



TENANT PROTECTION IN BUILDINGS OCCUPIED DURING CONSTRUCTION

presented by
John Raine, R.A.

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CONFERENCE 2019

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DESCRIPTION

This presentation will provide an overview of regulations in the NYC Construction Codes which were enacted by NYC Local Law 154 of 2017, governing the protection of tenants residing in buildings that are under construction.

Tenant Protection Plans are used to safeguard the safety and health of building occupants in properties that are undergoing construction. Each TPP must provide the means and methods to be employed to assure such safeguards. This course will outline specific provisions that must be addressed in a TPP, including the varying responsibilities of parties involved in the creation of the Plan, with discussion of TPP enforcement.

LEARNING OBJECTIVES

At the end of this course, participants will be able to:

1. Participants will examine NYC Local Law 154 of 2017 enacted to protect tenants occupying buildings during construction.
2. Participants will discuss existing and proposed or **pending** legislation regarding assignment of responsibility for creating Tenant Protection Plans and ensuring such TPPs are obeyed.
3. Participants will be able to outline the elements required to be addressed within Tenant Protection Plans.
4. Participants will be able to summarize the importance, necessity and enforcement measures in effect for Tenant Protection Plans.

WHAT IS A MULTIPLE DWELLING?

NEW YORK STATE MULTIPLE DWELLING LAW

ARTICLE 1 INTRODUCTORY PROVISIONS; DEFINITIONS

§4. **Definitions.** Certain words and terms when used in this chapter, unless the context or subject matter requires otherwise, are defined as follows:

7. A "multiple dwelling" is a dwelling which is either rented, leased, let or hired out, to be occupied, or is occupied as the residence or home of three or more families living independently of each other. On and after July first, nineteen hundred fifty-five, a "multiple dwelling" shall also include residential structures for members or personnel of any hospital

NEW YORK STATE MULTIPLE DWELLING LAW

five-five, sixty, sixty-one, sixty-seven, subdivisions one, two, four and five of section seventy-five, article four, article five, article five-A, article six and article seven-B, except that after December sixth, nineteen hundred sixty-nine a multiple dwelling erected prior to December sixth, nineteen hundred sixty-nine is altered, or a building erected prior to December sixth, nineteen hundred sixty-nine is converted to a multiple dwelling pursuant to a permit applied for in the department having jurisdiction, the foregoing articles, sections and subdivisions of sections shall remain applicable where a local law of such city authorizes such alteration or conversion to be made, or the option of the owner, either in accordance with the requirements of the building law and regulations in effect in such city prior to December sixth, nineteen hundred sixty-eight or the requirements of the building law and regulations in effect after such date, and the owner elects to comply with the requirements of the building law and regulations in effect prior to December sixth, nineteen hundred sixty-eight.

- §4. **Definitions.** Certain words and terms when used in this chapter, unless the context or subject matter requires otherwise, are defined as follows:
1. "Wherever the word or words 'occupied,' 'is occupied,' 'used' or 'is used' appear, such word or words shall be construed as if followed by the words 'or is intended, arranged or designed to be used or occupied.'"
 2. The word "shall" is always mandatory.
 3. The term "department" shall mean the department, bureau, division or other agency charged with the enforcement of this chapter.
 4. A "dwelling" is any building or structure or portion thereof which is occupied in whole or in part as the home, residence or sleeping place of one or more human beings.
 5. A "family" is either a person occupying a dwelling and maintaining a household, with not more than four boarders, roomers or lodgers, or two or more persons occupying a dwelling, living together and maintaining a common household, with not more than four boarders, roomers or lodgers. A "boarder," "roomer" or "lodger" residing with a family shall mean a person living within the household who pays a consideration for such residence and does not occupy such space within the household as an incident of employment therein.
 6. A "private dwelling" is any building or structure designed and occupied exclusively for residence purposes by not more than two families. A building designed for and occupied exclusively by one family is a "single-family private dwelling." A building designed for and occupied exclusively by two families is a "two-family private dwelling." Private dwellings shall also be deemed to include a series of one-family or two-family dwelling units each of which faces on or is accessible to a legal street or public thoroughfare provided that each such dwelling unit is equipped as a separate dwelling unit with all essential services, and also provided that each such unit is arranged so that it may be approved as a legal one-family or two-family dwelling.
 7. A "multiple dwelling" is a dwelling which is either rented, leased, let or hired out, to be occupied, or is occupied as the residence or home of three or more families living independently of each other. On and after July first, nineteen hundred fifty-five, a "multiple dwelling" shall also include residential quarters for members or personnel of any hospital staff which are not located in any building used primarily for hospital use provided, however, that any building which was erected, altered or converted prior to July first, nineteen hundred fifty-five, to be occupied by such members or personnel or is so occupied on such date shall

NEW YORK STATE MULTIPLE DWELLING LAW

not be subject to the requirements of this chapter only so long as it continues to be so occupied provided there are local laws applicable to such building and such building is in compliance with such local laws. A "multiple dwelling" shall not be deemed to include a hospital, convent, monastery, asylum or public institution, or a fireproof building used wholly for commercial purposes except for not more than one janitor's apartment and not more than one penthouse occupied by not more than two families. For the purposes of this chapter "multiple dwellings" are divided into two classes: "class A" and "class B."

- a. A "class A" multiple dwelling is a multiple dwelling that is occupied for permanent residence purposes. This class shall include tenements, flat houses, mansions, apartments, apartment houses, apartment hotels, bachelor apartments, studio apartments, duplex apartments, kitchenette apartments, garden-type maconette dwelling projects, and all other multiple dwellings except class B multiple dwellings. A class A multiple dwelling shall only be used for permanent residence purposes. For the purposes of this definition, "permanent residence purposes" shall consist of occupancy of a dwelling unit by the same natural person or family for thirty consecutive days or more and a person or family so occupying a dwelling unit shall be referred to herein as the permanent occupants of such dwelling unit. The following uses of a dwelling unit by the permanent occupants thereof shall not be deemed to be inconsistent with the occupancy of such dwelling unit for permanent residence purposes:
 - (1) (A) occupancy of such dwelling unit for fewer than thirty consecutive days by other natural persons living within the household of the permanent occupants such as house guests or lawful boarders, roomers or lodgers; or
 - (B) incidental and occasional occupancy of such dwelling unit for fewer than thirty consecutive days by other natural persons when the permanent occupants are temporarily absent for personal reasons such as vacation or medical treatment, provided that there is no monetary compensation paid to the permanent occupants for such occupancy;
 - (2) In a class A multiple dwelling owned by an accredited not-for-profit college or university or leased by such a college or university under a net lease for a term of forty-one years or more, the use of designated dwelling units for occupancy for fewer than thirty consecutive days shall not be inconsistent with the occupancy of such multiple dwelling for permanent residence purposes if:
 - (A) No more than five percent of the dwelling units in such multiple dwelling but not less than one dwelling unit are designated for such use and the designation of a unit once made may not be changed to another unit;
 - (B) A list of the designated dwelling units certified by an authorized representative of the college or university is kept on the premises by the owner or net lessee and made available upon request for inspection by the department or the fire department of such city;
 - (C) Only designated dwelling units on the certified list are used for occupancy for fewer than thirty consecutive days and only by:
 - (i) natural persons, other than those persons whose only relationship with the college or university is as a student, for whom the college or university has undertaken to provide housing accommodations such as visiting professors and academics,

NEW YORK STATE MULTIPLE DWELLING LAW

- graduate students with research or teaching fellowships, researchers and persons presenting academic papers, interviewing for positions of employment or having other similar business with the college or university; or
- (a) natural persons for whom a hospital affiliated with such college or university has undertaken to provide housing accommodations such as patients, patient families and/or accompanying escorts, medical professionals and healthcare consultants or persons having other similar business with such hospital. A log shall be maintained on the premises of the names and addresses of such persons and the duration and reason for their stay. Such log shall be accessible upon request for inspection by the department and the fire department of such municipality;
 - (D) No rent or other payment is collected for such occupancy; and
 - (E) The fire department of such city shall require the filing of a fire safety plan or other appropriate fire safety procedure.
- b. A "garden-type maconette dwelling project" is a series of attached, detached or semi-detached dwelling units which are provided as a group collectively with all essential services such as, but not limited to, water supply and house sewers, and which units are located on a site or plot not less than twenty thousand square feet in area under common ownership and erected under plans filed with the department on or after April eighteenth, nineteen hundred fifty-four, and which units together and in their aggregate are arranged or designed to provide three or more apartments.
9. A "class B" multiple dwelling is a multiple dwelling which is occupied, as a rule transiently, as the more or less temporary abode of individuals or families who are lodged with or without meals. This class shall include hotels, lodging houses, rooming houses, boarding houses, boarding schools, furnished room houses, lodgings, club houses, college and school dormitories and dwellings designed as private dwellings but occupied by one or two families with five or more tenants.
10. A "converted dwelling" is a dwelling:
 - (a) erected before April eighteenth, nineteen hundred twenty-nine, to be occupied by one or two families living independently of each other and subsequently occupied as a multiple dwelling; or
 - (b) a dwelling three stories or less in height erected after April eighteenth, nineteen hundred twenty-nine, to be occupied by one or two families living independently of each other and subsequently occupied by not more than three families in all, with a maximum occupancy of two families on each floor in a two story building and one family on each floor in a three story building, in compliance with the provisions of article six of this chapter, including section one hundred twenty-a of said article. A converted dwelling occupied in a class A multiple dwelling is a class A converted dwelling; every other converted dwelling is a class B converted dwelling.
11. A "tenement" is any building or structure or any portion thereof, erected before April eighteenth, nineteen hundred twenty-nine, which is occupied, wholly or in part, as the residence of three families or more living independently of each other and doing their cooking upon the premises, and includes apartment houses, flat houses and all other houses so erected and occupied, except that a tenement shall not be deemed to include any converted dwelling. An "old-law tenement" is a tenement existing before April twelfth, nineteen

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WHAT IS A MULTIPLE DWELLING?



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WHAT IS A *REGISTERED* MULTIPLE DWELLING?

Multiple Dwelling Registrations

Pursuant to New York City's Housing Maintenance Code, the Department of Housing Preservation and Development (HPD) collects registration information from owners of residential rental units. Owners are required to register if they own residential buildings with three or more units or if they own one- or two-family homes and neither they nor members of their immediate family live there. Registrations are required upon taking ownership of a qualifying building, and once a year thereafter.

More Views | Filter | Visualize | Export | Discuss ⁴ | Embed | About

RegistrationID	BuildingID	BoroID	Boro	HouseNumber	LowHouseNumber	HighHouseNumber	StreetName	StreetCode
346765	141154	3	BROOKLYN	7812	7812	7812	16 AVENUE	6680
356145	142354	3	BROOKLYN	8792	8792	8792	17 AVENUE	6780
345681	142409	3	BROOKLYN	141	141	141	17 STREET	6830

< Previous Next >

Showing Rows 1-100 out of 174,637

How many MDs are registered with HPD?

- **Almost 175,000 in NYC**

BACKGROUND: TENANT HARASSMENT



Some historic methods of tenant harassment by landlords

- Failure to provide services (heat, hot water, electricity)
- Failure to rid buildings of infestations
- Failure to maintain service equipment (elevators, appliances)
- Failure to maintain building envelope and structure
- Arson...

BACKGROUND: TENANT *PROTECTION*

Some historic methods of Tenant Protection

- Civil Court, L/T Court Hearings
- 1940s – Rent Control
- 1960s – Rent Stabilization
- 1970s – Warranty of Habitability
- 1980s – Mayor's Arson Strike Force
 - NYC DOB Tenant Safety Plan





DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
120 WALL STREET, NEW YORK, N.Y. 10005
ROBERT ESNARD, R.A. Commissioner

CAROL FELSTEIN
Deputy Commissioner

Date: August 10, 1983
To: Borough Superintendents
From: Carol Felstein
Re: Arson Strike Force

As we agreed at our meeting on July 27, the following procedures will be followed in response to concerns raised by the Mayor's Arson Strike Force:

1. All Docket Advice Sheets are to be forwarded to the Arson Strike Force, attention of Mr. Hoey, Director. The Strike Force will return notated copies indicating those buildings where there have been past incidents of suspected arson or negligently caused fires, as well as their comments on the requested action.
2. A comprehensive tenant protection plan is required to be submitted prior to any approval for the rehabilitation of any occupied multiple dwelling (unless the building is an SRO and is already so covered under Local Law 19 of 1983). This plan should cover all aspects of tenants' safety during the course of construction. For buildings indicated on the Docket Sheets as known to the Arson Strike Force, the plan shall set forth in detail the efforts to be taken to insure tenants' safety from additional fire hazards that may arise during the alteration work.

CF:mk
cc: Bob Esnard
Irv Minkin
Joe White
Deputy Borough Superintendents



DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
120 WALL STREET, NEW YORK, N.Y. 10005
ROBERT ESNARD, R.A. Commissioner

Directive #1/1984

CAROL FELSTEIN
Deputy Commissioner

Date: January 6, 1984
To: Borough Superintendents
From: Carol Felstein
Re: Tenant Safety Plan

The question of defining the necessary elements of a tenant safety plan has arisen in regard to two recent directives, i.e. implementation of Local Law 19 of 1983 regarding permits for conversion of SRO facilities (directive of August 10) as well as a directive of July 28 regarding rehabilitation of occupied buildings and arson-prone buildings. At a minimum, the tenant safety plan must make provisions for:

1. Egress
At all times in the course of construction provision is made for adequate egress, as required by the Code. Required egress must not be obstructed at any time.
2. Fire Safety
All necessary laws and controls as well as any additional safety measures necessitated by the construction shall be strictly observed.
3. Health Requirements
Provision for control of dust, disposal of construction debris, pest control and maintenance of sanitary facilities, and limitation of noise to acceptable levels shall be included.
4. Services
Continuation of essential services as required by the New York City Building Code and Housing Code and the State Multiple Dwelling Law.
5. Structural Stability
No work to be done where there might be any danger to occupants due to structural work.
6. Controlled Inspection
Everything should be under controlled inspection.
7. Plans
Plans submitted by the applicant shall show compliance with the above items during construction. Details such as temporary Fire-Rated Assemblies and Opening Protectives shall be included.

The applicant must provide a notarized statement that the above conditions will be met.

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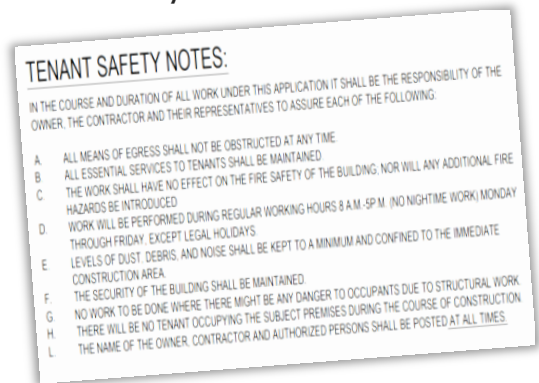
NYC DOB DIRECTIVE #1 OF 1984

TENANT SAFETY PLAN

TENANT SAFETY PLAN **must** provide for the following on every application filed for work within an occupied MD:

- **Egress** (shall not be obstructed at any time)
- **Fire Safety** (all laws and controls to be strictly observed)
- **Health Requirements** (dust, debris, pest control, sanitary facilities, noise control)
- **Services** (as required by Housing Maintenance Code (HMC) and Multiple Dwelling Law (MDL))
- **Structural Stability** (no work may cause structural danger for tenants)
- **Controlled Inspection** (required for all work)
- **Plans** (filed plans must indicate compliance, including temporary measures)

TENANT SAFETY PLAN was often provided as a set of notes on plans stating that work would comply with the above minimum requirements.



>> 25 YEARS

January 2016



Buildings

SERVICE UPDATE

Tenant Protection Plans: Available on BISWeb

Effective January 25, 2016, a stand-alone Tenant Protection Plan document must be submitted for all buildings being altered or demolished, containing one or more dwelling units that will remain occupied during construction. The Tenant Protection Plan will be available to the public through the Department's website.

The Tenant Protection Plan notes and any supporting drawings should continue to be on the building plans for all filings. However, a new form has been created (TPP1) to satisfy the required item—**Tenant Protection Plan and Notes**. The form must adhere to the six Tenant Protection areas cited in the Code (28-104.8.4) that apply to the work being done and must contain supporting drawings, if required.

New Requirement by DOB for Tenant Protection Plan (TPP)

- TPP appeared in the 2008 Building Code
- TPP **must** be submitted as a document which will be viewable online by the public
- Any necessary graphic descriptions of TPP remain on application's filed drawings
- Similar to/direct descendant of Tenant Safety Plan

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New York City Council Passes Stand for Tenant Safety Legislative Package, Endorsed by Progressive Caucus, to End Construction as Harassment

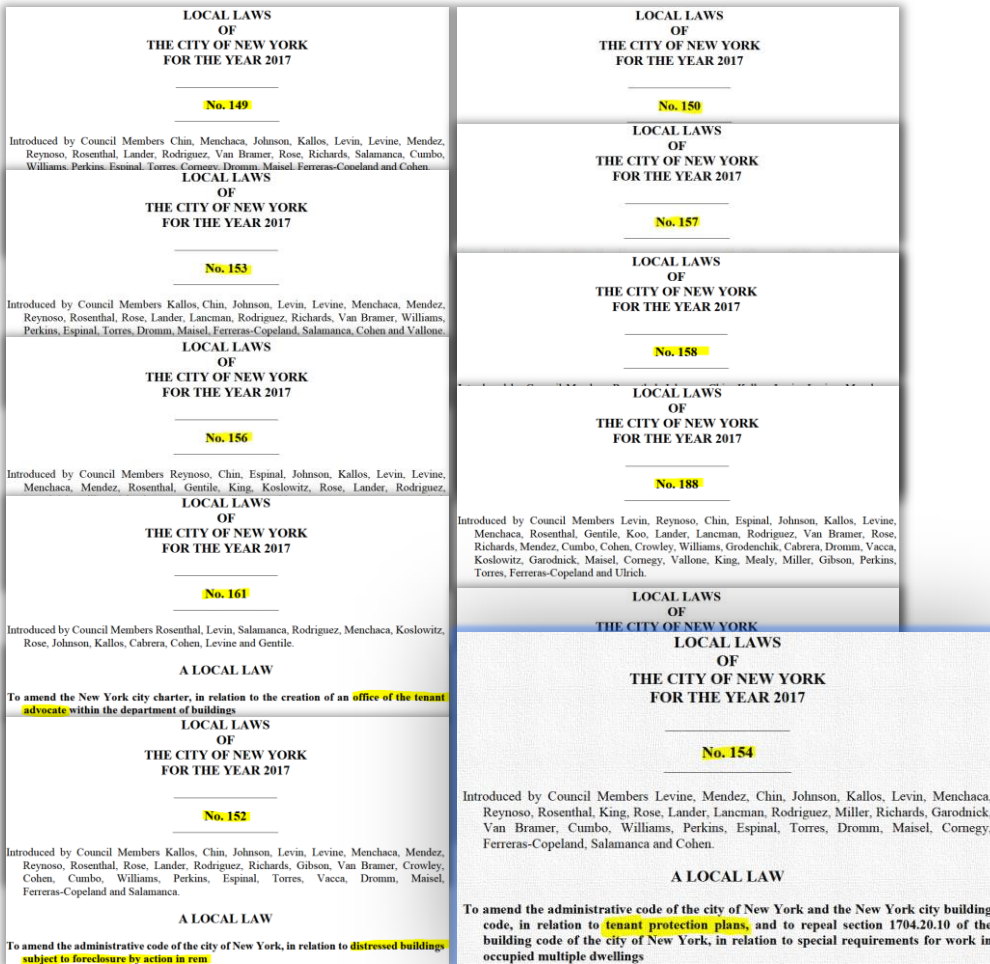
2017



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2017 – LOCAL LAWS ENACTED TO PREVENT TENANT HARASSMENT BY CONSTRUCTION



- Creation of interagency Task Force, OTA and Real-Time Enforcement units
- Increased liens, penalties, fines, foreclosures
- Prohibitions and restriction of privileges for bad actors
- Creation of Safe Construction Bill of Rights (HPD)
- Creation of new/enhanced TPP by **LL 154/2018**

NYC LOCAL LAW 154 OF 2017

LOCAL LAWS OF THE CITY OF NEW YORK FOR THE YEAR 2017

No. 154

Introduced by Council Members Levine, Mendez, Chin, Johnson, Kallos, Levin, Menchaca, Reynoso, Rosenthal, King, Rose, Lander, Lancman, Rodriguez, Miller, Richards, Garodnick, Van Bramer, Cumbo, Williams, Perkins, Espinal, Torres, Dromm, Maisel, Cornegy, Ferreras-Copeland, Salamanca and Cohen.

A LOCAL LAW

To amend the administrative code of the city of New York and the New York city building code, in relation to tenant protection plans, and to repeal section 1704.20.10 of the building code of the city of New York, in relation to special requirements for work in occupied multiple dwellings

LL 154/2017

1. AMENDS Administrative Code (AC) 28-104.8.4

- Increases specificity requirements for construction documents
- Adds requirements for public availability to TPP
- Adds requirements for notification to occupants

2. AMENDS Building Code (BC) 110

- Adds requirement for DOB inspections for compliance with TPP

3. REPEALS BC 1704.20.10

- Eliminates requirement for Special Inspection Agency (3rd party) TPP inspection

4. AMENDS BC 3303.10

- Clarifies requirements for TPP in ***all buildings containing occupied dwelling units***
- Adds requirements for notification of DOB within 72 hours of work
- Adds requirement for DOB to inspect 5% of sites w/in 7 days of work
- Adds empowerment for DOB to stop work performed in violation of TPP

SEVEN TENANT PROTECTION PLAN ELEMENTS

While similar to TPP and TSP of the past, requirements in AC 28-104.8.4 are more stringent, and require more oversight.

§ 28-104.8.4 Tenant protection plan. Construction documents for alterations of buildings in which any dwelling unit will be occupied during construction shall include a tenant protection plan. Such plan shall contain a statement that the building contains dwelling units that will be occupied during construction and shall indicate in sufficient detail the specific units that are or may be occupied during construction, the means and methods to be employed to safeguard the safety and health of the occupants *throughout the construction*, including, where applicable, details such as temporary fire-rated assemblies, opening protectives, or dust containment procedures. Such means and methods shall be described with particularity and in no case shall terms such as “code compliant,” “approved,” “legal,” “protected in accordance with law” or similar terms be used as a substitute for such description. The elements of the tenant protection plan may vary depending on the nature and scope of the work but at a minimum shall make detailed and specific provisions for:

1. **Egress.** At all times in the course of construction provision shall be made for adequate egress as required by this code and the tenant protection plan shall identify the egress that will be provided. Required egress shall not be obstructed at any time except where approved by the commissioner.
2. **Fire safety.** All necessary laws and controls, including those with respect to occupied dwellings, as well as additional safety measures necessitated by the construction shall be strictly observed.

3. Health requirements. Specification of *means and methods* to be used for control of dust, disposal of construction debris, pest control and maintenance of sanitary facilities, and limitation of noise to acceptable levels shall be included.

3.1. There shall be included a statement of compliance with applicable provisions of law relating to lead and asbestos, *and such statement shall describe with particularity what means and methods are being undertaken to meet such compliance.*

4. Compliance with housing standards. The requirements of the New York city housing maintenance code, and, where applicable, the New York state multiple dwelling law shall be strictly observed.

5. Structural safety. No structural work shall be done that may endanger the occupants.

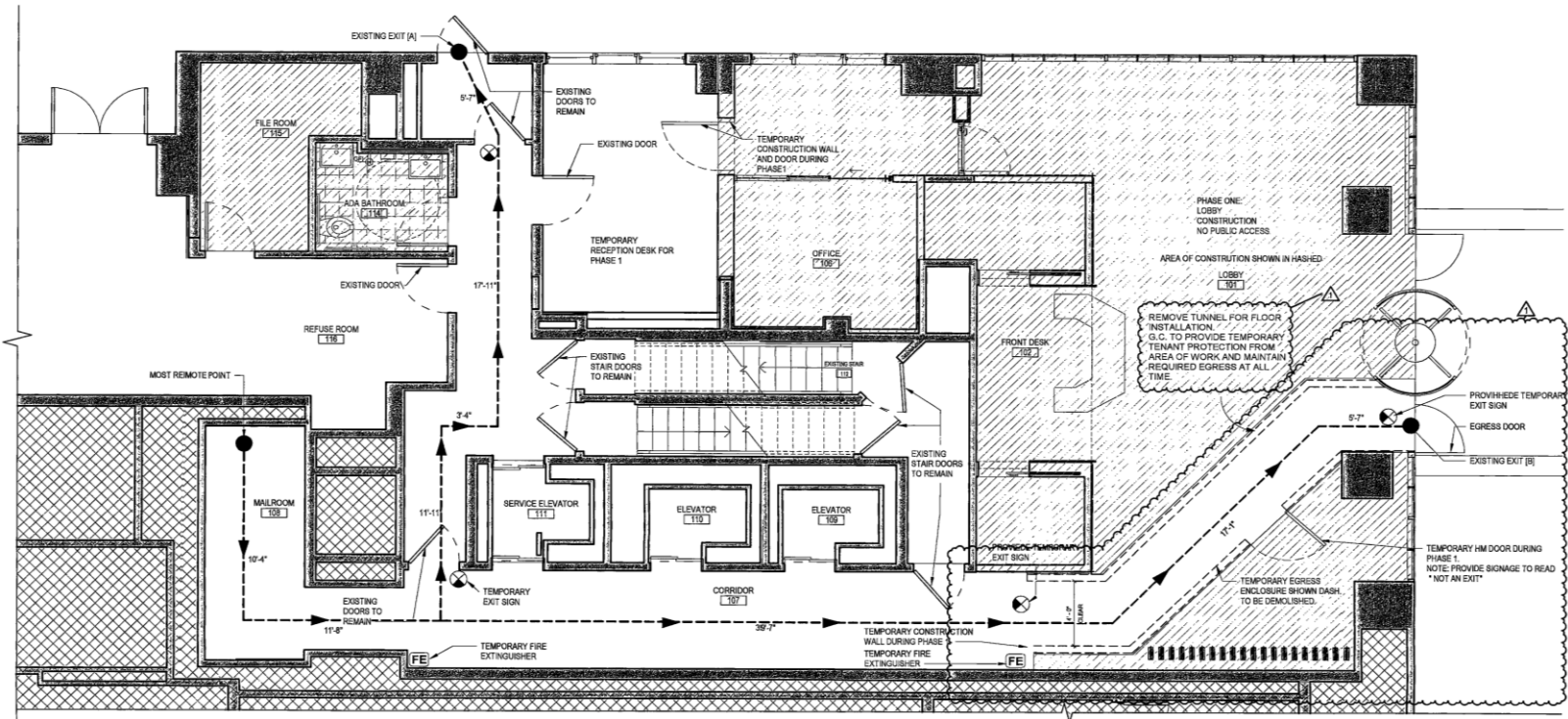
6. Noise restrictions. Where hours of the day or the days of the week in which construction work may be undertaken are limited pursuant to the New York city noise control code, such limitations shall be stated.

7. Maintaining essential services. *Where heat, hot water, cold water, gas, electricity, or other utility services are provided in such building or in any dwelling unit located therein, the tenant protection plan shall specify the means and methods to be used for maintaining such services during such work in accordance with the requirements of the New York city housing maintenance code. If a disruption of any such service is anticipated during the work, then such plan shall specify the anticipated duration of such disruption and the means and methods to be employed to minimize such disruption, including the provision of sufficient alternatives for such service during such disruption.*

1. EGRESS



1. Egress. At all times in the course of construction provision shall be made for adequate egress as required by this code and the tenant protection plan shall identify the egress that will be provided. Required egress shall not be obstructed at any time except where approved by the commissioner.

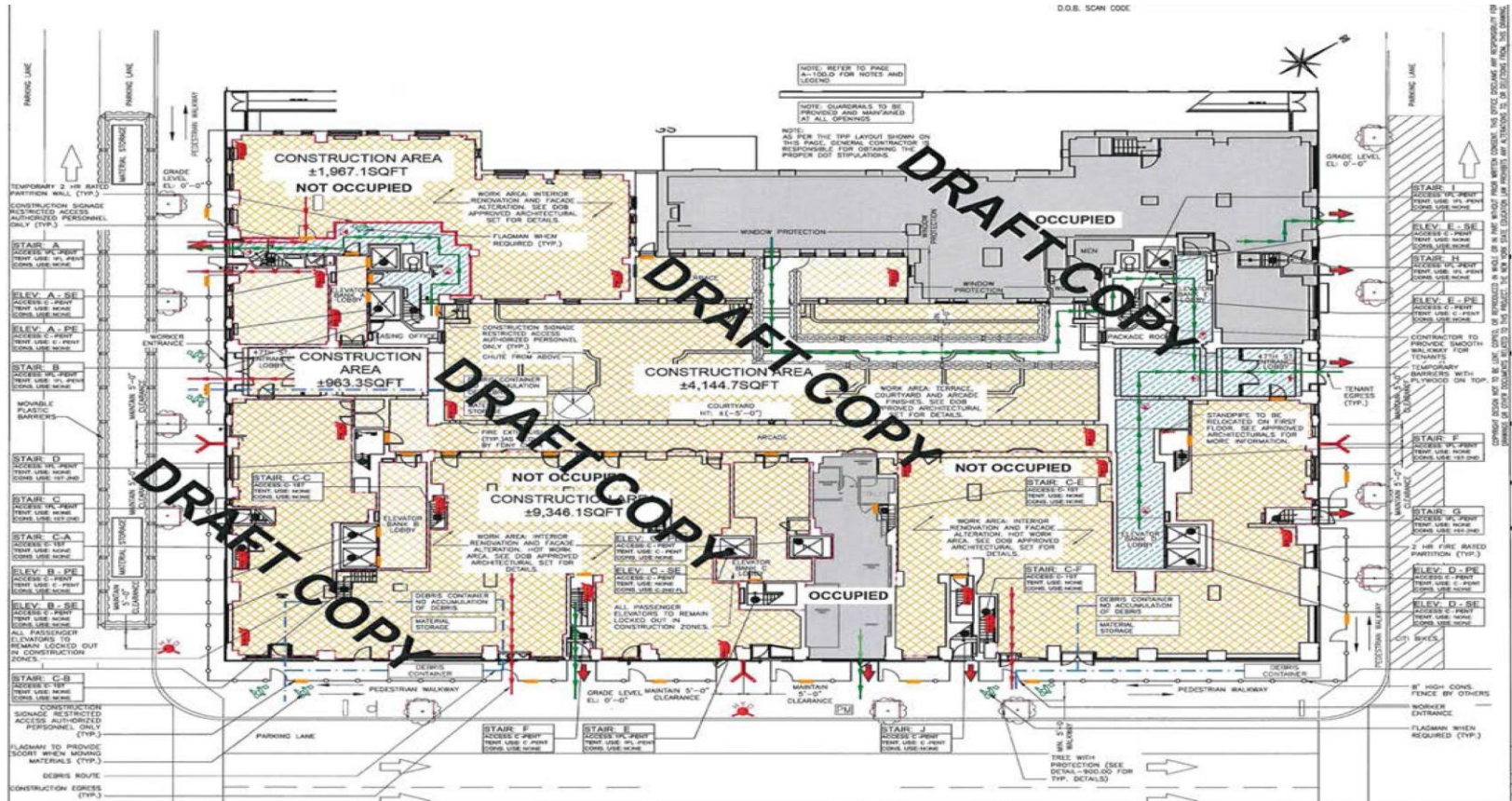


GROUND FLOOR PLAN

2. FIRE SAFETY



2. Fire safety. All necessary laws and controls, including those with respect to occupied dwellings, as well as additional safety measures necessitated by the construction shall be strictly observed.



3. HEALTH REQUIREMENTS



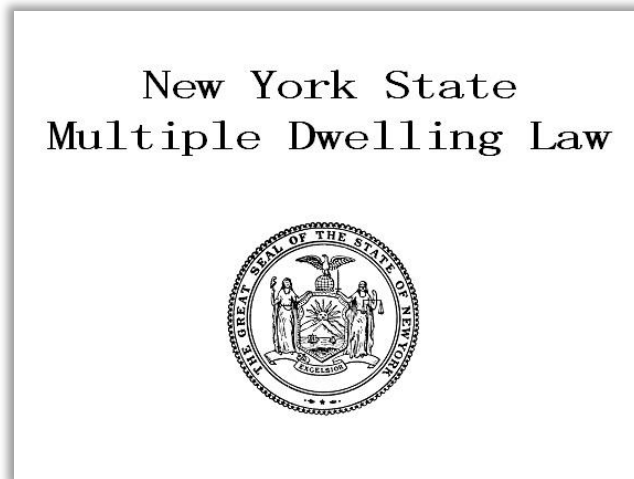
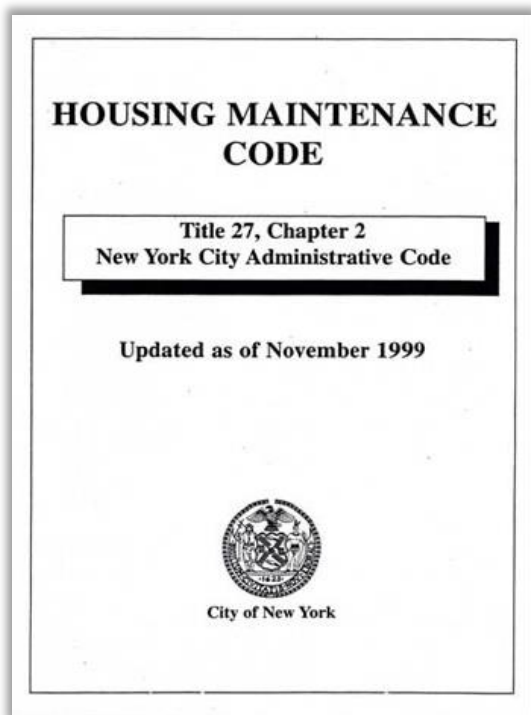
3. Health requirements. Specification of means and methods to be used for control of dust, disposal of construction debris, pest control and maintenance of sanitary facilities, and limitation of noise to acceptable levels shall be included.

3.1. There shall be included a statement of compliance with applicable provisions of law relating to lead and asbestos, and such statement shall describe with particularity what means and methods are being undertaken to meet such compliance.



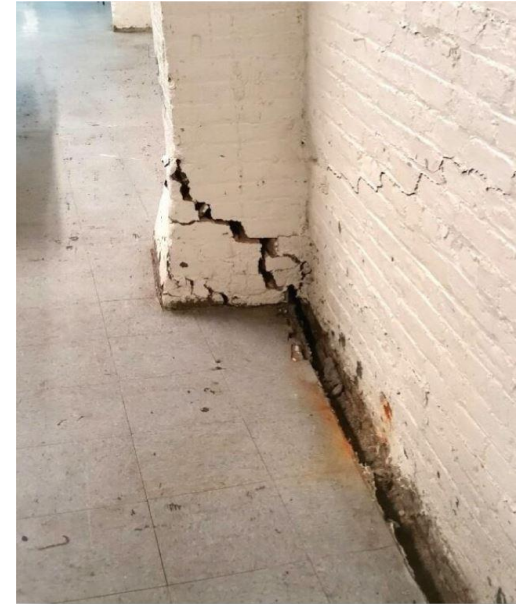
4. COMPLIANCE WITH HOUSING STANDARDS

4. Compliance with housing standards. The requirements of the New York city housing maintenance code, and, where applicable, the New York state multiple dwelling law shall be strictly observed.



5. STRUCTURAL SAFETY

5. Structural safety. No structural work shall be done that may endanger the occupants.



6. NOISE RESTRICTIONS

6. Noise restrictions. Where hours of the day or the days of the week in which construction work may be undertaken are limited pursuant to the New York City noise control code, such limitations shall be stated.



NYC Environmental Protection **INTERIOR RENOVATION NOISE MITIGATION PLAN** PRINT EMAIL TO DEP

I. CONTACT & WORKSITE INFORMATION

Name of Contractor or Sub-contractor		Name of Owner or Management Company		WORKSITE		DOT PERMIT # (if needed)	
Address		Address		Address			
City	State	Zip	City	State	Zip	Please specify the location (e.g. 1st floor, lobby, etc.)	
Email	Phone Number	Email	City / Borough	State	Zip		
			MANHATTAN	NY			

PROJECTED WORK SCHEDULE

If you anticipate having to work at any time other than 7 a.m. to 5 p.m. Monday to Friday, you might need to apply for an After Hours Variance.

<input type="checkbox"/> WEEKDAYS		<input type="checkbox"/> SATURDAY		<input type="checkbox"/> SUNDAY	
DAYTIME:	From To	From To	From To	From To	From To
NIGHTTIME:	From To	From To	From To	From To	From To

Please check the applicable box stating whether noise mitigation plans are:

☐ Posted on site ☐ Available at: _____ (Where can noise mitigation plans be found)

II. WORK HOURS

- Permitted times to perform interior renovation are weekdays between the hours of 7 a.m. and 5 p.m.
- A person may however perform interior renovation work in connection with the alteration or repair of an existing one or two family owner-occupied dwelling classified in occupancy group J-3 or a convent or rectory on Saturdays and Sundays between the hours of 10 a.m. and 4 p.m. provided that such dwelling is located more than 300 feet from a house of worship.

III. SOURCE AND PATHWAY CONTROLS – REFER TO 15 RCNY § 28-110 et seq.

Select **NOISE BARRIERS** that will be used in this renovation:

<input type="checkbox"/> Caronite Sound Barrier (www.caronite.com)	<input type="checkbox"/> Kinetics Noise Block (www.kineticsnoise.com)
<input type="checkbox"/> Sound Fighter LSE Sound Barrier (www.soundfighter.com)	<input type="checkbox"/> One inch plywood rated at 30 STC
<input type="checkbox"/> Other: _____	

Select **NOISE CURTAINS** that will be placed on the walls of the rooms where noisy operations are being performed:

<input type="checkbox"/> Sound Seal BBC-13-2 (www.soundseal.com)
<input type="checkbox"/> Ilbruck Acoustic SONEX Curtain (www.ilbruck-sonex.com)
<input type="checkbox"/> McGill AirSilence Fiberglass Curtains (www.mcgillairsilence.com)
<input type="checkbox"/> Acoustiblok, Acoustiblok-Wallcover (www.acoustiblok.com)
<input type="checkbox"/> AcoustiGuard, GenieClip, Mass Loaded Vinyl, Barrier Material, Iso-sil (www.acoustiguard.com)
<input type="checkbox"/> Kinetics Model ICC, KSCH, IsoGrid, IsoMax, PSB, Wallmat, IPRB (www.kineticsnoise.com)
<input type="checkbox"/> Other: _____

Select **FLOOR SOUND ISOLATION** that will be used in this renovation:

<input type="checkbox"/> Acoustiblok, Acoustiwool, Acoustipad (www.acoustiblok.com)
<input type="checkbox"/> AcoustiGuard, OT 4005 & 4010, Dursoustic, Barrier Material, Iso Sep 25HD (www.kineticsnoise.com)
<input type="checkbox"/> Other: _____

TOOLS

This Plan certifies that all equipment indicated in this Mitigation Plan is maintained to operate in accordance with the manufacturer's operating specifications.

CHECK APPLICABLE BOXES LISTED BELOW:

DRILLS. The responsible party should select drills with the lowest loaded A-weighted sound power level (SWLA) that meet their needs.

Please select **DRILLS** that will be used in this renovation:

<input type="checkbox"/> Hitachi D10VH	<input type="checkbox"/> Makita 6408	<input type="checkbox"/> Milwaukee 0300-20
<input type="checkbox"/> Makita 6303H	<input type="checkbox"/> Milwaukee 0299-20	<input type="checkbox"/> Milwaukee 0302-20
<input type="checkbox"/> Other: _____		

Page 1 of 1

7. MAINTAINING ESSENTIAL SERVICES

7. Maintaining essential services. Where heat, hot water, cold water, gas, electricity, or other utility services are provided in such building or in any dwelling unit located therein, the tenant protection plan shall specify the means and methods to be used for maintaining such services during such work in accordance with the requirements of the New York city housing maintenance code. If a disruption of any such service is anticipated during the work, then such plan shall specify the anticipated duration of such disruption and the means and methods to be employed to minimize such disruption, including the provision of sufficient alternatives for such service during such disruption.



TPP ENFORCEMENT

3303.10 Operations in occupied buildings. When construction or demolition activity occurs in an occupied building, barricades, signs, drop cloths, and other protective means shall be installed and maintained as necessary to provide reasonable protection for the occupants against hazard and nuisance. Such protective means shall be indicated on an occupant protection plan, or where a tenant protection plan is required by Section 3303.10.1, on a tenant protection plan.

3303.10.1 Tenant protection plan. In buildings containing occupied dwelling units, including newly constructed buildings that are partially occupied where work is still ongoing within the building, all construction or demolition work shall be performed in accordance with a tenant protection plan as required by Chapter 1 of Title 28 of the *Administrative Code*.

***3303.10.2 Inspections of tenant protection plan.** The owner shall notify the department in writing at least 72 hours prior to the commencement of any work requiring a tenant protection plan. The department shall conduct an inspection of five percent of such sites within seven days after the commencement of such work to verify compliance with the tenant protection plan. Thereafter, the department shall conduct an inspection upon the receipt of a complaint concerning such work.

**Section 3303.10.2 was added by [Local Law 154 of 2017](#). This law has an effective date of December 28, 2017.*

***3303.10.3 Enforcement of tenant protection plan.** If work is not being performed in accordance with the tenant protection plan, the commissioner may issue a stop work order pursuant to section 28-207.2 of the administrative code.

**Section 3303.10.3 was added by [Local Law 154 of 2017](#). This law has an effective date of December 28, 2017.*

TPP ENFORCEMENT

NYC Buildings SUMMONS AND COMMISSIONER'S ORDER - CIVIL PENALTIES APPLY

SUMMONS NUMBER: [REDACTED]

ENFORCEMENT AGENCY: NYC DEPT OF BUILDINGS

AGENCY ADDRESS AND WEBSITE: 280 Broadway, New York, NY 10007 www.nyc.gov/buildings

RESPONDENT: [REDACTED] (First Name/Entity, Last)

MAILING ADDRESS: [REDACTED] DOB License/Registration #: [REDACTED]

CELL PHONE: N/

DATE OF OCCURRENCE: [REDACTED] TIME OBSERVED: 11:30 am

PLACE OF OCCURRENCE: [REDACTED] BOROUGH: Manhattan

BLOCK: [REDACTED] LOT: [REDACTED] BIN: [REDACTED]

You must appear or respond to the details of violation(s) below. For HOW TO RESPOND, see the back of this summons.

HEARING DATE: [REDACTED] **AT:** 8:30 am ☐ 10:30 am ☐ 1:30 pm

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS: Manhattan (Borough) (See reverse side for address)
Phone: (844)628-4692

REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE.

WARNING: If you do not appear or respond to this Summons, the City will decide the Summons against you and impose penalties. Failure to pay a civil penalty could lead to the denial of an application for, or the suspension, termination or revocation of a City license, permit or registration. In addition, the City may enter a judgment against you in court.

COMMISSIONER'S ORDER TO CORRECT VIOLATION CONDITION(S)

CURE DATE (Zero Penalty Option, if available): [REDACTED] **Must Appear:** [REDACTED] (If disputing the charge)

Type of Construction: [REDACTED] No. of Stories: [REDACTED] Via Type: [REDACTED] Code: [REDACTED] No. [REDACTED]

Occupancy at Time of Inspection: [REDACTED] Complaint: [REDACTED] Related Job: [REDACTED]

Based on an inspection of the premises and/or records of the Department, the undersigned has determined that you are in violation of the section of law cited below of the NYC Administrative Code, the NYC Zoning Resolution and/or Titles 1 or 2 of the Rules of the City of New York.

Violating Conditions Observed	Infraction Code	Class	Provision of Law	<input type="checkbox"/> Recurring Condition Aggravated 1 per 18CNYC 102-01(f)	<input checked="" type="checkbox"/> Stop Work/ Evacuate Order Issued Full <input type="checkbox"/> Partial
Illegal Conversion - Class 1 for 28-202.1 & 1 & 18CNY 102-01 additional daily penalties for continued violation of Article 2307 of Title 28 also applicable	2406	1	2303.10		

☐ 28-202.1 & 1 & 18CNY 102-01 additional daily penalties for continued violation of Article 2307 of Title 28 also applicable
☐ 28-202.1 & 1 & 18CNY 102-01 additional daily penalties for continued violation of Article 2307 of Title 28 also applicable

Violation Detail(s): Tenant Protection Plan, Not Being Complied With.

Handed: At time of inspection, the following were observed: excessive dust in common hallways, missing plastic sheathing on apt doors, being work on protection on common hallways, no debris clearing. A fan hazard, believe only to address noted objections.

Remedy: Comply with Code

THE COMMISSIONER ORDERS THAT YOU TIMELY CORRECT THESE CONDITIONS AND FILE A CERTIFICATE OF SUCH CORRECTION. See 18CNY 102-01 and the reverse for instructions on certifying correction. Uncorrected violations are subject to additional violations and penalties. For certain charges, additional DOB civil penalties may apply pursuant to sections 28-212.1, 28-220.1 and 28-207.2 of the Administrative Code. A property owner may be liable for payment of these additional civil penalties even if not cited as respondent on this summons.

NYC Charter Sections 104b and 104b-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice.

I, an employee of the Department of Buildings, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

Issuing Officer: [Signature] Signature: [Signature] Badge: 2341 Unit Code: [REDACTED]

ORIGINAL - OATH/ECB COPY

NYC Department of Buildings

ECB Violation Details

Premises: [REDACTED] ROADWAY MANHATTAN Filed At: [REDACTED] ROADWAY, MANHATTAN, NY

BIN: [REDACTED] Block: [REDACTED] Lot: [REDACTED] Community Board: [REDACTED]

ECB Violation Summary

ECB Violation Number: [REDACTED]

Severity: CLASS - 1

Penalty Balance Due: \$2,500.00

Certification Status: NO COMPLIANCE RECORDED

Hearing Status: IN VIOLATION

Respondent Information

Name: [REDACTED] CONSTRUCTION INC

Mailing Address: [REDACTED]

License/Registration/Tracking Number: [REDACTED]

Violation Details

Violation Date: 08/21/2018

Served Date: 08/21/2018

Violation Type: CONSTRUCTION

Inspection Unit: OFFICE OF THE BUILDING MARSHALL

Infraction Codes	Section of Law	Standard Description
106	27-/28-/BC-MISC	MISCELLANEOUS VIOLATIONS

Specific Violation Condition(s) and Remedy:

SEC: 3303.10. TENANT PROTECTION PLAN, NOT BEING COMPLIED W/. NOTED: @ TIME OF INSP THE FOLLOWING WERE OBSERVED EXCESSIVE DUST IN COMMON HALLWAYS, MISSING PLASTIC SHEATING ON APT DOORS, BEING WORK ON. PROTECTION ON

Issuing Inspector ID: [REDACTED]

Issued as Aggravated Level: NO

DOB Violation Number: [REDACTED]

Evidence Attached

Dept. of Buildings Compliance History and Events

Certification Status: NO COMPLIANCE RECORDED

Compliance On:

A Certificate of Correction must be submitted to the Administrative Enforcement Unit (AEU) for all violations. A violation that is not dismissed by ECB will continue to remain ACTIVE or "open" on DOB records until acceptable proof is submitted to the AEU, even if you have paid the penalty imposed by ECB.

ECB Hearing Information

Scheduled Hearing Date/Time: [REDACTED] 8:30

Hearing Status: IN VIOLATION

First Scheduled Hearing Date: [REDACTED]

ECB Penalty Information

Penalty Imposed: \$2,500.00

Adjustments: \$0.00

Penalty Balance Due: \$2,500.00

Amount Paid: \$0.00

Court Docket Date: [REDACTED]

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PROPOSED TPP LEGISLATION INTRODUCTION 1107-2018



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Introduction 1107-2018 Active

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Submittal of construction documents, applicant and owner statements, and tenant protection plans.

This bill would require contractors to prepare and submit for approval tenant protection plans when seeking a permit to perform construction. The bill would require statements by buildings owners and contractors regarding the occupancy of a building and the scope of work of a construction project. Finally, this bill would create the option to submit phased tenant protection plans to reflect the current stage of work.

Sponsors

Sponsors (2)

District



Rory I. Lancman

District 6

District 24

History

Date	Action	Legislative body
12/13/18	Laid Over	Committee on Housing and Buildings
12/13/18	Hearing Held	Committee on Housing and Buildings
9/12/18	Referred to Committee	New York City Council
9/12/18	Introduced	New York City Council



The New York City Council

City Hall
New York, NY 10007

Legislation Details

File #:	Int 1107-2018	Version:	A	Name:	Submittal of construction documents, applicant and owner statements, and tenant protection plans
Type:	Introduction	Status:	Control	Committee:	Committee on Housing and Buildings
On agenda:	9/12/2018	Enacted date:	Enacted	Effective date:	12/13/2018
Agenda:	1. Summary of Int. No. 1107-A, 2. Summary of Int. No. 1107, 3. Int. No. 1107, 4. September 12, 2018 - Stated Meeting Agenda with Links to Files, 5. Hearing Report 12/13/18, 6. Hearing Testimony 12/13/18, 7. Hearing Transcript 12/13/18, 8. Int. No. 1107-A - 4/22/19				
Authors:	Rory I. Lancman, Ben Kallos				
Comments:	1. Summary of Int. No. 1107-A, 2. Summary of Int. No. 1107, 3. Int. No. 1107, 4. September 12, 2018 - Stated Meeting Agenda with Links to Files, 5. Hearing Report 12/13/18, 6. Hearing Testimony 12/13/18, 7. Hearing Transcript 12/13/18, 8. Int. No. 1107-A - 4/22/19				
Date	Ver.	Action	By	Result	
9/12/2018			by Council		
9/12/2018			Ref. to Comm by Council		
12/13/2018			Held by Committee		
12/13/2018			Laid Over by Committee		

The New York City Council

Page 1 of 1

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