

THE CITY OF NEW YORK  
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: March 2, 1981

TO: The Borough Superintendent and Industry

FROM: Irwin Fruchtmann, P.E., Commissioner

SUBJECT: Local Law 10 of 1980

requires that the initial examination for any existing building exceeding six stories in height shall be conducted within two years of February 21, 1980 and the initial examination for any such building hereafter constructed shall be conducted in the fifth year following the erection thereof.

Local Law 10 of 1980, relating to the Periodic Inspection of Exterior Walls and Exterior Appurtenances of Buildings, and the Rules and Regulations on the same matter require the filing of a Report (B Form 29) by a Registered Architect or Professional Engineer.

This memorandum is written in response to numerous inquiries for elaboration as to what an On-Going Maintenance Program consist of. The following criteria is applicable:

1. It is prepared and filed by a Registered Architect or Licensed Professional Engineer.

2. It is desirable, but not required, that the Professional should be restricted to act solely as consultant to the Owner and have no involvement in any design, construction, maintenance, or repair of the structure to avoid conflict of interest.

3. An On-Going Maintenance Program is continuously monitored by the Registered Architect or Professional Engineer who receives periodic reports, preferably monthly, from the Owner's superintendent, maintenance personnel, technicians, mechanics or contractors, (maintenance, waterproofing and restoration, window washers, etc.), who perform and implement the program for the Owner.

The program shall show that hidden, latent, or potential defects have been considered and that the continuing inspection provides surveillance of them.

4. The Registered Architect or Professional Engineer shall initiate a file of all information gathered including:

a. The deficiencies known to exist on the exterior of the building which has been the subject of repairs in the past.

b. Information from the Owner and/or his Management Agency of all conditions uncovered where deterioration of the exterior of the building may have a potential for danger and where leaks into the interior occur thru the walls or parapets.

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c. His instructions to the Management Agency, Maintenance Contractors and Personnel as to their responsibilities and what is to be reported.

d. Information obtained personally during his site visits, as well as that pursuant to paragraph 3.

5. When the Registered Architect or Professional Engineer discovers, from the reports, or on his own, an indication of an incipient fault, he should advise the Owner:

a. His recommendations of any special inspections and/or test that may be additionally required to ascertain the extent of the potential problem.

b. The nature, or implied significance of the potential problem, its recommended solution, and/or precautionary work, he determines from his original discovery or from any special inspection and/or test.

c. The maximum length of time, he deems safe for implementing the special inspection and/or test or the recommended solution and/or precautionary work.

6. Upon receipt of the Registered Architect or Professional Engineer's advisory, the Owner is responsible for compliance therewith. The Owner shall:

a. Acknowledge receipt of such advisory.

b. Inform the Registered Architect or Professional Engineer as to what actions he has taken and will take to comply with the advisory, and its timetable.

7. a. The Management Agency personnel shall make repairs to eliminate leaks and to prevent dangerous conditions or eliminate same, where possible within the limitations of such personnel. The Registered Architect or Professional Engineer need not be informed in advance of such works. He should be informed afterwards for his records.

b. It is recommended that there be a cyclical timetable for the ordinary repairs and maintenance requirements for the exterior walls and exterior appurtenances.

c. Precautionary work may be done at the same time as in (b), if concurred to by the Registered Architect or Professional Engineer.

d. The Engineer shall monitor the On-Going Maintenance Program.

e. The Management Agency shall conduct the On-Going Maintenance Program.

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8. The Registered Architect or Professional Engineer shall report on uncorrected dangerous or unsafe conditions to the Commissioner in accordance with Section C26-76.0 of the Administrative Code:

§ C26-76.0 Report and inspection of unsafe buildings and property. Whenever persons engaged in building operations have reason to believe in the course of such operations that any building or property is dangerous or unsafe, such person shall forthwith report his belief in writing to the commissioner of buildings, who shall thereupon cause an inspection to be made of such building or property; and if such building or property is found to be dangerous or unsafe, the commissioner shall cause such action to be taken as he may deem necessary under and pursuant to the provisions of article 8 of this title.

9. Department (1) Form (9) may be used to report precautionary work or unsafe conditions.

Irwin Fruchman, P.E.,  
Commissioner

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