



# Building Ownership and Compliance in New York City

Owning a building, especially in New York City, requires a great deal of maintenance. Naturally, an individual will want to make improvements and updates to preserve the value of the building, but taking the appropriate precautions is necessary to ensure the safety of the building's inhabitants and neighbors.

Whether they live in the building or rent it out, building owners in New York City are responsible for following the city codes to ensure the safety of residents and the surrounding areas. Reliable management is essential to keep the building in compliance. Upon the purchase of a building, owners should seek out a qualified, reputable superintendent or management company. For owners who already have management in place, it is important to have regular communication to ensure that protocols are being followed properly. Any delinquency can result in putting residents in danger or accruing fines and penalties from the city. Whether an individual is purchasing a building as an investment, a personal residence, or is already a building owner, some common considerations and requirements to keep in mind for New York City owners include:

**Elevators.** When purchasing a building with an elevator, it is important to get the maintenance history of the elevator. The Department of Buildings (DOB) requires that all elevators in New York City be inspected and have category testing performed annually, and they will send contracted inspectors to perform unannounced inspections. For category testing, building owners need to hire an inspection agency that is licensed by the DOB and must have a contract with an approved elevator maintenance agency. If a test identifies a problem, the owner may receive a "Failure to Maintain" violation. When this occurs, the owner must quickly repair the problem and, if the building is a multiple dwelling, the owner needs to alert residents if an elevator will be out of service. Failure to file an inspection/test report can result in late fees or a "Failure to File" penalty. Adhering to these safety measures is also necessary to help owners mitigate liability if an individual is injured in an elevator.

**Revocable consents.** The NYC DOB has requirements for personal entrance structures that are eligible for a revocable consent, such as stoops, steps, ramps, and vestibules that are on, over or under the inalienable property (such as streets and sidewalks) of New York City. All improvements have specific regulations mandated by the Department of Transportation and various annual fees that are required. If the owner of a building wants to build a structure that extends onto, over, or under a city street or sidewalk, the owner must submit a petition for a revocable consent to the New York City Department of Transportation. If the real estate is within a New York City Historic District or next to a New York City Landmark, the owner will also need approval from the New York City Landmarks Preservation Commission.

**Smoke detectors and carbon monoxide detectors.** Smoke detectors and carbon monoxide detectors must be installed and maintained in compliance with the Building Code. This includes replacing detectors when they reach the end of their useful life. Owners of multiple dwelling buildings are required to provide tenants with a written plan of action if an alarm goes off and information regarding the proper testing and maintenance of all detectors.

Owners are required to keep records regarding the installation and maintenance of smoke detectors and carbon monoxide detectors. This function is often outsourced to a central monitoring company that will maintain the records and keep the system up to code.

**Rooftops.** There are many safety codes regarding rooftops. New York City fire code prohibits open fires—including fire pits, propane gas barbeques, and charcoal barbeques on rooftop terraces. Natural gas barbeques and electric barbeques are allowed, but need to be installed by a New York City LMP (Licensed Master Plumber) or a licensed electrician. The code also has restrictions as to where on the premises one can operate an approved grill. Having a rooftop barbeque also requires a garden hose attached to a water supply or at least one portable fire extinguisher. Rooftops are required to have parapets, railings, or fences that are at least 42 inches tall, and roof drainage must comply with NYC Plumbing Code. Any rooftop garden larger than 250 square feet necessitates a garden hose that is connected to an approved water source. The city also allows solar green roofs, which have vegetation that absorbs rainwater, provides insulation, and helps combat the heat island effect. Building owners that install solar green roofs are eligible for a property tax abatement. There are terms that must be met in order for this to be permissible, such as engaging a professional engineer or registered architect to perform a structural analysis to determine whether the building's support system is adequate. In order to comply with the city's mandates for this implementation, it is advisable to approach this in coordination with an advisor who is familiar with the process.

New York City has many codes in place to assure the safety of city residents. Comparable systems exist in cities and jurisdictions throughout the globe, and building owners must have procedures in place to make sure that their responsibilities are met. As Anchin Private Client acts as a personal CFO, quarterbacking many of these initiatives on behalf of clients, their deep network of contacts and holistic approach to planning can be useful in discussing these and other matters. To discuss specific situations, or for more information, contact your Anchin relationship partner or Jared Feldman, Co-Leader of Anchin Private Client at 212.840.3456 or [info@anchin.com](mailto:info@anchin.com).



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