



LL147 will redefine “Major Buildings,” introducing site safety requirements - by Alejandra Sepulveda

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An upcoming change to the definition of “major buildings” will have major ramifications for thousands of New York City properties by the end of the year.

The current NYC building code defines major buildings as “an existing or proposed building 10 or more stories or 125 ft. or more in height, or an existing or proposed building with a building footprint of 100,000 s/f or more regardless of height.”

However, when Local Law 147 goes into effect on December 11, 2024, this definition will expand to include buildings that are seven or more stories, or 75 ft. or more in height.

Currently, only major buildings are subject to NYC's site safety requirements, but soon this category will include buildings constructed without site safety in mind. This will introduce a variety of new hurdles for smaller contractors, who may be unfamiliar with the complicated process of obtaining approvals for site safety plans and tenant protection plans.

What's Required?

According to the Department of Building's (DOB) annually released construction safety report, fatal accidents in construction declined by 36% in 2023. However, appropriate safety measures are still a concern; non-fatal injuries have steadily increased by 38% over the past three years, due in large part to the return of construction after COVID-19. Most of these incidents have occurred on low-rise construction sites, prompting officials to expand the number of buildings that qualify for restrictions.

So, what are the site safety requirements? That depends on the scope of work — new buildings, full demolitions, and vertical/horizontal enlargements require both a Construction Superintendent (CS) as well as a Site Safety Manager (SSM) or Site Safety Coordinator (SSC), whereas smaller scopes are less stringent. For example, alteration work involving more than 50% of the gross floor area of the building requires only a CS, while partial demolitions involving less than 50% of the gross floor area require only a SSM or SSC. The code requirements for safeguards are highly variable and specific to the construction project, so it's important to reach out to a professional who can determine the best course of action for your circumstances.

To make matters more complicated, as of 1/2/24, construction superintendents may no longer be issued permits if they are already designated on three active permits, a change from the previous limit of five active permits at a time. While this restriction may ensure that your project receives undivided attention, it may also make it more difficult to find an available CS.

It's important to note that the expanded definition of major buildings does not affect facade work. Only work above 14 stories (or 200 ft. in height) will continue to necessitate site safety requirements.

Permits issued and requested before 12/11/24 will also not be affected by the change. However, any job filed before the deadline that has not been requested or issued the following initial permits, will be required to comply:

- General Construction (GC)
- Structural (ST)
- Foundation (FO)
- Support of Excavation (SE)

- Earthwork (EA)

Failing to obtain an approved site safety plan can push your project back months, so it's crucial to contact professionals who will ensure your timeline runs smoothly. For assistance with your building code and zoning concerns, we welcome you to reach out to Outsource Consultants, Inc., experts in the field for 30 years and counting.

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