



## **Local Law 37 of 2008 - Retaining wall inspections: What building managers/owners need to know to comply**

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New York City has had many local laws enforced for the betterment of the city and the safety of its residents and visitors. Retaining walls are no exception to these enforced laws. When referring to a retaining wall within local laws the definition is as follows:

"A wall that resists lateral pressures and limits lateral displacement caused by soil, rock, water or other materials, except that basement and vault walls that are part of a building, underground structures, including but not limited to utility vault structures, tunnels, transit stations and swimming pools, shall not be considered retaining walls."

This definition, specific to this law, is important in understanding if your retaining wall falls under the requirements of Local Law 37 in regards to maintenance, inspection and repair requirements. Along with the above, a retaining wall must measure 10 feet in height from the "top of the ground in front of the wall to the top of the wall stem, or wall step for stepped walls, including any parapets or fencing capable of retaining material." - Local Laws of The City of New York §28-305.4.2.

This law requires that inspections, reports and repairs be performed on a staggered cycle. These cycles will begin January 1st, 2014. These cycles are broken down by boroughs with the schedule featured in this article.

This law is multi-faceted including fees, inspections with reports, and ratings. A failure to follow these requirements will lead to penalties which can be costly. Having a skilled engineer involved in this process from the beginning will help ensure that all necessary steps are taken to avoid penalties. Falcon Engineering recommends that building owners and managers determine which cycle their building(s) fall within and begin to plan the inspection work. Building owners and managers should plan on completing this work early in their respective filing period to allow maximum time for funding and completing all necessary repairs.

An initial inspection is to be performed by a licensed engineer with three years of experience relevant to retaining wall inspections. A report is required which must include a detailed description of the overall rating indicating the factors that contributed to the assigned rating including: deterioration of mortar joints, cracks, bulges, shifting, crumbling and changes in adjacent areas. All factors must lead to one of four ratings: safe, safe with minor repairs or maintenance, safe with repairs and/or engineering monitoring, or unsafe.

Failure to complete repairs documented in the Local Law 37 Report to a "safe" condition will result in fines which compound daily. Preparation is key in preventing these fines. Falcon Engineering can assist building owners and managers by performing required inspections, preparing and filing necessary reports.

Anthony Volpe, P.E. is a principal at The Falcon Group, Bridgewater, N.J.

New York Real Estate Journal - 17 Accord Park Drive #207, Norwell MA 02061 - (781) 878-4540