



## **After the New York City parking garage collapse - by C. Jaye Berger**

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Property owners will be surprised to hear that there are already new laws in place to cover the periodic inspection of parking garages not unlike Local Law 11 for facades.

It is also reminiscent of years ago when property managers would come up to the roof of co-op buildings to look around and find that there were very heavy plants in the areas of the roof where they were going to do work and remediate situations. This was usually followed with letters to those shareholders asking them to fix those conditions.

Since good engineers are hard to find, buildings would be well-advised to retain them sooner rather than later to be prepared.

Also, the contractor said to do the repair work is very likely to be fully booked.

Even with Local Law 11 work, buildings scoop up engineers quickly and there are not many available people. Buildings need to send a retainer agreement to these companies and agree on payment terms before any work can get started. The board needs to approve the terms of these agreements and drawings need to be prepared to recommend the work. The repair plans are going to be tied in with repair plans for whatever renovation is on-going.

Sometimes there needs to be litigation before that work can get started. If a stop work order gets issued by the building department, the work needs to be completed before the building department will allow the project to continue.

This is why it is helpful to have well thought out access agreements with provisions for completing the work. This does not apply to all parking garages.

Local Law 126 is still evolving. Building owners and their property managers should stay current on the evolution of that statute and if the cycle will be shortened or occur more often than every six years. Property managers should try to document the complaints as well as possible so that the building department can easily determine what they need to look for.

Residents at these buildings tend to file complaints that are more run-on sentences rather than detail complaints about the nature of the problem. The complaints by residents are usually about noise from the construction rather than damage.

It is not uncommon in the types of situations for the property, owner, and/or manager to not have insurance. Instead, they try to push the liability onto a contractor who may also know if he will prepare for those kinds of expenses. These tend to be more about working conditions such as altering the start time and end time of the work.

While the building department has authority to order changes, the building should not want to become too much of a pest. If the alteration agreement needs to be modified, this is a good time to

do it. The building and its property manager should be aware of the activities going on in the building and be prepared with recommendations for what needs to be done to improve the situation.

The building's architect and engineer should be prepared with information to give to the building department about on-going work and next steps.

If trees or other heavy objects need to be removed from the structure, that should take place before the next DOB visit. The pre-construction surveys will need to be reviewed. It would be helpful to discuss any recommendations for next steps including the relevant drawings and photographs with an experienced attorney and team to review such items. Photographs are always helpful.

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