

2019

NEW YORK CITY

VIOLATIONS &

BUILDING OPERATIONS

GUIDE

**HOW TO EFFICIENTLY RUN
BUILDINGS IN THE MOST COMPLEX
ENVIRONMENT IN THE WORLD**

 siteCOMPLI®



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INTRO

RUNNING BUILDINGS IN NEW YORK
CITY CERTAINLY HAS CHANGED.



And the change is everywhere - it's in the increased amount of regulations, the ever-evolving needs of tenants (from residential and retail to corporate and institutional), and the growth of technology as a means to share information.

But mostly, it's how your team handles operations: simply being reactive just doesn't work anymore. **A proactive operations strategy is the key to running better buildings.**

To reflect that, SiteCompli's annual Guide to property mastery has also evolved. We even have a new name - welcome to the **2019 NYC Violations & Building Operations Guide**. This year's Guide is packed with the latest compliance changes and the very best of best practices for ongoing building operations.



Get Even More Details

We'll let you know where you can find even more information on the topics in this Guide. Just keep an eye out for this box.

To get the latest compliance updates and news directly in your Inbox, subscribe to our Blog:

<https://sitecompli.com/blog#subscribenow>

HERE'S THE BIGGEST TRENDS WE'RE COVERING IN THE 2019 GUIDE:

- NEW requirements for 5-year gas piping systems inspections
- Top tips for enforcing Standard Operating Procedures across your org
- OATH rules that may impact new or ongoing construction
- The latest FDNY & HPD regulations now in effect
- Evaluating your building operations tech stack
- **NEW FOR 2ND EDITION:** Upcoming Green New Deal regulations & cooling tower changes

**NOW'S THE TIME TO TURN INDUSTRY CHANGES INTO
COMPETITIVE ADVANTAGES FOR YOUR BUSINESS.**

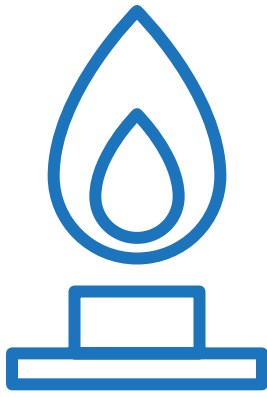


MUST-DOS

REQUIRED

NYC

INSPECTIONS



GAS PIPING SYSTEMS

Local Law 152 made gas piping systems the latest building component to have mandated regular inspections. Inspections must be conducted by a qualified inspector and submitted to the DOB. The DOB's proposed rules outline who has to submit paperwork, and when, though as of early 2019 they're still not final.



Do you know your occupancy type?

Learn more about R-3 classifications, new building requirements, and get links to the full law and rules copy here:

<https://sitecompli.com/blog/local-law-152-update-new-gas-piping-inspection-requirements>

EVEN IF YOU DON'T HAVE GAS PIPING SYSTEMS, YOU'LL NEED TO COMPLY WITH THIS RULE. LEARN WHY:

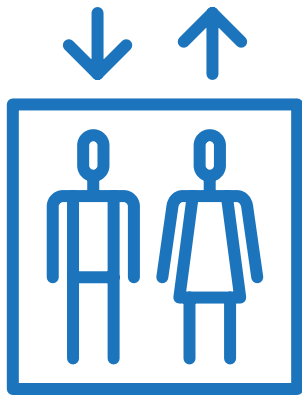
Building gas piping systems except for gas piping systems classified in occupancy group R-3 must be inspected once every five years. Inspection due dates are determined by borough:

Staten Island	January 1, 2019 – December 31, 2019
Bronx	January 1, 2020 – December 31, 2020
Manhattan	January 1, 2021 – December 31, 2021
Queens	January 1, 2022 – December 31, 2022
Brooklyn	January 1, 2023 – December 31, 2023

Starting in 2024, due dates will be the 5-year anniversary of the previous inspection date. Inspections cannot be performed more than 60 days prior to that date.

If your building doesn't have gas piping systems, you'll be required to submit a certification every five years instead.

Penalties for noncompliance can be as high as \$10,000.



WHAT'S NEW WITH ELEVATORS



Need to review the
basic requirements of
elevator inspections?

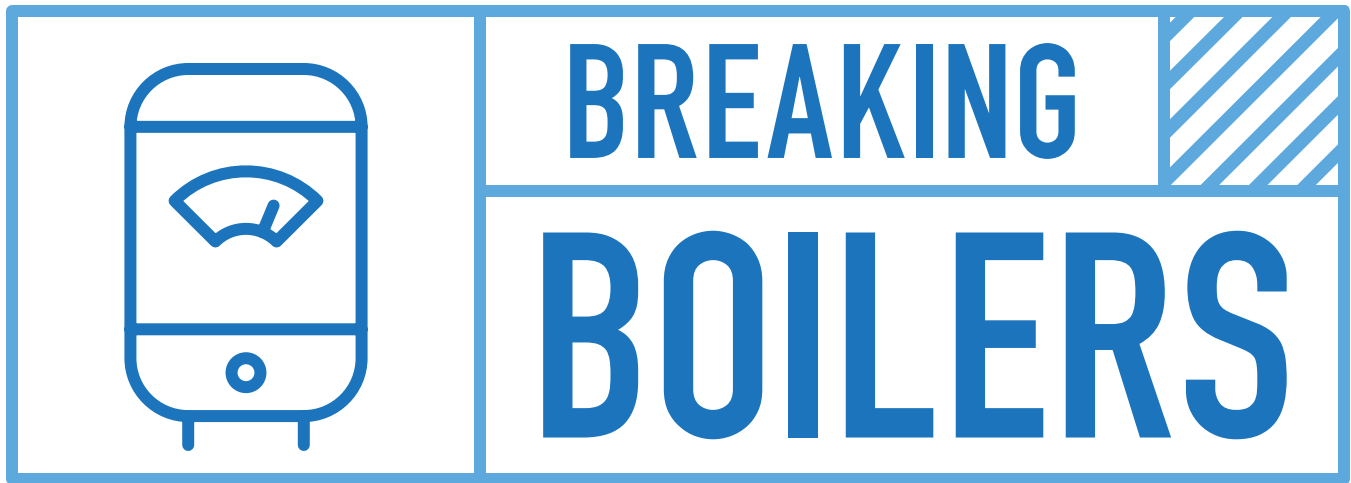
Check out SiteCompli's 2019
Elevator & Boiler Guide in the
Resource Center:

<https://sitecompli.com/knowledge-center/resources>

The biggest change to hit elevator inspections in 2019 is the switch to digital filings through DOB NOW.

Here's 5 things you should know about the recent online transition:

- 1 Per the DOB, "to facilitate the transition to DOB NOW, elevator inspection reports, elevator test reports, and Affirmation of Correction filings submitted in DOB NOW: Safety through March 31, 2019 will not be charged late fees."
- 2 DOB NOW: Safety will not accept an inspection date that is older than one year from the filing date. For example, if a filing is submitted on January 15, 2019, the oldest inspection date that can be entered is January 15, 2018.
- 3 The deadline for 2017 and earlier cycle resubmissions (for rejected ELV3 and ELV29 filings) is June 30, 2019. After this date, violations for failure to file (EVCAT1) and failure to file Affirmations of Correction (ACC1) will not be dismissed upon resubmission.
- 4 Affirmations of Correction for PVTs issued in 2018 shall, according to the DOB, "continue to be filed on paper until further notice."
- 5 There's a help form if you have issues submitting paperwork - visit <http://www.nyc.gov/dobnowhelp> and specify what type of form you're trying to submit.



For over a year, annual boiler inspections have been submitted online via DOB NOW: Safety. Failure to submit inspections can result in violations (typically in the form of an LBLVIO or HBLVIO) carrying \$1,000 penalties per noncompliant boiler.

Here's a reminder of what's required:

DOB REQUIREMENTS

2019 Inspection Cycle: January 1st through December 31st

Annual inspections are required for both high pressure boilers and low pressure boilers, filed with the Department of Buildings.

HIGH PRESSURE BOILERS

- Two inspections are required: internal and external
- These inspections must be conducted within the same cycle (year), but should be performed six months apart
- Inspections can only be performed by an authorized insurance company
- Inspectors must notify the DOB at least 10 days before performing the internal inspection via e-mail (hpboilers@buildings.nyc.gov)

LOW PRESSURE BOILERS:

- Inspections can only be performed by authorized boiler inspectors licensed by the Department of Buildings or an authorized insurance company



BREAKING BOILERS

Must Inspect Annually	No Inspection Required
<ul style="list-style-type: none">■ Residential buildings with 6+ families■ Residential buildings classified as Single Room Occupancy (SRO) dwellings■ Mixed use buildings■ Commercial buildings■ H-stamp domestic hot water heaters with over 350,000 BTUs in residential, mixed-use, and commercial buildings	<ul style="list-style-type: none">■ Low-pressure boilers in residential buildings with 5 families or fewer■ H-stamp domestic hot water heaters in residential buildings with 5 families or less■ Individual boilers heating individual residential units (including residential portions of mixed-use buildings)■ Low-pressure boilers with an input of 100,000 BTUs or less

BOILER REMOVALS

An OP49 must be filed (offline) with the DOB as confirmation of a boiler removal or disconnection. This form must be submitted within 30 days of removal/disconnection, or it may be subject to late penalties.

Filing an OP49 is critical - if you don't officially remove a boiler with the DOB, they may still issue annual administrative penalties for failure to file annual inspections - even if the building itself is demolished.

DEP REQUIREMENTS – TRIENNIALS

In addition to DOB regulations, certain boilers also have to comply with requirements from the DEP:

REGISTRATIONS:

- Boiler Registration I: Required for devices 350,000 BTU/hr to less than 2.8 million BTU/hr
- Boiler Registration II: Required for devices 2.8 million BTU/hr to less than 4.2 million BTU/hr

CERTIFICATES TO OPERATE/WORK PERMIT APPLICATION:

- Required for boilers 4.2 million BTU/hr or greater input
- Only Professional Engineers can file for Boiler Work Permits

Paperwork for all types of DEP Triennials (renewed every 3 years) can be accessed through the online Clean Air Tracking System (CATS).

Any boilers requiring Certificates of Operation or Registration II (from 2.8 to 4.2 million BTU/hr) must perform annual tune-ups and combustion tests in addition to the 3-year triennial filing. Dates, processes, and results must be kept by the owner for a minimum of five years and must be submitted within 5 business days if requested by the DEP.

FACADES | IN 2019



AND BEYOND



Compliance Updates

Don't miss out on the latest compliance updates (including new due dates and extensions). Subscribe to the SiteCompli Blog:

<https://sitecompli.com/blog#subscribenow>

Like elevators and boilers, 5-year facade inspection reports are now submitted in **DOB NOW: Safety**. February 21, 2019 marks the end of the Cycle 8 filing periods (specifically, Subcycle 8C). That said (based on previous cycles), there may be extensions for amended report submissions - stay tuned.

RESULTS REMINDER

Your QEWI will issue one of the three results in their filing:

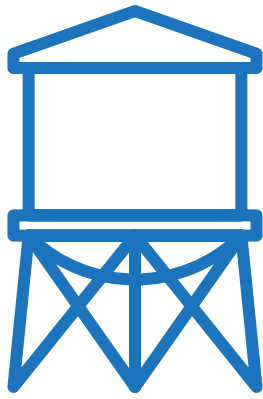
- Safe - no problems, and in good condition
- SWARMP - (Safe With a Repair and Maintenance Program)
 - No unsafe conditions - if all repairs aren't completed before the next cycle, that next report must be filed as Unsafe
- Unsafe - Problems/defects threaten public safety
 - Owners must immediately install protection (sidewalk shed, construction fence, etc.) to prevent public harm
 - Owners must repair dangerous conditions within 90 days of filing a technical report
 - Owners must file an amended report within two weeks of completing the repair work

PENALTIES

- Late Initial Filing: \$250/month
- Failure to File: \$1,000/year
- Failure to Correct Unsafe Conditions: \$1,000/month

Here's some additional information owners and managers should know about facade filings, according to the DOB:

- Buildings with ongoing construction work cannot be designated as Safe
- If your facade was classified as SWARMP in the previous cycle, all necessary repairs must be completed before the next cycle. If they're not completed, the facade must be classified as Unsafe
- Coordinate report submission with your building's QEWI (Qualified Exterior Wall Inspector). You'll need to register with eFiling (if you haven't already) to review submitted reports.



COOLING TOWERS



Cooling Tower Checklist

Want a handy Cooling Tower responsibility checklist directly from the DOHMH? Visit the SiteCompli Blog and download it today!

<https://sitecompli.com/blog/did-you-miss-these-3-huge-compliance-resources>

WHAT TO KNOW:

- **Initial Registration:** All cooling towers must be registered with the DOB. Cooling towers that existed as of August 18, 2015 were required to register within 30 days of that date.
- **New cooling towers** are required to complete registration prior to operation.
- **Annual Certification:** All owners/managers of properties with cooling towers are required to submit annual certification with the DOB, verifying that the cooling tower has been inspected, tested, cleaned, and disinfected in compliance with Local Law 77. The due date for Annual Certification is November 1st.
- **Maintenance plan:** Mandatory regular inspections, testing, cleaning, and disinfection of cooling towers is required in accordance with City Local Law 77, ASHRAE 188-2015, SSC Part 4 (New York State), and RCNY Chapter 8 - Title 24.
- **Discontinued use:** Owners/managers must notify the DOB within 30 days after removing or permanently discontinuing use of a cooling tower. The tower must be drained and sanitized according to current DOHMH requirements.
- **Extended Shut-Down:** Cooling towers shut down for more than five days must be cleaned and disinfected. Cleaning must occur within 15 days before resumed use.

Don't forget - if your building has a water tank, annual inspections are due (online or via regular mail) every January 15th.

NEW FOR 2019: Microbe testing inspections (required once every three months while the tower is in use) must be reported to the DOHMH within 5 days of the inspection date. The Department will check to see if reported dates match what's kept in the log during maintenance log reviews. While they're just requiring the date (for now), they can also request results from owners -- who will have 5 days from the request (or request receipt, whichever is later) to deliver them.



BENCHMARKING

IN BRIEF:

SUSTAINABILITY

REQUIREMENTS



BENCHMARKING IN BRIEF:

SUSTAINABILITY REQUIREMENTS



IMPORTANT NOTE

The deadline for Benchmarking has changed several times in the past 2 years. For example, 2017 data is due on February 15, 2019 after several pushbacks. The DOB says 2018 data will still be due on May 1st, but it's possible this will change - stay tuned to the SiteCompli Blog for updates.



Energy Audit and Retro-Commissioning performance

New proposed rules have been released regarding energy audit and retro-commissioning performance. The DOB is looking to match ANSI-approved industry standards, and clarify current requirements. Read the law directly here:

https://rules.cityofnewyork.us/sites/default/files/proposed_rules_pdf/proposed_rule_-_amendment_of_rules_regarding_energy_audits_and_retro-commissioning.pdf

LOCAL LAW 84 BENCHMARKING

WHAT IS IT?

Owners of buildings 25,000 square feet and up are required to file information about energy usage annually through the online Energy Star Portfolio Manager tool. Reports are due by May 1st for the previous year (e.g., file 2018 in 2019), with additional quarterly deadlines for those who missed the initial due date.

DEADLINES

- **1st Deadline:** May 1
- **2nd Deadline:** August 1
- **3rd Deadline:** November 1
- **4th Deadline:** February 1

Each deadline carries a violation and \$500 penalty, which can total \$2,000 for the year.

LOCAL LAW 87: ENERGY AUDITS AND RETRO-COMMISSIONING

WHAT IS IT?

Owners of buildings 50,000 sq. ft. and up are required to undergo an energy audit and retro-commissioning every 10 years and submit an Energy Efficiency Report (EER) electronically. The year the EER is due corresponds with the last digit of your tax block number. For example, reports for buildings with "9" as the last digit of their block number are due by December 31, 2019.

Failure to submit may result in an EARCX violation, carrying a \$3,000 initial penalty with an additional \$5,000 for every year the report remains unfiled.



BENCHMARKING IN BRIEF:

SUSTAINABILITY REQUIREMENTS

HOW WILL NYC'S GREEN NEW DEAL IMPACT YOUR BUILDINGS



In April 2019, the City Council passed the Climate Mobilization Act, a package of sustainability-focused regulations with impacts to owners and managers. The Mayor's Office followed up with their vision and plan for a NYC Green New Deal, soon-to-be proposed regulations that will have additional implications for city buildings. Here's what you need to know about what's already in place, and what's coming:



BENCHMARKING IN BRIEF:

SUSTAINABILITY REQUIREMENTS

1 THERE WILL BE NEW FILING REQUIREMENTS FOR OWNERS

While some requirements won't kick in for a few years, most buildings will be required to submit energy scores, emissions data, and more. Energy scoring will begin in 2020, while emission reporting requirements (and any required actions based on each building's emissions) will likely take place in the years that follow. That said, it's a good idea to take stock of your buildings now, and see how they'd currently fare given current emission and energy use data.

2 BUILDINGS UNDERGOING CONSTRUCTION SHOULD ESPECIALLY TAKE NOTE

If you're undergoing major renovations or new building construction, you may have to comply with new requirements for green roofs (sustainable roofing zones). The Council mandated that more information on green roofs will be coming this year, so stay tuned for details on how you can implement this requirement at your developments.

3 MEET THE OFFICE OF BUILDING ENERGY AND EMISSIONS PERFORMANCE

INT-1253 established this new office, which will be a division within the DOB. The office will be directly responsible for overseeing the implementation of these laws as they relate to buildings, construction, and renovations. They'll also determine and enforce penalties for noncompliant buildings.

WHAT EXACTLY IS THE GREEN NEW DEAL?

The Green New Deal for NYC is a plan outlined by the Mayor, designed to meet the emission cuts in the OneNYC-2050 Action plan. Part of the plan is to curb emissions by requiring retrofits. The exact details of how this will be accomplished (timeline, specific requirements, etc.) must still be put into law. We'll keep you posted on any changes here.

4 THINGS YOU NEED IN YOUR PREVENTIVE MAINTENANCE PLAN

A company-wide preventive maintenance plan is a must for keeping your assets in good health and reducing the risk of building emergencies or equipment failure.

We spoke with several management teams, and found that there are four basic components to the secret sauce for maximizing profits by strengthening your preventive maintenance plan:

1 FIRM YET FLEXIBLE ROUTINES

While it sounds like an oxymoron, **preventive routines need to be streamlined across your company (firm) but easily updated when needed (flexible)**. It's important to make sure your team members are following the same standard operating procedures from building to building. You'll also want to make sure any updates to those standard routines are automatically communicated team-wide, so nothing falls through the cracks. For example, the next time your super inspects the property grounds, they won't miss the new company requirement for checking walkway and sidewalk cracks.

2 INDUSTRY BEST PRACTICES

If you're just getting started, you might not know how often you'd like certain things worked on or looked at. You'll want to balance the needs of your equipment with your staff workload and schedule. **It's a good idea to research some industry-standard best practices** ("How often should I regularly inspect HVAC systems? What are things I should look for during a grounds inspection?") before you develop your team's standard protocols.

3 INSTANT AND EASY ESCALATION

Preventive maintenance only works when it's done, and done right. That means immediately reporting or acting on any inconsistencies found during routine inspections. **Make sure your preventive maintenance system or platform lets your team trigger work as soon as they see something that requires action**. This way, when your manager catches a boiler acting up during a regular review, they'll be able to initiate repair work right away. The sooner work begins, the sooner your team can resolve issues & ensure tenant satisfaction.

4 TREND AUDITS AND REPORTING

Being able to see which pieces of equipment buildings require the most frequent repairs is critical for planning your operating budget. **Any preventive maintenance plan should include a system for regular audits and review**, letting you see trending results of each regular inspection and work request. You'll be able to better anticipate annual spend and plan for long-term repairs and replacements.

NEW CONSTRUCTION REGULATIONS YOU NEED TO KNOW

Here are 4 of the top new construction changes that will impact your portfolio:

1

The BEST Squad has been reorganized into two groups: the Construction Safety Enforcement Unit (CSE) and the Construction Safety Compliance Unit (CSC). CSE conducts emergency inspections, in addition to responding to construction-related complaints, violations, and Stop Work Orders. The CSC performs periodic inspections on all active sites, as well as plan examinations and reviews. Any BEST forms have been replaced with CSC appointment request forms, as needed.

2

Local Law 160 of 2017 states that the **“DOB will revoke active permits for buildings whose owners owe more than \$25,000 in covered arrears to the City.”** Per the rule, the DOB wanted owners to submit affidavits listing covered arrears across their portfolio as part of the applications process. As of February 2019, we’re still waiting on forms or process confirmation - stay tuned for news here.

3

For residential owners - **As of December 2018, BIS applications will be halted if HCR (Homes and Community Renewal) data indicates the building contains at least one rent-regulated unit and the owner checks “No” in response to either statement in Section 26 of the PW1.** If units are occupied, applicants must also submit a Tenant Protection Plan.

4

The next phase of Local Law 196 (30 hours of mandatory site safety training for workers) comes due June 2019. Make sure your contractors & subcontractors are aware, have the proper site safety training & certifications, and maintain a daily log per the law. Penalties as high as \$5,000 per untrained worker may be issued to the site owner, permit holder, and the worker’s employer, so be prepared.

3 TIPS FOR ENFORCING STANDARD OPERATING PROCEDURES

Standard Operating Procedures are a great way to ensure everyone on your team is taking the right steps for every work project, every time. But they only work if they're actually enforced - here are three things you can do to make sure your team is always on the same page:

1 ACCESSIBLE SOPS ARE ACTUALLY FOLLOWED

The first step in enforcing Standard Operating Procedures is making sure people on your team actually know what they are. Are your SOPs accessible to everyone (even if they're onsite at a building)? If there's a change to one of your SOPs, can it be easily communicated and recorded?

2 OVERSIGHT LETS YOU REVIEW & HELPS YOU IMPROVE

Whatever you're using to track work should ensure that every step of your Standard Operating Procedures is followed. This way, you'll be able to easily identify what's causing any holdups for specific projects and make necessary adjustments. For example, if there's a step in your monthly building systems review that is always causing delays, you'll want to know ASAP so you can fix it.

3 COLLABORATION BUILDS OWNERSHIP ACROSS YOUR ORGANIZATION

One of the best ways to make sure your team is on track is to get their buy-in. Hold a quick meeting after a big project to see what worked, what didn't, and what can be improved going forward. Getting your team's feedback and incorporating it into your SOPs makes everyone at your organization feel like they're part of the big plan - and makes them more likely to stay on plan.

DEALING WITH OATH FINES & HEARINGS

WHAT IS OATH/ECB?

OATH is NYC's Office of Administrative Trials and Hearings. In addition to adjudicating city matters, OATH also hosts hearings for summonses issued by several different agencies. These summonses are what property owners, managers, and even tenants frequently deal with (FDNY, DOB, Sanitation, Health, and more).

The ECB (Environmental Control Board) was the sole former host for these hearings, and is still frequently referenced when referring to various agency summonses.

BREAKING DOWN OATH/ECB SUMMONSES AND HEARINGS

Named Respondent	The party (person, company, or entity) responsible for attending the hearing, making corrections, and paying fines. May be a building owner, manager, tenant, vendor, or other related party.
Issuing Agency	Over 13 agencies issue violations through OATH. The issuing agency will determine if compliance is required beyond the standard fine and hearing.
Hearing Date	The day when the hearing is scheduled. If the summons is not resolved by then (via a cure, alternate hearing, or stipulation), you must attend or submit a request to reschedule.
Cure Date	For certain DOB and FDNY violations, a cure date will be offered. If a Certificate of Correction is submitted and accepted to the issuing agency before this date, you won't need to attend the hearing/pay any fines.
Stipulation	Admission of guilt in exchange for 75 additional days to correct the violation and a reduced penalty (usually half of the standard amount). Will be mailed if offered, and must be accepted pre-hearing.
Mitigation	Admission of guilt coupled with proof of correction at the hearing may result in a mitigated (reduced) penalty.
Judgment	Judgment results post-hearing can include Dismissal (no penalties, though the issuing agency can appeal) and In Violation (standard penalty imposed, though you may appeal).
Default Judgment	Failing to attend the hearing will result in a significantly increased penalty and an automatic admission of guilt. Default judgments can be vacated within 60 days of the hearing date.

DEALING WITH OATH FINES & HEARINGS

THREE ALTERNATE WAYS TO HANDLE AN OATH HEARING (BESIDES IN-PERSON)

- Hearing by Phone - (212) 436-0777
- One-click (online) hearing - www.nyc.gov/oath
- Hearing by Mail - 66 John St., 10th Floor

DOB & FDNY COMPLIANCE

When it comes to DOB and FDNY violations via OATH, it's not enough to attend the hearing and pay any issued fines. A Certificate of Correction must be submitted to the issuing agency, otherwise the violation will remain open. Failure to submit a Certificate of Correction can result in additional fines, trouble getting new work permits or a Certificate of Occupancy, or issues during a transaction/refinance.

Uncorrected Class 1 DOB violations can result in an AEUHAZ1 penalty: a \$1500 fine issued directly to the building - not the named respondent. This means owners may be responsible for onsite violations initially incurred by tenants or vendors.

SHOULD I JUST PAY THE FINE TO AVOID A HEARING?

This is a frequently asked question - in the case of violations where submitted compliance isn't required (Sanitation, Health, etc.), it's possible to avoid the hearings process by paying the fine. That said, paying an OATH/ECB fine is an admission of guilt. Having a number of guilty violations at a single property can impact future violations through increased fines and decreased chances of getting a dismissal. While it seems like a time-saving fix, paying the fine can oftentimes lead to bigger headaches going forward.

UNDERGOING CONSTRUCTION? BEWARE:

Per our previous section in the Guide (New Construction Regulations You Need to Know), the DOB is now monitoring unpaid arrears (including OATH/ECB fines) when issuing permits. They will also issue twice the amount of standard civil penalties if your construction site has an "excessive violation" ratio compared to the rest of NYC. Make sure you're on top of OATH-related fines across your portfolio if construction is in your future.



FDNY

REGULATIONS

&

VIOLATIONS



FDNY REGULATIONS & VIOLATIONS

EQUIPMENT & DOCUMENTATION

PERMIT ACCOUNTS

The FDNY issues and monitors permit accounts (sometimes known as equipment use permits) for the use, operation, and maintenance of equipment and space, as well as regulated fire safety and prevention systems.

Permit Account Number	Main identifying component of a permit account - necessary when contacting the FDNY about the account.
Account Owner	Entity responsible for maintaining the account with the FDNY. May be building owner or tenant.
Expiration Date	May denote required inspection or annual payment date.

COMMON PERMIT ACCOUNT TYPES

- Sprinkler/Standpipe systems
- A/C refrigeration units
- Range hoods
- Fuel oil
- Fire alarms
- Place of assembly permits

CERTIFICATES OF FITNESS

FDNY Certificates of Fitness are issued to individuals who have been tested to perform specific safety-related tasks or manage specific pieces of FDNY-related equipment.

Certificates of Fitness can be **building specific** (example - Fire and Life Safety Director) or **citywide** (example - Fire Guard for Impairment). Most COFs must be renewed periodically, and Notices of Violation are issued for failure to have a valid COF or a COF holder onsite.



FDNY REGULATIONS & VIOLATIONS

VIOLATIONS

Notices of Violation (NOVs)	Violation Orders (VOs)
are associated with a fine and a hearing through OATH (Format 012345678L). Sometimes labeled “Summons,” but not to be confused with Criminal Summonses	require correction via FDNY re-inspection/document submission (Format E123456).
Commonly Issued For <ul style="list-style-type: none">■ Expired permits■ Markings and lack of signage■ Expired/lack of Certificate of Fitness■ Missed inspections	Commonly Issued For <ul style="list-style-type: none">■ Blocked egress■ Occupancy over limit■ Fire safety plan issues■ Emergency action plan issues
How to Correct: <ul style="list-style-type: none">■ If a cure date is offered (first offense), submit a Certificate of Correction to the FDNY in advance of the cure date■ If accepted, you can avoid a hearing and any potential fines (unless the hearing is required, as noted on the violation)■ If there is no cure date, you will need to attend the ECB hearing, pay any subsequent fines, and still submit the Certificate of Correction to the FDNY	How to Correct: <ul style="list-style-type: none">■ Comply with the Order within the given timeframe (forthwith/immediately - 90 days)■ File required paperwork or contact issuing inspector for re-inspection■ If the infractions are corrected, the inspector will dismiss the VO
Penalties <p>ECB Related fines for FDNY infractions can range from \$300 for mitigated penalties to \$5,000 for default penalties - note that there can be multiple infractions on a single NOV.</p>	Penalties <p>While there are no immediate financial penalties or hearings scheduled, failure to comply with a VO in the given timeframe will result in a Criminal Summons, requiring an appearance in criminal court, plus initial fines of \$5,000 - 10,000.</p>
Additional Notes <p>It's a common misconception that showing proof at an ECB hearing will satisfy the compliance portion of an NOV - it will not. In order to fully close a NOV, a Certificate of Correction must be on file with the FDNY.</p>	Additional Notes <p>VOs are not associated with the ECB whatsoever - as a result, VO information is provided only by the FDNY, and can be complex, cumbersome, and time consuming to obtain.</p>



FDNY REGULATIONS & VIOLATIONS

NEW DRILL REQUIREMENTS

The FDNY published new standards for fire and non-fire emergency drills. Here are highlights from the new rules:

- Drills must be conducted by Certificate of Fitness holders – specifically, those who are certified to be FLS directors, FEP coordinators, or drill conductors.
- Drills must be conducted through “live instruction,” conducted in person on each floor. Drills may be conducted in conference rooms (to allow use of video/other visual aids).
- Specific instructions on how to conduct drills and teach drill participants are outlined for different types of emergency situations.

MAILING CHANGES

Did your 2019 annual safety notice mailings reflect the new FDNY Guide? Here's what's changed going forward:

- The Fire and Emergency Preparedness Guide (FEP) has been refreshed with new information, cover-to-cover.
- In addition to move-ins, you must provide residents with the FEP once every three years.
- In the off-years, a bulletin (no longer than 4 pages) must be provided to residents instead. The FDNY will prepare sample material for this, which may or may not include notices relevant to that year.



New Drill Requirements

Get more details on the new drill requirements (now in effect) at the SiteCompli Blog:

<https://sitecompli.com/blog/new-fdny-proposed-rule-establishes-standards-for-fire-non-emergency-drills>



FDNY Guide

View the rules in full & see the FDNY's new Guide content on the Blog:

<https://sitecompli.com/blog/new-fdny-proposed-changes-to-fire-safety-guides>

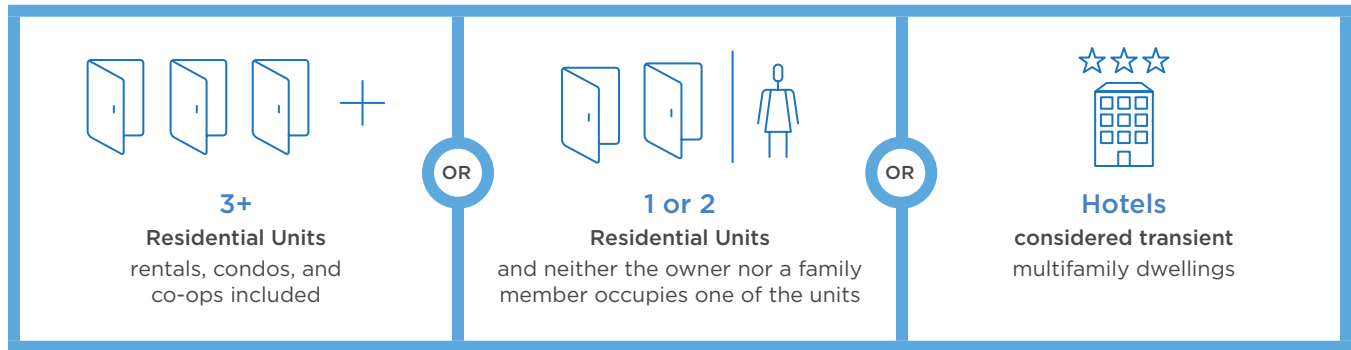


RESIDENTIAL REQUIREMENTS



RESIDENTIAL REQUIREMENTS

REGISTRATION



Failure to register each year will result in infractions, fines, and the inability to correct open HPD violations.

WHAT ARE THE TOP SIX THINGS HPD INSPECTORS LOOK FOR?

- 1 Operational Smoke Detectors
- 2 Operational Carbon Monoxide Detectors
- 3 Illegal gates or bars on the windows
- 4 Illegal double cylinder locks (locks that require a key to exit)
- 5 Window guards in unit with a child under the age of 11
- 6 Signs of lead paint in unit with a child under the age of 6



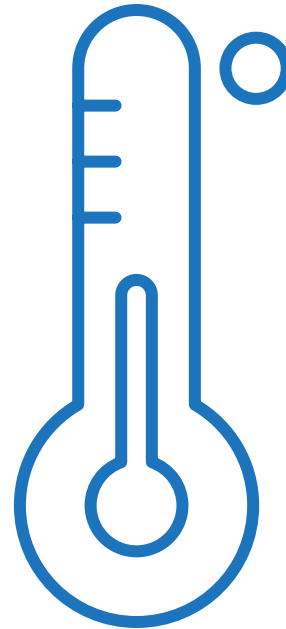
DON'T FORGET: ensure the right signage is posted near public areas, stairwells, etc. as required by law.

CLASS A RESIDENTIAL SMOKING POLICY

Class A multiple dwellings must draft and enact a written smoking policy “that states in a clear and conspicuous fashion where smoking is permitted or prohibited on the premises.” The policy must include common areas, dwelling units, courtyards, rooftops, balconies, patios, and outdoor areas connected to dwelling units. All applicable smoking laws are still in place, and any written policy must abide by them.



RESIDENTIAL REQUIREMENTS



HEAT SEASON

From October 1 - May 31 of each year, HPD's Heat Season rules are in effect.

- Between 6 AM and 10 PM, if the outside temperature falls below 55 degrees, the inside temperature must be at least 68 degrees
- Between 10 PM and 6 AM, the inside temperature must be at least 62 degrees regardless of the temperature outside.

FAILING TO MEET THESE TEMPERATURE LEVELS WILL RESULT IN CLASS C HPD VIOLATIONS, LEADING TO DAILY FINES FROM \$250 - \$1,000 PER DAY.

ALLERGEN HAZARD INSPECTIONS & REMEDIATION

Local Law 55 of 2018 is in effect, requiring owners to investigate for indoor allergen hazards (mice, cockroaches, rats, and mold) annually. Owners must provide a notice and DOHMH brochure informing tenants of this inspection requirement. Additionally, owners must remediate found conditions using integrated pest management procedures and specific processes to treat underlying defects (in the case of mold). Certifications for any violations issued for these conditions must include affidavits stating that work practices were appropriately followed.



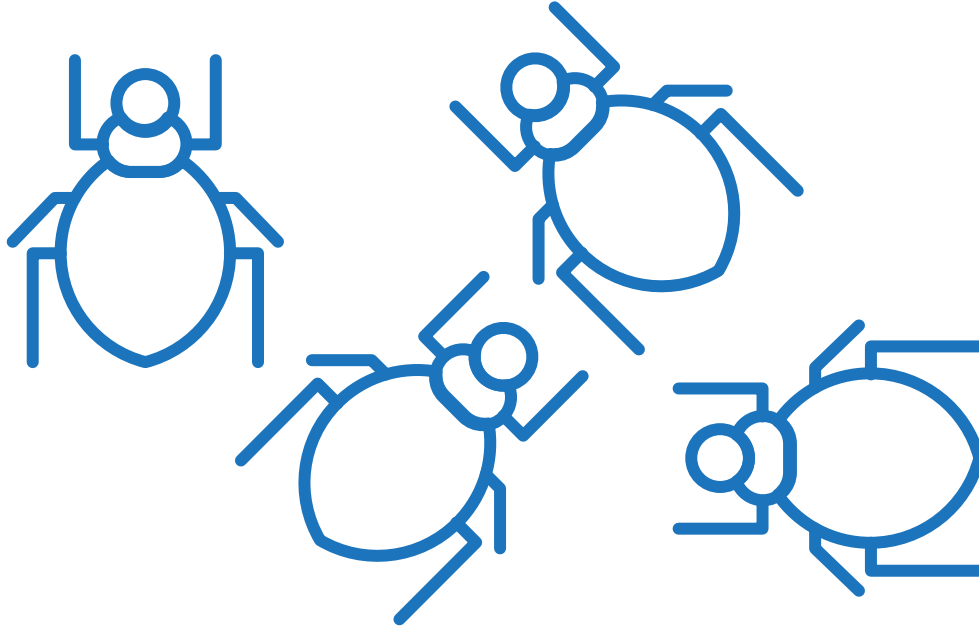
New Inspections

Want more details on allergen inspections & bedbug requirements? Get the scoop & copies of the laws on the blog:

<https://sitecompli.com/blog/new-residential-updates-local-law-55-bedbug-reporting/>



RESIDENTIAL REQUIREMENTS



BEDBUG REPORTING

Owners are now required to submit bedbug infestation and treatment records with HPD annually. Owners were required to submit information from November 2017 - November 2018 by February 28, 2019. For 2019 (due date forthcoming), HPD will be looking for information from December 2018 - December 31, 2019.

Owners must attempt to obtain information from the tenant or unit owner, and include the following in their reports:

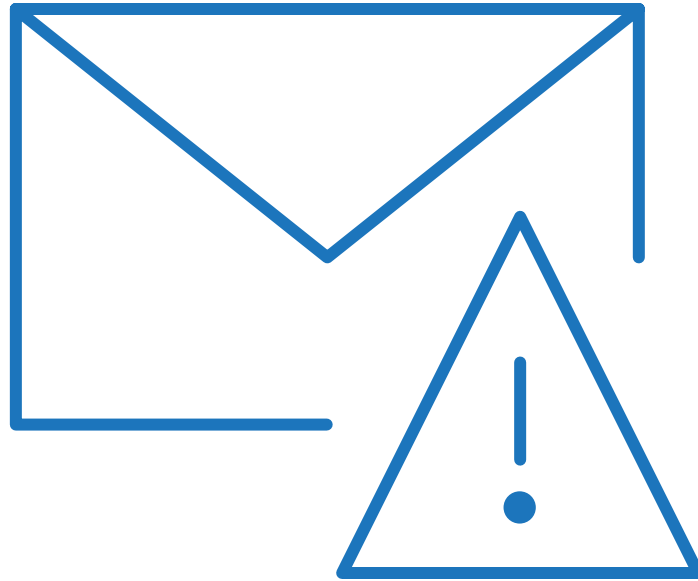
- The number of dwelling units;
- The number of dwelling units, as reported or otherwise known to the owner, that had a bedbug infestation during the previous year;
- The number of dwelling units, as reported or otherwise known to the owner, in which eradication measures were employed during the previous year for a bedbug infestation;
- The number of dwelling units reported in number 3 that had a bedbug infestation after such eradication measures were employed in such units.

In addition to submitting reports, owners are also responsible for distributing a copy of the electronic report form to each tenant during lease renewal/new lease commencement OR posting the report form in a prominent location in the building within 60 days of filing. Finally, owners must distribute or post a notice providing information about the prevention, detection, and removal of bedbugs.

This is separate from (and in addition to) similar New York State disclosure requirements



RESIDENTIAL REQUIREMENTS



ANNUAL SAFETY NOTICE MAILINGS

Properties are required to send a mailing to residents annually, between 1/1 - 1/15. The mailing includes:

- Fire Safety Guide Part I - Building-Specific Information (new field going forward!)
- Fire and Emergency Preparedness Guide
- Lead Paint Notice
- Window Guard Notice



Failure to send mailings, attempt to collect missing information, or follow-up on responses may result in violations, penalties, or loss of insurance during a related emergency.

Stove Knob Cover Notices are a separate but similar requirement, with a mail-by date of January 5th for each year.

WHAT'S IN YOUR BUILDING OPERATIONS STACK?

The number of CRE Tech Solutions out there can be overwhelming - and can make it tough to decide what software will be effective for your team and your business needs.

The first step is to understand the landscape. We're breaking down where existing software solutions fall in the New Building Management Stack and helping you navigate to solutions that will bring efficiency and growth to your portfolio.



To learn more about SiteCompli's building operations solutions, visit our site:

<https://sitecompli.com/solutions/incheck/>

COMPLIANCE CHECKLIST

2019 KEY DATES

JAN	5 TH	• Last day to provide annual stove knob cover notices	HPD
	15 TH	• Last day to distribute annual lead paint/window guard notices to residential tenants	DOHMH/HPD
		• First deadline in 2019 to distribute Fire Safety Guides to residential tenants	FDNY
		• Deadline to submit annual water tank inspection for 2018 calendar year	DOHMH
FEB	15 TH	• Due date for Benchmarking Report submissions for 2017 data	DOB
		• Legal deadline for new, renewal, and change requests for the 2019 - 20 Co-op/Condo Abatement	DOF
	16 TH	• Landlords must begin to make reasonable attempts to acquire lead paint/window guard information for non-responsive tenants as part of the annual safety notice mailings process	DOHMH/HPD
	21 ST	• Facade Inspection Safety Program Cycle 8C Filings Due in DOB NOW - Safety (Blocks ending in 1, 2, and 3)	DOB
	28 TH	• Final day to submit previous year's bedbug history for units	HPD
MAR	1 ST	• Notify DOHMH of all non-responsive tenants and attempts to acquire information in writing, as part of annual safety notice mailings process	DOHMH
		• Deadline to appeal Assessment to Tax Commission for Class 2, 3, and 4 properties	DOF
	15 TH	• Deadline for property owner personal exemptions (STAR, DHE, DRIE, Veterans', Clergy, SCHE, SCRIE)	DOF
		• Deadline to appeal Assessment to Tax Commission for Class 1 properties	DOF
	31 ST	• Last day to submit 2018 elevator filings in DOB NOW: Safety without late fees	DOB
APR	1 ST	• DHCR Registration begins in ARRO system	DHCR
MAY	1 ST	• Local Law 84 Annual Benchmarking Report Due for 2018 data (all covered building sizes - may be subject to change)	DOB
	21 ST	• Annual HPD Registration for 2019 - 20 begins	HPD
	31 ST	• Last day of HPD Heat Season for 2018 - 19	HPD
JUL	31 ST	• Final day to submit DHCR registration	DHCR
SEP	1 ST	• Deadline for annual HPD registration. Required for multifamily residences (3+ units), designated residences, and hotels	HPD
OCT	1 ST	• HPD Heat Season begins for 2019 - 20	HPD
NOV	1 ST	• Deadline for annual cooling tower certification	DOB
DEC	31 ST	• Last day for owners to report 2018 bedbug information for each dwelling unit electronically to HPD	HPD
		• Last day to file annual elevator and boiler inspections for 2019 cycle via DOB NOW: Safety	DOB
		• Last day to perform annual lead paint inspections in required units per Local Law 1	HPD/DOHMH
		• Last day to submit Local Law 87 EER Reports for buildings due in 2019 (covered buildings list - 50,000 sq. ft - with a last digit of "9" as the building's tax block number)	DOB
		• Last day to submit gas piping system inspections for Staten Island (still pending - see reverse side)	DOB

DID YOU...

- ☐ Schedule annual elevator & boiler inspections with your vendors? DOB
- ☐ Schedule any required Category 5 (5 year) inspection tests? DOB
- ☐ File Cycle 8C facade report if eligible (block numbers 1, 2, and 3)? DOB
- ☐ Submit bedbug reporting for residential units? DOB
- ☐ Prepare & file LL87 Energy Auditing & Retro-commissioning if eligible (50,000 sq. ft. + properties on covered buildings list with block ending in "9")? DOB
- ☐ Prepare and file LL84 annual Benchmarking report? DOB
- ☐ Renew TCOs every 90 days if necessary? DOB
- ☐ Review permit expiration dates and renew if necessary to avoid Work Without Permit Violations? DOB
- ☐ Perform regular daily, weekly & monthly Cooling Tower maintenance tasks in advance of Annual Certification? DOB
- ☐ Lock down a vendor for the 2019-20 annual safety notice mailings process? DOHMH/HPD
- ☐ Renew and inspect sprinkler/standpipe units? FDNY
- ☐ Renew and inspect A/C system permits? FDNY
- ☐ Renew Place of Assembly permits? FDNY
- ☐ Renew Certificates of Fitness, and review new COF requirements? FDNY
- ☐ Renew DEC petroleum bulk storage permits? DEC
- ☐ Renew DEP boiler triennials (Certificates to Operate/Registrations)? DEP
- ☐ File J-51 residential tax exemptions? DOF
- ☐ File tax estimates, declarations, returns, and extensions? DOF
- ☐ Complete quarterly or semiannual property tax payments? DOF

Dates and compliance information is reported from NYC agencies and is subject to change. Each building in NYC has specific requirements and deadlines that can differ across borough, building type, etc. SiteCompli's Services are provided for informational purposes only, on an "as is" and "as available" basis. SiteCompli, its licensors and other suppliers disclaim all warranties, whether express or implied, including, but not limited to, any promises of accuracy or correctness of information provided or omitted. The full list of Terms of Use that govern SiteCompli's Services and website can be found at www.sitecompli.com/terms. Copyright ©2019 SiteCompli, LLC.

2019

NEW YORK CITY VIOLATIONS & BUILDING OPERATIONS GUIDE

HELPFUL NYC CONTACTS

AGENCY	PHONE NUMBER	EMAIL
Benchmarking Help Center	212-566-LL84 (212-566-5584)	questions@benchmarkinghelpcenter.org
DHCR Rent Info Line	(718) 739-6400	TPUinfo@nyshcr.org
DOB Boiler Division Customer Service	(212) 393-2661	BoilersInfo@buildings.nyc.gov
DOB Elevator Division Customer Service	(212) 393-2144	elevatordivision@buildings.nyc.gov
DOB Administrative Enforcement Unit	(212) 393-2405	
DOF Tax Commission	(212) 669-4410	
FDNY District Office Headquarters	(718) 999-2000	
FDNY District Office 37 (Place of Assembly)	(718) 999-2404 / 2403 / 2410	
FDNY District Offices 93 & 94: Sprinkler & Standpipe Inspection Scheduling	(718) 999-2512 / 2514 / 2478 / 2479	
HPD Registration Hotline	(212) 863-7000	register@hpd.nyc.gov
HPD Bronx Code Enforcement	(212) 863-7050	
HPD Brooklyn Code Enforcement	(212) 863-6620 / 8060	
HPD Manhattan Code Enforcement	(212) 863-5030	
HPD Queens Code Enforcement	(212) 863-5990	
HPD Staten Island Code Enforcement	(212) 863-8100	
Local Law 11 - Facades Unit	(212) 393-2551	Facades@buildings.nyc.gov
OATH ECB Customer Service	1-844-OATH-NYC (1-844-628-4692)	

Contact us today to learn more about
how SiteCompli can help your company.

✉ sales@sitecompli.com

📞 800-564-1152

🌐 www.sitecompli.com/contact-us/

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<https://sitecompli.com/knowledge-center/>



SiteCompli's solutions help property management teams work smarter and run their buildings better. From streamlining work and communication across your organization to monitoring local law compliance data, SiteCompli helps over 1,000 real estate organizations reduce risk, increase efficiency, and grow effectively.

Dates and compliance information is reported from NYC agencies and is subject to change. Each building in NYC has specific requirements and deadlines that can differ across borough, building type, etc. SiteCompli's Services are provided for informational purposes only, on an "as is" and "as available" basis. SiteCompli, its licensors and other suppliers disclaim all warranties, whether express or implied, including, but not limited to, any promises of accuracy or correctness of information provided or omitted. The full list of Terms of Use that govern SiteCompli's Services and website can be found at www.sitecompli.com/terms.

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