

1 RCNY §102-07

CHAPTER 100

Subchapter B Enforcement

§102-07 Sidewalk shed permit renewal requirements and penalties.

(a) **Definitions.** For the purposes of this section, the following terms have the following meanings.

Acceptable report. A report of a physical examination filed by a Registered Design Professional that meets the requirements of section 106.8.3 of the Building Code and this section, as determined by the Department.

Physical examination. An initial examination conducted by a Registered Design Professional, or a subsequent examination conducted by a Registered Design Professional or their designee, consisting of an in-person visual inspection to review the area of the premises with which the sidewalk shed is associated.

Registered Design Professional (“RDP”). A Professional Engineer or a Registered Architect as defined in section 28-101.5 of the Administrative Code and 101-07 of the Department’s rules. The RDP must be in good standing with the New York State Education Department and the Department.

Report of physical examination (“Report”). An initial or subsequent written report filed with the Department by an RDP that clearly documents the conditions observed during the physical examination; areas that need repair, maintenance, or engineering monitoring such as immediate stabilization to protect the public; and any other requirements mandated by this section.

Underlying repair work (repair work). The repair work to correct the condition for which the sidewalk shed is required.

(b) **Requirement to perform work to address the condition for which a permit was issued for a sidewalk shed in the public right-of-way.** Beginning with the second renewal of a sidewalk shed permit issued after January 12, 2026, regardless of when the initial sidewalk shed permit was issued, and for every renewal thereafter, work must be performed during the permit period to address the condition for which the sidewalk shed permit was issued. Failure to do so may result in penalties being imposed as set out in subdivision (g) of this section.

Exception: Penalties do not apply to one- or two-family homes or to sidewalk sheds that are installed in connection with new building, enlargement, or demolition work for which a permit has been issued.

(c) **Report requirement.** An application for the renewal of a sidewalk shed permit must be accompanied by a report conforming to the requirements of paragraph (3) of subdivision (f) of this section indicating the work that was performed since the last permit renewal, the work currently being performed, and an estimate of the time needed to complete the work.

Exception: Reports are not required for sidewalk sheds associated with one- or two-family homes or for sidewalk sheds that are installed in connection with new building, enlargement, or demolition work for which a permit has been issued.

(d) **Responsibilities of the RDP.**

- (1) An RDP must conduct physical examinations and file reports in accordance with this section and section 106.8.3 of the Building Code.
- (2) An RDP must maintain records of inspections for at least six (6) years and must make such records available to the Department upon request.
- (3) An RDP must maintain insurance coverage as set forth in paragraph (7) of subdivision (b) of section 101-07 of the Department’s rules. Copies of such insurance policies must be made available to the Department upon request.

(e) Work progress log. The permit holder for the repair work, or where there is no permit holder, the contractor causing the work to be performed, is responsible for maintaining a log documenting the progress of repair work. The log must be updated a minimum of once per week. The log must be made available upon request to the Department and to the RDP responsible for preparing the report required by paragraph (3) of subdivision (f) of this section. The log must contain, at a minimum, the following:

- (1) Date when the sidewalk shed was installed.
- (2) Date when repair work started.
- (3) A summary of the progress of each trade and/or work type requiring the sidewalk shed to be in place, including future planned work and the approximate percentage of overall completion.
- (4) The specific location (floor(s) and elevation(s)) of where the work was completed or in progress.
- (5) A summary of repair work that occurred in the past week.
- (6) Modifications to the originally installed sidewalk shed, including any removals or additional installations. Include the approximate linear footage and the dates of the modifications, if required.

(f) Physical examinations.

- (1) Periodic inspection requirements. In order to maintain a building and its appurtenances in a safe condition, and in accordance with section 106.8.3 of the Building Code, a physical examination of all components of a building associated with a sidewalk shed must be conducted.
- (2) Inspection procedures.
 - (i) Initial inspections. The owner of a building or structure that is associated with a sidewalk shed must have a physical examination of such building or structure. The inspection must be performed by an RDP prior to the date that the associated sidewalk shed permit is to be renewed. The RDP must file a report as described in paragraph (3) of this subdivision with the Department along with the sidewalk shed permit renewal application.
 - (ii) Before performing a physical examination of a building or structure associated with a sidewalk shed, the RDP retained by or on behalf of the owner must review all available previous reports, applications for repairs, and any other relevant information.
 - (iii) The RDP must utilize a professional standard of care to assess the condition of the building and surrounding elements, structure or buildings that impact stability and safety.
 - (iv) The RDP may amend the scope of subsequent physical examinations and adjust the work progress schedule stated in the initial or prior reports as needed.
 - (v) During the physical examination, photographs meeting the requirements of clause (G) of subparagraph (v) of paragraph (3) of this subdivision must be taken.
 - (vi) If an inspection reveals an unsafe condition that had not been previously reported to the Department, the RDP must immediately notify the Department and the owner of the property. The RDP must identify the location of any unsafe condition, advise the owner on the appropriate protective measures to be taken, and include the recommended type and location of public protection in the notification to the Department. The owner of the building must immediately commence repairs or reinforcements and any other appropriate measures, such as cordoning off areas that may be dangerous, erecting fences, adding or adjusting sidewalk sheds and safety netting, shoring, and bracing as may be required to secure the safety of the public and to make the compromised building or structure safe.
- (3) Report requirements.
 - (i) Prior to renewal of the sidewalk shed permit, the owners of buildings and structures with an associated sidewalk shed must hire an RDP to file acceptable initial and subsequent reports of physical examination. The report must clearly document conditions noted and work progress made since the issuance of the last permit and state that the inspection was performed and completed in accordance with this section.

- (ii) The RDP retained by or on behalf of the owner must review logs kept by the permit holder for the repair work, or where there is no permit holder, the contractor causing the work to be performed, as provided in subdivision (e) of this section.
- (iii) Technical information must be provided in such format as the Department requires. Additional information may be provided. All items in subparagraph (v) of this paragraph must be listed in the report. If a requirement is not applicable, this must be indicated on the report in the corresponding text box.
- (iv) The initial report must include a detailed schedule of the anticipated progress of the underlying repair work causing the sidewalk shed to be required. This schedule must include significant milestones and the expected progress of work to be completed at each ninety (90)-day permit renewal point for the duration of the job.
- (v) All initial and subsequent reports must include a summary of findings and recommendations, a concise statement of the scope of the physical examination and findings and, if applicable, the conclusions and recommendations. The report must also include, but not be limited to:
 - (A) A list and description of the work permits required to accomplish the repair work and a plot plan showing the general scope of work. If no work permits will be required, the reason must be indicated and 8 1/2" x 11" schematically sketched elevations or annotated photographs, and typical sections and details as necessary to generally describe the repair work.
 - (B) If work has not been performed since the last renewal of the permit due to financial hardship, inability to access a neighboring property or issues with acquiring necessary materials, the RDP must provide the reason and confirmation that no hazards to the public or property exist, and may provide documentation in support of the above applicable reason, that the Department may accept for purposes of renewing the permit.
 - (C) A general description of work completed from initial issuance of the sidewalk shed permit up to the date of submission of the report.
 - (D) A detailed description of work that is currently in progress.
 - (E) A detailed description of repair work performed on the building since the last sidewalk shed permit renewal.
 - (F) The anticipated repair work completion date.
 - (G) A description of the building, including the number of stories, height, plan dimensions age and type of exterior wall construction, specifying all materials present.
 - (H) All photographs must be color, clearly legible, and high resolution. Digital photos must be a minimum of 800 x 600 pixels. Photographs must be arranged into a PDF no larger than 11" x 17". The following photos must be submitted:
 - 1. Elevation photos. Color photographs of all elevations for all reports.
 - 2. Representative condition photos. Color photographs of each type of condition to be repaired must be clearly labeled with a description.
 - (I) The seal and signature of the RDP.
- (4) Report filing requirements.
 - (i) The report must be filed along with a filing fee as specified in section 101-03 of the rules of the Department.
 - (ii) Failure to file an acceptable report may result in civil penalties per paragraph (2) of subdivision (g) of this section.

(g) Civil penalties.

- (1) Failure to perform work since prior permit issuance. An owner who fails to make progress on the repair work without reasonable justification as reported to the Department per clause (B) of subparagraph (v) of paragraph (3) of subdivision (f) of this section will be liable for penalties in

accordance with section 28-220.1 of the Administrative Code. These penalties will accrue on a monthly (30 day) basis, beginning with the date of noncompliance and continuing until the filing of an acceptable progress report.

- (2) Failure to file an acceptable progress report at permit renewal. An owner who fails to file, at the time of renewing their sidewalk shed permit, an acceptable report per the requirements of paragraph (3) of subdivision (f) of this section may be liable for a violation and penalties in the amount of \$2,500.
- (3) Failure to file complete construction documents for façade repairs. An owner who fails to file complete construction documents within five (5) months of the issuance of the initial shed permit in accordance with section 28-220.2.1(1) of the Administrative Code will be liable for a one-time penalty according to the schedule below unless an extension request is filed in accordance with subdivision (h) of this section.
- (4) Failure to file a complete permit application for façade repairs. An owner who fails to file a complete permit application within eight (8) months of the issuance of the initial shed permit in accordance with section 28-220.2.1(2) of the Administrative Code will be liable for a one-time penalty according to the schedule below unless an extension request is filed in accordance with subdivision (h) of this section.
- (5) Failure to complete permitted façade repair work. An owner who fails to complete permitted work within two (2) years of the issuance of the initial shed permit in accordance with section 28-220.2.1(3) of the Administrative Code will be liable for a one-time penalty according to the schedule below unless an extension request is filed in accordance with subdivision (h) of this section.

Category	Penalty amount
Failure to file complete construction documents for repair work	\$5,000
Failure to file a complete permit application for repair work	\$10,000
Failure to complete repair work	\$20,000

(h) Extension requests.

- (1) If, due to the scope of the repairs, the building owner and/or their RDP determines any or all of the milestones in section 28-220.2.1 of the Administrative Code cannot be met, the RDP must file an acceptable extension request with the Department, along with a filing fee as specified in section 101-03 of the rules of the Department.
 - (i) The earliest an owner or RDP can submit an extension request is sixty (60) days prior to the first milestone deadline and no later than twenty (20) days in advance of the associated milestone deadline.
 - (ii) An extension request must be filed for each milestone whether each request is filed separately or more than one request is filed at the same time.
 - (iii) For the five (5)-month and eight (8)-month milestones described below, the Commissioner may grant extensions in up to one hundred and eighty (180)-day increments to meet the milestones.
 - (iv) For the two (2)-year milestone described below, the Commissioner may grant a single extension of a longer period of time.
- (2) The RDP must include the following supporting information and documents, where applicable, to justify the request for an extension if it is anticipated the construction documents for repair work will not be able to be submitted to the Department within five (5) months of the issuance of an initial permit for the sidewalk shed:
 - (i) A brief description of the reason the milestone cannot be met,
 - (ii) Progress repair drawings,

- (iii) A narrative of the scope of the necessary work where repair drawings are not yet developed,
 - (iv) Anticipated project schedule timeline through completed repair work and anticipated month and year of completion,
 - (v) A contract indicating the scope of repairs,
 - (vi) A summary of all applicable permit requirements necessary to complete the repair work,
 - (vii) A fee as specified in the rules of the Department, and
 - (viii) Any other relevant documentation explaining why the timeline in question cannot be met.
- (3) The RDP must include the following supporting information and documents, where applicable, to justify the request for an extension if complete construction documents are filed with the Department and are under plan examination review, but it is anticipated the permit will not be able to be obtained within eight (8) months of the issuance of an initial permit for the sidewalk shed:
- (i) A brief description of the reason the milestone cannot be met,
 - (ii) Anticipated project schedule/timeline through completed repair work and anticipated month and year of completion,
 - (iii) A contract indicating the scope of repairs,
 - (iv) A summary of all applicable permit requirements necessary to complete the repair work;
 - (v) A fee as specified in the rules of the Department, and
 - (vi) Any other relevant documentation explaining why the timeline in question cannot be met.
- (4) The RDP must include the following supporting documents to justify the request for an extension if a permit for the repair work has been obtained, but work is not anticipated to be complete within two (2) years of the issuance of an initial permit for the sidewalk shed:
- (i) A brief description of the reason the milestone cannot be met,
 - (ii) Anticipated project schedule through completed repair work and anticipated month and year of completion,
 - (iii) A contract indicating the scope of repairs and a timeline to complete the repairs,
 - (iv) A summary of all applicable permit requirements necessary to complete the repair work;
 - (v) A fee as specified in the rules of the Department, and
 - (vi) Any other relevant documentation explaining why the timeline in question cannot be met.
- (5) If the request is not accepted and objections are issued by the Department, a revised request addressing the objections must be filed within fourteen (14) days of the date of the issuance of the objections. If the revised request is not filed within fourteen (14) days of the notice of objections or the request is not accepted after two (2) such notices, the request will be denied and a new extension request may be made in accordance with this subdivision along with the associated fee as specified in the rules of the Department.
- (6) If the request is denied and a new extension request is not filed and accepted in accordance with this subdivision, the building owner may be subject to the associated penalties specified in subdivision (g) of this section.

(i) Challenge of civil penalty.

- (1) An owner may challenge the imposition of any civil penalty authorized pursuant to subdivision (g) of this section. Such challenge must be made in writing, in a form and manner set forth on the Department's website at nyc.gov/buildings, within thirty (30) days from the date of service of the violation.
- (2) The basis for such a challenge must be one of the following:
 - (i) Proof of work performed during the time period being assessed has been submitted to and accepted by the Department.

- (ii) An acceptable report documenting work performed during the time period being assessed has been submitted to and accepted by the Department.
- (iii) Complete construction documents to repair the façade of such building have been filed with the Department within five (5) months of the issuance of the initial permit for the erection of a sidewalk shed in the public right-of-way.
- (iv) A complete permit application for the repair of a façade has been diligently pursued within eight (8) months of the issuance of the initial permit for the erection of a sidewalk shed in the public right-of-way.
- (v) Permitted work to repair a façade has been completed within two (2) years of the issuance of an initial permit for the erection of a sidewalk shed in the public right-of-way.
- (vi) An extension request has been submitted to and granted by the Department in accordance with subdivision (h) of this section.

(j) Full or partial penalty waivers; eligibility and evidentiary requirements. Owners may request a waiver of penalties assessed for a violation of Article 220 of Title 28 of the Administrative Code, or rules enforced by the Department. Requests must be made through the Department's website, submitted with the filing fee, and must meet eligibility and evidentiary requirements as follows:

- (1) A new owner requesting a waiver due to change in ownership must submit proof of a recorded deed showing evidence of transfer of ownership to the current owner after penalties were incurred, as well as any other documentation requested by the Department, and only in one of the following circumstances:
 - (i) A new owner of a government-owned property requesting a waiver due to change in ownership must submit official documentation from the government entity affirming that the premises was entirely owned by the government entity during the period for which a waiver is requested.
 - (ii) A new owner who receives a notice of violation for failure to comply with the requirements of this section or Article 220 of Title 28 of the Administrative Code that was issued to the property after the transfer of ownership must submit a recorded deed showing the date that the property was acquired or transferred. The waiver period will be from the date of the deed to the date of the violation issuance.
- (2) An owner may be granted a waiver of penalties upon submission of a copy of an order signed by a bankruptcy judge.