

Introduction to the amended
NYC Rule 104-03

P1



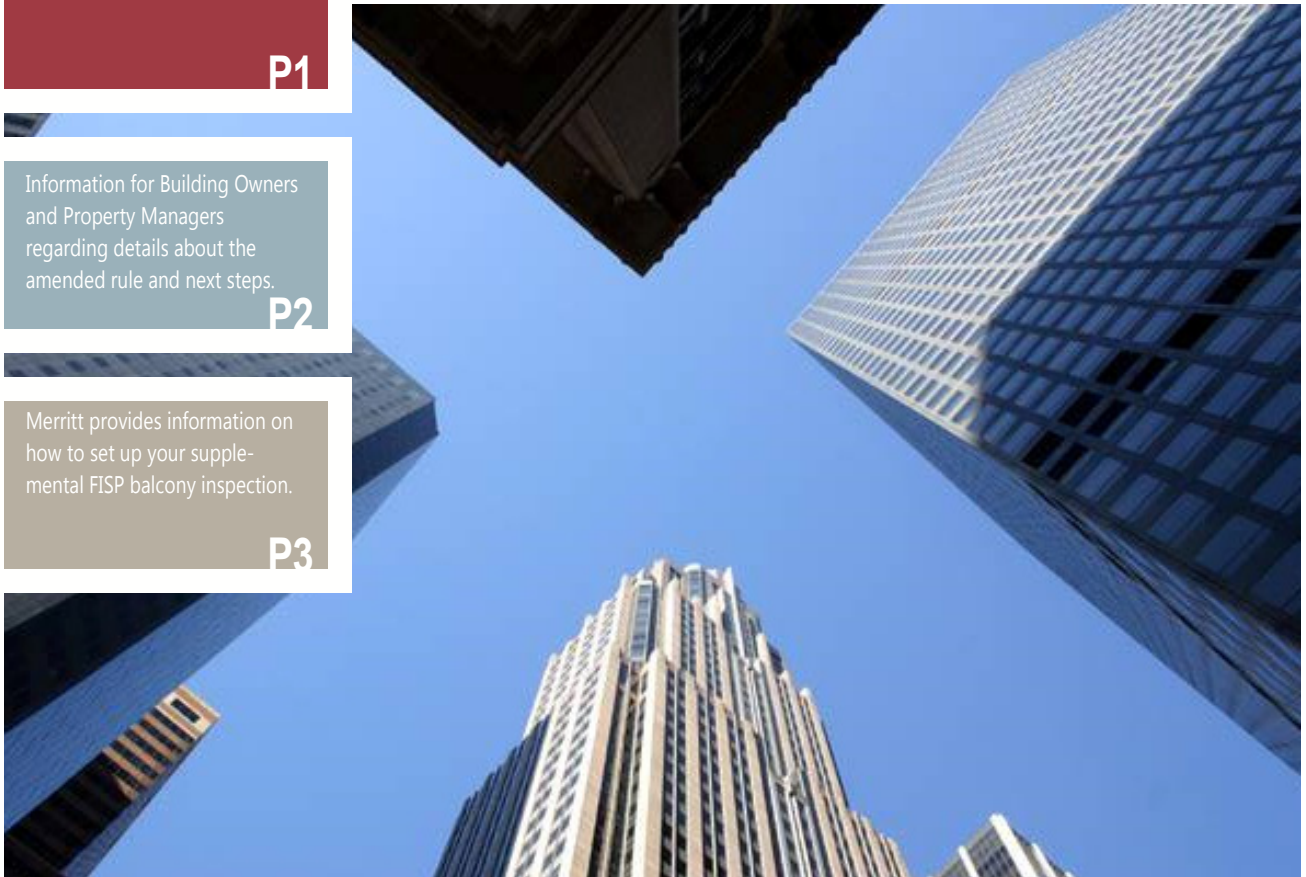
Information for Building Owners
and Property Managers
regarding details about the
amended rule and next steps.

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Merritt provides information on
how to set up your supple-
mental FISP balcony inspection.

P3



the latest news in

building restoration

New Balcony and Railing Requirements Are Here

Compliance with the Façade Inspection Safety Program (FISP), also known as Local Law 11-98, just got a bit more complicated.

On May 17, 2013, Rule 104-03 (of Title I of the Rules of the City of New York), which governs periodic inspections of exterior walls and appurtenances of buildings, was

amended to require that Owners submit a separate report statement regarding balcony railing inspections.

After months of meetings with various façade restoration professionals, including Merritt Engineering, the Department of Buildings (DOB) issued a memo on May 5,

2014 in response to industry wide concerns and questions on what is to be included in a supplemental statement. In particular, this memo requires that all handrail and guard assemblies, not just balcony railings, inspected for structural stability and code compliance.

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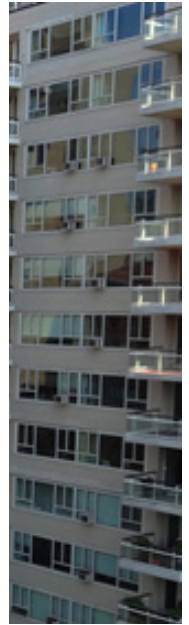
What exactly has changed?

Specifically, the amended rule requires that:

- Balcony railings be inspected by a Qualified Exterior Wall Inspector (QEWI) to ensure that their components (balusters, intermediate railings, and filler panels) are positively secured (by welds, bolts, or screws) against upward movement.
- If any of these components are found not properly secured, then the condition(s) must be classified as “Unsafe”, reported to the DOB and made “Safe” by the commencement of immediate repairs.

The Memo also requires that:

- The total number of balconies on a building, and the location and number of balconies that were inspected must be included, along with the total area of other locations with handrails or guard assemblies (buildings that have no balconies, handrails/guards or fire escapes do not need a supplemental inspection and statement filed).
- Terrace walkway railings, corridor, fire escape, roof and setback railings are to be included in the supplemental statement, and Owners must be informed if their railings are not up to code.
- Railings be inspected for structural stability and code compliance.
- Owners must file the supplemental statement by February 2, 2015.



What does the rule amendment mean for Building Owners and Property Managers?

Since most Owners filed their 7th cycle LL 11-98 (FISP) reports before the 2013 Amendment and 2014 Memo, and their reports were based on visual inspections through binoculars with limited hands on inspections from scaffolds, they need to retain an engineer now to perform a more thorough inspection of their railings.

Cost:

Since it is up to the Qualified Exterior Wall Inspector (QEWI) to determine how many railings need to be inspected, professional fees for these supplemental inspections and statements will vary. Owners should be cautious of unreasonably low prices where only a couple of railings are being inspected, it is important to keep in mind that in some cases, a detailed structural analysis of the railing system may be needed, which may include field load-testing, probes, and laboratory tests, if a QEWI cannot determine how a railing is constructed or suspects extensive deterioration at embedded railing posts sleeves.

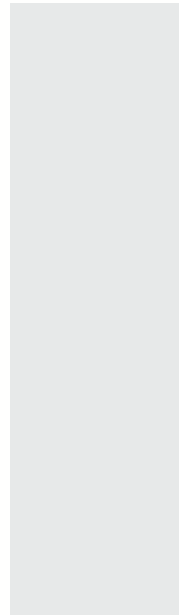
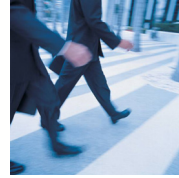
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what next?

Railing code compliance must also be checked. Where railings are structurally stable, but originally did not conform to applicable codes, Owners must be informed on what course of action is to be implemented so that this can be addressed by the end of the next Cycle, No. 8. The initial cost for these supplemental inspections may seem high to the average owner, but should decrease in future LL 11-98 (FISP) cycle inspections if some of the information is already provided.

Finally, if the status of the balconies and railings downgrades the current LL 11-98 (FISP) status of the building (for example from Safe to SWARMP, Safe to Unsafe, or SWARMP to Unsafe), a subsequent 7th cycle LL 11-98 (FISP) report must be filed. If the status is downgraded to Unsafe, a FISP3 form must also be filed and repairs commenced immediately.



experience matters

Merritt Engineering Consultants, P.C. is contacting all of our clients, for whom we prepared Local Law 11-98 (FISP) reports, to flag to them if an additional balcony/railing inspection is needed on any of their buildings.

We have already begun additional balcony and railing inspections on numerous buildings.

If you are a building owner or manager who requires a supplemental FISP (Local Law 11/98) balcony inspection, please give us a call us today at:

(718) 767-0923

or

email Heather Fuller at

HFuller@merrittengineering.com



on-going checks & maintenance

Merritt urges all building owners to periodically check the adequacy and structural integrity of all balcony railings, communicate with tenants about possible problems, and always report any issues with balconies or terraces immediately.

