



FAQs: Essential and Non-Essential Construction In New York City During the Covid-19 New York State Emergency

as of March 31, 2020¹

EMERGENCIES

Q1. If I observe a condition on my site that I deem to be an emergency what should I do?

A1. Address the condition immediately and submit the appropriate application to the Department within two business days of commencement of the emergency work.

LOCAL LAW COMPLIANCE INSPECTIONS & TESTS

Q1. Are local law compliance inspections and tests (elevators, facades, boilers) permissible during this suspension of non-essential construction work?

A1. Yes. Local Law compliance inspections and tests are considered projects necessary to protect the health and safety of occupants.

ELEVATORS

Q1. What elevator work is permissible during this suspension of non-essential construction work?

A1. Only work necessary to maintain safe elevator service is permissible during this suspension of non-essential construction work. This includes in-progress modernization work of currently out of service elevators, and repairs of out of service elevators. This applies to all occupied buildings, regardless of the number of elevators they have.

Q2. Is the installation of door lock monitoring devices permissible during this suspension of non-essential construction work?

A2. Yes, door lock monitoring device installation is necessary to protect the health and safety of occupants.

FAÇADES

Q1. Is façade restoration permissible during this suspension of non-essential construction work?

A1. Only façade restoration work necessary to correct conditions labeled as Unsafe in a Local Law 11 Façade Inspection Report, or necessary to address any condition requiring immediate corrective action that severely affects life, health, safety, property, or significant number of persons can continue during this suspension of non-essential construction work.

As a reminder, there must be appropriate protection (e.g. sidewalk shed) to protect the public.

¹ This FAQ document is provided in conjunction with Governor's Order 202.6 and guidance from ESDC and DOB. It will be updated as appropriate and is subject to change.

PLUMBING, FIRE SUPPRESSION, ELECTRICAL, MECHANICAL (HVAC), & BOILERS

Q1. Can I perform the above work during this suspension of non-essential construction work?

A1. Only if the work is necessary to restore the interruption of essential services, or necessary to address any condition requiring immediate corrective action that severely affects life, health, safety, property, or significant number of persons.

VIOLATIONS

Q1. What is the penalty associated with a violation for performing non-essential work?

A1. Beginning March 31, 2020, violations for performing non-essential construction work will result in a maximum penalty of \$10,000, issued to each permit holder found in violation on the site.

Q2. I am responsible for a large, complex site that will require additional time beyond March 31, 2020 to safely secure. Will I be subject to a violation?

A2. Such work requires approval by the Department. The applicant of record needs to submit an Essential Construction Request at www.nyc.gov/dobnow for the Department's consideration and response. The request must include an explanation as to why additional time is necessary and the amount of additional time requested. If approved, such work can proceed only until it is safe to shutdown the site.

Q3. I need to perform work to correct conditions in response to a Department-issued violation. Can I continue? If not, will I be subject to additional violations for non-compliance?

A3. You can perform work to correct conditions if the work is necessary to address any condition requiring immediate corrective action that severely affects life, health, safety, property, or significant number of persons. Such work requires approval by the Department. The applicant of record needs to submit an Essential Construction Request at www.nyc.gov/dobnow for the Department's consideration and response. The request must include an explanation of the scope of work and what qualifies it to continue. If denied, you will not be subject to additional violations for non-compliance during the duration of this suspension of non-essential work.

Q4. I received a violation for performing non-essential construction work. I believe the work to be essential. How do I contest?

A4. The applicant of record needs to submit an Essential Construction Request at www.nyc.gov/dobnow for the Department's consideration and response. While the Department considers this request, work must be suspended except to secure and maintain the site. The request must include an explanation of the scope of work and why it should be treated as essential. Any supporting documentation should be provided. The Department's decision on your request will inform the resolution of the violation.

SECURING & MAINTAINING SITES

Q1. How should weekly and daily inspection reports by safety professionals be submitted to the Department?

A1. The Department is creating a web portal for these reports to be submitted electronically. Additional guidance is forthcoming.

Q2. Can hoists be used in furtherance of weekly and daily inspections to secure and maintain a site?

A2. Yes, as inspection of the entire site is critical to determine if it is appropriately secured and maintained, the use of hoists is necessary.

Q3. Are daily sidewalk shed inspections required during this suspension of non-essential construction work?

A3. Daily sidewalk shed inspections are only required for sheds in use for essential construction work.

ESSENTIAL CONSTRUCTION REQUESTS

Q1. I'm not sure if my project is essential based on the guidance. What do I do?

A1. The applicant of record needs to submit an Essential Construction Request at www.nyc.gov/dobnow for the Department's consideration and response. While the Department considers this request, work must be suspended except to secure and maintain the site. The request must include an explanation of the scope of work and why it should be treated as essential. Any supporting documentation should be provided.

Q2. Who can submit an Essential Construction Request?

A2. Only the applicant of record (the Registered Design Professional on the PW-1) can submit an Essential Construction Request. Enter BIS job-doc in the format 123456789-01, enter DOB NOW jobs in the format M00000001-I1.

Q3. The Essential Construction Request I submitted at www.nyc.gov/dobnow was denied. Is there an appeals process?

A3. To request an appeal, login at www.nyc.gov/dobnow and from the dashboard, under Filing Actions, select Appeal. Submit and additional documentation required and resubmit the request.

Q4. Is the submission of an Essential Construction Request at www.nyc.gov/dobnow required to continue work during this suspension of non-essential work?

A4. While it is not required it is recommended. Soon the Department will be providing information on sites it deems essential.

MISCELLANEOUS

Q1. I am performing work by myself. Is that permissible?

A1. This work can be performed as long as there is only one worker on the job site.

Q2. My affordable housing project is only partially affordable. Can I continue?

A2. Only affordable housing projects with a minimum of 30% of the units being affordable that are new building construction, or a 100% vacant building conversion can continue during this suspension of non-essential construction.

Q3. Can antenna, construction fencing, cub cut, and sidewalk shed work be performed during this suspension of non-essential construction work?

A3. Yes. These work types are exempt and can proceed. Already permitted work can proceed and new work does not require an Essential Construction Request.

Q4. Does construction work on assisted-living facilities qualify as essential?

A4. Yes. ESDC guidance treats assisted living facilities as Essential Health Care Operations.

Q5. Will the Department be issuing After-Hours Variances for essential construction work?

A5. All After-Hours Variance (AHV) permits are rescinded as of Monday, March 30, 2020. AHVs can only be requested for jobs that are essential or have an approved Essential Construction request. AHV applications must be dropped off at a borough office; they cannot be submitted in eFiling or DOB NOW. See the [Application Processing Service Notice](#) for information about drop off procedures.

Q6. Do I have to renew permits?

A6. Permits already in effect must be kept active and renewed even though work has been suspended. There are no changes to the permit renewal process and all applicable fees apply.

Q7. Will Development Inspections continue during this suspension of non-essential work?

A7. Development Inspections will be prioritized for essential construction work.

Q8. Will plan reviews and approvals for non-essential construction work continue during this suspension of non-essential work?

A8. Plan reviews and approvals will continue. Only essential construction work will be permitted.

Q9. Can I apply for a Place of Assembly (PA) or Temporary Place of Assembly (TPA) during this suspension of non-essential construction?

A9. No. PA and TPA requests are suspended for the duration of this state of emergency.

Q10. Does the suspension of non-essential construction apply to transportation infrastructure?

A10. No, the suspension does not apply to construction on roads, bridges, rails, airports, and transit facilities that is allowable under the Governor's Executive Orders and ESDC guidance.

Q11. Can I perform building construction work that does not require a permit from the Department during this suspension of non-essential construction work?

A11. No. This work cannot be performed unless there is only one worker on the job site.

Q12. For how long will this suspension of non-essential construction work be in place?

A12. This suspension of non-essential construction work will continue for as long as the state of emergency is in place. Check the [DOB COVID-19 Response page](#) for updates.