

FREQUENTLY ASKED QUESTIONS

FAQs for 1RCNY 101-07

Clarification of QEWI requirements (c)(7)

Q: Do existing QEWIs need to meet the new proposed requirements, re-take the oral test, or sit for a new written test to maintain their qualifications?

A: Existing QEWIs do not need to meet the relevant experience requirements of the new rule or take any tests due to changes in proposed rule 101-07.

Q: If a new QEWI applicant cannot obtain a letter from the QEWI he or she had been working under, would other proof of experience be acceptable?

A: Employment verification will be dealt with on a case-by-case basis.

Proposed Q and A's for FAQ for 1RCNY 103-04

Effective Date of Rule and Inspection Requirements (c)(4)(viii) and (ix)

Q: If I have already completed the façade inspection prior to the effective date of the revised rule, do I need to inspect again to meet the new requirements?

A: If the inspection was done prior to the effective date of the revised rule and the date of the last QEWI inspection and the close-up inspection are within the allowable time frames (60 days and one year, respectively) when the acceptable report is filed with the Department, the additional inspections/probes required by the newly revised rule are not required.

Close-up inspectors (c)(2)(iii)

Q: Can inspections be subcontracted out and still be considered as under direct supervision of the QEWI, or does this require that the inspector be employed by the QEWI's firm?

A: Inspections may be conducted by individuals other than the QEWI, but full and final responsibility of the filed FISP report lies solely with the QEWI.

Probes (c)(2)(v)

Q: Are DOB permits required to perform probes? Additionally, will a site safety plan and/or manager be required for certain buildings?

A: Per 1 RCNY 101-14, most probes are considered minor work and don't require permits and, therefore would not trigger the need for a site safety plan or a site safety manager/coordinator.

Selfie Rule (c)(3)(iii)(F)5.

Q: What will qualify as photo documentation of the QEWI or their employees performing the close-up inspection?

A: The photo documentation requirement will be satisfied by including in the compliance filing report a dated photo of the QEWI or their delegated individual performing the close-up inspection while that inspection is in progress. The photo can be taken by anyone.

Public Right-of-Way (a)

Q: Does the definition of public right-of-way include entry courtyards or plazas that are open to the public but are on private property? What if such courtyards have gates that only allow for access by building occupants and guests?

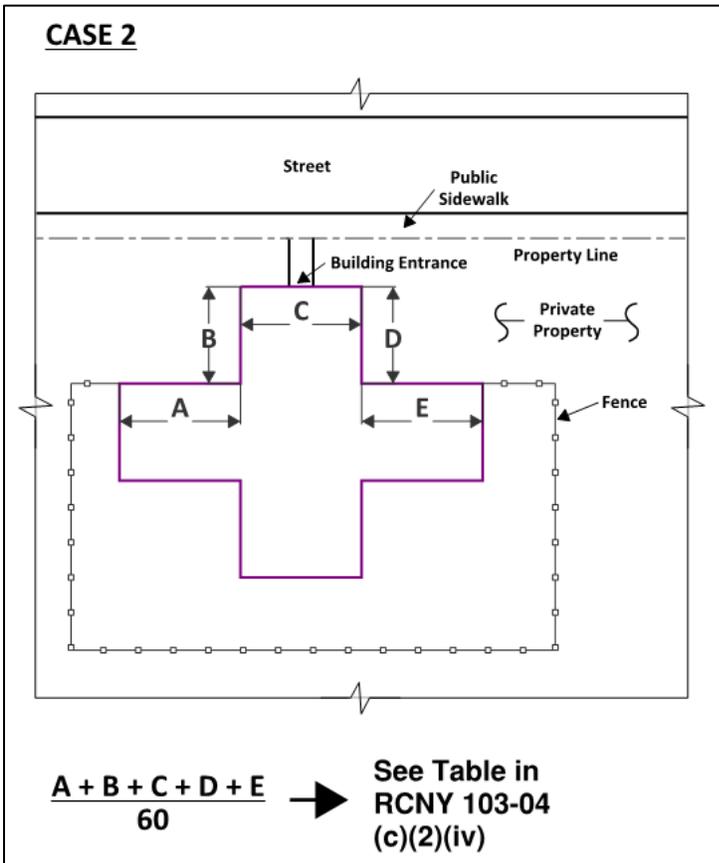
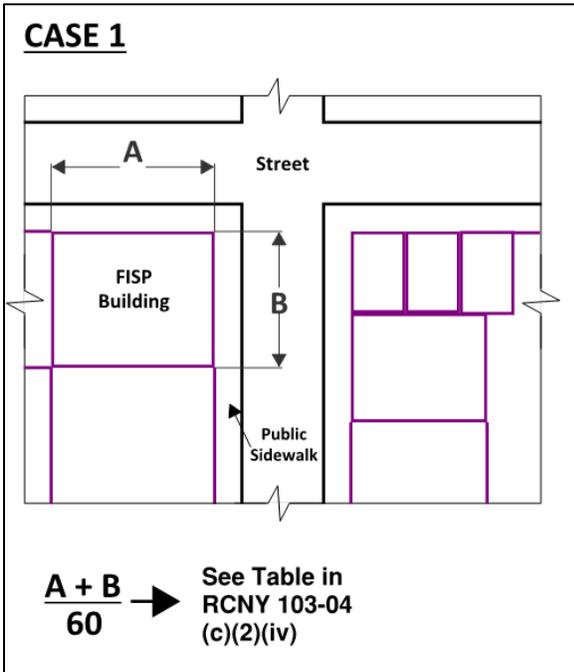
A: The elevation of a façade is part of the public right-of-way if a member of the public who is not associated with the property in question can freely walk up to the façade of the building, even if that façade is on private property.

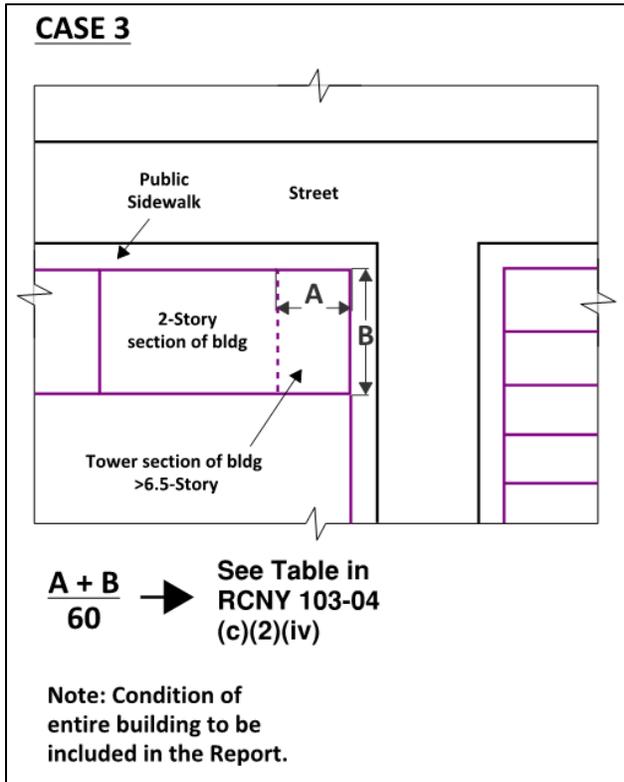
Required number of close-up inspections (c)(2)(iv)

Q: How do I calculate the number of close-up inspections that will be required when accounting for irregularly shaped buildings?

A: Please see the associated sketches below. The total linear footage of exterior wall along the public right-of-way must be added up, then use the table in the rule in order to determine the number of drops.

NOTE: These drops must be evenly distributed to the extent possible along the various elevations along the public right of way.





Q: Clarification on timeframe of close-up inspection requirements

- A. Per RCNY 103-04 the completion of the close-up inspection must be within one year of the report submission date. The completion of the close-up inspections is the final or last close-up inspection. All other close-up inspections may be done prior

Clarification of Detail Photos required with “safe” filings (c)(3)(iii)(M)2.B.

Q: Does the three required conditions photos at buildings classified as “safe” mean overall elevation photos or detail photos of safe wall areas?

- A: The three condition photos required for filings with a **Safe** classification are those other than the elevation photos, showing three different, typical facade conditions, such as lintels, parapets, cornices, etc.

Mapping of Conditions (c)(3)(iii)(G)

Q: Does the mapping of conditions need to be on an elevation drawing? Could these conditions just be mapped on a marked-up photograph?

A: Inspection findings could be documented either on elevation drawings, marked-up elevation photographs, or a combination of both as long as they provide a clear depiction of the locations of all of the façade conditions.

Maintenance Plan (c)(3)(iii)(I)

Q: What is intended regarding the addition of a required “maintenance plan implemented for building facades”?

A: This is a detailed description of the future maintenance program the QEWI is advising the owner to be performed, such as additional inspections, ordinary maintenance, minor repairs not requiring a permit, etc.

Unsafe Date (c)(3)(iii)(K)2

Q: Why does a time frame need to be provided to repair Unsafe items if Owners are required to address them immediately? Does the justification for the extension of overall anticipated time to address Unsafe conditions need to be provided with each extension or only when the overall time frame changes?

A: The new requirement for an **Unsafe** date was added due to the understanding that some repair campaigns, due to size and complexity, cannot be completed within 90 days while also allowing the DOB to monitor that the work is complete before the next filing cycle. The requirement to request for an extension every 90 days using the FISP1 and FISP2 forms has not changed.

Repair vs. Correction (a) and (c)(5)(ii)

Q: The revised definition of “unsafe condition” is those requiring repair within one year of the critical examination. Section (c)(5)(ii) states that these conditions must be corrected within 90 days of submission of the report. What is intended as a *correction* vs. a *repair*?

A: If you see a condition you think needs to be repaired within one year, that condition is unsafe and must be corrected in 90 days. Façade repairs must include the

correction of underlying causes, not only a cosmetic repair of the observed deterioration.

*NOTE: that, if a previously repaired condition needs to be repaired again within the same filing cycle, the assumption is that the repair performed wasn't the correct or adequate repair and the condition is unsafe. Similarly, if the same SWARMP condition is noted as needing, and having had completed, repairs in two consecutive cycles, that condition must be reported as **Unsafe**.*

Amended Reports (c)(5)(iv)

Q: Can the owner remove public protection once façade repair applications are signed off?

A: Public protection must remain until the owner's QEWI files an Amended report and that report is accepted by the Department, at which point the status of the building has been changed to **Safe** or **SWARMP**. Until that time, the building has an **Unsafe** status and public protection must remain in place. The Partial Shed Removal request process may be used to remove public protection where larger, disparate sections of a building have completed work, but work remains in other areas.

Conditions Certificate to be Posted (f)

Q: How does an owner or QEWI print the conditions certificate that is now required to be posted?

A: Log into DOB NOW with the e-filing account associated with the building. The option to print the certificate will be under the **Actions** drop down.

NOTE: Whichever filing you select – regardless of which cycle the file is related to – only the latest information and status from the most recent accepted FISP report will be reflected on the certificate.

Waivers for New Owners (e)(1)(i)(B)

Q: I or my client bought a building that had outstanding violations and associated civil penalties. Is the new owner responsible for the penalties accrued by the previous owner?

A: New owners are required to pay all civil penalties associated with the property. The only exceptions are listed in the rule.

Requirements of buildings which are not FISP (AC 28-301.1)

Q: Why are owners of buildings with fewer than seven stories not held to the same standard as those with buildings above six?

A: Owners of buildings which are not in FISP are still required to maintain their buildings in a safe condition as per the NYC Administrative Code §28-301.1. The only difference is cyclical compliance filings are not required.

NOTE: This same Code section requires owners or any individual associated with the building to notify the Department of any unsafe condition.