

'Get Sheds Down': NYC's Plan To Reform Sidewalk Shed Construction

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New York City Mayor Eric Adams and New York City Department of Buildings Commissioner Jimmy Oddo recently unveiled the city's "Get Sheds Down" initiative, which provides a plan to overhaul current rules governing the design, use and permitting for sheds and scaffolding systems on public sidewalks.

This plan could impact the 9,000 active, permitted construction sheds that occupy approximately two million linear feet of the city's sidewalk space (the equivalent of nearly 400 miles), especially those lingering green eyesores.

The "Get Sheds Down" plan incentivizes building owners to use containment netting or more aesthetic, less intrusive sheds and to expedite façade work—all with the goal of maintaining public safety and improving the quality of life of New Yorkers. From a construction standpoint, this initiative will impact the performance, cost and schedules of façade repairs and other exterior work (including Local Law 11 work), as well as the negotiation of neighbor access agreements.

Incentives and Penalties

The incentives of this plan include expanding the use of scaffolding alternatives (such as safety netting and reimagined shed designs), low interest loan programs to help small building owners complete repairs and remove sidewalk sheds, reforms to Local Law 11, including the potential for less frequent and/or less onerous inspections, and subdividing or phasing permitting for projects.

With respect to penalties, the city is cracking down on lingering sheds and drawn out façade



Kenneth Block, left, and Melissa Billig.

Courtesy Photos

repairs. Building owners with sheds on public space who delay façade repairs could face automatically imposed financial penalties of thousands of dollars per month.

Penalties will be assessed based on the time the shed remains in place, accounting for phased compliance, and reducing monthly penalties as repair work progresses and portions of sheds are removed.

Under the initiative, penalties appear to be capped at \$6,000 per month; and penalties may be waived if building owners take actions to complete repair work and expedite shed removals within allotted time periods.

Higher penalties, however, will be imposed on building owners with stalled repairs and sheds on sidewalks in central business districts, including Midtown Manhattan; Long Island City, Queens; Downtown Brooklyn; and Grand Concourse in the Bronx. In these districts, building owners could face a \$10,000

penalty if a shed remains in place due to an unsafe condition and the building owner fails to meet certain milestones during the repair process. Final completion of each project must also be achieved within 24 months or additional penalties may be imposed.

Permitting and Fees

Building owners must be aware that the initiative will drastically reduce the duration of sidewalk shed permits from 12 months to just 90 days, which would require permit renewals every 90 days, instead of every year, with increased fees and fines related to shed permitting.

The initiative also proposes an increase in fees on sidewalk sheds that have remained in place longer than three years (a change from the previous rule targeting sheds that have been standing for over five years).

Local Law 11

The initiative includes DOB Bulletin 2023-006 dated July 25, 2023, which will provide some relief from penalties for building owners performing Local Law 11 work, by allowing buildings to use safety netting systems instead of scaffolding for the temporary containment of debris from construction activity.

One key difference between sidewalk sheds and containment netting is that containment netting provides non-sidewalk level pedestrian protection. Neighboring properties would be less obstructed, and more sunlight can reach the sidewalk.

Containment netting, under the DOB's Bulletin, must be constructed with a structural netting lined with debris netting joined by a webbing. The Bulletin, however, limits the circumstances in which a containment netting system can be used to those in which there are "displaced, deteriorated, or loose façade materials, including but not limited to: brick, terra cotta, natural stone, metal overhanging cornice assemblies, and parapet copings."

Whenever a building owner seeks to employ a containment netting system, the design of the system must be site specific, the design calculations must be prepared by a registered design professional and

the netting (which must meet certain requirements) must be anchored to the building, minimizing any impacts on the structural integrity of the building. In addition, the netting manufacturer must also supply a certificate of compliance.

Neighbor Access Agreements

If legislation is enacted that incorporates the terms of the initiative, there will be impacts on the negotiation of access agreements between building owners and neighboring property owners. For example, if a shed is required to be installed on the sidewalk in front of (and around) a project and neighboring properties, the permit for that shed will be up for renewal every 90 days. An access agreement with a 12-month license term may experience four shed permit renewals.

These renewals could trigger additional reviews (and requirements) by neighbors and their design professionals every three months, especially if there are changes to the sheds (such as partial removals), which project owners will be pressured to do to avoid penalties. In addition, alternative scaffolding systems and containment netting could trigger inspections, maintenance and cleaning of loose debris, which will also increase project costs.

The continued involvement with neighbors and their design professionals during these renewal periods can also result in delays to the project schedule and additional costs to project owners who may be required to reimburse neighbors for design professional fees incurred.

While this largely does not seem fair to building owners who are required to maintain their façade, there does appear to be one silver lining—the license fees aggressively sought by neighboring properties for the impositions caused by green eyesores and lost light should be reduced.

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