

FREQUENTLY ASKED QUESTIONS

PRESENTATION: Changes to Façade Rule (FISP)

Q1. Are there penalties for not posting the Conditions Certificate?

A1. Yes. Buildings that do not have their latest conditions certificate posted are subject to receiving a violation each day the certificate is not posted with a penalty of \$500 per violation.

Q2. I was under impression that all inspections are ‘hands-on’ inspections?

A2. ‘Hands-on’ inspection means the QEWI is able to touch the façade and is able to perform a more thorough inspection by sounding, removing loose material, etc. and is usually done with the assistance of a swing stage scaffold, manlift, or from fire escapes that run from the parapet to grade. Other inspections are done from the ground level only with the aid of binoculars and cameras with zoom lenses.

Q3. In previous versions of the facade law, buildings subject to FISP were measured from the curb level. Please specify the current definition of ‘grade’ for buildings that are only six (6) stories but their cellar is partially exposed on a rear wall with a door?

A3. The current and prior version of the Rule refer to “buildings constructed on sloped sites that contain six (6) full stories plus one partial story where more than half the height of that partial story is above existing grade and/or adjacent to open areas (e.g., areaways, yards, ramps)...”. The current version of the Rule indicates that all walls are now subject to FISP requirements whereas previously only the wall above six stories was subject.

Q4. If a building is filed as unsafe and we close out the permit and receive a letter of completion will we still need to file for Time Extensions until the FISP report is accepted?

A4. Until an amended report is accepted by the Facades unit, the building has a classification of ‘unsafe’ and therefore requires public protection and up-to-date granted extensions.

Q5. Can façade condition certificates be downloaded from DOB NOW? Or is this a document provided by the DOB after report approval?

A5. If a FISP report was filed through DOB NOW: Safety, the conditions certificate can be downloaded from the QEWI’s or owner’s dashboard. If the FISP report was filed before DOB NOW: Safety, please contact the Facades Unit at facades@buildings.nyc.gov.

Q6. Is forest green still the only acceptable color for sheds?

A6. Per NYC BC 3307.6.4.11, sidewalk sheds erected after July 1, 2013 are to be painted hunter green. Sheds painted forest green are in violation of the Code and may be subject to penalties. Exceptions are made for Urban Umbrellas.

Q7. Any recommendation for the size of the probes in cavity walls?

A7. It is the responsibility of the QEWI to determine the adequate location and size of probes required for each building in order to satisfy the requirements in the rule. The QEWI must ensure that the number and size of the probes are sufficient to report the presence, condition, and spacing of wall ties and at a minimum allows for the required color photographs listed in (c) (3)(iii)(M)(3).

Q8. Per the new 60 ft requirement, if a building has a 2-floor facade along the public right-of-way at a length of 185 ft, and it includes a 10-floor portion that is only 80 ft. long, for this elevation would 2 or 4 full height close-up inspections be required?

A8. Please refer to the [FAQs](#) on the facades web site that was published in February 2020. This specific scenario is addressed.

Q9. How does the 5-year repair rule apply to current buildings? Do they get 5 more years?

A9. Please reach out to the Façade Unit directly via email at facades@buildings.nyc.gov or by phone at **(212) 393-2551** so we can adequately address your question.

Q10. Does job permit need to be signed-off prior to submitting an amended report?

A10. Per 1 RCNY 103-04, the permit does need to be signed off prior to submitting the Amended report.

Q11. If a building is NRF status, without the civil penalty paid in full, can we start the amnesty filing? we understand it needs to be paid in full in order the report be accepted?

A11. An amnesty filing can be started however, the report will be marked as “incomplete” until the civil penalties are paid.

Q12. If the 9th Cycle report is filed within one (1) year of the final close-up inspection, is there any maximum window for dates to be included as part of the close-up inspection?

A12. Per 1 RCNY 103-04, close-up inspections must be completed within one year of the Effective Filing Date.

Q13. Is the use of drones for building inspections are permissible in NYC despite the proximity to airports?

A13. Drones may be used to perform inspections, but do not replace the requirement for a close-up (hands on) inspection. The legal use of the drone itself is outside of our jurisdiction.

Q14. Fronting public right-of-way is reasonable but the ruling states walls that are more than 12" from other walls, please clarify?

A14. The 12” provision accounts for walls that, due to their height, would normally be subject to FISP, but if there is another wall 12” or less across from it – thereby preventing public access – it is not subject to FISP.