



TENANT PROTECTION PLANS:

*Detailed Requirements
& Recent Updates*

build safe | live safe

presented by
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PRESENTATION DESCRIPTION

The presentation will present an overview of the requirements of the Tenant Protection Plan (TPP) for work in residential and mixed-use buildings containing at least one occupied dwelling. An understanding of when a Tenant Protection Plan is required as opposed to an Occupant Protection Plan and an overview of the 7 essential elements that comprise a TPP, as set forth in NYC Administrative Code §28-120.1 are provided. The presentation will discuss recent and upcoming changes to the TPP in DOB NOW, inspection and auditing process and how acceptable TPPs must be specific to that job site. Participants will also learn about recent updates mandated local laws 154 of 2017, Local Law 106 of 2019 and Local Laws 116 and 118 of 2019.

OFFICE OF THE TENANT ADVOCATE

- Created by Local Law 161 of 2017
- Charged with monitoring TPP compliance and receiving complaints directly from tenants
- Conducts **Random** and **Special** (referrals from OBM for *Inadequate TPP*) audits of TPPs.
- Staffed by
 - ACPE and Examiners to conduct audits
 - Tenant Liaisons to intake complaints
 - Inspectors
 - Data Analyst
- Contact OTAPlanExam@buildings.nyc.gov.

TENANT PROTECTION PLAN (TPP) vs. OCCUPANT PROTECTION PLAN (OPP)

- The **Tenant Protection Plan (TPP)** is required whenever any dwelling unit remains occupied during construction. The TPP is required even when residential space is not within the proposed construction area (e.g., work on commercial spaces in a mixed-use building).

TENANT PROTECTION PLAN (TPP) vs. OCCUPANT PROTECTION PLAN (OPP)

- The **Occupant Protection Plan (OPP)** is required for non-residential projects as per 2014 BC 3303.10 and are NOT filed with or reviewed by NYCDOB. A copy of the OPP must be available on-site for review by authorized personnel and NYCDOB inspectors.
- For commercial construction in mixed-use buildings, both a TPP (for tenant protection) and an OPP (for commercial areas) must be provided.

TENANT PROTECTION PLAN (TPP) vs. OCCUPANT PROTECTION PLAN (OPP)


OPP

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.


TPP

***3303.10.1 Tenant protection plan.** In buildings containing any occupied dwelling units, including newly constructed buildings that are partially occupied where work is still ongoing within the building, all alteration, construction or partial demolition work shall be performed in accordance with a tenant protection plan as required by Article 120 of Title 28 of the *Administrative Code*.

**Section 3303.10.1 was amended by [Local Law 106 of 2019](#). This law has an effective date of March 8, 2020.*

****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 10 percent of such sites within seven days after the commencement of such work to verify compliance with the tenant protection plan. The department shall conduct follow up inspections of such sites every 180 days until such construction is completed to verify compliance with the building code and tenant protection plan. Thereafter, the department shall conduct an inspection within 10 days of 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.*

***Section 3303.10.2 was amended by [Local Law 116 of 2019](#). This law has an effective date of March 8, 2020.*

***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.*

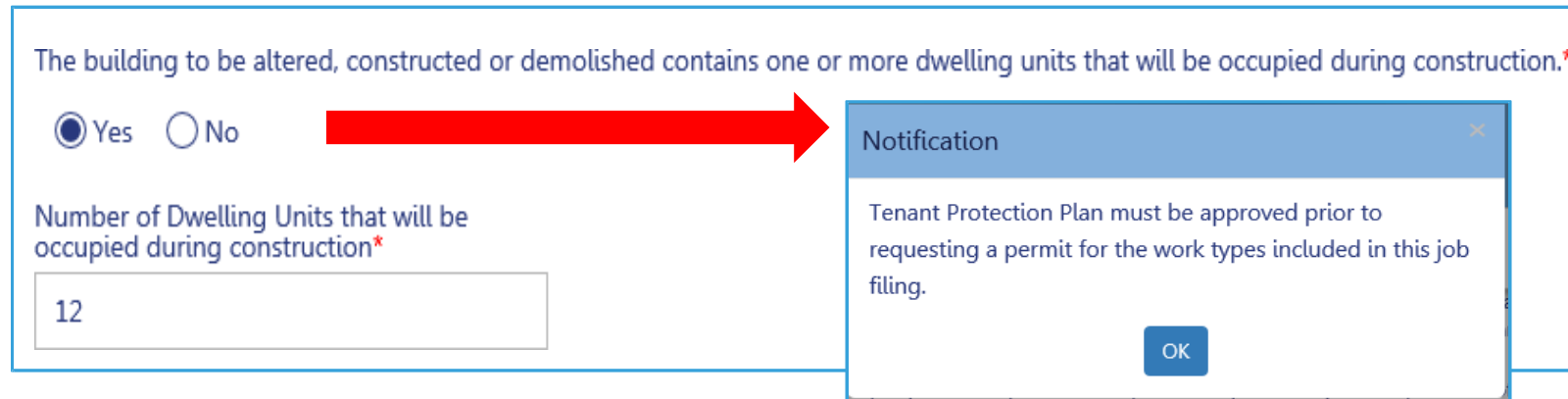
RECENT DOB PROCESS UPDATES

DOB NOW Work Types that currently require a TPP:

- Antenna
- Boiler
- Curb Cut
- Earthwork
- Foundation
- General Construction
- Mechanical
- Plumbing
- Sign
- Sprinkler
- Standpipe
- Structural
- Support of Excavation

RECENT DOB PROCESS UPDATES

- Required if one or more dwelling unit(s) will be occupied during construction.



The building to be altered, constructed or demolished contains one or more dwelling units that will be occupied during construction.*

☒ Yes ☐ No

Number of Dwelling Units that will be occupied during construction*

12

Notification

Tenant Protection Plan must be approved prior to requesting a permit for the work types included in this job filing.

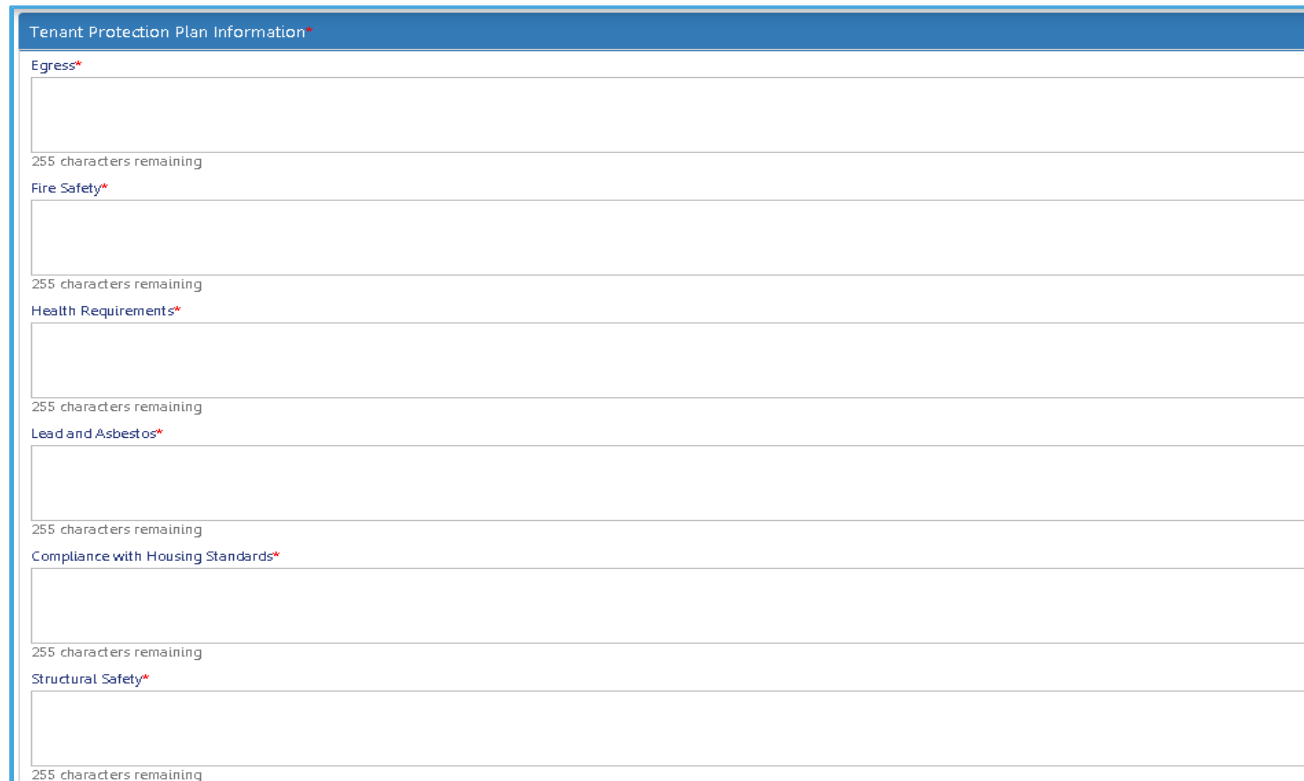
OK

A red arrow points from the 'Yes' radio button to the 'Notification' pop-up.

- TPPs are now a “Prior to Permit” required item.
- Prepared by the RDP engaged by the Contractor, except for 1- or 2-family houses, where it may be submitted by the AOR.

RECENT DOB PROCESS UPDATES

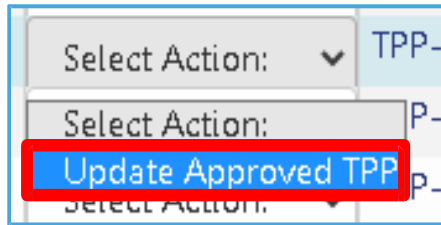
- In DOB NOW, the Tenant Protection Plan is now an online fillable form.



The screenshot displays a web form titled "Tenant Protection Plan Information" with a blue header bar and a right-pointing arrow. The form contains six text input fields, each with a label and a "255 characters remaining" indicator below it. The labels are: "Egress", "Fire Safety", "Health Requirements", "Lead and Asbestos", "Compliance with Housing Standards", and "Structural Safety". Each field is currently empty.

RECENT DOB PROCESS UPDATES

- TPPs can be amended at any time by inputting a **TPP Update**. A PAA is no longer required.



- To update the TPP after its approval, the Action can be found in the TPP Request dashboard accessed from the left menu bar or in the TPP tab in the main Job Filing window.
- Click the drop-down menu in the Filing Action column to select **Update TPP**.
- Click **Yes** to confirm that you wish to Amend the TPP.

- For guidance creating a TPP in DOB NOW, please refer to the [**DOB NOW: Build Tenant Protection Plans and Site Safety Plans**](#) training available on DOB's website.

RECENT DOB PROCESS UPDATES

- TPPs are no longer reviewed by a DOB Plan Examiner. They are simply received into the system, like other **Prior to Permit** required items.
- TPPs are subject to random or special audits.
- OTA has a TPP audit team that performs audits for TPPs filed after the **Prior to Permit** effective date. All boroughs are covered.
- For jobs filed before the **Prior to Permit** effective date, TPP audits are referred to Borough Plan Examiners.

BACKGROUND: WHY TPPs ARE NECESSARY



Legislated tenant protections evolved from continued harassment during construction.

- Interruption and/or denial of essential services (heat, water, gas, etc.)
- Unsafe living conditions (blocked egress, compromised fire protection, etc.)
- Unsafe construction practices
- Byproducts of the building process (noise, debris, dust, fumes, etc.)

BACKGROUND: WHY TPPs ARE NECESSARY

Historical NYC DOB Tenant Protection requirements:

- 1984: NYC DOB Directive 1: genesis of the **seven essential elements of a Tenant Safety Plan** (now TPP).

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.

- 2008: Tenant Protection Plan requirements included in the Building Code.
- 2017, 2019 & 2021: **Tenant Protection** Legislation.

BACKGROUND: WHY TPPs ARE NECESSARY

**Flammable
construction debris
& trash block
egress path.**



**Fire-rated corridor construction
is compromised. Temporary
protection or Fire Watch is
required.**

BACKGROUND: WHY TPPs ARE NECESSARY

Dust protection
(plastic barrier)
damaged and
ineffective



Misplaced
Exit Sign

BACKGROUND: WHY TPPs ARE NECESSARY

Open wood joists -
fire hazard and
noise problem

What are the effects
on surrounding
tenants?



Excessive
debris

BACKGROUND: WHY TPPs ARE NECESSARY

Open wood
joists/missing
firestopping



BACKGROUND: WHY TPPs ARE NECESSARY

Accumulation of
Dust



LEGISLATIVE REQUIREMENTS

LL154/2017

TPP reform and inspection requirements

LL154/2017

TPP reform and inspection requirements

LL116/2019

TPP now submitted
“Prior to Permit”

LL118/2019

Owner signature required;
increased violation cost

LL40/2021

Enhanced TPP
requirements related to
lead-safe work

LL126/2021

TPP Special Inspections

RECENT LEGISLATIVE UPDATES

§ 28-120.1 Tenant protection plan. A tenant protection plan shall be prepared and submitted for the alteration, construction, or partial demolition of buildings in which any dwelling unit will be occupied during construction, including newly constructed buildings that are partially occupied where work is ongoing. The tenant protection plan shall be prepared by a registered design professional and filed with the department. The *registered design professional preparing the tenant protection plan shall be retained by the general contractor* performing the alteration, construction, or partial demolition work. No permit shall be issued for work that requires a tenant protection plan unless such plan is approved by the department. Such plan shall contain a statement signed by the owner and signed by the applicant affirming that the building contains dwelling units that will be occupied during construction and shall [indicate] **identify 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 tenant protection plan must be site specific**

RECENT LEGISLATIVE UPDATES

Local Law 40 of 2021, effective 4/18/2022, requires enhanced protections where lead-based paint, or paint of unknown lead content will be disturbed.

§ 8. Subdivision 3.1 of section 28-120.1 of the administrative code of the city of New York, as added by local law number 106 for the year 2019, is amended to read as follows:

3.1. [There] Lead and asbestos. Where the work involves disturbance of lead-based paint, as defined in section 27-2056.2, or paint of unknown lead content or asbestos, 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] including whether the firm performing proposed work holds the certification or certifications required to perform such work pursuant to section 27-2056.11, and disclosure of any open violations related to lead issued by the department of health and mental hygiene or the department of housing preservation and development.

RECENT LEGISLATIVE UPDATES

Local Law 126 of 2021, effective 11/7/2022, requires Special Inspections for compliance with the Tenant Protection Plan.

1705.26 Tenant protection plan compliance. When alteration, partial demolition, or construction operations are performed at occupied multiple dwellings, the special inspector shall periodically verify compliance with a tenant protection plan as provided for in Chapter 1 of Title 28 of the *Administrative Code* and Section 3303.10 of this code. Special inspections for compliance with the tenant protection plan shall comply with Sections 1705.26.1 and 1705.26.2 of this code.

Exceptions: Special inspection for tenant protection plan compliance is not required where the scope of the work is limited to:

1. A three-family home;
2. The interior of a single dwelling unit of an occupied multiple dwelling with no disruption to the essential services of other units, where such dwelling is owner-occupied. For a dwelling unit within a property that is owned by a condominium or held by a shareholder of a cooperative corporation under a proprietary lease, the unit must be occupied by the owners of record for such unit; or
3. The interior of a single dwelling unit of an occupied multiple dwelling three stories or less in height.

RECENT LEGISLATIVE UPDATES

Local Law 126 of 2021 *(continued)*

1705.26.1 Inspection frequency. Special inspections shall be performed throughout the duration of the tenant protection plan at sufficient periodic intervals to verify compliance with the tenant protection plan throughout the course of work. At a minimum, inspections shall be performed:

1. Prior to the start of construction and/or demolition to document conditions prior to work;
2. At the start of construction and/or demolition;
3. Once per week during construction and/or demolition;
4. After a tenant protection plan violation has been issued to verify that the violation was corrected;
5. When the location of the alteration or construction operations performed in conjunction with the tenant protection plan has moved to another location; and
6. Whenever construction or demolition operations have changed, requiring changes in methods of protection.

1705.26.2 Reporting. A written record of the special inspections performed for the tenant protection plan shall be maintained in a log prepared by the special inspector. The log shall include an entry for each inspection and shall indicate that the alteration or construction operation is being performed in accordance with the tenant protection plan. Copies of the special inspection log book shall be maintained at the job site, and at the office of the special inspector, and shall be available for use and review at all reasonable times, until the work subject to special inspection is complete.

INDUSTRY UPDATES



INDUSTRY NOTICE ELEVATORS

DISTRIBUTED: APRIL 12, 2021

REMINDER: Filing and Notification Requirements When Using Elevators for Construction Purposes

Using an elevator for construction purposes may in certain circumstances require notification to the Department and obtaining a permit. Please review the guidance below to ensure compliance with the Construction Codes and other regulations.

Elevators in Completed and Occupied Buildings

Passenger, service, and freight elevators with a Certificate of Compliance in completed and occupied buildings may be used to transport construction personnel and materials without the need to file a notification with the Department or obtain a permit provided that:

1. The elevators are **not** being exclusively used to transport construction personnel and materials;
2. Any Occupant or Tenant Protection Plan must state the days and hours during which the elevators will be used to transport construction personnel and materials; and
3. The elevators are used and loaded for those operations in accordance with their approval and pursuant to ASME A17.1 and Administrative Code 28-105.1.

Passenger, service, and freight elevators with a Certificate of Compliance in completed and occupied buildings being used **exclusively** to transport construction personnel and materials ("Temporary Construction Use") require the filing of a Temporary Use Permit pursuant to Building Code 3009.3, OPPN 2/00, and 1RCNY 11-05 and 11-06.

- **Non-exclusive** use of the passenger elevator to transport construction materials and/or workers
 - The specific days/hours for construction use must be stated in the Tenant Protection Plan;
 - Elevators must be used in accordance with ASME A17.1 and AC 28-105.1.
- **Exclusive** use of the passenger elevator for construction purposes:
 - Requires filing of Temporary Use Permit pursuant to BC 3009.3; OPPN2/00;1RCNY 11-05 & 11-06.

TENANT PROTECTION PLAN: TARGET AUDIENCE

- Unlike other DOB filings, Tenants and Construction Workers, not Design Professionals, are the target audience.
- Should be in plain English – not use technical terms.
- Be clear - no conflicting information.
- Be site specific.
- Do not use terms such as **code compliant**, **by law**, etc.
- All documents referenced in the TPP must be accessible to the public.

TPP CREATION: GENERAL REQUIREMENTS

- As noted previously, all DOB NOW TPP submissions are done as online **input** into the DOB NOW system prior to permit. This presentation does not address the TPP submission process for BIS applications or for older DOB NOW applications (which varies depending upon the date of application filing).
- Supplemental Documents (typically plan diagrams) may also be uploaded as part of a TPP submission.
- The following pages describe required elements of an acceptable TPP but do not provide specific instructions for how to submit in the DOB NOW system. That information is available in separate training material available online.

TPP CREATION: GENERAL REQUIREMENTS

In compliance with **2014 NYC Administrative Code 28-120.1**, the ten required elements of a Tenant Protection Plan to be input into DOB NOW are:

1. List all units that will or may be occupied during construction
2. Egress
3. Fire Safety
4. Health Requirements
5. Lead & Asbestos
6. Compliance with Housing Standards
7. Structural Safety
8. Noise Restrictions
9. Maintaining Essential Services
10. Other Requirements (as applicable)

TPP CREATION: FLOOR PLAN DIAGRAMS

In many cases, adequate TPP information can be provided through narrative means only. However, in certain circumstances, floor plans must be provided to explain tenant protections clearly. Examples include:

- **Blocking or Closing Means of Egress:** plans must show modified egress paths & temporary signage required to direct tenants along those paths to egress stairs and/ or the public right-of-way.
- **Phased Construction:** plans must show varying egress paths, signage, etc. as each phase is undertaken.
- The contractor, through the TPP applicant, is responsible for determining whether or not floor plan diagrams are necessary, subject to DOB audit.

TPP NARRATIVE vs TPP DIAGRAMS

- TPP Narrative is required
 - DOB NOW input narratives are the “Official” TPP
 - Copying the code is not sufficient
- TPP Diagram is optional
 - Supplemental to, not replacement of, narrative
 - Provided to clarify the narrative
 - Information provided should also be in narrative
 - Not necessary for most apartment renovations
- TPP Diagrams shown are examples
 - Not all inclusive and not the only way
 - Protection means and methods vary between jobs
 - Split into separate TPP sections for clarity

EXAMPLE: 8 STORY MULTI-FAMILY DWELLING



No tenant protection plan is the same. They need to reflect the construction activities specific to the apartment, the apartment's relation to the rest of the building occupants and the building's layout.

The contractor should be involved in discussions of the TPP.

TPP CREATION: DESCRIPTION OF ITEMS

Element 1: List all units that will/may be occupied during construction.

- For smaller buildings, a complete, unit-by-unit list should be provided.
- For larger buildings, a more general statement is acceptable: “All (total number of units) units will be occupied during construction, except for the following: (list unoccupied units).”

TPP CREATION: DESCRIPTION OF ITEMS

LIST OF OCCUPIED APARTMENTS (No diagrams for this item)

To determine which apartments may be affected when construction begins.

Question

- Is the following reply adequate for TPP element 1? 16 Apartments.

Answer

- No. Information is not enough regarding the extent of occupied apartments in the building.

Good Answers

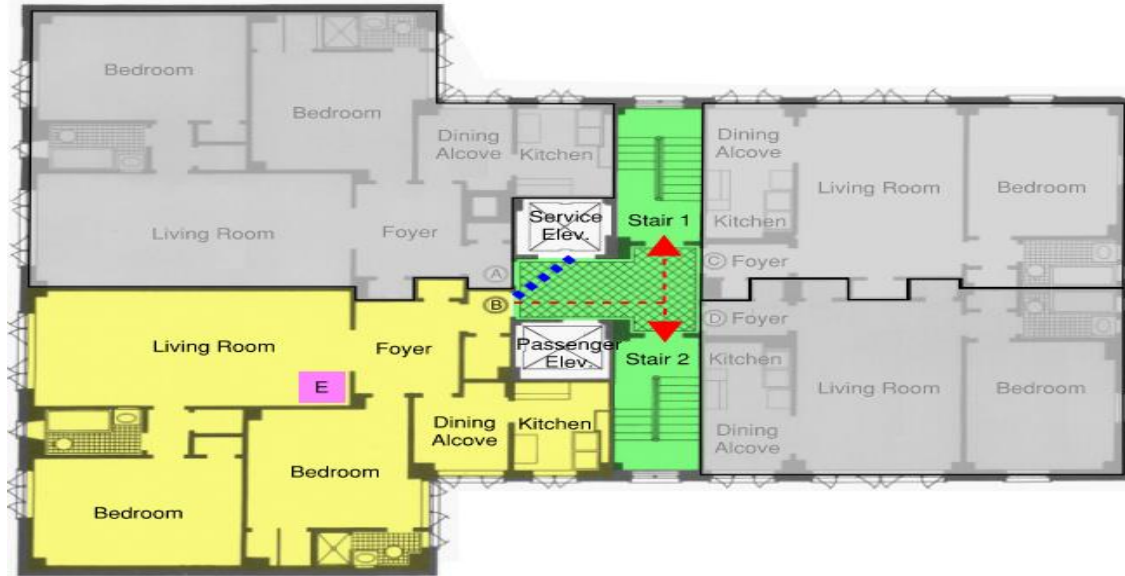
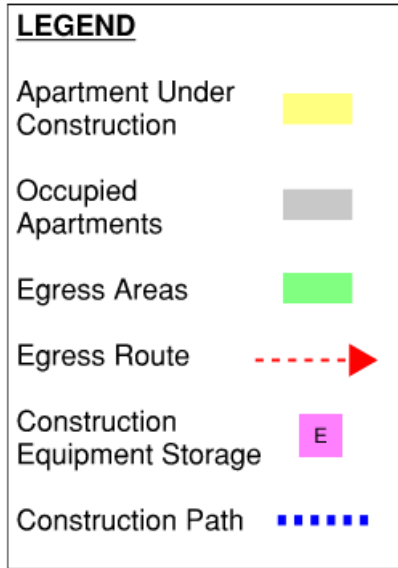
- Option 1: Apartments 1a, 1b, 2a, 2b, 4a, 4b, 5a, 5b, 6a, 6b, 8a.
- Option 2: There are a total of 10 apartments in the building. All apartments in the building will be occupied during construction, except for apartments 3a, 3b, 7a, 7b and 8b.

TPP CREATION: DESCRIPTION OF ITEMS

Element 2: Egress: examples of requirements

- Describe in detail how egress will be maintained.
- If any egress will be temporarily blocked, show/ describe alternative egress routes. **Phased** floor plans may be required (to show alternative routes, temporary exit sign locations, etc.).
- If any egress path within the construction area is to remain in use during construction, describe how it will be protected and maintained.
- If a Fire Watch is required due to unprotected or compromised egress paths, then state that (including hours of operation).

EGRESS



To ensure building occupants can safely exit in the event of an emergency.

Relevant Questions

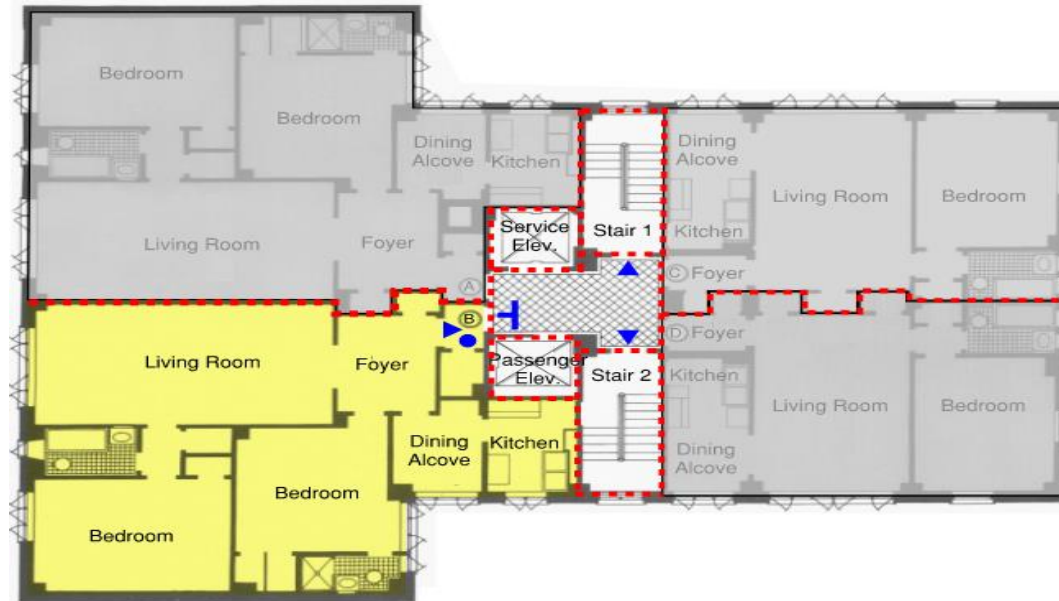
- Are construction personnel and/ or materials going to pass through public egress paths?
- Is any change to any egress path going to occur during construction?
- Is any temporary directional signage needed?
- Are there fire escapes on the building?

TPP CREATION: DESCRIPTION OF ITEMS

Element 3: Fire Safety

- Describe in detail what areas or components will be compromised during construction (fire rated partitions, pipe chases, stair enclosures, floor & ceiling assemblies, etc.).
- State/show where fire extinguishers will be provided.
- If a sprinkler or standpipe system is affected, describe the scope and any service interruptions anticipated (cross-reference to item 7).
- If a Fire Watch is required due to unprotected or compromised egress paths, then state that (including hours of operation).

FIRE SAFETY



To ensure the integrity of existing fire rated systems that are in place are maintained and function as intended.

Relevant Questions

- *Are public hallways or tenant separations being compromised?*
- *Are there sprinkler and standpipe systems?*
- *Will work on fire-rated elements be complete after one day? If not, then how are those elements protected during off-hours?*

FIRE SAFETY

Tenant occupies apartment during construction.

LEGEND

Apartment Under Construction



Occupied Apartments



Fire Rated Wall



Fire Extinguisher



Exit Sign



No Entry Sign



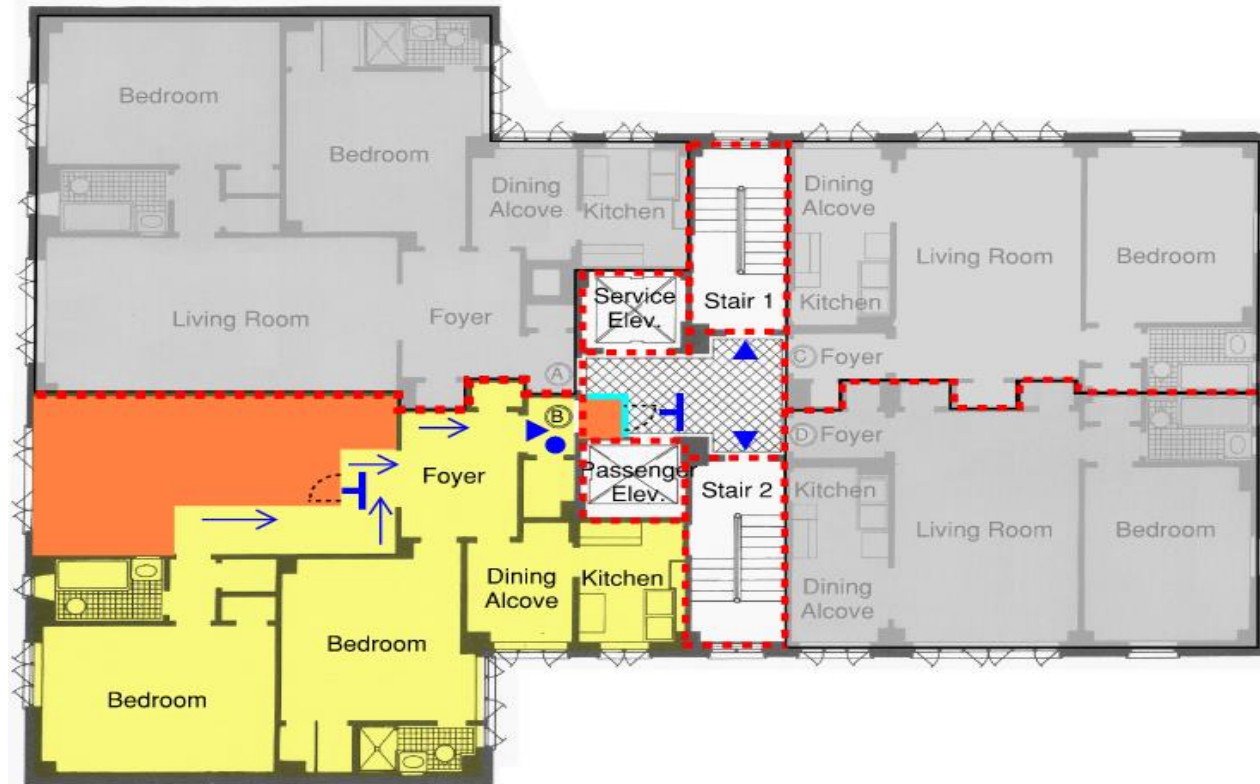
Construction Area with Enclosure



Directional Exit Sign



2hr Temporary Fire Rated Wall

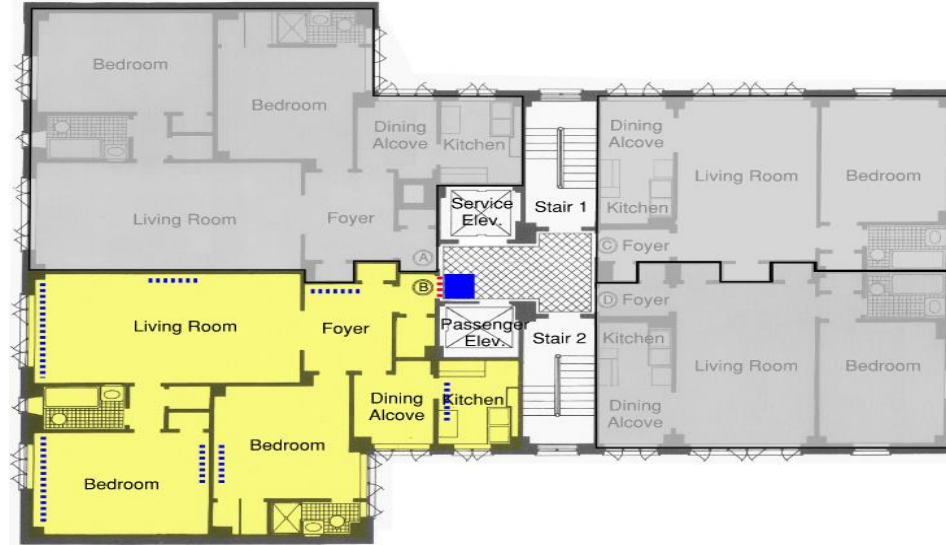
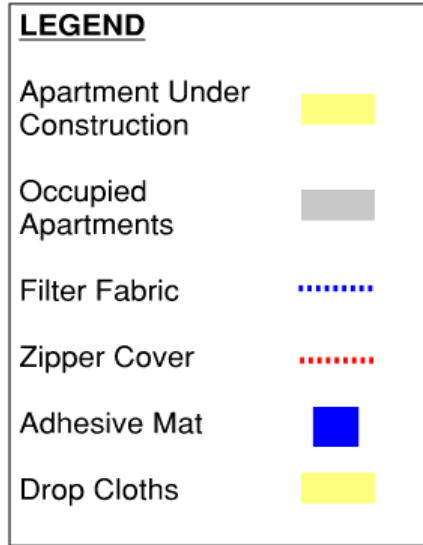


TPP CREATION: DESCRIPTION OF ITEMS

■ **Element 4: Health Requirements**

- Describe in detail how dust will be controlled (HEPA vacuums, wet mopping, filter fabric over windows and/ or mechanical grilles & registers, etc.).
 - Describe how debris will be removed, including frequency of removal.
 - Describe how sanitary facilities will be maintained/ provided.
 - Note: Although also listed here, noise control should be in Item 8
-
- In interior renovation, for example install plastic zipper doors over the apartment entry doors.
 - In façade jobs, for example use HEPA vacs attached to the hand grinder.

HEALTH REQUIREMENTS



To minimize the impact of construction activities on the health of building occupants.

Relevant Questions

- *How are entries protected (unit and/ or public as applicable)?*
- *How are public hallways, stairs & elevators affected/ protected?*
- *How are materials being delivered and disposed?*
- *How are construction workers entering and leaving the premises?*
- *Are the proposed mitigation methods sufficient to control dust?*

TPP CREATION: DESCRIPTION OF ITEMS

■ Element 5: Lead and Asbestos

- State what lead and asbestos testing was done and give the results.
- Refer to types and availability of relevant testing forms (ACP5 to asbestos, for example). Forms need not be part of the TPP.
- Typically, asbestos abatement and lead abatement are not part of the NYCDOB construction filing. However, tenant protections required for any remaining lead and / or asbestos that is not being disturbed must be described.
- Local Law 40 of 2021, effective April 18, 2022 requires additional information to be included in their replies:
 - Applies to jobs created in DOB NOW on or after April 18, 2022
 - State disturbance of lead paint or paint of unknown substances
 - Provide name of firm and certify that firm is certified to perform work
 - List open violations with DOHMH and/or HPD

LEAD & ASBESTOS



To prevent lead and asbestos exposure to building occupants.

Relevant Questions

- *Was the structure built prior to 1978 (Federal lead paint ban)?*
- *Was the structure built prior to April 1, 1987 (NYC asbestos ban)?*
- *Are lead- or asbestos-containing material quantities great enough to require special handling and/ or abatement?*

TPP CREATION: DESCRIPTION OF ITEMS

■ Element 6: Compliance with Housing Standards

- NYS Housing Maintenance Code (Title 27, Chapter 2)
- NYS Multiple Dwelling Law (1929- initial issuance)
- Both of these references impose requirements on building owners, landlords and tenants to maintain safe and sanitary buildings. General contractors are not directly mentioned but must comply as necessary (to the extent of the contractual relationships to the building owner and/or unit owner / tenant).

■ Relevant Questions

- Was the structure built prior to 1929 (MDL adoption)?
- Will the building management share responsibility for any tenant protections during construction?

TPP CREATION: DESCRIPTION OF ITEMS

COMPLIANCE WITH HOUSING STANDARDS (No diagrams for this section)

To ensure safe and sanitary environments for building occupants.

Question

- Is the following reply adequate for TPP element 6?
- The requirements of the NYCHMC, where applicable, shall be strictly observed.

Answer

- It is not adequate. It has acronyms and did not include the requested items.

Good Answer

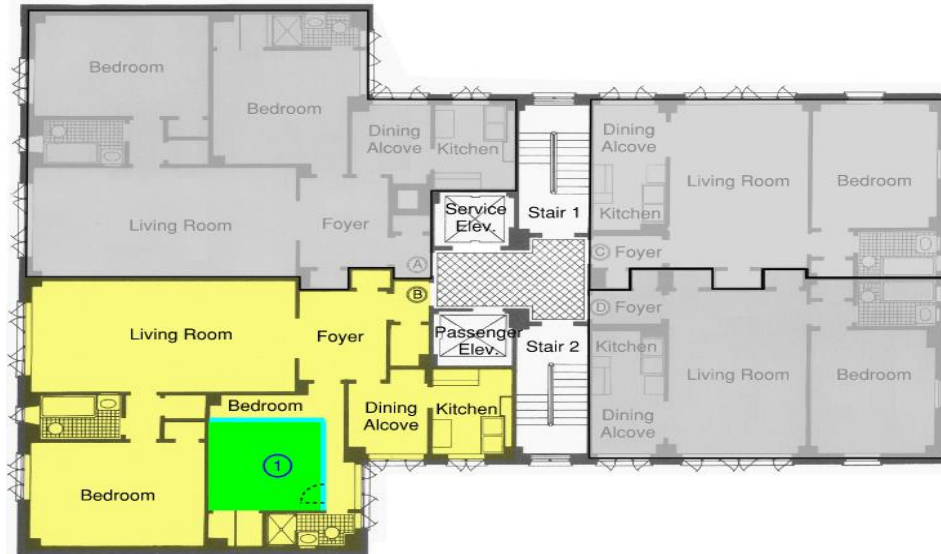
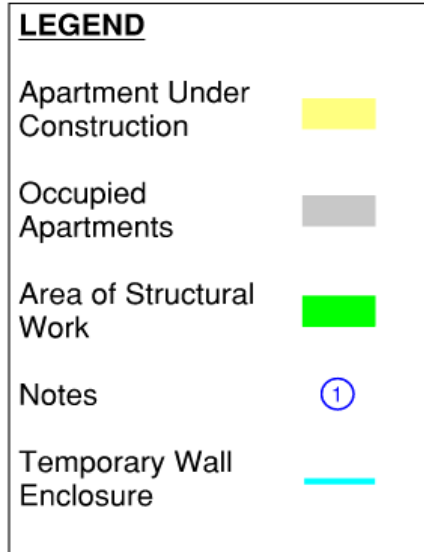
- The proposed work will comply with the New York City Housing Maintenance Code and the New York State Multiple Dwelling Law.

TPP CREATION: DESCRIPTION OF ITEMS

■ Element 7: Structural Safety

- If no structural work is proposed, then simply state that.
- If any structural work is proposed, describe in detail how tenants will be protected during such work. Cross-referencing to a different TPP filed under a separate structural filing is acceptable.

STRUCTURAL SAFETY



To determine whether structural work will cause safety concerns for building occupants.

Relevant Questions

- *Is temporary shoring or underpinning required?*
- *Will building fire protection be compromised (element 3)?*
- *Will related scaffolding or a sidewalk shed be required?*
- *Will the structural work compromise the tenant's use of the apartment?*
- *Will the work necessitate tenant relocation?*

TPP CREATION: DESCRIPTION OF ITEMS

■ Element 8: Noise Restrictions

- A separate Noise Mitigation Plan is required to be submitted to the NYC Department of Environmental Protection (see specific requirements in AC 24-219).
- The Noise Mitigation Plan is an online submission to DEP which is required prior to construction start. Specifics need not be provided in the TPP, but a cross-reference to the plan and any DOB-issued After Hours Variance (AHV) is required as applicable.
- In some cases, mention of the AHV in the TPP may be required in order to obtain AHV.

■ Relevant Questions:

- How does construction noise affect tenants within the building?
- What are strategies to minimize disruption?

TPP CREATION: DESCRIPTION OF ITEMS

■ Element 9: Maintaining Essential Services

- Almost all applications will require some interruption of “Essential Services” such as water, electricity and / or gas for other tenants. Exceptions occur when individual units have in-unit shutoff valves.
- Describe all anticipated Essential Service Disruptions. Cross-referencing to a different TPP for a separate filing is acceptable.
 - Type of interruption, Number and duration of interruptions, Notifications to be provided, Description of sufficient alternative to be provided

■ Relevant Questions

- In what season will the interruption occur (heat shutoff in winter)?
- Will tenants need to be relocated in order to have access to services?
- Will temporary replacement services (e.g., boiler) be required?

TPP CREATION: DESCRIPTION OF ITEMS

Maintaining Essential Services (No diagrams for this section)

To notify building occupants of the hours and days that utility service and elevator disruptions will occur, why it's necessary and what will be done to mitigate disruptions.

Question

- Is the following reply adequate for TPP element 9?
- Heat, hot water, cold water and electricity shall be maintained in accordance with the requirements of the New York City housing maintenance code.

Answer

- It is not adequate. The list did not include the extent of utilities in a building. Note elevators are considered an essential service

Good Answer

- All utilities throughout the building, except for water, will not be disturbed. The water will be shut off for replacement of the bathroom sink and will not take longer than 2 hours. During this time, water bottles will be provided to maintain water access.
- The passenger elevator will not be used during construction.

TPP CREATION: DESCRIPTION OF ITEMS

■ Element 10: Other Items

- Any special circumstances should be described.
- If supplemental floor plan diagrams are provided, they may be mentioned in this item but should also be cross-referenced within other items as necessary to make the TPP as easily understood as possible.

■ Relevant Questions

- What other work types have been filed separately that have their own TPPs?
- How is the tenant protection work being divided among different contractors/subcontractors for a particular overall project?
- Should a single TPP be developed for submission to all work types filed? How can contractors cooperate to create it?

TPP CREATION: DESCRIPTION OF ITEMS

OTHER REQUIREMENTS (No diagrams for this section)

To indicate other tenant protection plans that are related to this job under separate job numbers.

Question

- Is the following reply adequate for TPP element 10?
- 28-104.8.4.1 Public availability of tenant protection plan. Upon issuance of a permit for work containing a tenant protection plan, the department shall make the tenant protection plan publicly available on its website. 28-104.8.4.2 Provision of copy of tenant protection plan to occupants upon request.

Answer

- It is not adequate. The information listed are requirements for the TPP.

Good Answers

- Refer to Job #M123456789-I1 for the tenant protection plan related to the structural work.

TPP CREATION: UPDATES

- If the work scope changes during construction, the TPP must be updated to reflect any additional tenant protections required (as applicable).
- Updates to TPPs will not be reviewed by DOB plan examiners. They are automatically approved by the DOB NOW system as **professionally- certified** documents.
- Updated TPPs must be available on-site as soon as they are necessary to reflect actual conditions at the premises.
- Floor plan diagrams, if included, must be uploaded as TPP attachments/drawings (not as AI1).

The screenshot shows a 'Document Uploader' window. On the left, there is a 'Select Document' section with a text input field containing 'Enter Document Name Here or select from List...'. Below this is a 'File Name:' section with a 'Choose File' button and the text 'No file chosen'. At the bottom left is an 'Upload' button. On the right, there is a table with two columns: 'Document Name' and 'Prior To Stage'. The table contains two rows: one for 'AI1' and one for 'Tenant Protection Plan Attachments/Drawings', both with 'Approval' in the 'Prior To Stage' column. Below the table is a pagination bar showing '1 / 1' and '5 Items Per Page'. At the bottom right is a 'Cancel' button.

Document Name	Prior To Stage
AI1	Approval
Tenant Protection Plan Attachments/Drawings	Approval

TPP CREATION: PRE-SIGNOFF OCCUPANCY

- In many cases, buildings are granted partial occupancy for dwelling units while construction is completed elsewhere in the structure (e.g., commercial units in mixed-use buildings).
- Per 2014 BC 3303.10.1, a TPP is required as soon as any dwelling unit is occupied in any building that is still undergoing construction. This is true even if construction is no longer occurring in residential portions of the building.
- All open applications for a building (project) that require a TPP must have one. For example, if General Construction (GC), Plumbing (PL), and Mechanical (MS) applications for a building are still open when residential occupancy occurs, then all three of those applications must file a TPP.
- Pre-Signoff TPPs are submitted in DOB NOW as per the regular protocol. No DOB review will occur, but all TPPs are subject to DOB audit, violations, Stop Work Orders, etc.

TPP CREATION: TAKEAWAYS

- TPPs are for tenants, not design professionals. They should be presented in clear, simple language in an organized and easily-understood way.
- TPPs must be detailed and specific.
- TPPs must fully address all ten elements listed in DOB NOW.
- There are often multiple TPPs filed for a **project's** various work types (General Construction, Plumbing, Mechanical, etc.). Related TPPs must be coordinated with each other.
- Do not refer to the underlying DOB application or documents, which may not be available for viewing by the public.
- Do not use generic terms such as **code compliant**, **protected in accordance with law**, etc.
- Do not use professional jargon or cite code sections by number.

TENANT PROTECTION PLAN ENFORCEMENT

- Notify DOB at least 72 Hours prior to start of work.
- Post TPP Notice to Occupants at the Building **and** Distribute to all Occupants.
- Provide a printed copy of the entire TPP on request.
- Site Inspections in response to Complaints by the Public.
- Site Inspections for TPP compliance – Randomly selected.

TENANT PROTECTION PLAN ENFORCEMENT

NYC Buildings

RE: TENANT PROTECTION PLAN FOR OCCUPANTS

NOTICE

The New York City Department of Buildings (DOB) has issued a permit for work in this building that requires a **Tenant Protection Plan (TPP)**. Building occupants may obtain a paper copy of the TPP from the owner and may access the plan on DOB's website at www.nyc.gov/buildings

Permit Number(s): M00038258-I1-GC
Address: 1 600 3 AVENUE

Below is the contact information for the (check one)

☐ Site Safety Manager ☐ Site Safety Coordinator ☒ Superintendent of Construction ☐ Owner/Owner's Designee

Name: FIRSTNAME FIRSTNAME Phone Number: 5555555555

Building occupants may call 311 to make complaints.

NYC Administrative code § 28-120.1.3 requires the Owner to:

- Distribute this notice to each occupied dwelling unit; and
- Post this notice in a conspicuous manner in the lobby and
 - on each floor within ten feet of the elevator
 - if the building does not have an elevator, within ten feet of or in the main stairwell of each floor.

The Occupant Notice must be printed and displayed at the job site and distributed to all occupants.

Work Permits

View	Filing Action	Job#	Filing#	Work Permit#
<input type="checkbox"/>				
<input checked="" type="checkbox"/>	Select Action: ▼	M00038258	I1	M00038258-I1-GC
<input checked="" type="checkbox"/>	Select Action:	00038237	I1	M00038237-I1-ST
<input checked="" type="checkbox"/>	Create AHV	00038235	I1	M00038235-I1-SE
<input checked="" type="checkbox"/>	Print Work Permit	00038228	I1	M00038228-I1-FO
	Print Occupant Notice			
	Renew Work Permit			
	Request Withdraw			

TENANT PROTECTION PLAN ENFORCEMENT

Safe Construction Bill of Rights

- Part of the Housing Maintenance Code
- Must include:
 - Description of work being conducted & the specific location
 - Hours of construction work.
 - Projected timeline for the completion of work.
- Description of the amenities/essential services unavailable/interrupted during work and plan to minimize the interruption.
- Contact info (Phone #) for Agent/Owner for non-emergency matters & emergency matters 24hrs/7 days a week during construction.

TENANT PROTECTION PLAN ENFORCEMENT

Safe Construction Bill of Rights

Tenants: Be advised that:

_____ The property owner has filed an application for a permit for work not constituting minor alterations or ordinary repairs with the Department of Buildings (DOB).

_____ The property owner has notified the DOB that an emergency work permit is being sought.

_____ The property owner has filed for a temporary certificate of occupancy, This Notice is required to be distributed to each occupied dwelling unit or posted in a conspicuous manner in the building lobby and on every floor within 10 feet of every elevator bank, or, in a building with no elevator, within 10 feet of or inside every main stairwell and shall remain posted until the completion of the described permitted work.

If the work requires a Tenant Protection Plan, the Owner is required to post and distribute a “Notice to Occupants” indicating that a Tenant Protection Plan has been filed with the Department of Buildings. The Notice must be distributed to each occupied dwelling unit and posted in a conspicuous manner in the building lobby and on every floor within 10 feet of every elevator bank, or, in a building with no elevator, within 10 feet of or inside every main stairwell and shall remain posted until the completion of the described permitted work.

TENANT PROTECTION PLAN ENFORCEMENT

Description of the type of work being conducted and the locations in the multiple dwelling where the work will take place

Description of the amenities or essential services anticipated to be unavailable or interrupted during the work and how the owner will minimize such unavailability or interruption

Hours of construction _____

Projected timeline for the completion of the work _____

Agent or employee of the owner who can be reached for non-emergency matters pertaining to the work being performed

Name: _____ Contact number: _____

Agent or employee of the owner who can be reached for emergency matters pertaining to the work being performed 24 hours a day, 7 days a week during the period of construction:

Name: _____ Contact number: _____

TENANT PROTECTION PLAN ENFORCEMENT

To file a complaint about the work being performed or ask questions about the work being performed, contact the Department of Buildings at 311. If your complaint is related to failure to provide a reasonable accommodation that is requested due to an elevator outage, contact the City Commission on Human Rights at 311 or (212) 416-0197.

Este es un aviso importante acerca de las tareas de construcción que se están llevando a cabo en el edificio. El propietario del edificio está obligado por ley a poner este aviso a su disposición en español. Comuníquese con el propietario para obtener la traducción de este aviso.

هذا إخطار مهم بشأن أعمال البناء في المبنى الخاص بك. يطلب من مالك المبنى بموجب القانون جعل هذا الإخطار متاحًا لك باللغة العربية. اتصل بالمالك لترجمة الإخطار.

此为关于您所住楼宇施工工程的重要通知。楼宇业主须按照法律要求向您提供此通知的中文版。
请联系业主索取通知译文。

Sa se von anons enpòtan konsènan travay konstriksyon k'ap fèt nan bilding pa'w la. Lalwa egzije mèt bilding nan ba ou anons lan an Kreyòl Ayisyen. Kontakte mèt bilding nan pou tradiksyon anons lan.

이는 귀하의 건물 내 건설 작업과 관련된 중요한 통지입니다. 건물주는 법적으로 이 통지서를 한국어로 제공해야 합니다. 통지서 번역본이 필요한 경우 건물주에게 문의하시기 바랍니다.

Это важное уведомление о проведении строительных работ в вашем здании. По закону собственник здания обязан обеспечить перевод данного уведомления на русский язык. Свяжитесь с собственником для перевода данного уведомления.

ভবনটিতে যে নির্মাণ কার্যগুলি করা হচ্ছে সে সম্পর্কে এটি একটি গুরুত্বপূর্ণ বিজ্ঞপ্তি। বিভিন্ন যের মালিকের কাছে আইনত এই নোটিশটি বাংলায় উপলব্ধ হতে হবে। এই বিজ্ঞপ্তির অনুবাদের জন্য অনুগ্রহ করে মালিকের সাথে যোগাযোগ করুন।

Ceci est un avis important relatif aux travaux entrepris dans le bâtiment. La loi exige que le propriétaire de l'immeuble mette l'avis en sa possession à disposition en français. Veuillez contacter le propriétaire pour obtenir la traduction de cet avis.

Jest to ważne zawiadomienie o pracach budowlanych prowadzonych w budynku. Właściciel budynku ma prawny obowiązek sporządzenia polskiej wersji językowej udostępnionego mu zawiadomienia. Aby uzyskać tłumaczenie niniejszego zawiadomienia, należy skontaktować się z właścicielem.

یہ ان تعمیراتی کاموں کے بارے میں ایک اہم نوٹس ہے جو عمارت میں انجام دیے جا رہے ہیں۔ عمارت کے مالک سے اس نوٹس پر نوٹس انہیں اردو میں دستیاب کرانے کا تقاضا کیا جاتا ہے۔ اس نوٹس کے ترجمے کے لیے براہ کرم مالک سے رابطہ کریں۔

Rev March 2022 (English)

TENANT PROTECTION PLAN ENFORCEMENT

- **Failure to File a Tenant Protection Plan (TPP)**
 - First Offense: \$10,000; Second Offense: up to \$25,000.
- **Inadequate TPP**
 - OATH violation with penalty of \$1,600.
 - Referred for TPP audit.
- **Failure to Comply with TPP**
 - OATH violation with penalty of \$1,600.
 - FTM-No Fire Stopping (if applicable) penalty of \$2,500.
- **Failure to Post TPP Notice and/or Safe Construction Bill of Rights**
 - OATH violation with penalty of \$1,250 for each.
- **Failure to Notify the Department 72 hours prior to start of work**
 - OATH violation with penalty of \$1,250.
- **Stop Work Order** is issued if dangerous conditions are present.

TENANT PROTECTION PLAN ENFORCEMENT

Real Time Enforcement Unit

- Created Under Local Law 188 of 2017
- Requires DOB to monitor certain occupied multiple dwellings
- Inspect **immediately hazardous** complaints for work without a permit (WWOP) within 12 hours
- DOB has created a notification form, which will allow owners of occupied multiple dwellings to submit the notification when conducting certain work. DOB is monitoring such buildings as required by the law.



nyc.gov/buildings

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