

Expanded Façade Inspection Requirements

Effective February 20, 2020, the New York City Department of Buildings (DOB) expanded the requirements of its Façade Inspection and Safety Program (FISP), known previously as Local Law 11. Cooperative and Condominium Boards should be prepared for increased costs, stricter penalties, and more rigid rules in connection with FISP. Under FISP, every five years, a Qualified Exterior Wall Inspector (QEWI) must inspect façades of more than six stories and submit a report to the DOB summarizing the building's conditions.

The new rules can be viewed [here](#). The most significant changes to FISP include the following.

New and Increased Penalties

The penalty for failure to file the required conditions report with the DOB is increasing from \$1,000 to \$5,000, and the monthly penalty for late filing has jumped from \$250 per month to \$1,000 per month. In addition, penalties will now be assessed for failing to correct an unsafe condition unless a building obtains a DOB approved extension. These new penalties will start at a base of \$1,000 per month for the first year and escalate each subsequent year on a monthly basis. If a building has a "safe with a repair and maintenance program" (SWARMP) condition reported in the previous report filing cycle, and then files the same item as unsafe in the next reporting cycle, it will be liable for a penalty of \$2,000.

Increased Qualifications of Inspectors

Increased experience and responsibilities are now required of the QEWI. A QEWI must now be registered as a design professional with at least seven years of relevant experience, as opposed to the previous requirement of one year experience. This change means that there will be less availability of QEWIs, which we anticipate will lead to increases in their rates.

Close-up Physical Inspections

Close-up inspections of the exterior walls are now required to be performed on the exterior wall fronting each public right-of-way at intervals of not more than 60 feet. Because the new rules explicitly state that the use of drones, high resolution photography, non-destructive testing, or other similar methods are not permitted to replace these physical examinations, more scaffolding drops will be required. This requirement will ultimately increase the costs of inspections.

Probes for Cavity Wall Construction

Probing is now required for cavity wall construction. A building with a cavity wall construction has an exterior wall system consisting of an exterior veneer (i.e., brick masonry) connected to a backup wall that is supported by a grid of metal ties for lateral stability. Under the new rules, the QEWI must probe a cavity wall construction building at each 60-foot scaffolding drop to ensure that the wall-tie system is present and in good condition. Additional probing means additional costs.

Posting of Conditions Certificate

A building is now required to post a DOB conditions certificate in a frame with a transparent cover in its lobby or vestibule within 30 days of the certificate's issuance. The certificate must indicate the most recent condition of the building's exterior walls and appurtenances. This new requirement will likely affect marketability of individual units located in a building that has a poor exterior wall conditions ratings.



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