

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2009**

No. 06

Introduced by Council Members Lappin, Brewer, Felder, Gentile, James, Liu, Palma, Stewart, Gerson, Barron, Vacca, White Jr., Garodnick, Gennaro, Jackson, Eugene, Weprin, Sears and Reyna

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the appointment of a safety compliance officer with respect to construction sites.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 28 of the administrative code of the city of New York is amended by adding a new article 217 to read as follows:

ARTICLE 217

SAFETY COMPLIANCE OFFICER

§28-217.1 Definition. For purposes of this article, the terms “Safety Compliance Officer” and “SCO” shall mean a person whose presence is required by the commissioner pursuant to section 28-217.2 and who satisfies the qualifications of section 28-217.4.

§28-217.2 Safety Compliance Officer. In addition to any other remedies or penalties authorized by law, the commissioner in his or her discretion may require the presence of a SCO at any permitted site that has received immediately hazardous violations that the commissioner determines adversely affect public safety and require the presence of a SCO to protect public safety. In any circumstance where a SCO is required, the commissioner shall state in writing the circumstances necessitating the SCO, and the duration of the compliance monitoring and/or conditions that must be satisfied prior to the termination of the compliance monitoring.

§28-217.3 Compliance monitoring. The SCO shall monitor the operations related to the circumstances and conditions that the commissioner has identified pursuant to section 28-217.2 until the areas of concern set forth by the commissioner have been addressed as determined by the commissioner, but in no case shall any monitoring period exceed ninety days. For such purpose, the SCO and his or her employees shall be designated as authorized representatives of the commissioner with authority pursuant to section 28-103.13 of this code to enter upon and examine and inspect at all reasonable times any site, building or structure. In the event that the conditions set-out in the commissioner's determination, pursuant to section 28-217.2, to require a SCO have not been satisfied within the prescribed monitoring period, the commissioner may appoint another SCO, who shall be a different SCO than the initial SCO, to monitor operations for an additional period not to exceed ninety days.

§28-217.4 Qualifications. Safety Compliance Officers shall have experience in supervising the construction operations being monitored. They shall be an architect or engineer who has experience supervising construction projects in New York City, a licensed site safety manager or coordinator or other licensee of the department, or a special inspector as provided for in article 115 of this title. Safety Compliance Officers shall carry insurance as required by the department.

§28-217.5 Cost of a Safety Compliance Officer. The owner of the site where the services of the SCO have been required shall reimburse the department for all direct costs and any related administrative expenses incurred by the department in the operation of the SCO program provided for in this article. Reimbursement shall be made at such times as the department shall require, but in any event, before a temporary or permanent certificate of occupancy is issued for the building or structure that is being monitored. No permit shall be issued for the job site at which a SCO has been assigned if reimbursements for the cost of the monitor are outstanding for more than thirty days. The department shall adopt rules establishing a process for the resolution of disputes concerning the costs of the SCO.

§28-217.6 The SCO shall document with photographs or other means any violation of the code. The SCO shall submit an interim report, to be submitted at the midpoint of the appointment period, and a final report to the department in the manner and form prescribed by the commissioner. The department will share the results of these reports with the general contractor and provide the general contractor an opportunity to comment.

§28-217.7 Records. The SCO shall keep and maintain records relating to the services performed on behalf of the department in such manner and for such period of time as shall be established by the commissioner by rule or by direction of the commissioner.

§2. This local law shall take effect ninety days after enactment except that the commissioner of buildings shall take such actions, including the promulgations of rules, as are necessary for implementation of this local law 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 January 28, 2009 and approved by the Mayor on February 10, 2009.

Michael McSweeney, City Clerk
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 006 of 2009, Council Int. No. 760-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on January 28, 2009:

46 For, 0 Against, 0 Not Voting

Was signed by the Mayor on February 10, 2009
Was returned to the City Clerk on February 10, 2009.

Jeffrey D. Friedlander, Acting Corporation Counsel.