

HABITAT

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Tough New Facade-Inspection Rules Kick In Today

By Frank Scanlon

Major changes go into effect today with the city's Facade Inspection and Safety Program (FISP), on the eve of Cycle 9, which begins on Friday, Feb. 21. Co-op and condo boards should get ready for stricter rules, stiffer penalties – and a rise in the cost of the inspections and repairs that must be undertaken every five years in buildings taller than six stories, under a program previously known as Local Law 11, and originally as Local Law 10.

The new rules can be viewed [here](#). Among the major changes:

Scaffold Drops. Close-up physical examinations of exterior walls must now be conducted at intervals of 60 feet along the length of a structure. That means one scaffold drop every 60 feet. The new rule explicitly states that drones, high-resolution photographs or other similar methods of assessing exterior wall conditions do not circumvent the mandate for close-up inspections.

Inspector Qualifications. Facade inspections must be conducted by a Qualified Exterior Wall Inspector (QEWI), a registered design professional with at least seven years of relevant experience with facades over six stories. Under the old rules, a QEWI needed just one year of relevant experience. This may affect the availability of qualified inspectors.

Cavity-Wall Probes. On buildings with a brick skin connected to a backup masonry wall – a system known as a cavity wall – inspectors must probe the brick skin at least once per scaffold drop. The QEWI must ensure that each probe has an adequate size and distribution that allows the professional to examine and document the presence – and proper spacing – of a functioning wall-tie system. The QEWI must also assess the condition of other wall components to ensure they are in good working order. Inspectors must supply photographic evidence of wall tie conditions and placement, as well as date-stamped photos showing professionals performing inspections on scaffolds – a measure to guard against false filings. Probes opened 40 feet above street level or higher will require owners to erect protective sidewalk sheds.

Time for Repairs. Unsafe conditions must now be repaired within one year of the inspection date. Owners will have to submit repair-by date information for unsafe conditions and for less severe Safe with a Repair and Maintenance Program (SWARMP) conditions. Inspectors must submit photographic evidence of all SWARMP or unsafe conditions – with each one mapped on facade drawings, instead of just representative samples.

Stiffer Penalties. Failure to correct unsafe conditions in a timely fashion will trigger increased penalties unless owners file for, and obtain, Department of Buildings-approved time extensions. These new penalties rise on an annual scale, with base penalties for each year set at \$1,000 a month, but with the second year adding a \$10 per linear foot of sidewalk shed

charged monthly, the third year increasing that to \$20 per linear foot, and \$10 per linear foot increases for the fourth and fifth years of the cycle.

There will be a \$2,000 penalty for building owners who reported a SWARMP condition during a previous FISP cycle – and then refile that same item as unsafe in the current cycle. This is a new penalty. The penalty for failure to file the initial inspection has jumped from \$1,000 to \$5,000 per year. Similarly, the penalty for filing the initial report late has increased from \$250 to \$1,000 per month – with the fine starting on the day following the filing deadline.

Posting of Certificates. Building owners must post and maintain a DOB-produced “Conditions Certificate” regarding facade status in a building’s lobby or vestibule within 30 days of issuance. This is similar to elevator-inspection certificates or restaurants’ sanitary letter grades. A poor facade rating may have an adverse effect on the desirability of individual properties.

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