



Council of New York Cooperatives & Condominiums

INFORMATION, EDUCATION AND ADVOCACY

850 7th Avenue • Suite 1103 • New York, NY 10019-5230

The Council of New York Cooperatives & Condominiums (CNYC Inc.) is a membership organization providing information, education and advocacy for housing cooperatives and condominiums located throughout the five boroughs of New York City and beyond. More than 170,000 New York families make their homes in CNYC member buildings, which span the full economic spectrum from very modest income-restricted housing to solid middle class apartment complexes to upscale dwellings. All will be subject to the proposed parapet inspection rule.

We agree with the basic premise stated in Local Law 126 of 2021. All parapet walls in New York City should be observed regularly. Any defects should be promptly repaired. Appropriate sidewalk/street protection should be installed to protect people from hazardous conditions. We also appreciate the apparent effort to design rules that facilitate the ability of buildings to comply with the inspection regulations as easily and cost effectively as possible. However, the proposed rules still raise several questions and concerns, and we respectfully request the following:

(1) That the Department of Buildings amend the rules to create different requirements for FISP BUILDINGS and NON-FISP BUILDINGS.

The resources of these building types vary dramatically.

FISP BUILDINGS have been carefully inspected every five years for decades. Specific attention has necessarily been paid to their parapet walls and cornices. It seems unlikely that “safe” buildings would develop unexpected material damage to their parapet walls and/or cornices during the interim years. Further, these buildings have developed relationships with architects and engineers that can act as a resource for the observers.

NON-FISP BUILDINGS will benefit from inspections, but they are already having difficulty finding suitably qualified and insured architects, engineers, and contractors to perform the work they currently need completed. They do not have the same personnel or monetary resources as FISP BUILDINGS. NON-FISP BUILDINGS under 30 units will require careful and persistent outreach and guidelines to ensure that they are able to comply.

(2) That the Department of Buildings add “an inspector working for a state-authorized insurance company” and “a state-authorized building inspector” to their list of people “qualified to inspect parapets” for all buildings subject to the regulation.

CNYC appreciates the efforts the Department of Buildings has made to mitigate the expense and difficulty of performing these inspections by offering a range of qualified individuals, including handy persons, superintendents, bricklayers, masons, and construction companies. While an inspection by a building’s handy person and/or superintendent may make sense in a FISP BUILDING where there is access to an architect/engineer if questions arise, similar fail-safes do not exist for smaller NON-FISP BUILDINGS, who may not even have a superintendent or handy person on payroll.

Further, all buildings will be concerned that the existing relationships between the building and the suggested inspectors, namely handy persons, building superintendents, bricklayers, masons, and construction companies, could result in insurance repercussions and/or conflicts of interest. In the interest of maintaining a method for buildings to perform the inspections easily and at a reasonable fee, CNYC recommends adding (a) “an inspector working for a state-authorized insurance company” and (b) “a state-authorized building inspector” to the list of individuals authorized to perform the inspections.

We feel that this addition will have multiple benefits:

- (a) It will keep the cost of the inspection down
- (b) It will not put an unreasonable burden on an inexperienced handy person or superintendent
- (c) It will not expose buildings to the burden of unnecessary work / scaffolds due to conflict of interest
- (d) It will enable the performance of these inspections to become matter of course, occurring when insurance policies are renewed and/or as part of the regular schedule of P&L insurance carriers; A similar process has been used with great success for annual boiler inspections.
- (e) It will ensure that information regarding the new regulation is widely disseminated; All buildings carry P&L insurance, so if information on the regulation comes directly from carriers it will reach more homeowners.

(3) That Department of Buildings include “board members, directors and officers, and their agents” on their list of people “qualified to inspect parapets” for FISP BUILDINGS.

As previously mentioned, all buildings currently subject to FISP have been carefully inspected. Specific attention has necessarily been paid to parapet walls and cornices. We suggest that the architect/engineer for the FISP inspection provide a specific checklist of recommendations for what the interim annual observations should include and note any changes that might occur over the course of five years. In those buildings, the “observer” could confidently perform the annual observation guided by the checklist in the knowledge they can contact the architect/engineer with any questions before determining an item to be “unsafe” which would trigger the need for sidewalk bridging. This could include any of the persons listed above.

(4) That the Department of Buildings allow NON-FISP BUILDINGS (buildings six stories and less) to perform the required observation of their cornices and street facing parapet walls from the street with binoculars or other optical equipment, such as cameras, that can provide a visual close-up.

CNYC seeks clarification on how street-facing sections of the parapet wall and cornices can be properly inspected from the roof in buildings without fire escapes. We suggest that in buildings with fewer than six stories this issue can be readily addressed by allowing visual inspection with binoculars or cameras with zoom capabilities.

(5) That the Department of Buildings provide a checklist which the qualified inspector of every NON-FISP BUILDING must follow in performing the annual inspection.

This clear guideline will greatly facilitate and focus the task of the inspector.

(6) That the Department of Buildings provide outreach and education for NON-FISP BUILDINGS with fewer than thirty units.

While outreach and education will be important in making all subject buildings

aware of this inspection requirement, CNYC believes extra effort should focus on very small buildings that may not have the benefit of any professional help in operating their buildings.

We feel that the publication of a document like the “FAÇADE CONDITIONS: An Illustrated Glossary of Visual Symptoms” published by the Department of Buildings and edited by Dan Eschenasy, PE, would be useful for those conducting the inspections, and for the Board Members / Building Owners that need to sign-off on and retain the reports. Coupled with the Department of Buildings checklist we have suggested above, this will help remove ambiguity and will assist inspectors that are not architects or engineers as buildings attempt to comply with the intent of this provision.

To summarize, CNYC proposes the following:

- (1) Adding two categories to the list of persons qualified to perform the annual parapet inspection for all buildings: (a) “an inspector working for a state-authorized insurance company” and (b) “a state-authorized building inspector”
- (2) Adding the above two categories and three additional categories of persons qualified to perform the annual parapet inspection for FISP cooperative/condominium buildings: (c) “a board member”, (d) “a director or officer”, and (e) “an agent of the board of directors/managers”
- (3) Adding the ability of the observer to inspect the street facing parapets and cornices of non-FISP buildings from the street with binoculars or other optical equipment capable of zooming-in sufficiently.
- (4) Providing a checklist of items to inspect and extensive education and outreach for non-FISP buildings under 30-units.

Finally, we respectfully suggest that the July 1, 2023 start date for annual parapet inspections be postponed until at least three months after the final rule is promulgated.

Thank you for this opportunity to express our views.