



Deadline Looms on Inspections

The New York Times Real Estate

SUNDAY, NOVEMBER 17, 1996

By JAY ROMANO

Local Law 10, passed in New York City in 1980, requires owners of buildings higher than six stories to inspect them once every five years to insure that the facades are structurally safe. The next deadline is Feb. 21 – and “there’s a lot of last-minute scrambling going on,” and Alan S. Epstein, president of A. Epstein & Associates, a Manhattan engineering consulting company. “It’s shocking, but there are a lot of buildings out there that haven’t even had their inspections done.”

Mr. Epstein said that since the law requires inspection reports for the more than 8,300 six-story-plus buildings in the city to be filed by the same deadline, those who have not already had their inspections completed by a registered architect or professional engineer will face the crunch that typically occurs at the end of the cycle.

Ronnie Arougheti, president of Heron Ltd. A Manhattan Property Management company, said that even those who have already engaged the services of an engineer or architect may find themselves caught up in the rush.

“A lot of boards have been feeling they had a lot of time left,” Ms. Arougheti said, “And now, because so many of the engineers and architects are inundated with work, they’re finding that the February deadline is getting very close very quickly.”

Stephen Varone, director of operations for Rand Engineering, a Manhattan engineering firm, explained that property owners who fail to file the required inspection report by Feb. 21 can be fined or subjected to criminal prosecution by the city.

“Some owners are under the impression that if they filed a report in 1993 or 1994, they have five years from the

For the fourth cycle, however, officials are requiring inspections of buildings with any wall that exceeds six stories.

“There are a lot of buildings in hilly areas of Queens that have six stories in front but seven or eight stories in the back,” Mr. Varone said. “These buildings may now be subject to inspection even though they may not have been inspected in the past.”

In addition, he said, the Department of Buildings has also changed its interpretation of which walls of a building must be inspected. Previously, Mr. Varone said, only facades situated within 25 feet of “pedestrian traffic” had to be inspected.

That was always understood to mean public thoroughfares like sidewalks,” Mr. Varone said.

Now, however, areas like backyards, private gardens, service entrances, alleys and even neighboring rooftops must be considered areas of pedestrian traffic when determining whether adjacent walls are subject to inspection.

That Mr. Varone said means that owners and boards of borderline six-story buildings should determine whether they have to file this year – because one or more walls of the building exceed six stories – even though they never filed before.

Boards and owners should also be aware, Mr. Varone said, that the cost of an inspection this year could be significantly higher than it was for the last cycle if the inspection must now include areas that did not have to be inspected last time around.

And since some of those facades had never been inspected before, he said, the likelihood that they might require repair is greater than for areas that have been regularly inspected.

Mr. Epstein said that while the deadline for filing required reports cannot be extended beyond Feb. 21, the deadline for making repairs can be extended for good cause.

Accordingly, he said, the most important thing for boards and building owners to do now – right now – is hire an architect or engineer who can conduct the inspection and file a report before the deadline.

“People should make sure, particularly now, that the consultant is experienced with Local Law 10,” Mr. Epstein said. “With the time crunch, if someone is doing this for the first time, it’s going to take them an extremely long time to make the inspection, review the old reports, write the new report and file the necessary papers.”

In addition, he said, property owners should be wary about architects or engineers who charge too much or too little for an inspection, and those who won’t readily provide several references to attest to their expertise.

“Don’t be bashful,” Mr. Epstein said, “Ask for references, make sure the person has specific experience with Local Law 10 work in the borough where the building is located, and get three bids if possible. Price gouging is a disgusting thing, but it will go on because of the unusual nature of this deadline.”

Hiring a professional to conduct the inspection, however, is only half the battle. Property owners must also be prepared to deal with the results of the inspection.

Ms. Arougheti explained that even buildings that received a clean bill of health during the last cycle may now require extensive, expensive repairs. “And we’ve been seeing boards having difficulty getting contractors who can make repairs before the cold weather comes,” she said.

Mr. Arougheti said that she has several clients who have been offered “proposals” – instead of formal contracts – by some contractors. C. Jaye Berger, a Manhattan real estate lawyer, said that property owners should insist on a formal contract setting out the specifics of the work to be done and the time in which the work will be completed. Moreover, Ms. Berger said, property owners should make sure that any contractor hired to perform work on a building has liability and workers compensation insurance. References are a must, she said, and the contract should prohibit the use of subcontractors.

If scaffolding or sidewalks bridging is required – as is usually the case – property owners and boards should minimize the impact it will have on residents and commercial tenants – particularly if sidewalk bridging is expected to remain through the holidays. “Keeping an open line of communication with ground-floor store owners,” said Eric Gonchar, a Manhattan lawyer who is a board member at 200 West 79th Street, a 272-unit co-op in the final stages of a \$200,000 pointing and waterproofing project. “Scaffolding and bridges may effect operation of their business.

At the same time, he said, residents should also be advised to keep their windows locked and blinds drawn to insure security while the contractor is working on the building.

report date before another filing is required,” Mr. Varone said, explaining that regardless of when the third cycle report was filed, the fourth cycle report is due by Feb. 21.

In addition, he said, many property owners are unaware of two subtle changes in the law that can have some non-so-subtle effects.

During previous cycles, Mr. Varone said, the law has been interpreted to require the inspection of buildings “greater than six stories” – either as they appear from the street or as indicated on the certificate of occupancy.