2017 Council Legislative Agenda

Commercial & Residential Buildings

SUSTAINABILITY

Local Law 32 of 2018 (Intro 1629-A), effective immediately. Calls for energy efficiency improvements in 2019 and 2022 over the predicted energy use of buildings designed and constructed in compliance with the 2013 ASHRAE 90.1 code or the NY Stretch Energy code, as defined on December 1, 2017. The reduction is, on average, expected to be no greater than 80 percent over the predicted energy use of such building. In 2025 and beyond, the bill calls for efficiency improvements over the predicted energy use, on average, of no greater than 70 percent of the building’s predicted energy use if the building was designed and constructed in minimum compliance with ASHRAE 90.1-2013 or the NYS Energy Code. Buildings may be subject to alternative proposals to ensure that the reductions over predicted energy use of buildings designed and constructed in minimum compliance with ASHRAE 90.1-2013 or the NYS Energy Code is, to the greatest extent practicable.

Local Law 33 of 2018 (Intro 1632-A), effective immediately. Requires owners of commercial and residential buildings of at least 25,000 square feet to display energy efficiency grades near public entrances, ranging from A-D (or F) associated with the building’s Energy star score beginning in 2020. The scores must be updated annually thereafter based on benchmarking reporting consistent with federal energy efficiency standards.

NOISE MITIGATION

Local Law 53 of 2018 (Intro 1653-B), effective June 2018. Starting in 2020, the bill lowers the decibel limits for after-hours construction for residential areas to 75 decibels or 7 decibels above ambient noise and sets the noise limit for construction work in commercial areas to 85 decibels. The bill authorizes the NYC Department of Environmental Protection to issue a stop work order if there is a violation of these noise requirements and if such work poses a threat to human health and safety.

Gas Piping Bills (passed in 2016, but implemented in 2017)

Local Law 154 of 2016 (Intro 1093-A), effective March 8, 2017. Requires gas service operators and owners to notify the Department of Buildings (DOB) when gas service has been shut off and not restored due to safety concerns within 24 hours.

Local Law 159 of 2016 (Intro 1102), effective June 19, 2017. Classifies violations relating to (1) supplying, installing or shutting off gas flow without a certificate of approval from DOB permit, (2) operating an altered or newly-installed gas piping system without first notifying the utility company, and (3) operating an altered or newly-installed gas piping system without first completing a compliance inspection to ensure against leakage as immediately hazardous.
COMMERCIAL RENT TAX

Local Law 254 of 2017 (Intro 799-B), effective July 1, 2018. Exempts businesses paying up to $500,000 in annual rent with a credit for those businesses paying between $500,000 and $550,000 annually in rent.

CONSTRUCTION SAFETY

Local Law 196 of 2017 (Intro 1447-C), effective March 1, 2018. Beginning March 1, 2018, many building construction workers must be able to show that they have taken at least an OSHA10 class within the previous five years to continue working. Generally, all workers will be required to fulfill up to 55 hours of training for every construction worker. The training requirements may be achieved through OSHA10, its equivalent or its OSHA30 and additional specific construction safety topics to be covered and their respective hour requirements which will be determined by a 14-member task force.

For a more specific overview of the law's safety requirements, please follow this link.

Local Law 68 of 2017 (Intro 81-A), effective October 10, 2017. Requires DOB to report on immediately hazardous or major violations to OSHA.

Local Law 77 of 2017 (Intro 1421-A), effective May 1, 2018. Requires all inspected cranes to have GPS devices installed.

Local Law 204 of 2017 (Intro 1429-A), effective May 17, 2018. Requires that all workers on a construction site receive pre-shift instructions during each shift.

Local Law 224 of 2017 (Intro 1436-A), effective December 1, 2017. Requires DOB to report on site safety managers and coordinators.

Local Law 205 of 2017 (Intro 1437-A), effective June 1, 2018. The bill increases civil penalties for construction sites with an excessive number of immediately hazardous and major violations.

Local Law 3 of 2017 (Intro 443-A), effective December 1, 2017. Imposes a general 25 age limit on cranes.

Local Law 206 of 2017 (Intro 1444-A), effective May 17, 2018. The bill institutes the requirement that workers at a construction site receive site-specific safety orientations.

Local Law 80 of 2017 (Intro 1446-A), effective November 11, 2017. The bill institutes licensing requirements for complex crane operators.

Local Law 81 of 2017 (Intro 1448-A), effective November 10, 2017. The bill requires site safety plans and safety personnel on certain sites.


Local Law 14 of 2017 (Intro 1431-A), effective immediately. Outlines the qualifications and duties for registered lift directors.
Local Law 70 of 2018 (Intro 1419-A), effective June 2018. Increased civil penalties for immediately hazardous violations resulting in serious physical injury or fatality up to $500,000.

Flexible Work Arrangements

Local Law 69 of 2018 (Intro 1399-A), effective June 2018. Establishes a right for employees to seek flexible work arrangements and a “right to receive” flexible work arrangements in certain emergency situations exempting employees covered under a collective bargaining agreement with a waiver. Flexible work schedules are not applicable to the construction industry. It creates a potentially hazardous situation for the rest of the work crew.

Residential Buildings

MINIMUM INDOOR TEMPERATURES

Local Law 86 of 2017 (Intro 722-A), effective October 1, 2017. Raises the minimum nighttime indoor temperature that must be provided to residential tenants during the heat season (October 1 – May 31) from 55 degrees to 62 degrees and sets a new minimum indoor temperature of at least 68 degrees from 6 a.m. to 10 p.m. whenever outdoor temperatures fall below 55 degrees.

SMOKING BILLS

Local Law 141 of 2017 (Intro 484-A), effective 2/24/2018. Expands current mandate of the Smoke Free Air Act, which prohibits smoking, to include common areas of multi-family dwellings fewer containing fewer than 10 units.

Local Law 147 of 2017 (Intro 1585-A), effective 8/28/2018. Requires Class A multiple dwellings (includes rental, co-op, and condominium apartment buildings) to create and disclose of smoking policies. Owners would be required to provide this policy annually to tenants and incorporate the policy into rental, lease and purchase agreements, and bylaws/house rules if applicable and must publicly display within building.

BEDBUG REPORTING BILL


GAS PIPING BILLS (passed in 2016, but implemented in 2017)

Local Law 153 of 2016 (Intro 1090-A), effective 10/18/17. Requires owners of multiple dwellings, in addition to owners of 1-2 family homes to post an emergency checklist containing suggested next steps for suspected gas leaks. The sign must be prominently displayed and must be provided at the time of a lease signing.
MOLD & ALLERGEN BILLS

Local Law 55 of 2018 (Intro 385-C), effective January 2019. Requires owners to perform annual visual inspections to remediate and correct for any underlying defect or condition which could give rise to allergens originating from pests or from mold in areas smaller than 10 square feet. Owners are expected to keep premises free from any and all unwanted pests, which include ants, houseflies, and bedbugs, among others, and they are permitted to move furniture or other obstructions in order to fully comply. Owners is also required to notify tenants of responsibility to investigate.

Local Law 61 of 2018 (Intro 978-D), effective January 1, 2019. Requires licensing pursuant to Article 32 of the New York State Labor Law to assess, remediate, and abate for mold incidents larger than 10 square feet. The bill applies to residential buildings containing 10 or more units or commercial buildings larger than 25,000 square feet. In a reversal of the State’s explicit provisions, the Council’s bill forbids owners or their direct employees from performing this kind of work.

TENANT HARASSMENT & TENANT SAFETY BILLS

Local Law 136 of 2017 (Intro 214-B), effective immediately. Provides access to legal representation for low-income tenants facing eviction.

Local Law 24 of 2018 (Intro 1721-A), effective June 31, 2018. Amends the definition of harassment to include omissions relating to repeated and uncorrected violations of hazardous or immediately hazardous violations.

Local Law 148 of 2017 (Intro 347-B), effective November 30, 2017. Allows New York City Civil Court to award any or all of the following resulting from an owner’s breach of duty to refrain from tenant harassment actions:

(i) Statutory damages;
(ii) compensatory and punitive damages; and
(iii) attorneys' fees and costs.

Damages may not exceed the civil penalty against the owner or $1,000, whichever is greater.

Local Law 162 of 2017 (Intro 1530-A), effective December 30, 2017. Creates a presumption of guilt upon the landlord in tenant harassment claim.

Local Law 1 of 2018 (Intro 152-C), effective September 31, 2017. Creates a Certificate of No Harassment (CONH) Pilot Program that would apply to 11 Community Boards throughout the city (three in Manhattan and the Bronx, four in Brooklyn and one in Queens) where tenant harassment is more likely to occur (based on “building qualification index”). Buildings within these designated areas that are identified by the building qualification index would need to receive a CONH before they could receive a building permit for substantial renovation or demolition. Other areas to be covered by the pilot program are areas subject to a city-sponsored neighborhood rezoning. The pilot program is for three years.

Local law 149 of 2017 (Intro 918-A), effective December 30, 2017. Allows DOB to audit 25% of applications for rent-regulated buildings, affordable housing projects or multiple dwellings in relation to
certified applications for construction document approval and final inspections of permitted work. The bill also prohibits applications from buildings with a finding of harassment.

Local Law 150 of 2017 (Intro. 924-A), December 30, 2017. Requires DOB to include a date by which an owner must certify the correction of any violations for issued vacate orders.

Local Law 151 of 2017 (Intro 926-A), December 30, 2017. The bill creates a new task force comprised of members from DOB, HPD, DHMH, DEP, City Council and the Mayor to evaluate and make recommendations on issues tenants face during construction and renovation in residential buildings.

Local Law 152 of 2017 (Intro 930-A), effective May 1, 2019. Expands the definition of a distressed building to include structures subject to foreclosure by action in rem.

Local Law 153 of 2017 (Intro 931-B), effective December 30, 2017. Allows tax liens to be issued against owners with unpaid ECB violations, which would subject the building to be foreclosed if the judgment remains unpaid.

Local Law 155 of 2017. (Intro 938-A), effective December 30, 2017. Requires increased oversight of construction contractors who have engaged in work without a required permit.

Local Law 156 of 2017 (Intro 939-A), effective December 30, 2017. Increases the penalties for work without a permit for 1-2 family homes and multiple dwellings.

Local Law 157 of 2017 (Intro 940-A), effective December 30, 2017. Increases the minimum penalty for a violation of a stop work order.

Local Law 158 of 2017 (Intro 944-A), effective August 30, 2018. Imposes additional penalties for performing construction work without a permit and increased oversight for buildings where such work has been performed. The law also requires owners to post the occupancy status and whether it will be occupied during performed construction work.

Local Law 159 of 2017 (Intro 960-A), effective December 30, 2017. Requires that a “Safe Construction Bill of Rights” notice be posted or distributed to every unit where permitted work not constituting minor alteration work or ordinary repairs is being performed.

Local Law 160 of 2017 (Intro 1133-A), effective December 30, 2017. Authorizes DOB to deny building permits where outstanding charges are owed to the city (aggregate of $25,000 or more).

Local Law 161 of 2017 (Intro 1523-A), effective December 30, 2017. Creates an office of the tenant advocate within DOB.

Local Law 163 of 2017 (Intro 1548-A), effective December 30, 2017. Amends the definition of harassment to include repeatedly contacting or visiting a tenant at unusual hours, which is defined as other than the hours between 9 a.m. and 5 p.m.

Local Law 164 of 2017 (Intro 1549-A), effective December 30, 2017. Classifies repeated acts of interruptions or discontinuances of essential services as harassment.

Local Law 184 of 2017 (Intro 1550-A), effective February 8, 2017. Makes NYC’s tenant harassment laws applicable to private dwellings.
Local Law 165 of 2017 (Intro 1556-A), effective December 30, 2017. Increases the penalties for tenant harassment violations to $2,000.

Local Law 24 of 2018 (Intro No. 1721-A), effective April 31, 2018. Expands the definition of harassment to include failure to correct hazardous and immediately hazardous violations of the building code and falsely certifying corrected violations.

WATCH LISTS

Local Law 62 of 2018 (Intro 1009-A), effective September 2018. The bill tasks HPD with creating an online portfolio report of registered property owners their outstanding violations, and any harassment findings.

Local Law 64 of 2018 (Intro 1015-A), effective immediately. The bill requires HPD to create an online housing portal of affordable units and would require owners to report on to HPD, such as the number of affordable units and the maximum lawful rent. The bill also fines owners for failure to report.

Local Law 7 of 2018 (Intro 1210-A), effective immediately. Requires HPD to create a watch list of affordable housing units where tenants are at risk of losing the unit. Uses a “capitalization” rate to make the determination.