periodic inspections conducted on buildings with significant construction, and the number and type of violations issued.

[Int 0936-2015: Tenant Protection Plans](#)

**Levine**

Currently, landlords are already required to file a tenant protection plan (TPP) whenever they file construction documents for an occupied building.<sup>2</sup> We hope to strengthen the content, accessibility, and enforceability of these tenant protection plans. With this bill, the TPP will include information about the maintenance of essential services during construction, will be made publicly available to tenants by the DOB on their website, and must be posted in public places in the building. Within 7 days of the commencement of any work, DOB must inspect buildings to ensure that the landlord is complying with the TPP. If work is not being done in compliance with the TPP, then DOB must issue a stop work order.

[Int 0938-2015: Requiring increased oversight of construction contractors who have engaged in work without a required permit](#)

**Reynoso**

Too many bad contractors get the opportunity to continue to commit aggressive, negligent, dangerous construction without the proper permits. This bill will create a watch list for contractors who have performed work without a required permit within the preceding two years. On any occupied site where a contractor on the watch list is doing work, the DOB will perform one or more inspections to ensure that the contractor is not breaking the laws, rules, regulations, and permitting requirements. There will be an opportunity to get off the watch list if the contractor has a clean slate for 2 years.

---

<sup>2</sup> The New York City Administrative Code requires landlords to file a tenant protection plan whenever they file construction documents for occupied buildings. This plan is required to contain information about the means and methods to be employed to safeguard the health and safety of occupants. The plan is also required to contain specific provisions for egress, fire safety, health requirements, compliance with housing standards, structural safety, and noise restrictions. However, this provision of the Code is rarely enforced and tenants are routinely deprived of the protections that it entitles them to. (New York City Administrative Code, Title 28, Section 104.8.4)

[Int 0939-2015: Increasing the penalties for work without a permit](#)

**Reynoso**

We don't want penalties to just be a "cost of doing business" in the minds of New York City developers and contractors. We want penalties to be actual deterrents for doing unscrupulous construction. This bill will increase the penalty for doing work without a permit in one or two family dwellings to eight times (previously four times) the amount of the fee payable for the permit and even when only part of the work has been performed without a permit, the penalty will not be less than \$1000 (up from \$500). For buildings other than one to two family homes, the penalties will be even bigger – it will be 28 times the fee payable for the needed permit (up from 14 times), and the penalty for doing partial work without a permit will be no less than \$10,000 (up from \$5,000).

[Int 0940-2015: Increasing the penalties for a violation of a stop work order](#)

**Reynoso**

Violating a stop work order is one of the worst offenses a negligent contractor or landlord can commit. Fines for working while a stop work order is in effect will increase from \$5,000 to \$10,000 for the first violation and then from \$10,000 to \$20,000 for each subsequent violation with the passage of this bill.

[Int 0944-2015: Construction work permits](#)

**Rosenthal & Johnson**

Landlords who want to expedite construction will falsify their permits to say that the building is unoccupied, and sometimes tenants have no idea that the landlord has lied. In order to make it easier for tenants and DOB investigators to see when landlords have falsified permits, the DOB commissioner must post on the DOB website the occupancy status of the building for any building where a construction permit has been issued. Also, all on-site permits must disclose the occupancy status of the building. Another loop-hole in the permitting process is that even when landlords are fined and found guilty of doing construction work without proper permits, DOB makes it too easy for these bad actors to file for construction documents again. As such, this bill requires that for landlords who have done work without a permit within the past year of filing construction documents, they cannot self-certify their construction documents; DOB must provide written notice of the construction plans to the borough president, local Council Member, and the local community board; penalties will be doubled for other violations; and DOB can charge an inspection fee for each complaint-based inspection conducted at that building that results in the issuance of a violation.

[Int 0960-2015: Creating a safe construction bill of rights](#)

**Mendez**

In addition to posting the Department of Buildings Permits and the tenant protection plan, landlords must post a "Safe Construction Bill of Rights" at least 14 days prior to the start of construction work. This Bill of Rights should provide tenants information that is easy to read about what is happening in their building and must be posted on every floor of the building. On that bill of rights, the landlord must list in simple English, Spanish, and other languages as determined by the Department of Buildings:

1. Description of the work being performed and its potential impact on tenants;
2. Hours of construction;
3. Timeline for the completion of the work;
4. What services offered to the tenants might be affected (e.g. loss of hot water) and mitigation measurements the landlord is using to protect the tenants;
5. Who to contact at the landlord's office if there is a problem, (24 hours a day); and
6. Who to call to complain to in the City if the tenant is concerned about the work being performed.