

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2008**

No. 33

Introduced by Council Members Mark-Viverito, Brewer, Fidler, James, Koppell, Martinez, Sanders Jr., Weprin, Mendez, Gerson, Liu, Sears, Jackson, Dickens, White, Jr., Gonzalez, Lappin, Eugene, Garodnick and Como.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring certain buildings or structures to undergo a structural inspection.

Be it enacted by the Council as follows:

Section 1. Table 28-112.7.2 of section 28-112.7.2 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

Table 28-112.7.2

Inspection Type	Initial Fee	Renewal Fee	Comments
Filing fee for report of critical examination of exterior walls and appurtenances thereof.	As provided by rule.		
<i>Filing fee for inspection of potentially compromised buildings or structures.</i>	<i>As provided by rule.</i>		
<input type="checkbox"/> Filing fee for periodic boiler inspection report.	\$30 for each boiler.		
Equipment inspection fee: <input type="checkbox"/> High-pressure boiler periodically inspected as provided by section 28-116.4. <input type="checkbox"/> Reinspection fee following a violation.	\$65 for each inspection, for each boiler. As provided by rule.		
<input type="checkbox"/> Filing fee for report of periodic inspection of elevator and other devices.	\$30 for each device.		
<input type="checkbox"/> Equipment inspection fee: Each elevator or other device regulated by this	\$65 for each inspection, for each device.		

code.			
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§2. Item 2 of section 28-201.2.2 of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

2. Failure to perform required façade, elevator and boiler inspections, *structural inspections of buildings and structures that are potentially compromised as defined in section 28-216.12*, and to file required reports within the applicable time period.

§3. Article 216 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-216.12 to read as follows:

§28-216.12 Buildings and structures that are potentially compromised. For purposes of this section 28-216.12, “potentially compromised” shall include a building or structure that has had an open roof for sixty days or longer, that has been shored and braced or repaired pursuant to an emergency declaration issued by the commissioner, that has been subject to a precept as a compromised structure under Article 216 of this code or that may have suffered structural damage by fire or other cause as determined by the commissioner.

§28-216.12.1 Structural inspections of potentially compromised buildings or structures. When a building or structure has become potentially compromised, the owner shall cause a structural inspection of such building or structure to be performed. Such inspection shall be performed within sixty days of the opening of the roof, within sixty days of the shoring and bracing or repair work, or within sixty days of a determination by the commissioner that the building has suffered structural damage by fire or other cause. A report of such inspection shall be filed with the department within thirty days thereafter in such form and detail and with provision for periodic monitoring of the building or structure as the commissioner may require.

§28-216.12.2. Structural inspections shall only be performed by a registered design professional in good standing with the New York state department of education.

§28-216.12.3. If a violation of any applicable statute, law, rule or regulation or any unsafe condition that poses a threat to the structural integrity of the building or to the public is found during the course of such inspection, the registered design professional performing the inspection shall immediately notify the department and the owner of such violation or unsafe condition by calling 311 and in writing.

§28-216.12.4. An inspection of the buildings and structures subject to the inspection and filing requirements of section 28-216.12 shall be performed every year or, for a specified building or structure, within such other period as determined by the commissioner but not longer than two years, and shall continue until such time as the registered design professional documents and certifies that the building or structure is no longer potentially compromised and such certification is accepted by the commissioner.

§28-216.12.5. The owner shall hire a registered design professional to perform a structural inspection of buildings and structures subject to section 28-216.12 prior to the issuance of a permit to alter, repair, demolish or enlarge such building or structure, except that the commissioner may waive such inspection if a structural inspection of the entire building or structure has been performed within the prior year.

§28-216.12.6. Any owner of a building or structure shall notify the department in writing that such building or structure has become potentially compromised immediately after such owner knows or should have known of the condition. Such notice shall contain the name and business address of the owner of record of such building or structure and shall identify the building or structure by street address and tax block and lot. The notices required by this subdivision shall be in such form and manner as established by the commissioner by rule.

§28-216.12.7. If an owner subject to the inspection and filing requirements of this section fails to file such report, the owner shall be liable for a civil penalty in an amount not less than two thousand dollars. In such a case, the department may cause a structural inspection to be conducted and a report filed.

§4. This local law shall take effect one hundred eighty days after enactment except that the commissioner of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

The City of New York, Office of the City Clerk, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on July 23, 2008 and approved by the Mayor on August 12, 2008.

Michael McSweeney, First Deputy City Clerk
Acting Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed Local Law (Local Law 033 of 2008, Council Int. No. 687-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on July 23, 2008:

45 For, 0 Against, 0 Not Voting

Was signed by the Mayor on August 12, 2008

Was returned to the City Clerk on August 12, 2008.

Jeffrey D. Friedlander, Acting Corporation Counsel.