

Retaining Walls and Compromised Structures



Retaining Walls

- Rule § 103-09, effective January 1, 2014.
- Requires regular inspection of retaining walls by a qualified engineer (Engineer with a minimum of 3 years relevant experience).
- 10 feet or higher.
- Face public way.
- Impacts approximately 7,000 walls

Retaining Walls

- Inspection every 5 years unless safety issues exist.
- Staggered filing cycles by borough.
 - 2014: Bronx
 - 2015: Manhattan
 - 2016: Staten Island
 - 2017: Queens
 - 2018: Brooklyn

Retaining Walls

- Report must certify condition:
 - Safe.
 - Safe with minor repair and maintenance.
 - Safe with repair and/or engineer monitoring.
 - Unsafe.
- Identify deficiencies.

Retaining Walls

- Requires plan for repairs if found “Safe with repairs and/or engineer monitoring” or “Unsafe”.
- Provides civil penalties of \$1,000 per year for failure to file plus \$250 per month penalty until compliance.
- Failure to repair an unsafe condition carries a \$1,000 per month fine until corrected.

Retaining Walls

- Reports must be submitted electronically by an engineer.
- Results and copies returned electronically.
- Fee structure:
 - Initial Filing: \$355
 - Amended Filing: \$130
 - Application for extension of time to complete repairs: \$260



Compromised Structures

- Rule § 102-03, effective September 1, 2013
- Defines a compromised structure:
 - Open roof 60 days or longer.
 - Shored and braced pursuant to an emergency declaration.
 - Subject to a precept as a compromised structure.
 - Suffered structural damage from a fire or other cause identified by the Commissioner.
- Deemed necessary by the Forensic Engineering Unit.

Compromised Structures

- Impacts approximately 700 buildings.
- Structural inspection within 60 days by a registered design professional and a report filed within 30 days thereafter.
- Immediate notification of public risk.

Compromised Structures

- Ongoing annually, unless otherwise specified by DOB, until a final report is submitted certifying the building is no long structurally compromised and the Department has audited the certification.
- Immediate notification by owner to DOB of changes in condition.

Compromised Structures

- Reports must be submitted electronically by a registered design professional.
- Results and copies returned electronically.
- Fee structure:
 - Annual report filing fee: \$500
- Failure to file incurs a \$3,000 penalty for each violation.