



## BUILDINGS BULLETIN 2020-006

### Operational

**Supersedes:** Buildings Bulletin 2020-004

**Issuer:** Gus Sirakis, P.E.  
First Deputy Commissioner

**Issuance Date:** April 21, 2020

**Purpose:** This bulletin provides updated guidance to owners and contractors regarding how to secure their construction and demolition sites when operations are suspended due to the ongoing COVID-19 public health emergency

**Related Code/Zoning Section(s):** AC 28-103.8      BC 3301.2  
AC 28-201.1      BC 3301.5

New York State Gubernatorial Emergency Order 202.6 and subsequent orders and related Empire State Development Corporation guidelines

New York City Mayoral Emergency Order 103 and subsequent mayoral emergency orders

**Subject(s):** Suspended work, interrupted work, COVID-19, New York State Gubernatorial Emergency Order 202.6, New York City Mayoral Emergency Order 103, securing construction or demolition site, site maintenance

## I. BACKGROUND & APPLICABILITY

This bulletin provides guidance to owners and contractors regarding how to secure their construction and demolition sites when operations are suspended pursuant to New York State Gubernatorial Emergency Order 202.6 and subsequent orders and related Empire State Development Corporation guidelines, New York City Mayoral Emergency Order 103 and subsequent mayoral emergency orders, or as otherwise warranted due to the ongoing COVID-19 public health emergency.

This bulletin updates and supersedes Buildings Bulletin 2020-004, as follows:

- Updated permit and insurance requirements in Section II to reflect Mayoral Emergency Executive Order 107
- Included penalty information in Section VIII

## II. PERMITS & INSURANCE

Permits already in effect, including but not limited to DOB, DOT, and FDNY permits, shall remain in effect until the end of the term for which they were issued. In accordance with Mayoral Emergency

Executive Order 107 and subsequent orders, permits that would have expired during the state of emergency have been extended for the duration of the state of emergency. While the expiration date of the permits has been extended, valid insurance required by law or rule is still required and no work shall be performed without updated insurance under these extended permits.

In order to avoid any disruptions in operations, insurance is required to be maintained active, and applicants are encouraged to renew permits via the Department's electronic process in a timely manner. When applying for the renewal of permits all applicable fees shall apply.

Permits are not automatically vested with respect to any other applicable law including, but not limited to, regulations governing zoning and special flood hazard areas.

### **III. SECURING & MAINTAINING THE SITE**

The owner of any site, subject to the provisions of this bulletin, is responsible for ensuring the site is secured and maintained in such a manner as to safeguard the public and property throughout the duration of time operations are suspended. At a minimum, this includes the following:

1. Weekly (minimum) safety inspections shall be performed by the owner or his/her designee to ensure the construction or demolition site is safe and in continued compliance with these requirements and all other applicable laws and regulations. In addition to the minimum weekly inspection, an inspection shall be made the day of and following severe weather, such as unusually high winds or heavy rain or snow. Where the site is subject to the training provisions of Section 3321 of the Building Code, these safety inspections shall be performed by an individual who possesses a Site Safety Training (SST) Supervisor Card. The Department shall be immediately notified of any unsafe conditions.
2. Reports of all safety inspections described in item #1 above shall be prepared, signed, and dated by the individual who performed the inspection and shall be kept at the site available for inspection by the commissioner upon request. In addition, for a site that required a site safety manager, site safety coordinator, or construction superintendent and had not yet been released from such requirement by the Department, a weekly certification shall be made to the Department electronically in a form and manner acceptable to the Department.
3. All utilities essential to site maintenance shall be maintained (for example, electrical service needed to power sidewalk shed lighting). Where freezing conditions are encountered utilities shall be safeguarded against freezing conditions.
4. Temporary Certificates of Occupancy, if issued, shall be kept current and renewed as required. Any requirements imposed as a condition of the issuance of the Temporary Certificate of Occupancy shall continue to be met.
5. The site shall be kept free of garbage, construction and demolition debris, excess vegetation, and standing water.
6. All construction and demolition materials shall be safely stored.
7. The site shall be safeguarded against high wind events and additional safeguards shall be implemented as forecasts warrant. All light-weight materials susceptible to becoming wind-borne shall be removed from the site, tied down, or ballasted. All equipment and temporary construction installations shall be properly secured. See **Buildings Bulletin 2015-029** for additional information.
8. Fencing shall be provided and maintained around the site as required by Section 3307.7 of the Building Code.

9. Public sidewalks and walkways shall be maintained in a safe condition in accordance with Section 3303.4 of the Building Code and Department of Transportation (DOT) regulations, free of ice, snow, grease, debris, tripping hazards, etc. Required illumination shall be maintained for all public sidewalk and walkways.
10. Perimeter security shall be maintained, to the extent feasible, so as to discourage illegal dumping. Illegal dumping on the construction site shall be promptly reported to the Department of Sanitation for enforcement action.
11. All formwork and re-shores shall be removed, provided concrete has reached its design strength. If re-shores are to remain, they shall be periodically checked during weekly safety inspections to make certain they are snug. Perimeter re-shores shall be tied back as required by Section 3305.3.6.1.2 of the Building Code.
12. All required construction signs shall be maintained at the site.
13. All protective measures on site, including but not limited to guardrails, netting systems, cocoon systems, adjoining property protection, floor and safety openings, and sidewalk sheds shall be safely secured and maintained at the site.
14. Scaffolding shall be safely secured and maintained at the site. Loose scaffold planking shall be removed or properly fastened. Scaffold tiebacks shall be maintained and inspected for signs failure.
15. All required temporary or permanent egress shall be maintained clear and unobstructed.
16. All required temporary or permanent exit signs and exit illumination shall be maintained.
17. All required fire suppression (standpipe, sprinkler) and fire detection equipment (smoke, carbon monoxide, fire) shall be maintained. Fire Department hose connections shall be illuminated and identified, as required under Section 3303.8 of the Building Code.
18. Required hoists or elevators for use of the Fire Department shall be maintained for structures in excess of 75 feet and readily accessible to Fire Department personnel. Any hoist, whether required as an "elevator-in-readiness" or not, shall be properly maintained and tested every month to ensure it is operational.
19. Any crane that is inactive and that will remain onsite shall be stored in accordance with the manufacturer's recommendations and the approved CN drawings. Periodic inspections and maintenance of cranes shall be performed in accordance with 1 RCNY 3319-01(k)(3)&(4), 1 RCNY 3319-01(l), and manufacturer specifications. In addition, the certificate of operation and certificate of on-site inspection shall be maintained in a valid and current status while the crane is on-site. Where a crane is inactive for a period greater than 30 days and the contractor/equipment user is non-responsive, the crane's owner shall be responsible for maintaining the crane and keeping all crane permits valid. All maintenance performed shall be documented in the crane maintenance logbook.
20. All other construction equipment shall be safely stored and maintained in accordance with manufacturer recommendations.
21. Required watchpersons shall be maintained at all times where required by Section 3303.3 of the Building Code.
22. Rodent control plan shall be implemented.

## **IV. SPECIAL REQUIREMENTS FOR OPERATIONS SUSPENDED IN EXCAVATION/FOUNDATION PHASE.**

All excavation/foundation sites shall comply at a minimum with the following:

1. Un-shored earth cuts shall be sloped or benched to an effective stable angle of repose of 45 degrees (33 degrees in loose or sandy soil) or flatter and stabilized to prevent erosion. Maintenance of angles steeper than 45 degrees (33 degrees in loose or sandy soil) or adjacent to existing buildings or public ways will not be permitted without a geotechnical report submitted to the Department within 48 hours of the suspension of work by licensed professional engineer verifying stability of soil at proposed angle.
2. Soil shall be sloped away from adjoining structures, lots, and public sidewalk, for proper drainage.
3. Support of excavation (SOE) shoring shall be inspected within 48 hours of the suspension of work by a licensed professional engineer for conformance to and completeness in accordance with design. All elements of installed SOE shall be completed such as tiebacks, rakers, footing blocks, whalers. SOE shall also be inspected weekly (minimum), as well as after heavy rain events, by a licensed professional engineer to ensure sustained stability. Lagging boards shall be also be inspected against soil loss.
4. Underpinning shall be inspected within 48 hours of the suspension of work by a licensed professional engineer for conformance to and completeness in accordance with the approved design. All excavated underpinning piers shall be concreted, and load transferred to the pier. Unless underpinning is braced by rakers or tie backs, fill shall be placed against all exposed underpinning, to prevent lateral displacement. Underpinning shall also be inspected weekly (minimum), as well as after heavy rain events, by a licensed professional engineer to ensure sustained stability of underpinning and of structure that was underpinned.
5. Excavations/Foundations shall be maintained dry. Where pumping operations were employed a licensed engineer shall evaluate foundation uplift and waterproofing prior to authorizing cessation of pumping operations. Note: Department of Environmental Protection (DEP) permits are required for pumping into city wastewater removal systems and Department of Environmental Conservation (DEC) permits are required for pumping into natural water bodies.
6. All foundations and walls exposed as a result of excavation or demolition operations shall be weatherproofed.
7. All emergency egress shall be maintained, including ladders, scaffold stairs, graded ramps.
8. All heavy construction equipment and storage (trailers, shipping containers, excavators, backhoes, etc.) shall be removed from the site or relocated back from edge of excavation a distance equal to 1½ depth of excavation, unless engineer of record certifies that SOE shoring is designed for the surcharge load from equipment.

## **V. SPECIAL PROVISIONS FOR SUSPENDED SITES IN EXISTING BUILDINGS**

1. The requirements of all tenant and occupant protection plans shall remain in place throughout the term of suspension of construction activity. Weekly (minimum) inspections shall be performed by the owner or his/her designee to ensure the construction or demolition site is safe and in continued compliance with these requirements and all other applicable laws and regulations. Where the site is subject to the training provisions of Section 3321 of the Building Code, these safety inspections shall be performed by an individual who possesses a Site Safety Training (SST) Supervisor Card. The Department shall be immediately notified of any unsafe conditions.

2. Reports of all inspections described in item #1 above shall be prepared, signed, and dated by the individual who performed the inspection and shall be kept at the site available for inspection by the commissioner upon request.

## **VI. ADDITIONAL MEASURES MAY BE ORDERED**

The Commissioner may require additional measures to ensure sites are maintained safely based on site-specific conditions. Any construction or demolition site where operations have been suspended and site conditions have become hazardous may be declared an “unsafe building” pursuant to 28-216.1. When so declared, the Department may seek remedies provided for under the Code, including demolition and grading of lot.

## **VII. HEALTH PRECAUTIONS**

Where personnel are at the site to perform necessary inspections and maintenance, all applicable guidance from local, state, and federal health officials shall be followed to the extent practical.

## **VIII. VIOLATIONS**

Failure to follow the requirements of this bulletin, including reporting, may be subject to violations.