

Local Law 11/98 Frequently Asked Questions

We're Dedicated to Safety!

1. If I file a LL 11/98 Unsafe Cycle 6 Report, how much time will I have to correct the unsafe conditions?

If your report is filed under the New Alternative Filing Program for Cycle 6 and you meet all the qualifications, the Department will grant two extensions: -- an initial extension of 90 days and an additional 9-month extension—to complete the repairs and file an acceptable amended report.

If an unsafe report is not filed under the Alternative Filing Program (deadline is November 21, 2006), you have 45 days after filing your Local Law 11/98 technical report to correct the conditions or submit a request for an extension of time—extension of time requests will not exceed a period of 90 days.

2. If I do not qualify for the Alternative Filing Program and I file my report before the Cycle 6 filing deadline (February 21, 2007) and it is rejected, will I receive a violation?

If you file the report before the filing window closes on February 21, 2007 and the report is rejected, the Department will grant you a minimum of 30 days to correct the report before a violation is issued.

3. If I have several attached buildings on one tax lot, how do I file my report?

File one report for each building. Each building should have a separate Building Identification Number (BIN).

4. If I have a building with facades that are less than six (6) stories, do I have to have those facades inspected as well as those that are above six stories?

If the building has a Certificate of Occupancy that lists more than 6 stories, all facades must be inspected. You should also review Technical Policy and Procedure Notice (TPPN) #5/99 (LL 11/98 - Building Facade Inspection Requirement: Specifics - Requirements).

5. Will the Department allow one licensed professional (PE/RA) to file initial reports and another licensed professional to file extension of time requests and/or amended reports?

Yes. However, each professional retained by the Owner remains responsible for documents submitted under their seal.

6. I submitted a Notification of Unsafe Conditions and/or an Unsafe Report. How do I resolve a disagreement between the owner and the Department of Buildings about the adequacy and extent of safety measures, including sidewalk sheds?

Borough. Request a “reconsideration” of the safety plan from the Borough office where the property is located. Sidewalk shed permits are obtained directly from the Borough office.

Facades. Request a review of the scope of safety measures from the Façade Unit upon submission of the Initial Extension of Time request.

7. When an Unsafe report is filed, is an ECB violation issued? Will a penalty be imposed?

When an unsafe report is filed, the Department issues an Unsafe DOB violation to track the building repair status. If after 45 days of filing the report, no acceptable amended report is submitted or extension of time is requested to correct the conditions, an ECB violation will be issued for “Failure to File an Amended Report” and subsequent violations may be issued thereafter if there is no compliance.

Fines are imposed by the ECB court not the Department of Buildings.

8. Can I use a fire escape for the required close-up inspection?

Yes, you can use the fire escape when it is on the street front. Other methods such as suspended scaffolding, pipe frames, balconies, cherry pickers or ‘other platform configurations’ may be used as per Rule §32-03(b) (2) (iv).

9. My building is now undergoing repairs for Cycle 5 SWARMP conditions that will not be completed before the February 21, 2007 Cycle 6 deadlines. How should I file?

The law states that if any Cycle 5 SWARMP condition is not corrected by the Cycle 6 filing period, the report must be filed as a Cycle 6 “Unsafe” report. If you qualify, you should take advantage of the Alternative Filing Program,, which offers two extensions of time request (an initial 90-day period and an additional 9-month period – one year) to complete the repairs and file an acceptable Amended Report.

10. Do I have to check the “Unsafe” box if my Cycle 5 SWARMP conditions were only cosmetic and there are no unsafe conditions on the building or can I check the SWARMP box again?

You must file the report as “Unsafe.” You may indicate in the body of the report that there are NO UNSAFE CONDITIONS. If the report is not filed as Unsafe, it will be rejected and you will have to re-submit it.

11. If I completed all of the noted defects from my Cycle 4 Precautionary Report and the Cycle 5 SWARMP Report also indicates that repairs were made from the Cycle 4, can I enter the Alternative Filing Program?

No. Buildings that filed a “Precautionary” status in Cycle 4 are not eligible for the program.

12. Does the Department have any guidelines for the installation of air-conditioner units (A/C)?

RCNY §32-03 (b)(3)(ii)(G) addresses appurtenances. Window A/C units shall be installed in a safe, secure and stable manner as determined by the inspecting licensed professional (PE/RA). The Department does not endorse any particular method, product or contractor. Also, there are tips on the Department’s website that owners and licensed professionals may review for proper installation of window air-conditioner units.

13. Would an Unsafe status affect my insurance?

That will depend on your insurance policy stipulations. You should review this with your insurance carrier or attorney.

14. If my SWARMP building enters the Alternative Filing Program, do I still have to do a 'scaffold drop'?

Yes. You should comply with all of the report requirements as per RCNY §32-03 when preparing your LL 11/98 Report.