

FREQUENTLY ASKED QUESTIONS

PRESENTATION: Tenant Protection Plan Requirements for Occupied Buildings

DOB Tenant Protection-Related Forms

Q1. What’s the name of the form for Safe Construction Bill of Rights?

A1. The **Safe Construction Bill of Rights (SCBR)**, required by Local Law 159 of 2017, is available on the NYC Department of Housing Preservation and Development’s website. The Safe Construction Bill of Rights can be found in the Housing Maintenance Code §27-2009.2. More information about the SCBR can be found at [HPD’s website](#).

Q2. What form do we use for the 10% or more to do?

A2. Notifications for alterations involving 10% or more of existing floor area can be found at <https://a810-efiling.nyc.gov/eRenewal/tpp.jsp>.

Use this form to notify the Department of Buildings at least 72 hours before starting work on a building in which any dwelling unit will be occupied during construction.

Building Code 3303.10.2 requires the owner of a building to notify the Department of Buildings at least 72 hours before starting any work requiring a tenant protection plan (i.e., alterations of buildings in which any dwelling unit will be occupied during construction).

Section 28-103.27.2 of the New York City Administrative Code requires the owner of an occupied multiple dwelling with a valid permit for the alteration of 10 percent or more of the existing floor surface area or an addition to the occupied multiple dwelling to notify the Department at least 72 hours before starting any work pursuant to the permit.

Tenant Protection Plan Information			
*Borough	*House Number	*Street Name	
Pick a Borough ▾	<input type="text"/>	<input type="text"/>	
*City	*State	*Zip	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Owner Information			
*Owner Type			
Pick Owner Type ▾			
Last Name	First Name	*E-mail	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
*House Number	*Street Name	Apt, Suite, Bldg, Unit, etc.	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
*City	*State	*Zip	*Primary Phone
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/> 999-999-9999
Job Information			
*Job Number	*Date and time of work commencing.		
<input type="text"/>	Select Date & Time..		
<input type="button" value="Send"/>			

Q3. Where on the DOB's website is the TPP1 form located?

A3. The [Form TPP1](#), the Tenant Protection Plan form, is available on DOB's website on the DOB Forms page.

Tenant Protection Plan (TPP) vs. Occupant Protection Plans (OPP)

Q1. What are the differences between TPP's and Occupant Protection Plans?

A1. Tenant Protection Plans are required for work in buildings with one or more occupied residential unit(s). OPPs are required for commercial buildings. Additionally, TPPs are filed with the DOB.

Q2. Do TPP apply to commercial properties (hence, the occupants are tenants) or is it only tenants in dwelling units?

A2. TPPs are required if there is one or more occupied residential dwelling unit(s).

Q3. Commercial buildings do not have *dwelling units*. Does TPP relate to residential buildings only or all building types, or something in between? Please identify.

A3. TPPs apply to any building that contains one or more occupied residential units regardless of building type.

Q4. I have on occasion received a request for TPP1 in a totally commercial building. Is there any case when this would be required?

A4. A TPP would be required if there is an occupied residential unit. The most common reason that a TPP would be required in a commercial building is if it is subject to the loft law with occupied residential units. If the prior use of the site was residential, i.e. a new building application on a site where a residential building was demolished, you may be asked for a TPP (or an explanation as to why it is not applicable) if DOB records indicate that the site may contain residential units.

Who must file the TPP, when and how?

Q1. Can the general contractor retain the applicant of record to prepare the TPP or must it be separate RDP?

A1. The RDP who prepares and submits the TPP must be retained by the General Contractor. There is no restriction that the RDP retained by the General Contractor be different than the applicant of record.

- Q2. Can the design applicant of record continue to provide the TPP1 for multiple dwelling?**
- A2. Yes, provided the design applicant is retained by the General Contractor, he/she can prepare and submit the TPP.
- Q3. Please confirm that the registered design professional who prepares and submits the TPP can be different from the Applicant of Record for filing purposes.**
- A3. Yes, the RDP who prepares and submits the TPP must be retained by the General Contractor. It can be the same or different RDP than the Applicant of Record.
- Q4. The presentation mentions that the TPP is the responsibility of the professional retained by the general contractor, however the TPP1 form requires the signature of a registered design professional. Please explain.**
- A4. The TPP must be prepared and submitted by an RDP retained by the General Contractor. Please refer to [Service Notice issued in May 2020](#). The most recent TPP1 form dated 6/22/2020 requires that:
- the TPP1 be signed by the owner and the applicant.
 - the title sheet or first sheet immediately after the title sheet of the construction documents must contain a statement that a Tenant Protection Plan will be submitted in accordance with the requirements of Article 120 of Title 28 of the Administrative Code ([Local Law 106 of 2019](#)). Note that Local Law 106 of 2019 requires that the RDP be retained by the general contractor.
- Please look out for additional Service Notice (s) in the Fall 2020/Winter 2021 for changes to this process.
- Q5. As a structural engineer working for the client, we have been asked by a plan examiner to include tenant protection plans on our drawings with DOB NOW filing. As you noted in an earlier slide, the TPP should be submitted by the design professional retained by the general contractor to DOB for the permit?**
- A5. Yes, you are correct that [Local Law 106 of 2019](#) changed the requirement that the TPP be prepared and submitted by an RDP retained by the General Contractor and submitted prior to permit. DOB is in the process of updating its submission requirements. The [May 2020 Service Notice](#) provides the most recent guidance as to changes to the TPP form and procedures.
- Jobs submitted on or after June 22, 2020 must use the new [TPP1 \(Rev 5/20\)](#) form and include in the title sheet (or first sheet) a statement that a Tenant Protection Plan will be submitted in accordance with the requirements of Article 120 of Title 28 of the Administrative Code. Please look out for additional Service Notice(s) to be released in the Fall 2020/Winter 2021.
- Q6. You mentioned TPP shall be prepared by design professional retained by the contractor. So, the applicant hired by the owner is not responsible?**
- A6. The General Contractor must retain an RDP to prepare and file the TPP.

Q7. My understanding is that this law was designed to shift the TPP1 requirement to a separate design professional retained by the contractor?

A7. That is correct.

Q8. Is there a target date for when TPPs will be Prior to Permit rather than Prior to Approval?

A8. Please look for Service Notice(s) in the Fall of 2020 announcing changes to the procedures for BIS filings. With respect to DOB NOW submissions, please look for additional Service Notice(s) later in the Fall 2020/Winter 2021.

Q9. Are TPPs required prior to approval or prior to permit? Both BIS and DOB NOW require submission of TPP prior to plan approval?

A9. The Department is in the process of implementing changes to its TPP1 submission procedures. Please refer to the [May 2020 Service Notice](#) for current procedures.

DOB will soon issue Service Notice(s) in the Fall 2020 announcing changes for submission procedures and an implementation date in BIS. Changes that will be implemented include:

- TPP1 Tenant Protection Plan will be a new Required Item in BIS in Fall 2020.
- Applications filed **before** implementation will receive only the **prior to approval** TPP and Notes Required item.
- Applications filed **after** implementation will receive only the new **prior to permit** TPP1 Tenant Protection Plan Required Item.
- The TPP1 form must be submitted to satisfy either of these Required Items.

With respect to DOB NOW submissions, please look for additional Service Notice(s) later in the Fall 2020/Winter 2021.

Q10. Is there a contact unit for audits of Tenant Protection Plans or follow up on how these audit objections are to be responded to?

A10. For jobs referred to audit for insufficient or inadequate TPP, questions should be directed to the respective borough or to HUB where the audit will be conducted.

Q11. Please clarify procedural updates that have been implemented in relation to Local Law 118 of 2019. My understanding is Department examiners still require the design applicant to submit the TPP1 as a prior to approval requirement?

A11. Current TPP submission requirements are indicated in the [May 2020](#) Service Notice. Please look out for a Service Notice in the Fall of 2020/Winter of 2021 that will reflect changes in procedures.

TPP1 Form and Filing Procedures

Q1. Will the new tenant protection plan need to be signed by the contractor?

A1. The most current TPP1 form dated 6/22/2020 must be signed by both the applicant and the owner.

Q2. Is 11x17 the only acceptable format for drawing?

A2. Yes.

Q3. If additional space is needed do, we submit AI-1 form, or we can submit on TPP-1 form?

A3. Please add additional sheets using AI1 forms.

Q4. What are the TPP requirements for multiple projects with different permits/contractors within a MD at the same time?

A4. Each separate application requires its own TPP.

Q5. Specifically, the TPP1 form - if we are adding units to the plan, should the TPP1 form be resubmitted with each plan amendment?

A5. Yes.

Q6. Can you define 'Owner'?

A6. Owner as listed on the PW1 form.

Q7. Is the TPP a separate application or is it a required item of the initial application?

A7. The TPP is a supplemental document to the filing, not a separate filing.

Q8. Is there any requirements for logs or checklist requirements for TPP items?

A8. No.

Under what circumstances is a Tenant Protection Plan required?

Q1. Is the filing of a Tenant Protection Plan and/or TPP1 Form ever required when altering a privately-owned single family, or two family, detached residence on an individual lot?

A1. Yes, if 1 or more unit is occupied during construction; the requirements of who is required to file the TPP may differ.

Q2. Do TPP laws apply only for the building in question and how about the adjacent properties?

A2. TPPs apply to the building site undergoing construction, where 1 or more unit is occupied.

Q3. Does the TPP filing requirement apply to occupied hotels?

A3. Yes.

Q4. Will a tenant protection plan be required for a temporary sales office which will be open during construction?

A4. Not unless there are occupied residential units in the building; however, an Occupant Protection Plan may be required.

Q5. If we are doing alteration at the first-floor commercial space. This is a 6-story building, from second floor up all used as residential units. The work at commercial space will not affect any part of the residential units, do we still have to provide a TPP?

A5. Yes

Q6. Are there any special TPP filing requirements for occupied public housing multifamily buildings?

A6. Requirements are the same.

Q7. Does landscape construction work in a rear yard in Multiple Dwelling require a TPP?

A7. Yes.

Q8. Is a TPP still required for an existing building receiving exterior work only?

A8. Yes.

Q9. Is a TPP required for LL11 work?

A9. Yes.

Q10. For basement work, and the work will be made through the metal hatch door at the sidewalk level, does this work requires TPP?

A10. Yes, if any dwelling unit remains occupied.

Q11. Is a TPP required for yard work: terrace, fences in Multiple Dwelling?

A11. Yes.

Q12. Is a TPP required when the alteration in just one apartment?

A12. Yes.

Q13. Is TPP required for an NB or ALT-1 application filed in 2014 and is ready for partial TCO?

A13. Yes, if construction work continues when any dwelling unit is occupied.

Q14. In an occupied commercial building where they are shutting down a means of egress out of the building, do they need to file a TPP to be approved by the DOB?

A14. TPP is only for residential buildings or other buildings with overnight sleeping accommodations.

How to Identify Occupied Apartments on TPP1

Q1. When working on an existing large multifamily building, how do we list every apartment unit that will be occupied during construction if we run out of room on the TPP1 form?

A1. Every occupied unit must be indicated. You may submit additional pages (A11 form). However, the list of occupied units may be condensed, i.e. 'E' line floors 1-18; or 1A-E; 2A-D, 2F-G, etc. for ease of presentation.

Q2. How do you suggest listing 500 apartments that will remain occupied in one line of the form?

A2. Every occupied unit must be indicated. You may submit additional pages (A11 form). However, the list of occupied units may be condensed, i.e. 'E' line floors 1-18; or 1A-E; 2A-D, 2F-G, etc. for ease of presentation.

Q3. How do we list all occupied units on the section #1 of the form in a building which has over 20 occupied units?

A3. You may submit additional pages (A11 form).

Q4. The TPP1 form is asking for all the apartment numbers in the building to be listed but we can't add to the form. What do I do?

A4. You may submit additional pages (A11 form).

Q5. Does DOB want us to list the unit numbers on the AI1?

A5. Yes. However, the list of occupied units can be condensed, i.e. 'E' line floors 1-18; or 1A-E; 2A-D, 2F-G, etc. for ease of presentation.

Q6. Should the TPP1 form be resubmitted as additional units become occupied? Most residential buildings obtain a TCO one or more floors at a time.

A6. Please be specific when listing occupied units. If the project will be completed in phases, a TPP1 must also be submitted and approved to reflect each phase, indicating the units that will be occupied during that phase, as required by §28-120.2 of the Administrative Code.

Q7. For an exterior repair project, (think FISP) with no interior work, does the TPP1 form need to list all the apartments within the building? A statement that egress within the building will not be affected and that building egress will not be obstructed?

A7. Yes, the TPP1 should be submitted indicating how tenants will be protected during the work and all occupied apartments must be listed. Please note that all 7 essential items of the TPP1 must be addressed, not simply egress.

Q8. Do all the apartments have to be listed on TPP1 form for 'exterior only' projects?

A8. Yes. All occupied apartments must be identified.

Q9. What If we indicate the number of occupied units on TPP1 form and submit the application to DOB and someone else will start the renovation in a different unit then the number of occupied units will be incorrect in our TPP1 form submitted earlier?

A9. The TPP1 must be prepared by the RDP hired by the General Contractor. The permit holder must sign a statement that the TPP submitted by the RDP coordinates with the scope of work.

TPP Content/Specifics**Q1. I read the Code as drawings requiring tenant protection plans for work on residential buildings. Yet we constantly get objections for drawings related to work on commercial buildings. When are tenant protection plan notes required on drawing submissions?**

A1. Site safety notes are typically required for commercial applications. TPP is only for residential. OPP is also required for non-residential work (not filed with DOB).

Q2. Should structural engineers include anything on their drawings?

A2. Yes, please see the May 2020 Service Notice [Tenant Protection Plan: Revised TPP1 Form](#).

Q3. What is the process of updating the TPP plan as the work progresses? Do I need to keep submitting this plan to DOB for scanning or just keep at job site?

A3. The TPP must be kept updated with DOB and on-site.

Q4. Previously, all TPP notes were included and stamped on architectural drawings. Is that no longer the case if the GC is holding the TPP?

A4. Yes, please see the May 2020 Service Notice [Tenant Protection Plan: Revised TPP1 Form](#).

Cooperatives/Condominiums

Q1. Do any TPP requirements change in co-operatives or condominiums?

A1. In condominiums and cooperatives, the TPP may be prepared and filed by the registered design professional of record if the work is limited to the interior of a single, owner-occupied dwelling unit with no disruption to the essential services of other units.

In the case of cooperative or condominium forms of ownership, the application shall contain both a signed statement from the owner and from the cooperative or condominium board, affirming that the applicant is authorized to make the application and, if applicable, acknowledging that construction and related documents will be accepted with less than full examination by the department based on the professional certification of the applicant.

Q2. For work entirely within a condominium/multiple dwelling that does not share a common area with the rest of the building (it has its own private entrance), where must the TPP be posted?

A2. Must be posted in a conspicuous location where residents/tenants can access it.

Q3. If an owner in a condo or coop is doing a renovation, must a TPP be filed if no work will impact egress?

A3. Yes, provided that one or more unit is occupied. The TPP1 must be filled out in its entirety. The required content must address the 7 essential elements; it is **not** only limited to egress.

Enforcement: Violations/Stop Work Orders

Q1. I have a few jobs that were stopped by the building marshal office and was told an audit is being conducted for TPP and that the SWO cannot be lifted until the audit is completed. Which unit do we contact to determine the status of an audit?

- A1. For jobs referred to audit for insufficient or inadequate TPP, questions should be directed to the respective borough or to HUB where the audit will be conducted.
- Q2. If a project has a site protection plan but does not have it titled as such does an inspector fine the project or shut it down?**
- A2. A site protection plan differs from a TPP and so to the requirements. The TPP1 form is specific in what it requires. This form is titled TPP1 so there should be no confusion as to what it is referred to.
- Q3. Who is the violation issued to, the building owner, the registered design professional or the contractor of record?**
- A3. It depends on the type of TPP violation. The owner will be issued a summons if found performing work without a permit in an occupied building that requires a TPP. In this situation the owner will be issued 2 summonses – Work Without a Permit and Failure to Provide TPP for Scope of Work. The Contractor will be issued a violation for inadequate TPP and Failure to Comply with TPP, if applicable.

Posting and Service Requirements

- Q1. If the renovation work is strictly within the dwelling unit of an apartment building and no work is being done outside the unit, do I still need to provide notices in the public hallway?**
- A1. Yes. [Local Law 106 of 2019](#) requires that the TPP Notice be both conspicuously posted and served on each occupied unit.
- Q2. For a small job such as installing a bathroom exhaust fan, does the Safe Construction Bill of Rights need to be posted?**
- A2. Pursuant to [Service Notice dated December 2017](#), The Safe Construction Bill of Rights is required to be posted for:
- an application for a permit for work not constituting minor alterations or ordinary repairs
 - an emergency work permit
 - new buildings, immediately upon application for a Temporary Certificate of Occupancy (TCO)
- Q3. Where can I find the HPD Construction Notice?**
- A3. The [Safe Construction Bill of Rights \(SCBR\)](#), required by Local Law 159 of 2017, is available on the NYC Department of Housing Preservation and Development's [website](#).
- Q4. Will the DOB explore digital posting of the Notice instead of paper hardcopies?**
- A4. Currently, Local Law 106 of 2019 requires that the Tenant Protection Plan Notice be **both** posted **and** distributed. See updated [Service Notice dated May 2020](#).

Q5. If work is on one floor only, does posting need to be on all the floors of the building?

A5. Yes. [Local Law 106 of 2019](#) requires that the TPP Notice be both posted on each floor of the buildings and served on each occupied unit.

72-Hour Notification and TPP Notice

Q1. Is the 72-hour notice required prior to the start of the affected work or the issuance of the permit?

A1. The 72-hour notice must be submitted to the Department 72-hours prior to starting work.

Q2. Is it okay to list the company as the contact on the TPP notice?

A2. No. The contact on the TPP Notice must be a specific person that is aware of the job and is available to answer questions from tenants, the Department, etc.

Q3. Is the 72-hour notice required if a single unit is being renovated in a 4-story, 40 family dwelling?

A3. Yes, provided one or more of the units is occupied.

Q4. Can I list multiple permits under a single TPP notice?

A4. Yes, providing the contact person is the same for all permits.

Q5. What does 'CS' stand for in regard to the safety official's contact info that should be provided on the TPP Occupant Notice?

A5. Please see the [TPP Notice to Occupants](#) form that lists the individuals whose contact information should be provided.