



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N. Y. 10007

EXECUTIVE ORDER NO. 209

EMERGENCY ORDER REGARDING WAIVER OF BUILDING DEPARTMENT PERMIT
FEES AND OF LOCAL LAWS RELATED TO DEMOLITION

January 1, 2013

WHEREAS, Executive Order 205, issued December 27, 2012, contains a proclamation extending a state of emergency in the City of New York, and such proclamation remains in effect for a period not to exceed thirty days or until rescinded, whichever occurs first;

WHEREAS, on October 26, 2012, the Governor issued a declaration of emergency for all counties in the State of New York, including the City of New York, and such declaration remains in effect for a period not to exceed six months or until rescinded, whichever occurs first;

WHEREAS, a severe storm hit New York City in October, causing heavy flooding, power outages, and widespread damage to residential and commercial buildings throughout the city, causing unsafe conditions in those buildings and imperiling health and safety;

WHEREAS, where practicable, the expeditious reconstruction and repair of commercial and residential buildings damaged by the storm and their re-occupation is essential to public health and safety and to the economic well being of the city;

WHEREAS, the expeditious repair and reconstruction of buildings damaged by the storm will be encouraged and incentivized by waiving certain fees that would otherwise be payable to the Department of Buildings for permits and inspections required by law for such work and would alleviate conditions of imminent peril; and

WHEREAS, the condition of certain buildings poses an imminent danger such that the expeditious demolition of those buildings is essential to public health and safety and to the economic well being of the City;

NOW, THEREFORE, it is hereby ordered:

§ 1. Pursuant to the powers vested in me by Paragraph g of Subdivision 1 of Section 24 of the New York Executive Law to suspend any local laws, ordinances, or regulations, or parts thereof, which may prevent, hinder, or delay necessary action in coping with a disaster or recovery therefrom, I hereby suspend, subject to the provisions of Section 2 of this Order, the following fees for permits issued by the Department of Buildings with respect to work necessary for repair and reconstruction of buildings damaged by the aforesaid storm:

- a. The fees required by Administrative Code §27-3018(c) for electrical work.
- b. The filing fees required by Administrative Code §28-104.5.
- c. The permit fees required by Administrative Code §§28- 105.2 and 28-105.6.
- d. The permit fees required by Administrative Code §28-112.1 and Table 28-112.2.
- e. The fees required by Administrative Code §§28-112.7.3, 28-112.8, 28-111.5, 28-116.2.4.2, and 28-117.3.

§ 2. The suspension of any fee required by local law, ordinance, or regulation pursuant to Section 1 of this Order shall apply only with respect to work related to storm damage

as determined by the Department of Buildings. Applications and permits for demolition work, alteration work, and new building work and associated work permits and inspections, including for associated plumbing or electrical work, shall be eligible for suspension of fees if the building has been issued a red placard by the Department of Buildings. Applications and permits for electrical and plumbing work not associated with above mentioned alteration or new building work shall be eligible for suspension of fees if the applicant submits certification by a NYC licensed electrician or licensed plumber that such work is due to applicable storm damage.

§ 3. Pursuant to the powers vested in me by paragraph g of subdivision 1 of section 24 of the New York Executive Law to suspend any local laws, ordinances or regulations, or parts thereof, which may prevent, hinder, or delay necessary action in coping with a disaster or recovery therefrom, I hereby suspend, subject to the provisions of section 4 of this order, the following provisions of law:

- a. The requirement of Administrative Code §28-105.4.1 that an application for a permit be submitted within two business days after the commencement of the emergency work is suspended; provided that such an application shall be required to be submitted within 90 calendar days after the commencement of the emergency work.
- b. The requirements of Building Code (“BC”) 3306.3.2 in so far as it requires that adjoining property owners be notified of upcoming demolition operations in writing not less than 10 days prior to the scheduled starting date of the demolition; provided that adjoining property owners shall be notified not less than 2 days prior to the scheduled starting date of demolition by posting the written notice on a conspicuous place at the adjoining property or properties.

- c. The requirements of BC 3306.5.1 concerning submittal documents that shall be approved by the Department of Buildings before demolition work begins.
- d. The requirements of BC 3306.5.1.1 concerning submittal documents for full or partial demolition using mechanical equipment other than handheld devices.
- e. The requirements of BC 3306.5.2 concerning maintenance of submittal documents at the site.
- f. The requirements of BC 3306.5.3 that an application be filed by a registered design professional in accordance with Article 104 of Chapter 1 of Title 28 of the Administrative Code and be approved prior to issuance of the work permit.
- g. The requirements of BC 3306.9.1 that certifications to the effect that service utility connections shall be discontinued and capped be filed with the Department of Buildings; provided however the contractor performing demolition work shall confirm with utility companies prior to commencement of demolition that utilities have been discontinued and shall document such confirmation, and file a certification to that effect with the application for permit submitted to the Department of Buildings.
- h. The requirement of BC 3306.9.13 that a licensed exterminator effectively treat the premises for rodent extermination.

§ 4. The suspension of any provision of law pursuant to section 3 of this Order shall apply only with respect to:

- a. work by a Department of Housing Preservation and Development contractor or employee or another government contractor or employee related to storm damage on buildings for which the Department of Buildings records indicate a red placard has been issued and as to which the Commissioner of Buildings has issued an order to perform or arrange the performance of the emergency demolition pursuant to Administrative Code §28-215.1; and
- b. work by the private owner and the owner's contractor that is related to storm damage on buildings for which the Department of Buildings records indicate a red placard has been issued and as to which the Commissioner of Buildings has (i) issued an order to perform or arrange the performance of the emergency demolition work pursuant to Administrative Code §28-215.1, (ii) determined that such work can be performed by the private owner and its contractor rather than by the City or its contractor and (iii) notified the Department of Housing Preservation and Development to hold execution of the work. The Commissioner shall impose such conditions and requirements as may be deemed appropriate for the safe and expeditious performance of the work by the owner and the owner's contractor and the owner and the owner's contractor shall comply with such conditions and requirements.

§ 5. This Order shall take effect immediately. It shall remain in effect for five (5) days unless it is terminated or modified at an earlier date.



Michael R. Bloomberg
Mayor