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**BULLETIN**

**FURTHER UPDATE**

To: Membership of Allied Building Metal Industries, Inc.

From: Steven N. Davi

Date: July 5, 2020

Re: COVID-19 Update: NYC Department of Buildings  
Stepped-Up Enforcement Commencing July 8, 2020

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As we advised on July 3, the New York City Department of Buildings will step up its COVID-19 enforcement activity beginning Wednesday, July 8. Failure to adhere to Phase One Reopening Guidance and related COVID-19 health and safety protocols will result in the issuance of violations carrying a minimum \$5,000 penalty and may also result in the issuance of a Stop Work Order depending on the nature and severity of non-compliance. In its effort to educate industry stakeholders in this regard ahead of July 8, the Department has emailed permit holders and associated design professionals and owners over the past few weeks (i) reminding them of their COVID-19 Reopening Guidance obligations and (ii) advising them when an inspection of their sites has revealed non-compliance, including a checklist showing the areas of deficiency.

Set forth below are samples of the Department's email correspondence in this regard. Please take some time to review the below email samples to assist your efforts in compliance with the Reporting Guidance and avoidance of a monetary penalty and/or Stop Work Order. If, after you have reviewed the below email samples, you have any questions regarding their content, please feel free to contact the Allied office directly.

**Sample Email #1: All Active Permits**

**From:** [COVID19DOBNOTIFICATION@buildings.nyc.gov](mailto:COVID19DOBNOTIFICATION@buildings.nyc.gov)  
<[COVID19DOBNOTIFICATION@buildings.nyc.gov](mailto:COVID19DOBNOTIFICATION@buildings.nyc.gov)>

**Sent:** Sunday, July 5, 2020 4:42 PM

**To:** AAAAAAA

**Subject:** NYC Department of Buildings Reopening Guidance – NYC Construction Activity

**Importance:** Low

Greetings,

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, 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.

For the first month of the sweep, there are no monetary penalties associated with our Phase 1 restart enforcement actions, **but effective this Wednesday, July 8, 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 this Wednesday, July 8, 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 a proper hand hygiene station, your site will be issued a Stop Work Order in addition to the financial penalty.**

The [Safety Plan](#) you must have on-site should be filled-out completely and posted for all to see. The [Safety Plan's](#) intent is to outline how your workplace will prevent the spread of COVID-19. You should follow [the Safety Plan template](#) located on the State's website, which you can access by clicking [here](#). Your [State Affirmation](#) should be posted as well, you can fill-out your Affirmation by clicking [here](#). All sites must also provide and maintain (at least one) hand hygiene station that is accessible for all personnel. This could include a handwashing station with soap, water, and paper towels, or an alcohol-based hand sanitizer containing 60% or more alcohol for areas where handwashing is not feasible.

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](#). Also please remember as City Employees performing essential regulatory duties, DOB Inspectors and other Field Staff with face coverings who visit construction sites are self-monitoring for any COVID-19 symptoms every day to ensure they do their work safely for themselves and the public. As such, Inspectors and Field Staff are not subject to screening and must be permitted access to a construction site. Failure to provide access will result in the issuance of a Stop Work Order.

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).**

Thank you

**Sample Email #2: Active Permits with Non-Compliance**

**From:** [COVID19DOBNOTIFICATION@buildings.nyc.gov](mailto:COVID19DOBNOTIFICATION@buildings.nyc.gov)  
<[COVID19DOBNOTIFICATION@buildings.nyc.gov](mailto:COVID19DOBNOTIFICATION@buildings.nyc.gov)>

**Sent:** Sunday, July 5, 2020 4:35 PM

**To:** AAAAAAAA

**Subject:** Phase 1 Re-Opening: DOB Enforcement Update for Permit: AAAAAAAAAAAAAA

**Importance:** Low

Greetings,

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, 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. We continue to visit permitted work sites. **As part of this sweep, a site where you are the permit holder, associated applicant of record, and/or owner was inspected and found to be in violation** of either [NYS Governor's Executive Order 202.34](#), the State's [Interim Guidance for Construction Activities During the COVID-19 Public Health Emergency](#) and/or the [Mayor's Executive Orders 120](#) and [123](#). **We have included a checklist noting your sites deficiencies during its most recent inspection. Please review the below checklist and make the necessary corrections immediately.** Additionally, below you will find a refresher on the requirements to restarting construction on your site under Phase 1 of the State's re-opening plan.

For the first month of the sweep, there are no monetary penalties associated with our Phase 1 restart enforcement actions, but **effective this Wednesday, July 8, 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 building 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 this Wednesday, July 8, 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 a proper hand hygiene station, your site will be issued a Stop Work Order in addition to the financial penalty.** Also please remember as City Employees performing essential regulatory duties, DOB Inspectors and other Field Staff with face coverings who visit construction sites are self-monitoring for any COVID-19 symptoms every day to ensure they do their work safely for themselves and the public. As such, Inspectors and Field Staff are not subject to screening and must be permitted access to a construction site. Failure to provide access will result in the issuance of a Stop Work Order.

The [Safety Plan](#) you must have on-site should be filled-out completely and posted for all to see. The [Safety Plan's](#) intent is to outline how your workplace will prevent the spread of COVID-19. You should follow [the Safety Plan template](#) located on the State's website, which you can access by clicking [here](#). Your [State Affirmation](#) should be posted as well, you can fill-out your Affirmation by clicking [here](#). All sites must also provide and maintain (at least one) hand hygiene station that is accessible for all personnel. This could include a handwashing station with soap, water, and paper towels, or an alcohol-based hand sanitizer containing 60% or more alcohol for areas where handwashing is not feasible.

Phase One Reopening Compliance Checklist	Compliant
* COVID-19 Safety Plan on-site?	No
* Affirmation to the State- DOH Safety Guidance on-site?	No
* Are hand washing station available, or hand sanitizer, or facilities available on-site?	No
Signage with reduced capacity by 50% of the Elevator or Hoist posted on each landing?	N/A
Confined space in use at no greater than 50%?	No
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 8, 2020) will lead to Stop Work Order being issued.

The requirements outlined in the Governor's Executive Order and State Interim Guidance require the following **before** you start working:

- Read, understand, and act on the State's [Interim Guidance for Construction Activities During The COVID-19 Public Health Emergency](#).
- Prepare a [Safety Plan](#) that is specific to each of your job sites. The General Contractor can develop one plan including all subcontractors and their employees, or each contractor can develop their own.
- Implement all aspects of your [Safety Plan](#) on your job site.
- Post the [Safety Plan](#) at your job site in a highly visible location at all points of egress from the construction site.
- [Affirm](#) to the State that you have read and understood your obligation to operate your site in accordance with the State's guidance.
- Print this [affirmation](#) and keep it on site

To ensure compliance with these new health requirements, DOB Inspectors are looking for the following:

- [Safety plan](#) specific to the site is available and posted where it can be easily seen. This plan needs to include a copy of the [affirmation](#) to the State.
- Compliance with social distancing protocols.
- All site personnel and visitors must wear [acceptable face coverings](#) appropriate for their task.
- Readily available hand hygiene stations, using either: Soap, running warm water, and disposable paper towels **or** Alcohol-based hand sanitizer where hand washing stations are not practical.
- COVID-19 signage that is visible to all reminding personnel to adhere to proper hand hygiene, physical distancing rules, appropriate use of PPE, and cleaning and disinfecting protocol.
- Properly completed and updated cleaning and disinfection logs.
- Tightly confined spaces (e.g., elevators, hoists) occupied by 50% maximum allowed number of people –50% capacity must be posted within the cab **AND** at each landing.
- A communication plan for employees, visitors, and clients on site.
- Correctly completed and updated logs of every person who may have had close contact with others on site to ensure effective contact tracing.

For additional information on the Phase 1 re-opening, visit [nyc.gov/buildings](https://nyc.gov/buildings). On our Phase-1 re-opening [webpage](#), you will find resources including [DOB Phase 1 Re-Opening Guidance](#), [FAQs](#), our [“Do’s & Don’ts” Document](#) and a [“What To Know” one-pager](#) our Inspectors have been distributing during the sweep. **If you need help achieving your obligations please reach out via email to [COVID19@buildings.nyc.gov](mailto:COVID19@buildings.nyc.gov).**

Thank you.

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We will continue to provide updates on any and all material developments in this regard as they occur.