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Issuance #653

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**OPERATIONS  
POLICY & PROCEDURES NOTICE 1/05**

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**TO:** Distribution  
**FROM:** Robert LiMandri  
**DATE:** February 2, 2005

**SUBJECT: PROCEDURE FOR LL 11/98 UNSAFE CONDITIONS NOTIFICATION**

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**Purpose:**

To establish a protocol for the Department of Buildings' response when Professional Engineers or Registered Architects (PE/RA) submit a Notification of an Unsafe Condition to the Borough Commissioner's Office prior to filing a LL 11/98 Report. This notification is based on observation of a hazardous or unsafe façade condition when the Professional (PE/RA) is conducting a critical examination of exterior walls and appurtenances of buildings greater than six stories in height pursuant to Local Law 11 of 1998.

**Effective:** Immediately

**Applicable Code:**

Section 27-129 of the NYC Administrative Code (Code) as amended by Local Law 11/98 and Department Rule 1 RCNY §32-03, dated 1/13/99. Specifically, Code Section 27-129 (b) and 1 Rule §32-03 (b)(2)(vii) and (b)(5) describe Notification Requirements for PE/RA to immediately report Unsafe Conditions of exterior walls and appurtenances and Code Section 27-129 (d) and Rule 1RCNY §32-03 (b)(5) describe necessary repairs of Unsafe Conditions.

**Specifics:**

1. Owner's PE/RA must accurately complete a written Notification of Unsafe Conditions (the attached DOB form # LL-8) and submit to the Borough Commissioner **and** the Owner immediately upon discovering the hazardous defects on the exterior walls. Notification may be by fax, express delivery or hand delivered letter.

2. The Owner shall immediately commence repairs or stabilization and “shall undertake such measures as may be required to secure public safety ” as per Section 27-129 (d) Necessary Repairs.
3. The Borough Commissioner’s Office shall review the Notification of Unsafe Conditions. The Borough Office shall route an Inspector to the location within one and one-half (1.5) days after receiving ‘Notification’ to perform an initial inspection (similar to the Department’s policy for answering ‘A’ complaints).
4. The Department of Buildings Inspector shall verify the extent of hazardous conditions and determine if adequate safeguards have been provided (i.e. protective fence, shed, safety netting or other appropriate measures) and if repairs are in progress.

If adequate safeguards are provided or repairs are in progress, the Inspector will write a Special Report describing the site conditions at the time of inspection.

5. If no safeguards are in place, the Inspector shall issue a DOB violation for “failure to maintain” as per Code Section 27-127 and/or a DOB violation for “no shed/public protection” as per Code Section 27-1021. The Inspector may also take appropriate actions with emergency response agencies if necessary.
6. Upon completion of the inspection and service of any violations, the Borough Commissioner/Inspection Manager will forward copies of the Inspection Report, any violations and the Notification of Unsafe Conditions to the Facade/LLEU units for filing.
7. The Facade Inspector should conduct a follow-up inspection ten (10) days after issuing a DOB violation and if the conditions have not been repaired and there are still no safeguards, the Inspector will issue ECB violations for “failure to maintain ... ” (category No. BR5) and for “no shed/public protection ...” (category No. B2W).

**Notification Contact Information:**

**Inspection Manager** at respective Department of Buildings Borough Offices;  
Local Law Enforcement Unit (LLEU) at 280 Broadway, New York NY 10007.

Note: To obtain the most recent address, telephone and Fax numbers for the offices above, please refer to Department of Buildings’ website: **NYC.gov/buildings** - LL 11/98 Information.

RL/RKM/rm