



## Keeping NYC buildings safe: Owners and property managers be aware of the ever-changing requirements

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External factors, such as weather, oxidation and the natural deterioration of materials over time, can all exact a heavy toll on the buildings in which we live and work. The inevitable deterioration process, if not monitored and maintained, can often lead to unsafe conditions such as the development of cracks and bulges in the exterior bricks and masonry, deterioration of mortar joints, and splitting of caulked joints. As owners and property managers endeavor to ensure the overall safety and structural integrity of their buildings, it is critical that they are aware of the ever-changing requirements of the buildings department and insurance providers, whose mutual goal is to keep our city's buildings and tenants safe.

### Façades

One way in which the NYC Department of Buildings (DOB) has worked to ensure public safety and protect against damage to property from unsafe façade conditions is through the enforcement of Local Law 11 of 1998.

Local Law 11/98 requires that the exterior façades of buildings greater than six stories be inspected every five years by a qualified exterior wall inspector (QEWI), and that the conditions noted during the inspection be categorized as Safe, Unsafe, or Safe with a Repair & Maintenance Program (SWARMP). Unsafe conditions must be repaired immediately, and conditions that are safe with a repair & maintenance program must be corrected within the time frame recommended by the professional, but no later than the deadline for the next inspection and report filing.

Starting with Cycle 7, the current cycle of Local Law 11/98, the DOB divided the required façade inspections into three staggered sub-cycles (A, B and C). The assignment of a particular building to one of these sub-cycles is based upon the last digit of the building's block number. Sub-cycle A is already complete. Sub-cycle B and C are currently underway, with filing deadline dates of August 21, 2012 and February 21, 2013 respectively.

### Special Inspections

In addition to restructuring the inspection and filing processes for exterior façade inspections in accordance with Local Law 11/98, the NYC Department of Buildings has also made recent changes to the requirements for Special Inspections on various components of construction projects. Special inspections, which were formerly known as controlled inspections, are required to be performed for structural steel, concrete, masonry and other items of construction to ensure that the work complies with the approved plans and specifications as well as various building code requirements. Such inspections must be performed by a licensed and/or certified professional.

On April 5, Commissioner Robert LiMandri of the New York City Department of Buildings signed an amendment to Rule 101-06 of Title 1 of the Rules of the City of New York (1 RCNY), effective May 13, which will require that all Special Inspections be performed by Special Inspectors who are

employed by accredited "Special Inspection Agencies." It is important for building owners and property managers to know that the Special Inspection Agency must be hired directly by the owner, not by the contractor. Building owners should always verify the accreditation of the Special Inspection Agency and the credentials of the special inspector to ensure that they are properly registered to perform special inspections.

#### Retaining Walls

Following the collapse of a retaining wall at the site of Castle Village onto the Henry Hudson Parkway, Local Law 37 of 2008 was enacted by the New York City Council, establishing new inspection and reporting requirements for retaining walls that are 10 feet or more in height and front a public right-of-way.

Condition assessments must be performed at least once every five years by a professional engineer or registered architect, and a report of the condition assessment submitted to the Buildings Department within sixty days of the assessment.

It is crucial that building owners and property managers have a registered design professional inspect their retaining walls following the spring thaw to check for any damage and specify any required repairs.

#### Sidewalks & Plazas

One of the new challenges facing building owners, both commercial and residential, is the changing requirements of their insurance providers. Insurance providers are now conducting inspections of building sidewalks, courtyards and parking lots to check for conditions that could present possible trip hazards. If such conditions are noted, they must be corrected within an allotted time frame. Insurance providers are now requesting that building owners retain an engineer to assess the conditions and prepare the necessary documents to remedy trip hazards.

#### Roofs

It is important for building owners and property managers to have their roofing systems inspected by a qualified professional to identify any potential weaknesses. With the use of Infrared Thermographic Technology and other non-destructive techniques, engineering professionals can detect problem areas before water and moisture cause extensive damage. By being proactive, building owners and property managers can protect themselves against emergencies, unnecessary expenses, and even voided warranties.

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