



NEWS

HOFFMANN ARCHITECTS PREPARES BUILDING OWNERS AND MANAGERS FOR LOCAL LAW 11 CYCLE 7

Hoffmann Architects, an architecture and engineering firm specializing in the rehabilitation of building exteriors, discusses changes to Local Law 11 filing rules and advises building owners and managers on preparing for the upcoming inspection cycle.

Background

Shortly after a falling piece of masonry from a university apartment building struck and killed a Barnard College freshman, New York City Local Law 10 of 1980 was enacted to prevent the recurrence of such a tragedy. The law required that buildings of seven or more stories undergo periodic inspections of street-facing facades. In 1998, Local Law 11 tightened regulations to include all exterior walls, with evaluations performed via scaffolding for close inspection. Now, all buildings six or more stories would be required to file periodic reports listing probable causes of deterioration, as well as timetables for repair. Buildings were then classified as "Safe," "Unsafe," or "Safe with a Repair and Maintenance Program" (thereafter known as "SWARMP").

Now Is the Time to Plan for Cycle 7

The Cycle 6 period for filing without penalty closed on 21 Feb 2007. Cycle 7 filing opens 21 Feb 2010 and will continue through 20 Feb 2015.



Repair "SWARMP" conditions from Cycle 6 before they become "Unsafe" in Cycle 7.

Why should building owners and managers be concerned about an inspection period that is at least a year away? They need not be, provided all of their building conditions were listed as "Safe" in the last inspection cycle.

For the rest of us, *any "SWARMP" conditions listed on the Cycle 6 report and not repaired by the time of the Cycle 7 filing automatically become "Unsafe"*—even if the condition is unchanged. For instance, a crack that has remained stable for 15 years but was classified as "SWARMP" in the last go-around will now fall under the same, "Unsafe," category as a crumbling parapet wall that has been steadily heaving street-ward for the past several months.

That's why now is the time to review the last cycle report and make arrangements for any necessary repairs, before the Cycle 7 inspection. Just one "Unsafe" condition classifies the entire building as "Unsafe," and owners will have just 30 days to complete repairs.



With 12,500 buildings filing LL 11 reports, architects, engineers, contractors, and the DOB were overrun as the deadline approached each cycle. Staggered filing windows aim to moderate this strain on the system.

A 90-day extension can be granted, but only by petition, and with the additional burden of permits and fees. The best bet is to fix any problem areas now, so that your building goes on file as "Safe."

Local Law 38 and What It Means for Your Building

In 2007, Mayor Bloomberg signed Local Law 38, which required the Commissioner of Buildings to establish staggered inspection cycles for buildings covered by the facade evaluation requirements set in place under Local Law 11 of 1998. The resultant amendments to the Rules of the City of New York (section 32-03) have been approved provisionally, but have yet to be officially enacted.

According to the text released for public comment, the amended Rules would make several important changes to the filing process. What you should know:

Staggered Inspection Cycles

What prompted the change? Previously, every building with six or more stories in the city of New York had exactly the same filing deadline. Near the end of the inspection cycle, most of the approximately 12,500 buildings would scramble to complete required inspections and repairs, and the Department of Buildings (DOB) would be overwhelmed with reports. One implication of the new, staggered cycles is that there will no longer be a run on architects, engineers, and contractors as a single deadline approaches, which the City hopes will increase the likelihood that repairs are performed by experienced professionals. In this way, the law is designed not only to moderate the deluge of paperwork at the DOB, but also to improve public safety.

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How are filing windows determined? By the last digit of the building's block number:

Find Your Building's Cycle 7 Filing Window		
Last digit of block number	Length of filing window	Filing period
4, 5, 6, 9	2 years	21 Feb 2010 – 21 Feb 2012
0, 7, 8	1 ½ years	21 Feb 2011 – 21 Aug 2012
1, 2, 3	1 year	21 Feb 2012 – 21 Feb 2013

If your buildings are part of a multi-block complex covering more than one filing window, you can file separate reports for the individual buildings or choose one of the applicable periods and submit a single report for the whole complex. Not sure where your building falls? Look up its block number on the DOB's Building Information System (BIS) website.

What does this mean for building owners and managers? The deadline might be sooner than expected. If your building happens to fall in the first group, you could face a filing deadline as soon as Feb 2012. That's not a lot of time to plan and complete repairs on "SWARMP" items from Cycle 6, before they become "Unsafe" in Cycle 7.

Time Frame for "SWARMP" Repairs

Reports must now include a recommended time frame for the repair of "SWARMP" conditions. This is the date after which the condition is expected to become unsafe, not the date on which work is scheduled to take place. That means that "SWARMP" conditions may need to be corrected well before the next filing cycle, if the report lists an earlier date for their recommended repair.



"Acceptable Report" Criteria

Reports may be filed only by what the DOB terms a "Qualified Exterior Wall Inspector" (QEWI), which includes New York State licensed civil or structural engineers or New York State registered architects. Also, the act of filing a report is no longer sufficient to meet the requirements of the law; the report must now be deemed "acceptable," in that it contains all of the required information. The amended Rule specifies the sequence and contents of this report, from the executive overview through photographic documentation and a work permit inventory. Be sure that your inspecting QEWI is familiar with these updated requirements, in order for your report to be properly filed.

DOB Signoff for "Unsafe" Repairs

Within two weeks after repair of "unsafe" conditions, the QEWI must re-inspect the building and obtain DOB sign-off on the permit. Then, an amended report must be filed (along with an extra fee) to update the building status.

Other Changes

Some other amendments to the Rule that may affect building owners:

- **Window air conditioners** can no longer be listed as "SWARMP." They must now be classified as, simply, "Safe" or "Unsafe."
- **Information on riggers and other consultants** must now be included in the report, to insure that close inspection was performed. Scaffolding or other observation platforms must be used to inspect, at minimum, a street-facing exterior wall, including setbacks.
- **Fee waivers** are now available for some new building owners, including nonprofits and those acquiring a government-owned property.



A Cycle 7 Action Plan

To prepare for Cycle 7 filing, add these steps to your To Do List:

1. **Review last year's report** and identify any conditions listed as "SWARMP."
2. **Arrange for an architect or engineer** experienced in building exterior remediation to recommend and design needed repairs and to identify any conditions that might be considered "unsafe" or "SWARMP" by the Cycle 7 filing period.
3. **Schedule any needed repairs.**
4. **Determine your building's filing period** by block number. (See chart above.) Your architect or engineer can do this for you.
5. **Schedule the Cycle 7 inspection** well ahead of time, before QEWI's are booked close to the deadline.

With a proactive approach, owners and managers can take advantage of this crucial time period before the next Local Law 11 cycle to bring buildings up to speed and avoid unexpected fees, penalties, and costly last-minute repairs.



For more information on Local Law 11, please contact Craig A. Hargrove, AIA, Vice President and Director of Architecture with Hoffmann Architects at 212.789.9915 or c.hargrove@hoffarch.

Founded in 1977, Hoffmann Architects specializes in the rehabilitation of the building envelope. The firm's work focuses exclusively on the exteriors of existing structures, diagnosing and resolving deterioration within facades, roofing systems, windows, waterproofing materials, plazas/terraces, parking garages, and historic and landmark structures. Our technical professionals investigate and correct damage resulting from time and weather, substandard or improper construction, design defects, material failures, poor workmanship, structural movement, and stress.