



---

## Local Law 11 of 1998 – Rules Governing Periodic Inspection of Exterior Walls and Appurtenances of Buildings

### §32-03 Periodic Inspection of Exterior Walls and Appurtenances of Buildings

#### (a) Definitions

**Critical examination.** Critical examination means an examination conducted to review the exterior of a building and all parts thereof to determine whether the exterior walls and the appurtenances thereto are *safe, unsafe, or safe with a repair and maintenance program* and whether, in the judgement of a Registered Architect or Licensed Professional Engineer, they require remedial work.

**Unsafe condition.** Unsafe condition means a condition of a building wall, any appurtenances thereto or part thereof that is *dangerous to persons or property and requires prompt remedial action*. In addition, any condition which was reported as safe with a repair and maintenance program in an earlier report and which is not corrected at the time of the current inspection shall be reported as an unsafe condition.

**Safe.** Safe means a condition of a building wall, any appurtenances thereto or any part thereof *not requiring repair or maintenance* to sustain the structural integrity of the exterior of the building *and that will not become unsafe during the next five years*.

**Safe with a repair and maintenance program.** Safe with a repair and maintenance program means a condition of a building wall, any appurtenances thereto or any part thereof that is safe at the time of inspection, but *requires repairs or maintenance during the next five years* in order to prevent its deterioration during that five year period into an unsafe condition.

**Standard reporting period.** The standard reporting period is the time interval established by the Commissioner of Buildings for the filing of each successive report for each successive critical examination of every building subject to the requirements of Local Law 10 for the Year 1980 as amended by Local Law 11 for the Year 1998.

#### (b) Critical examinations

##### (1) Requirements

(i) In order to maintain a building's exterior walls and appurtenances in a safe condition in accordance with §27-129 of the Administrative Code, a critical examination of all parts of all exterior walls and any appurtenances thereto shall be conducted at periodic intervals, which are at least once every five years, of *all existing buildings or buildings hereafter erected that are greater than six stories in height, except for those parts of any exterior wall which are less than twelve inches from the exterior wall of an adjacent building*.

(ii) The second critical examination shall be conducted within two years after February 21, 1985, for all buildings covered by the first examination cycle. The initial critical examinations for any building erected subsequent to February 21, 1982, shall be conducted in the fifth year following the erection or installation of any exterior walls and/or enclosures. Subsequent critical examinations shall be conducted within five years from the previous examination.

email@hoffarch.com

432 Washington Avenue, North Haven, CT 06473-1309 Tel 203 239-6660 Fax 203 239-6340  
500 Fifth Avenue, Suite 830, New York, NY 10110-0897 Tel 212 789-9915 Fax 212 789-9916  
1001 Connecticut Avenue NW, Washington, DC 20036-5525 Tel 202 530-1100 Fax 202 530-1103

---

(iii) Regarding buildings in existence on March first, nineteen hundred ninety-eight, ***initial critical examinations*** of exterior walls or parts thereof and any appurtenances thereto ***which were not subject to*** such examinations under the provisions of paragraph (i) of subdivision (1) of section (b) of ***these rules*** in effect prior to March first, nineteen hundred ninety-eight and which did not have a critical examination for which a report was filed prior to February twenty-first, nineteen hundred ninety-seven ***shall be conducted prior to March first, two thousand.***

**(2) Inspection procedures.**

(i) Before any exterior wall for any building is critically examined, the Registered Architect or Licensed Professional Engineer (hereinafter referred to as “professional”) employed by the owner of the building shall carefully review the most recent report and any previous available reports. The Buildings Department will maintain a file of such reports submitted in conformance with §27-129, and furnish copies upon payment of fees set forth in §26-214.

(ii) Such examination shall be conducted and witnessed by or under the supervision of a professional retained by or on behalf of the owner of the building. It shall be done to the best of his/her knowledge and belief.

(iii) The professional shall determine methods employed in the examination but he/she need not be physically present at the location where the examination is made. Under the professional’s supervision, technicians, tradesmen, contractors, and engineers-in-training may be delegated selected inspection tasks. These individuals need not be in his/her employ.

(iv) The methods used to examine the building shall permit a complete inspection of same. Except as herein required, the use of a scaffold or other observation platform is preferred, but the professional may use other methods of inspection as he/she deems appropriate. ***A physical examination from a scaffold or other observation platform is required for a representative sample of the exterior wall.*** The professional shall determine what constitutes a representative sample. The representative sample must include ***at least one physical examination along a path from grade to top of an exterior wall on a street front using at least one scaffold drop or other observation platform configuration.***

(v) The known history of the building, the nature of the materials used and the conditions observed will dictate the extent of the critical examination.

The registered architect or licensed professional engineer shall utilize a professional standard of care to detect splitting or fracturing of terra cotta on buildings, cracking of masonry and brick work in brick faced buildings, loosening of metal anchors and supports, water entry, movement of lintel angles, etc., ***and shall ascertain the cause of these and such other conditions detected.*** The professional shall order any special inspections and/or tests which may be required.

The removal of portions of the facade in order to facilitate the performance of tests may require a permit from the Landmarks Preservation Commission.

(vi) During the course of the critical examination, photographs shall be taken and/or sketches made to properly document the location of all conditions observed that are either unsafe or safe with a repair and maintenance program.

(vii) ***Upon discovery of any unsafe condition, the professional shall immediately notify the Borough Commissioner and the owner of the building by letter or by fax.***

---

**(3) Report requirements.**

(i) The professional shall submit to the Commissioner and to the Owner of the building a written report as to the result of such examination, ***clearly documenting all conditions not classified as safe*** and stating that the inspection was performed and completed in accordance with the New York City Administrative Code.

(ii) The report shall include:

(A) The address, any a.k.a. addresses, the location from the nearest cross street, and Block and Lot numbers;

(B) The landmark status of the building;

(C) The name, mailing address, and telephone number of the owner of the building, his agent or the person in charge, possession or control of the building;

(D) (a) The description of the building including number of stories, height, plan dimensions, Certificate of Occupancy number if available, usage, and age and type of exterior wall construction;

(b) Brief history of any settlements, repairs, revisions to exterior enclosures, if available;

(E) A detailed description of the procedures used in making the critical examination;

(F) A detailed description of the extent and location of all physical examinations performed;

(G) A report of all conditions including significant deterioration and movement observed as well as a statement concerning ***the apparent water-tightness of the exterior surfaces***, and the deleterious effect of exterior appurtenances, including exterior fixtures, flagpoles, signs, parapets, copings, guard rails, window frames (including hardware and lights), window guards, window air conditioners, flower boxes, etc. ***The report shall classify each such condition as safe, unsafe or safe with a repair and maintenance program;***

(H) The causes of the reported conditions;

(I) The status of the exterior maintenance;

(J) Comparison of observed conditions with conditions observed during previous examinations, ***including status of the repairs or maintenance performed with respect to the prior conditions;***

(K) Recommendations for repairs or maintenance, if appropriate, ***including the recommended time frame*** for same to be performed;

(L) Date of start and completion of the critical examination;

(M) The seal and signature of the professional under whose supervision the critical examination was performed shall be on the written report;

(N) If there are no unsafe conditions and no conditions that are safe with a repair and maintenance program, then the building shall be classified as safe;

(O) If there is at least one unsafe condition, then the building shall be classified as unsafe;

---

(P) If there is(are) a(any) condition(s) that is(are) safe with a repair and maintenance program and there are no unsafe conditions, then the building shall be classified as safe with a repair and maintenance program;

***(Q) The professional shall not file a report of the same condition that is safe with a repair and maintenance program for the same building for two consecutive filing periods. Unless the professional certifies to the correction of all conditions identified in the earlier report as requiring repair the building shall be classified as unsafe;***

(R) Photographs and/or sketches documenting the location of any conditions that are either unsafe or safe with a repair and maintenance program;

***(S) A statement by the professional indicating which repairs and/or maintenance require the obtaining of work permits prior to their commencement.***

**(4) Report filing requirements.**

(i) Any building existing as of the date of the passage of Local Law 10 of 1980 shall file a report of the second examination of the building's exterior walls and appurtenances thereto no sooner than February 21, 1985, and no later than February 21, 1987, and thereafter no sooner or no later than February 21 of each fifth subsequent year.

(ii) Any building of which the erection or installation of any exterior wall or enclosures reached a height greater than six stories or for which a Temporary Certificate of Occupancy or Certificate of Occupancy was received prior to January 1, 1983, shall be required to file a report no later than February 21, 1987, and thereafter no later than February 21 of each fifth subsequent year.

(iii) Any other building of which the erection or installation of any exterior wall or enclosures reaches a height greater than six stories shall be required to file an initial report five years from the date when such height is obtained, and thereafter a report each subsequent fifth year; however, such initial report shall be filed no later than five years from the date a Temporary Certificate of Occupancy or Certificate of Occupancy, whichever is sooner, is received.

However, if the date reached five years from such issuance falls between the standard reporting periods, the filing shall be made during the first standard reporting period following the five-year date.

(iv) Persons or entities wishing to perform the critical examinations of and the report filing for the exterior walls referenced in Section (b) (1) (iii) of these rules in conjunction with the critical examinations of and the report filing for the exterior walls otherwise scheduled for critical examinations and report filing from February twenty-first, two thousand until February twenty-first, two thousand two ***may perform such combined critical examinations and file such combined reports no earlier than February twenty-first, nineteen hundred ninety-nine and no later than March first, two thousand.***

***(v) Each written report shall be accompanied by a signed statement by the owner of the building acknowledging receipt of a copy of it and acknowledging awareness of the required repairs and/or maintenance, if any, and the time frame for same.***

(vi) Each written report shall be submitted in original and in microfilm form to the appropriate Borough Office of the Department of Buildings. It shall be accomplished by an Exterior Periodic Inspection Report Form in triplicate, one copy of which may be retained by the applicant.

---

**(5) Unsafe conditions.**

(i) *Upon the filing* of the professional's report *of an unsafe condition* with the Department, *the Owner* of the building, his or her agent or the person in charge of the building *shall immediately commence such repairs* or reinforcements *and* any *other* appropriate *measures such as sidewalk sheds, fences, and/or safety netting* as may be required *to secure the safety of the public* and to make the building's walls and/or appurtenances thereto conform to the provisions of the Building Code.

(ii) *All unsafe conditions shall be corrected within 30 days* from the filing of the critical examination report.

(iii) The professional shall inspect the premises and file a detailed amended report stating the condition of the building with the Borough office within two weeks after repairs to correct the unsafe condition have been completed.

(iv) *The Commissioner may grant an extension of time of up to 90 days* to complete the repairs required to remove an unsafe condition *upon receipt and review of an initial extension application* submitted by the professional, together with:

(A) Copy of original report with attachments;

(B) Notice that *the premises have been made safe by means of a shed, fence or other appropriate measures*;

(C) Copy of contract indicating scope of work to remedy unsafe conditions;

(D) *Professional's estimate of length of time required for repairs*;

(E) *Notarized affidavit by owner of the building that work will be completed within stated time of professional's estimate.*

(v) A further extension will be considered only upon receipt and review of a further extension application, together with notice of:

(A) Substantial completion of work but subject to an unforeseen delay (e.g. weather, labor strike), or

(B) Unforeseen circumstances (e.g., fire, building collapse), or

(C) Nature of hazard requires more than 90 days to remove (e.g., new wall to be built).

**(6) Conditions that are Safe with a Repair and Maintenance Program**

(i) *The owner of the building is responsible for ensuring that the conditions* described in the critical examination report as safe with a repair and maintenance program *are repaired* and all actions recommended by the professional are completed within the required time frame, and are not left to deteriorate into unsafe conditions before the next critical examination.

(ii) The professional shall not file a report of the same condition that is safe with a repair and maintenance program for the same building for two consecutive filing periods.

(iii) A certification must be made by the professional attesting to the correction of all conditions identified in the earlier report as requiring repair.

(iv) *The professional shall report conditions* that were previously reported as safe with a repair and maintenance program *as unsafe if not corrected* at the time of the current inspection.