



## COVID-19 UPDATES – July 06, 2020

### How to Apply for a DEP Water Meter Permit of Break Seal Permit Online

[Click here for more information.](#)

#### **Message from the Executive Board:**

It took a while for this to happen, but the DEP Committee has come through and worked with the DEP to provide the industry with online meter and break seal permits. We would like to give special thanks to Patricia Brady for her persistence in getting this done. There is still one missing piece to the puzzle and that is returning the completed permits. We hope to have an answer to that by the end of this week.

### NYC Department of Buildings Reopening Guidance – NYC Construction Activity

#### **Message from the Executive Board:**

Over the past couple of weeks, most members have received an email from the DOB stating they went to your job and were not in compliance. We will be addressing the potential items that you may be violated for and will keep membership updated as soon as we receive a response from the DOB regarding this. If you have not fully addressed all of these requirements, you may want to consider closing for a few days until you get everything in order.

Below is a sample checklist. Please note that this was an existing building and the contractor has not yet started the job. Whose employees did the inspector look for?

Phase One Reopening Compliance Checklist	Compliant
* COVID-19 Safety Plan on-site?	No
* Affirmation to the State- DOH Safety Guidance on-site?	Yes
* Are hand washing station available, or hand sanitizer, or facilities available on-site?	Yes
Signage with reduced capacity by 50% of the Elevator or Hoist posted on each landing?	No
Confined space in use at no greater than 50%?	Yes
Cleaning Log on-site?	No
COVID-19 Communication Plan on-site?	No
Contact Log maintained and on-site?	No



DOH COVID-19 Guidance Signage posted throughout the site?	No
Designated COVID-19 site safety monitor?	No
Workers wearing face-coverings - 6 feet requirement?	Yes
Social distancing being maintained, 6 ft apart?	Yes

***\* Non-compliance with checklist item (on/after July 8th, 2020) will lead to Stop Work Order being issued.***

As New York City continues to re-open, the resumption of all permitted construction work can be seen across every corner of our City. In response, on Monday, June 8<sup>th</sup>, Department of Buildings (DOB) Inspectors began a citywide inspection sweep of every permitted site to verify compliance with State and City Phase 1 restart requirements.

Throughout the course of June we will continue to visit permitted work sites. For this month, there are no monetary penalties associated with our Phase 1 restart enforcement actions, but **effective July 8<sup>th</sup>, 2020** sites found out of compliance will be subjected to violations that carry financial penalties of \$5,000 per violation with the potential for a Stop Work Order. Continued noncompliance may result in additional summonses with accompanying civil penalties of up to \$10,000 for each offense. To reiterate, if during DOB's sweep, **any Construction Code and Electrical Code** non-compliances are observed, Inspectors will take appropriate enforcement actions, including the potential issuance of violations with monetary penalties.

**To be clear, if a single Phase 1 restart violating condition is observed on your site on or after July 8<sup>th</sup>, 2020 – your site will be assessed a violation that carries a financial penalty of \$5,000. If your site does not have a [Safety Plan](#) and [State Affirmation](#) conspicuously posted and/or is lacking proper hand hygiene stations, your site will be issued a Stop Work Order in addition to the financial penalty. Stop Work Orders will also be issued if five or more violating conditions are observed on your site.**

To understand what is expected of your site, please refer to the [Interim Guidance for Construction Activities During the COVID-19 Public Health Emergency](#), our [“Do’s and Don’ts” Document](#), and our [“What To Know” One-Pager](#).

For additional information on the Phase 1 re-opening, please visit [nyc.gov/buildings](https://nyc.gov/buildings). On our Phase-1 re-opening [webpage](#), you will find resources including [DOB’s Phase 1 Re-Opening Guidance](#), [FAQs](#), and the [State’s Interim Guidelines](#). **If you have any questions, please reach out via email to [COVID19@buildings.nyc.gov](mailto:COVID19@buildings.nyc.gov).**



## **CREATING A SAFER NYC: DOB ANNOUNCES BUILDING CODE INNOVATION CHALLENGE**

**For Immediate Release:** June 29, 2020 | **Contact:** [dobcommunications@buildings.nyc.gov](mailto:dobcommunications@buildings.nyc.gov), (212) 393-2126

*Innovators are Invited to Submit Ideas to Improve NYC's Building Design Code; Finalists Will Present at DOB's Build Safe/Live Safe Conference in September*

**New York, NY** – The Department of Buildings today announced the launch of the first-ever “*Hack the Building Code*” Innovation Challenge. The contest is part of a partnership with NYC Economic Development Corporation’s Urban Tech Hub. The agency invites ideas on the best ways to improve the city’s 1.1 million buildings, keep construction workers and the public safe, and modernize the construction process. The winner of this innovation challenge will be supported for inclusion in the 2020 NYC Building Code, agency Buildings Bulletin, or industry best practices guidelines. They will also be featured in upcoming DOB industry seminars and events highlighting how NYC’s Building Code keeps every New Yorker safe.

[All entries can be submitted online by August 21, 2020.](#)

“New York is a city built on innovation and creativity, and this challenge allows us to strengthen our mission to create safe neighborhoods by looking directly to our friends and neighbors,” said **Department of Buildings Commissioner Melanie E. La Rocca**. “We are always looking to further improve and modernize our Building Code to meet new challenges and keep New Yorkers safe.”

The “*Hack the Building Code*” Innovation Challenge is seeking proposals on:

- Improving worker safety
- Identifying new regulations that would foster innovation or new technology, plus finding outdated regulations that are impeding innovation
- Minimizing the effects of construction (ex: noise, dust, vibrations)
- Creating innovative fire-resistant and construction techniques
- Designing new fire resistant materials
- Innovating façade inspections and repairs
- Developing adaptive architecture
- Facilitating design-build collaborations
- Creating new takes on business processes to improve customer experience and become more efficient
- Incorporating Building Information Modeling (BIM), digitizing the workplace and other design innovations
- Developing safe work practices to continue preventing the spread of COVID-19

This competition will be led by DOB and the Code Innovation Committee, comprised of representatives from the construction, design and real estate industries. Finalists will be selected after review by the committee, and will present their proposals at DOB’s Build Safe/Live Safe Conference on September 25, 2020.

[Click here to continue reading this press release.](#)



## **Scaffold Law Reform Coalition and the New York City Special Riggers Association Request Moratorium on Scaffold Law as State Strives to Reopen**

The New York Real Estate Journal posted, "With the renewal of construction activity across the state, the Scaffold Law Reform Coalition (SLRC) and the New York City Special Riggers Association (NYCSRA) have sent an appeal to governor Andrew Cuomo asking him to use his executive authority to issue a moratorium on the 'absolute liability' provisions of the 'anachronistic and inequitable' Scaffold Law. This statute, comprised of New York Labor Law sections 240/241 and commonly known as the Scaffold Law, holds contractors and property owners absolutely liable for any elevation-related injuries sustained by a worker, regardless of the worker's gross negligence.

The NYCSRA has been working with the Lawsuit Reform Alliance of NY to support Scaffold Law Reform."

Read more coverage in [Real Estate Weekly](#).

Send a [message](#) to the Governor.

## **Back to Work**

Labor Law Attorney, Daniel D. Schudroff of Jackson Lewis P.C. Daniel conducted the member's only webinar that was held on June 4<sup>th</sup>. The title of the webinar was **Back in the Groove Webinar — Labor and Employment Considerations for the Return to Work**. To view the webinar please [click here](#).

We will be forming a working relationship with Daniel in an attempt to provide members with more information that will help them navigate through the COVID-19 pandemic pandemonium. Areas to be covered are navigating the five areas that NYS mandates us to cover to resume working. Another area will be employee interactions and customer relations.

### **\*MPC DISCLAIMER**

We will be developing a series of questions to present to Daniel and will ask him to provide guidance. The questions shall be much generalized, and the answers will be shared with membership to help members formulate and maintain their own personal safety plans.

It is important to understand that the MPC and Jackson Lewis P.C. will not be providing any specific legal advice for any member's specific questions. The answers are to be used for general informational purposes only and to make you aware of what potential liabilities you may be facing.

We invite members to send questions to: [BackToWork@nycmpc.org](mailto:BackToWork@nycmpc.org)

Questions must be generalized (not specific employees with specific issues). We will review all questions and, if necessary, contact you for clarification.



All the questions and answers will have a disclaimer stating that before you implement any part of a plan or interact with an employee, that you make sure you are handling the situation properly. Some members already have a personal lawyer or even a labor lawyer at their disposal. For those of you that do not, the MPC has negotiated an arrangement whereby MPC members will receive a discounted rate for services from Jackson Lewis P.C. Please contact Daniel for more information.

**Contact Daniel:**

Daniel D. Schudroff, Attorney at Law, Jackson Lewis P.C.

Direct: (212) 545-4015 | Main: (212) 545 4000 | Mobile: (914) 629 6117

[Daniel.Schudroff@jacksonlewis.com](mailto:Daniel.Schudroff@jacksonlewis.com) | [www.jacksonlewis.com](http://www.jacksonlewis.com)

## **DOB NOW Updates - Effective June 29, 2020**

The Department has implemented a number of enhancements that will take effect on June 29th. These include allowing a single After-Hours Variance to be requested for multiple permits, and a number of improvements to the Structural and Elevator Work Types in DOB NOW: Build. The following Service Notices provide additional information.

**Service Notices:****DOB NOW: Build Updates – Elevator**

Effective June 29, 2020, [DOB NOW: Build](#) will be updated with several changes specific to the Elevator (VT) work type. Based on valuable feedback from industry members, we made the [following changes](#).

**DOB NOW: Build – After Hours Variance Updates**

Starting June 29, 2020, Licensees and Registered Contractors can submit a single AHV request in [DOB NOW: Build](#) for multiple permits including both DOB NOW and BIS permits. Visit the [After Hours Variances \(AHV\)](#) page for more information.

**DOB NOW: Build Updates – Structural**

On June 29, 2020, [DOB NOW: Build](#) will be updated with a few changes specific to the Structural (ST) work type. In response to feedback from industry members, the [following changes](#) are being implemented.

All changes are applicable to new ST job filings that are created on or after June 29 or were still in Pre Filing status on June 26. Changes will also apply to PAAs that are in Pre-filing or Objections statuses if the specific fields are editable on the PAA. Visit the [DOB NOW: Build Structural \(ST\) Resources](#) page for more information.

All changes are applicable to new VT job filings (formerly the ELV1) that are created on or after June 29 or were still in Pre Filing status on June 26. Changes will also apply to PAAs that are in Pre-filing or Objections statuses if the specific fields are editable on the PAA. For more on these changes, visit the [DOB NOW: Build Elevator Resources](#) page.



## **Remember Lien Law 3A Payment Obligations with the Shutdown Fading and Construction Projects Resuming**

With the nearly three-month construction work stoppage now in the rearview mirror, owners and contractors need to refocus on funding and payment issues under suspended contracts. A recent article in Construction Dive, a trade publication, noted a 40% increase nationwide in the number of mechanic's lien filings, suggesting that some parties are resorting to legal enforcement measures to address payment shortfalls during the shutdown.

In New York State, Lien Law 3A requires owners and contractors to use construction "trust funds" only for specific purposes related to the improvement of real property. "Trustees" who violate Lien Law 3A face serious consequences, including personal liability. Understanding the framework of Lien Law 3A and what it requires is critical to any construction project. So is knowing how to bring a Lien Law 3A claim, if necessary, and how to defend against such a claim.

Lien Law 3A impacts large and small construction projects. In one recent case in New York City<sup>[1]</sup> involving a \$400,000,000 commercial project, a contractor filed a claim against the property owner and others, in part alleging that the owners were "contractors" subject to Lien Law 3A, and that loan proceeds were "trust funds" which was diverted in violation of the statute. The Court denied the owner's motion to dismiss when it held that the claim sufficiently alleged the owner was effectively a contractor when it took on certain construction management duties, and that the loan proceeds received by the owner which were deposited into various accounts were assets subject to Lien Law 3A.

In another recent case, the contractor alleged diversion of a \$50,000 payment made on a single-family home.<sup>[2]</sup> The statute applied equally, reminding us that owners and contractors of all volumes and project sizes should appreciate the importance of Lien Law 3A.

## **Buildings Bulletins**

The Department recently issued the following Buildings Bulletins:

### **[Buildings Bulletin 2020-011](#)**

This bulletin allows building owners and registered design professionals to request Department performance of final inspections for applications related to sidewalk shed (SH), fence (FN), or supported scaffold (SC) permits.

### **[Buildings Bulletin 2020-012](#)**

This bulletin maintains the same clarifications provided by BB 2017-009 for the requirements for standpipe and sprinkler systems in existing buildings undergoing alterations, including compartmentation requirements and FDNY notifications, and only revised the procedures for the FDNY Letter of No Objection

For all published Buildings Bulletins, please [click here](#)



## **How to File a Limited Alteration Application for a PRIMARY Backflow Prevention Project**

**From:** Gathfeny Sanders (Buildings) [<mailto:GSanders@buildings.nyc.gov>]

**Sent:** Thursday, May 28, 2020 12:29 PM

**To:** 'Patricia Brady'

**Subject:** RE: Adm. Corrections Needed

Good Afternoon Patricia,

I hope all is well. We wish to thank the Master Plumbers Council in their efforts to assist with the submissions of primary backflow prevention applications and have reviewed the verbiage submitted. After discussing the matter further with Technical Affairs and Code Development, we only have two changes to the suggested work scope that was provided. Please note that we added 608.1, since it states that Backflow preventer applications shall conform to Table 608.1, except as specifically stated in Sections 608.2 through 608.16.10". Please see the highlights below:

- ***Installation of # of primary devices.***
- ***Size make and model of device (s).***
- ***Install approximately # feet of size & type of water pipe and fittings.***
- ***Describe drainage for the new device. (If applicable)***
- ***Install approximately # feet of size & type of drain pipe and fittings.***
- ***All piping exposed. (If applicable)(This would be required to permit the certification of finish inspection.)***
- ***Installation is located in the \_\_\_\_\_ (Location and floor level of the device).***
- ***Installation in compliance with NYC PC section 608.1***
- ***DEP Approval number***

We greatly appreciate your assistance with this matter and hope that our combined efforts will help streamline the process for the industry and serve as a reference guide for future filings.

Best regards,

Gathfeny Sanders  
Director LAA/Permit Renewal Unit  
280 Broadway 1<sup>st</sup> Floor, New York, NY 10007

### **Message from the DOB Committee:**

This is the third time in the past five years that we needed to address this issue. We exchanged approximately six emails and had one conference call to finally (hopefully) resolve this issue. Please follow the requirements as listed above. If you have any issues, please contact us at [dob@nycmpc.org](mailto:dob@nycmpc.org)





## **T-Mobile for Business – Encore Employee Safety and Wellness Program**

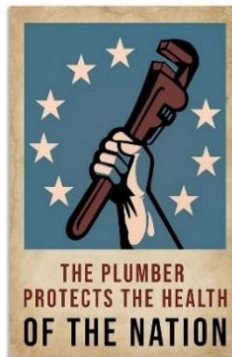
Encore's Employee Safety and Wellness Program was developed to help your business keep you team safe now and in the future. Pre-made forms let you effectively screen your employees for health and wellness, helping your company document necessary equipment checks, remain more compliant with OSHA guidelines, and safely return to normal operations when the time comes.

**Goal:** Ensure the safety of employees and employers with collecting a daily questionnaire

**Solution:**

- User-friendly Mobile App for employees to easily document daily their health status with customized screening questions
- Web-based Admin portal to view all app submissions and to customize the solution:
  - ✓ Paperless – no porous paperwork to collect
  - ✓ Data stored on the Web-based Admin Portal instantly
  - ✓ User-friendly mobile app- works on Android & Apple
  - ✓ Streamlined process

**[Click here for more information!](#)**



**STAY SAFE**