


Sidewalk Shed Reform in New York City

**REVIEWING THE PROPOSALS TO CLEAN UP STREET
FACADES WHILE KEEPING PEOPLE SAFE**

Executive Summary

- Sidewalk sheds – the temporary structures that protect passersby from falling debris – have become just as much a staple of New York City as the Empire State Building or the Subway. There are nearly 9,000 active sidewalk sheds throughout the five boroughs, totaling more than 380 miles of wood and metal boxes. Thousands of sheds remain in place for years, outlasting their use as temporary safety solutions.
- The proliferation of sheds has damaged urban life in our city. They obstruct sidewalks and entrances, cover landmarked buildings, attract trash, and often become safety risks themselves. Furthermore, the regulatory system that governs the construction of sidewalk sheds encourages noncompliance with city code and incentivizes building owners to maintain these structures for longer periods than they are legally allowed.

- 
- Much of the problem stems from the City’s Façade Inspection & Safety Program, known as Local Law 11. Over half of all sheds built to comply with Local Law 11 have been in place for more than a year, compared to about a third of sheds built around construction projects.
 - Over the past year, several elected officials have published proposals meant to reduce the number of sheds across the five boroughs, the amount of time they stay up, and the level of obstruction they impose on our urban environment. Mayor Adams and the Manhattan Borough President published plans on the issue, and a group of Council Members introduced a bill package.
 - This report reviews the various proposals to reform the system of sidewalk shed construction in New York City and provides relevant background on the façade inspection program.
 - Our analysis of the proposals includes several recommendations:
 - Coordinate reform efforts under one leading point person
 - Publish a reform initiative tracker to monitor progress
 - Study the direct impact of penalties on sidewalk sheds
 - Dedicate particular efforts to NYCHA developments
 - Tailor solutions to historic districts

History of sidewalk sheds in NYC

Sidewalk sheds are temporary structures designed to protect passersby from falling debris. They are typically made of wooden planks supported by metal beams that create a “box” over the sidewalk. Although often called “scaffolding,” scaffolds are in fact the structures that scale the side of the building while work is being done. A sidewalk shed is required when a scaffold is being used, but sidewalk sheds can be used for other purposes when no work is being done and a scaffold is not necessary.

In a city as construction-heavy as New York, with thousands of permits for new buildings issued every year, sidewalk sheds and scaffolds are a natural part of the urban streetscape. The City is responsible for the safety of its residents, so it mandates sheds be placed to protect pedestrians from construction or demolition.

However, many sidewalk sheds are erected to comply with the City’s Façade Inspection & Safety Program, commonly called Local Law 11, which ensures the exterior of buildings are properly maintained. As it is currently structured, this program has led to a proliferation of sidewalk sheds that are kept up for months and years without any work done on their premise. These sheds have become a permanent element of the New York City streetscape, altering the original spirit of the law.



The evolution of Local Law 11

In 1979, a piece of concrete fell from the seventh-floor façade of a Broadway building, killing Grace Gold, a Barnard College student.¹ Following the accident, the City began requiring periodic inspections of exterior walls. Local Law 10 of 1980 mandated all buildings higher than six stories undergo a critical examination of their façades by a licensed professional at least once every five years. Any unsafe conditions found during the inspection would need to be repaired immediately. The law was the second of its kind enacted in the country, following Chicago.

In 1998, the City Council updated the requirements of the façade safety program by passing Local Law 11, the name that has become synonymous with the inspection program. The law expanded the inspection requirement to more buildings and facades. It provided more detail about how inspection findings should be reported and established new deadlines for repairs. Under new rules, the Department of Buildings (DOB) began requiring a physical inspection of facades from a scaffold or other observation platform instead of the previously allowed visual inspection from afar.² Local Law 11 also required building owners to undertake measures to secure public safety when their façade was found to be “unsafe.”³

The law has remained largely unchanged since then,⁴ but some major adjustments to the Façade Inspection & Safety Program were made by the DOB. New rules promulgated in 2009, 2010, 2013, 2020, and 2021 set professional standards for façade inspectors, enforced stringent technical requirements for inspections, added new fees and penalties for noncompliance, established clearer timelines, and more.⁵

The last major reform of the façade inspection program (Local Law 11) was implemented following another deadly accident. In December 2019, a piece of a terra-cotta façade dropped from a 17-story building near Times Square, killing architect Erica Tishman.⁶ The building owners had been previously fined for failing to repair that façade. In response, the DOB adopted stricter rules for inspections: Up-close, hands-on inspections with visual documentation were now required. The DOB also increased the penalties for failing to complete repairs, added 12 new staffers to

¹ Falling Masonry Fatally Injures Barnard Student, The New York Times, May 1979. <https://www.nytimes.com/1979/05/17/archives/falling-masonry-fatally-injures-barnard-student-what-could-i-do.html>

² Department of Buildings, Technical Policy and Procedure Notice #8/99

³ Local Law 11 of 1998, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=430651&GUID=CBDD1499-69BF-47D6-9BE0-CD562575BBBE>

⁴ The only major legal change was the implementation of a staggered five-year inspection cycle in Local Law 38 of 2007

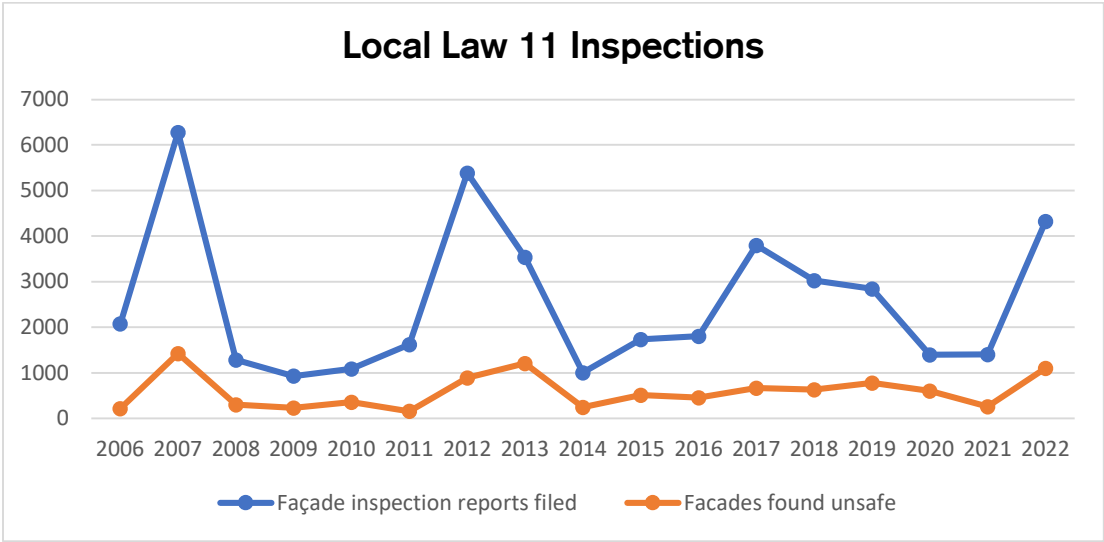
⁵ See Promulgation Details for 1 RCNY 103-04 https://www.nyc.gov/assets/buildings/rules/1_RCNY_103-04_prom_details_date.pdf

⁶ Woman Killed by Falling Debris Near Times Square, The New York Times, December 17th, 2019. <https://www.nytimes.com/2019/12/17/nyregion/woman-killed-times-square.html>



its façade inspection unit, and conducted a safety sweep of more than 1,300 buildings.⁷

Currently, more than 15,000 buildings are required to undergo inspections every five-year cycle, with the majority of those in Manhattan. We are currently in the ninth cycle, which started in 2020 and will end in 2025. In 2022, over 4,000 buildings filed an initial façade inspection report; 1,099 failed that inspection and were mandated to correct their unsafe conditions.⁸ The following chart shows the number of façade inspection reports filed since 2006.



⁷ Enhancements for Façade Inspection Program Published in City Record, New York City Department of Buildings, January 22nd, 2020
<https://www.nyc.gov/site/buildings/dob/pr-facade-insp-city-record.page>

⁸ New York City Department of Buildings, DOB NOW: Safety – Facades Compliance Filings, retrieved August 28, 2023 from NYC Open Data

How Local Law 11 leads to more sidewalk sheds

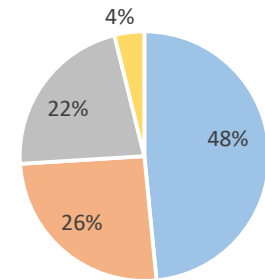
An indirect result of New York’s periodic façade safety inspection program is the proliferation of sidewalk sheds. When a façade is found to be unsafe, the building owner must immediately protect the surroundings by erecting sidewalk sheds or other protective measures until the problems are repaired. But often, building owners delay or avoid repairing their façade, keeping the sidewalk sheds up for extended periods unnecessarily.

The DOB receives an average of about 6,000 job applications that include sidewalk sheds every year, and there are nearly 9,000 active sheds around the five boroughs. Although only about 40% of sheds are erected to comply with Local Law 11 requirements (the rest are due to construction and demolition projects), it is more common for those sheds to stay up for long periods of time. Over half of all sidewalk sheds built to comply with Local Law 11 have been in place for more than a year, compared to about a third of sidewalk sheds built around construction projects.

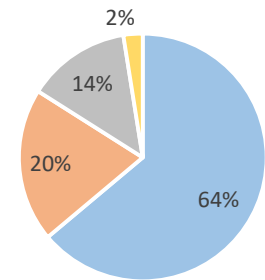
There are several reasons why Local Law 11 sheds stay up for longer periods of time, and those are discussed later in this report. However, a major reason is that some building owners prefer to delay or avoid spending money correcting unsafe facades. Instead, they opt to leave the sheds in place to comply with rules related to protecting pedestrians.

Age of Sidewalk Sheds, by reason for erecting the shed

LL11 Sidewalk Sheds



Construction Projects Sidewalk Sheds

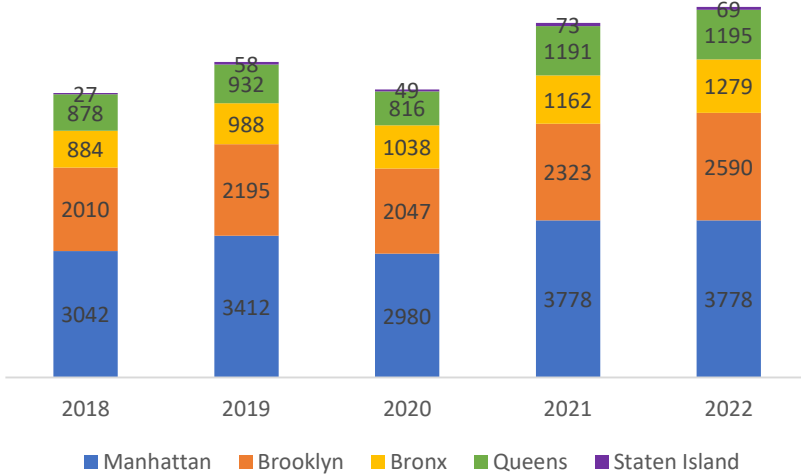


■ Less than 1 year ■ 2 to 5 years
■ 1 to 2 years ■ Over 5 years

Sidewalk sheds in numbers

Total active sheds ⁹	Total length of sheds	Average age of sheds
8,924	380 miles	482 days

DOB job filings that include sidewalk sheds

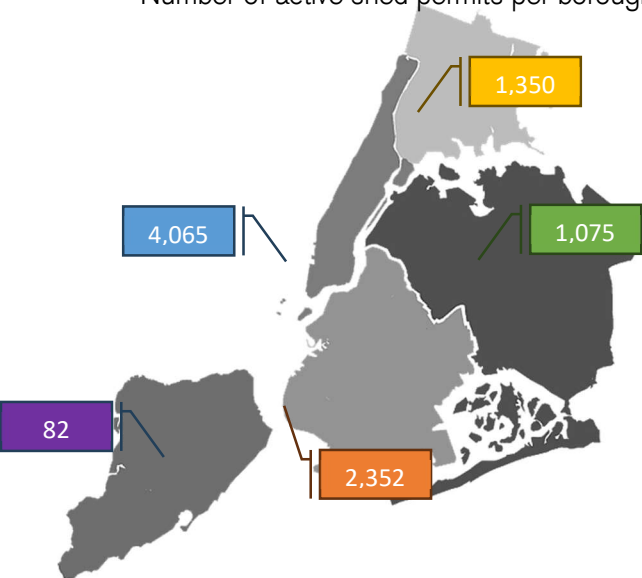


The number of applications for sidewalk sheds increases every year (except for 2020 – pandemic year)

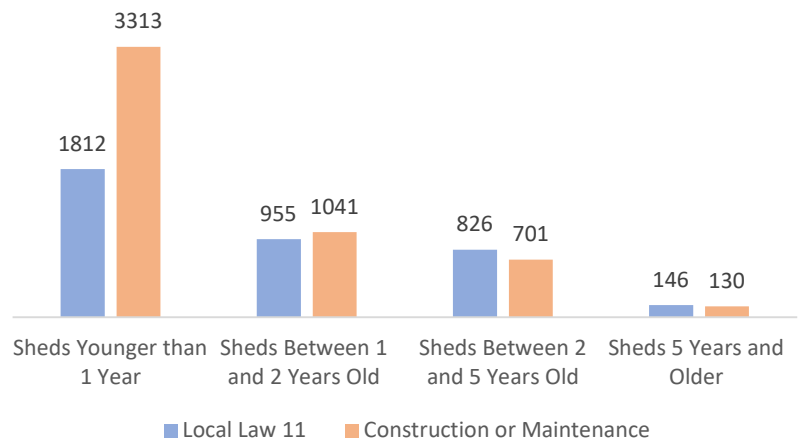
Over 3,500 sheds are older than one year – LL11 sheds tend to stay up for longer

Sidewalk sheds are more prevalent in areas with high-rises, and mainly in Manhattan

Number of active shed permits per borough



Number and age of active sidewalk sheds



⁹ Active Sidewalk Sheds Permits, New York City Department of Buildings, August 24, 2023
<https://www.nyc.gov/assets/buildings/html/sidewalk-shed-map.html>



Problems associated with the proliferation of sidewalk sheds

Noncompliance with legal standards

On a basic level, the regulatory system governing building façade inspection and sidewalk sheds in New York City allows property owners to resist complying with Local Law 11 and avoid making repairs with few consequences. Thousands of buildings maintain their “unsafe” façade status for more than one five-year inspection cycle, and over a thousand remain “unsafe” to this day or have not been fully inspected. Because the fines for noncompliance are often far less than the cost of necessary repairs, building owners have little incentive to comply with the law.

Streetscape

One of the most frequent complaints by New Yorkers is that any stretch of sidewalk sheds and scaffolding is an “eyesore.” Indeed, these structures obstruct the streetscape of some of the city’s finest thoroughfares, often hiding buildings behind layers of metal and wood for years.

Although New York City spends substantive resources in designating and upkeeping many thousands of historic landmarks, it then allows more than a thousand of them to be virtually hidden behind sidewalk sheds. A CU analysis of the Landmark Preservation Commission and Department of Buildings databases found that there are sidewalk sheds surrounding 1,454 landmarked sites around New York City (individual landmarks and buildings in historic districts. Half of sites are obscured by sheds that have been in place for over a year.¹⁰

Urban life

Sidewalk sheds obstruct access to storefronts, housing, sunlight, and the flow of foot traffic. Pedestrians are funneled into tightly enclosed spaces that limit the vibrancy of city streets like those praised by urban theorists such as Jane Jacobs. During the day, small businesses can lose business when a shed blocks commercial signage, leaving pedestrians less likely to notice the stores or come inside to buy anything. These spaces are also harder to clean, amassing trash and attracting rats. At night, pedestrians often feel unsafe walking in the enclosed and dark spaces under sidewalk sheds. Sheds and scaffolds can be used to climb up the sides of buildings and intrude on people’s privacy.

¹⁰ Based on a cross-reference of BINs in LPC Individual Landmark and Historic District Building Database and DOB Active Sidewalk Shed Permits Database, pulled from NYC Open Data, 8/30/2022.



Safety risks

Sidewalk sheds are supposed to protect pedestrians but often become a safety risk themselves, especially if not maintained properly. According to DOB monthly enforcement bulletins, several accidents involving sidewalk sheds and scaffolding occur every year. A CU analysis of DOB enforcement bulletins between January 2018 and May 2023 found 52 accidents resulting in injury or death or a collapse of the scaffold or sidewalk shed. Eight of them occurred this year alone.¹¹ Last August, for example, a sidewalk shed in the Financial District collapsed, injuring two workers.¹²

The total number is believed to be higher since some accidents go unreported. One example was a woman who suffered life-changing injuries when a 12-story scaffold collapsed, but as of May 2023, no penalties have been issued for the building owners or site safety manager.¹³

Special interests

Scaffolding and sidewalk shed businesses make up a billion-dollar industry in New York City, with few construction companies owning a large share of the market.¹⁴ Some media reports have also indicated that organized crime might be involved in aspects of the scaffolding industry.¹⁵

¹¹ Enforcement Bulletins, New York City Department of Buildings

¹² Two Hurt in Collapse of 'Unsecured' Sidewalk Shed in Financial District, Glassman, Carl, The Tribeca Trib, August 4th, 2023.

<http://www.tribecatrib.com/content/two-hurt-collapse-unsecured-sidewalk-shed-financial-district>

¹³ After Scaffold Tragedy, Top Adams Aide Enlisted Lobbyist to Fight Developer Penalties, Smith, Greg B. The City, March 20th, 2023.

<https://www.thecity.nyc/brooklyn/2022/3/20/22988275/gowanus-scaffold-frank-carone-eric-adams-lobbyist-condo-developer>

¹⁴ Aaron Elstein, Crain's Business New York. January 24, 2016. The Law That Created the Billion-Dollar Scaffold Industry Has Turned City Sidewalks Into an Obstacle Course.

https://www.craigslist.com/article/20160124/REAL_ESTATE/160129960/scaffolds-are-everywhere-in-new-york-city

¹⁵ Tom Robbins and Greg B. Smith, The City, June 5, 2023, The Mob Is Making a Comeback in Construction as Demand for New Housing Grows in NYC <https://www.thecity.nyc/2023/6/5/23748736/mob-making-comeback-in-construction>





The lifecycle of sidewalk sheds and the rules governing them

This section describes the approval process, permits, fees, and timelines associated with setting up, maintaining, and dismantling a sidewalk shed, including under the requirements of Local Law 11.¹⁶

- Sidewalk sheds are required to be installed to protect pedestrians during construction or demolition works. Any time a portion of a façade of a building that's more than 40 feet high is built, altered, maintained, or repaired – a sidewalk shed is required.
- All New York City buildings higher than six stories, regardless of age or building material, are required to have their facades inspected for safety every five years.
- To comply with the Façade Inspection & Safety Program (FISP), also called Local Law 11, a building owner must request a Qualified Exterior Wall Inspector (QEWI) to conduct a façade inspection during every five-year inspection cycle. The inspector must perform a close-up physical inspection, often done from a scaffold or other observation platform.
- Once the inspection is completed, the inspector files a technical report with the DOB detailing the façade's conditions. The fee for filing this technical report is \$425.
- An owner who fails to submit a façade inspection technical report on time is liable for a \$1,000 late-filing penalty every month and another \$5,000 per year after the filing period ends.
- If the technical report finds the façade to be “unsafe,” the owner must immediately protect the surroundings by erecting sidewalk sheds or other protective measures and commence repairs.
- If a sidewalk shed is not installed after a building fails the façade inspection, it can be hit with up to a \$10,000 fine.
- To install a sidewalk shed, a contractor hired by the building owner applies for a sidewalk shed permit with the DOB. The permit costs \$160 for the first 25 feet of the shed, plus \$10 for each additional 25 feet.

¹⁶ Based on the NYC Construction Codes §28-302 Maintenance of Exterior Walls; NYC Building Code §3307.6 Sidewalk Sheds, §106 Permits; The Rules of the City of New York §103-04 Periodic Inspection of Exterior Walls and Appurtenances of Buildings, §102-01 Violation Classification and Certification of Correction, §28-112.2 Schedule of permit fees.

- 
- The design of sidewalk sheds must conform to the NYC Building Code's guidelines, including the hunter-green color. However, building owners can choose an alternative model featuring white color and arch-like bracing, but only one company has the right to install those sheds.
 - Initial sidewalk shed permits are generally valid for one year, or until the contractor's insurance expires, whichever is shorter.
 - Permit holders can request to renew their one-year sidewalk shed permit for a \$130 fee. The City imposes special provisions for sidewalk shed permit renewal, which include a report by a professional on the work performed and an estimate of the additional time needed to complete the work.
 - A shed still up past its permit's expiration date could incur a penalty of up to \$8,000 per violation. However, the DOB would need to issue summons for that violation, and the penalty is often waived.
 - The sidewalk shed must be inspected for safety after it is installed and every six months until it is removed. The DOB does not conduct that inspection but an inspector hired by the permit holder or the designer.
 - Before starting repairs, building owners need to obtain the proper corresponding work permits from the DOB.
 - Building owners must repair the façade and correct the unsafe conditions within 90 days of filing the technical report. However, the inspector (QEWI) can also recommend a longer time frame for repairs of up to five years. Building owners can apply for extensions to the 90-day deadline. The DOB fee for each extension request is \$305.
 - Sheds or other protective measures must remain in place until the work is completed.
 - A building owner who fails to correct unsafe conditions on time faces an additional \$1,000 penalty every year. On the second year of violation, they must also pay \$10 for every linear foot of shed, each month. This penalty rate increases with every year of violation, up to a \$40 penalty for every linear foot of shed each month (on the fifth year of failing to correct unsafe conditions). Owners can request waivers for these penalties.
 - After repair work is completed, an inspector (QEWI) must examine the façade within two weeks to ensure unsafe conditions have been corrected. The inspector then files an amended technical report to the DOB.
 - The DOB either accepts the amended technical report or rejects it and requests to revise it.

- 
- Only when the DOB accepts an amended technical report that indicates conditions are safe can sidewalk sheds be removed. However, the DOB Commissioner can grant special permission to remove sidewalk sheds if the inspector certifies that an inspection was conducted, the conditions were corrected, and the shed is no longer required.
 - Before removing the sidewalk shed, the contractor must approve the job with the DOB, which inspects the site for construction safety compliance. Only when this inspection is completed the sidewalk shed can be removed from the site.

Proposed solutions

Previous attempts to reform the sidewalk shed system

In the last 15 years, several attempts have been made to reduce the number of sheds and their negative impact on the urban environment.

Under the Bloomberg administration, the DOB led a design competition to create a new design for sidewalk sheds. In 2011, the “urban umbrella” design was selected as a prototype of an alternative style to be used by contractors.¹⁷ Unlike the standard cross-braced green design, the Urban Umbrella is taller, more open, better lit, and comes in a bright white color. However, this design is costlier and produced by only one company, and therefore inaccessible for many building owners.

In 2013, Mayor Bloomberg and the City Council set new standards for the traditional sidewalk sheds, including requiring they be painted hunter green.¹⁸

The de Blasio administration made substantial strides in reducing the number of sidewalk sheds by focusing on sheds surrounding city-owned buildings. In 2014, he allocated over 300 million dollars for façade repairs to New York City Housing Authority (NYCHA) buildings, which led to 8 miles of sidewalk sheds being removed from those buildings.¹⁹ In 2021, two months before leaving office, Mayor de Blasio


¹⁷ Mayor Bloomberg, buildings commissioner Limandri and designers unveil city's new state-of-the-art sidewalk shed, The City of New York Office of the Mayor, December 7th, 2011.

https://www.nyc.gov/html/fund/downloads/pdf/press_releases/Press%20Release-%20Urban%20Shed.pdf

¹⁸ Local Law 47 of 2013.

¹⁹ Mayor de Blasio Announces Expedited Removal of Sidewalk Sheds at NYCHA Developments, The City of New York Office of the Mayor, August 27th, 2014.

<https://www.nyc.gov/office-of-the-mayor/news/853-14/transcript-mayor-de-blasio-expedited-removal-sidewalk-sheds-nycha-developments#/0> ; de Blasio Administration Announces Removal of Over 43,000 Feet of Sidewalk Shedding at NYCHA Developments Making Neighborhoods Safer & Cleaner Across City, The City of New York Office of the Mayor, July 9th, 2015.
<https://www.nyc.gov/office-of-the-mayor/news/473-15/de-blasio-administration-removal-over-43-000-feet-sidewalk-shedding-nycha>



announced he was awarding an additional 111 million dollars to continue repairs on public housing façades and remove sidewalk sheds in 15 NYCHA complexes.²⁰

The state legislature also moved to reduce sidewalk sheds in NYCHA developments in 2015 by forbidding shed permits to be renewed unless they are being used for an ongoing construction project.²¹ Assembly Member Robert Rodriguez, who was behind this law, later attempted to expand this requirement to all sidewalk sheds in New York City.²²

The de Blasio administration also improved data transparency on shed permitting and began cracking down on the worst private shed offenders. In 2018, the DOB launched a real-time map and dashboard tracking permits' exact locations and details²³. In 2019, the agency started a Long Standing Shed Program that targeted sheds that have been up for more than five years. Proactive actions include holding regular site visits, issuing summons, and filing criminal and nuisance abatement court cases to force owners to make needed repairs.²⁴

Over the years, City Council members have also attempted to advance legislation tackling the problem. A 2016 bill by Council Member Ben Kallos mandated the removal of a sidewalk shed if no work has been done for seven days and allowed the City to conduct emergency repairs in some conditions and bill the owner.²⁵ A 2019 bill by Council Member Kallos required DOB inspectors to inspect the safety of sidewalk sheds every six months and then bill the owners for the inspection, in proportionate to the size of the sidewalk shed, with fees increasing with each inspection.²⁶ These bills were met with opposition from the real estate industry and did not move forward.²⁷

In 2020, then-chair of the Committee on Housing and Buildings, Council Member Robert Cornegy, passed a bill that required the DOB to study the feasibility of

²⁰ De Blasio puts up \$111M for NYCHA façade fixes to clear sidewalks, Raskin, Sam, New York Post October 27th, 2021.

<https://nypost.com/2021/10/27/de-blasio-puts-up-111m-for-nycha-facade-fixes/>

²¹ Chapter 520 of the laws of 2015, Chapter 18 of the laws of 126. A sidewalk shed in NYCHA buildings has to be utilized at least two days a week to receive a permit renewal, unless the DOB commissioner finds that removing the shed would expose the public to potential harm.

²² 2015 Legislative Session: S2404 (Perkins)/A3456 (Rodriguez)

²³ DOB Releases Real-Time Sidewalk Shed Map, New York City Department of Buildings, April 11th, 2018.

<https://www.nyc.gov/site/buildings/dob/pr-sidewalk-shed-map.page>

²⁴ DOB Slams Crown Heights Landlord with Lawsuit for Decade-old Sidewalk Shed, Camile, Jada, Brooklyn Paper, August 17th, 2023.

<https://www.brooklynpaper.com/dob-slams-crown-heightsowners-sidewalk-shed/>

²⁵ Intro. 1389-2016; a similar version of the bill was introduced this session by Keith Powers 972-2023

²⁶ Intro. 1353-2019; a similar version of the bill was introduced this session by Christopher Marte 966-2023

²⁷ Bid to Change City's Scaffolding Law Stirs Old Debate, Glynn, Gerard, City Limits, April 19th, 2018.

<https://citylimits.org/2018/04/19/bid-to-change-citys-scaffolding-law-stirs-old-debate/>; Lawmakers Take Aim at the Hundreds of Miles of Scaffolding Around NYC, Corby, Rhiannon, WNYC Staff, Gothamist, January 30th, 2019.

<https://gothamist.com/news/lawmakers-take-aim-at-the-hundreds-of-miles-of-scaffolding-around-nyc>



permitting building façade inspections using drones.²⁸ The DOB completed that report in 2021, finding that drones can be a helpful tool for inspectors because they excel at collecting visual data, like photographs, videos, and thermal imaging. However, the DOB found that drones cannot replace hands-on physical examinations by a qualified professional. For example, inspectors often tap the façade with a rubber mallet and evaluate conditions based on the sound the materials make.²⁹

Finally, in 2021 the City Council required artwork be displayed on temporary protective structures like sidewalk sheds, construction fences, and supported scaffolds.³⁰ The law went into effect on September 1, 2023, and owners who request a shed permit are not asked if they wish to opt out of the requirement.

Reform proposals in 2023

Awareness of the problems stemming from the outgrowing of sidewalk sheds and scaffolding has grown in recent years. Over the past year, several elected officials have published proposals meant to reduce the number of sheds across the five boroughs, the amount of time they stay up, and the level of obstruction they impose on our urban environment.

In 2022, a panel convened by Governor Kathy Hochul and Mayor Eric Adams to devise a post-pandemic action plan for New York City recommended tackling the sidewalk shed issue as a way to improve the city's business districts.³¹ The Mayor then included that priority in his 2023 State of the City address.

In March 2023, Manhattan Borough President Mark Levine released a report titled "Shed the Shed," which propose five strategies to reduce the number of sheds.³² Later that month, a cohort of Manhattan City Council Members introduced a package of nine bills to address the same issue.³³ And in July of 2023, Mayor Adams unveiled his own nine-part plan, entitled "Get Sheds Down," led by the DOB.³⁴

The following section reviews the various policies proposed over the past year.

²⁸ Local Law 102 of 2020

²⁹ Using Drones to Conduct Façade Inspections, Hrubeck, Jill PE, Wan, Wendy RA, New York City Department of Buildings, November 24th, 2021. <https://www.nyc.gov/assets/buildings/pdf/LL102of2020-DroneReport.pdf>

³⁰ Local Law 163 of 2021, sponsored by Council Member Laurie Cumbo

³¹ "New" New York Action Plan - Making New York Work for Everyone, December 2022 https://edc.nyc/sites/default/files/2023-02/New-NY-Action-Plan_Making_New_York_Work_for_Everyone.pdf

³² Manhattan Borough President Office. Shed the Shed: Streamlining and Expediting Building Façade Work so Scaffolding can Come Down Faster. <https://www.manhattanbp.nyc.gov/wp-content/uploads/2023/03/Shed-the-Shed-Report-V5.pdf>

³³ New York Post, August 3, 2023, City Council seeking to overhaul scaffolding abuse in NYC <https://nypost.com/2023/03/18/city-council-seeking-to-overhaul-scaffolding-abuse-in-nyc/>

³⁴ Mayor Adams, DOB Commissioner Oddo Unveil Plan to Remove Unsightly Sheds, Scaffolding From NYC Sidewalks. July 24, 2023 <https://www.nyc.gov/office-of-the-mayor/news/537-23/mayor-adams-dob-commissioner-oddo-plan-remove-unsightly-sheds-scaffolding-nyc#/0>




Goal: Reduce the amount of time sidewalk sheds are unnecessarily up

A major contributor to the proliferation of longstanding sheds is a simple cost-benefit analysis: property owners prefer to keep sidewalk sheds up and absorb the fines and penalties incurred by late filings and delayed façade inspections and repairs rather than to spend higher sums on fixing the façade. The City generally allows property owners to keep sidewalk sheds up without enforcing strict removal requirements or financial costs.

The following proposals aim to make it costlier for property owners to ignore construction code deadlines and keep sidewalk sheds up. A chart summarizing and comparing the proposals is found on page 19.


- **Disincentivize sheds in public spaces through monthly penalties:** Mayor Adams proposes monthly penalties of up to \$6,000 per month on sheds located in the public right of way, starting 90 days after the permit is issued. Penalties would be tied to the length of the shed and could be reduced if sheds are removed piece by piece or waived if property owners take action to remove the shed on time. Penalties would not apply to sheds related to new construction or demolition projects, to sheds around one- and two-family homes, or to buildings that use safety netting. This proposal would require legislation.
- **Disincentivize sheds in central business districts with higher penalties:** Mayor Adams proposes financial penalties of up to \$10,000 for sheds located in certain business districts if a building failed a Local Law 11 exam and has not applied to make repairs within three months, obtained work permits within six months, and fully completed the repairs within 24 months. These new rules will first apply to buildings in Midtown Manhattan, Long Island City, Downtown Brooklyn, and the Grand Concourse.
- **Fine building owners who erect sheds but do not start any work:** Council Member Eric Bottcher proposes (Intro. [956-2023](#)) to impose penalties on building owners who install a sidewalk shed but do not apply for a corresponding work permit for the building above the shed within six months.
- **Mandate removal of sheds when no work is done on the site:** Council Member Keith Powers proposes (Intro. [972-2023](#)) to require sidewalk sheds and temporary walkways be removed if no work has happened for 60 days.
- **Allow the government to repair unsafe façades when owners fail to do so:** Council Member Keith Powers proposes (Intro. [972-2023](#)) allowing city



government to conduct emergency repairs on private buildings that have failed to correct unsafe conditions within the legal timeframe. As in other cases where the Buildings Commissioner can authorize emergency work, the owner of the building is billed for the expenses.

- **Impose larger penalties for failed façade inspections and increase penalties for late repairs:** In its latest edition of Budget Options for New York City,³⁵ the NYC Independent Budget Office (IBO) proposed imposing a penalty for buildings that fail a façade inspection equal to 1 percent of the building’s assessed value, with a cap at \$150,000. In addition, to impose additional penalty of the same amount for every year repairs are not completed. That would be a significant increase from the current annual penalty for late repairs, which stand at \$1,000+\$10 per foot. The IBO predicts the new penalties would reduce the number of outstanding façade repairs by 20 percent, and would bring in \$150 million in revenue annually.
- **Make it harder and costlier to renew shed permits:** Building owners can easily renew their one-year shed permit with little to no fees, and often avoid paying penalties when their permit expires. Mayor Adams proposes to reduce the duration of a shed permit from 12 months to 90 days, increase fees for renewal and penalties for sheds with expired permits, and stop granting penalty waivers. This would require City Council legislation.
- **Expedite permit approval processes at the Landmarks Preservation Commission:** Owners of landmarked buildings (or buildings situated in historic districts) must receive approval from the Landmarks Preservation Commission before they can begin façade work. According to the Manhattan Borough President Office, delays in issuing LPC permits could add months to a project, while sidewalk sheds remain unused. The Borough President suggests that setting up an LPC unit specifically dedicated to Local Law 11 compliance and expanding personnel working on those permits would help reduce the amount of time sidewalk sheds are unnecessarily up.
- **Focus enforcement on longstanding sidewalk sheds:** Since 2019, the DOB has been running an initiative targeting sheds that have been up for more than five years. The Long Standing Shed Program includes regular site visits and legal action against violators. Mayor Adams promises to expand this strict oversight program to sheds that have been in place longer than three years, thus adding hundreds more sheds to the targeted enforcement.


³⁵ Budget options for New York City - Revenue: Raising Fees and Fines, New York City Independent Budget Office, December 2022 <https://www.ibo.nyc.ny.us/iboreports/revenue-options-raising-fees-and-fines-december-2022.pdf>

- 
- **Focus on longstanding sheds in City-owned buildings:** Manhattan Borough President Mark Levine proposes to create a task force to identify the entities within city government that are “the worst long-term scaffolding offenders.” According to Levine, on average, sidewalk sheds are up for over a year on City-owned property.
 - **Assist tenants in receiving financial compensation for scaffolding in their building:** Under state law, tenants could be entitled to rent abatements for decreased services because of extended scaffolding outside their apartment. Manhattan Borough President Mark Levine proposes a program to assist tenants in rent-regulated apartments to receive such rent reduction and support market-rate tenants who withhold rent based on excessive scaffolding timeframes. The sudden decrease in rental income for landlords could incentivize them to expedite repairs and dismantle sidewalk sheds and scaffolding.

Goal: Assist property owners to complete necessary repairs and dismantle sidewalk sheds

Some sidewalk sheds remain up because property owners cannot afford to repair the façade or are entangled in legal disputes with neighboring properties. The following proposals aim to reduce the financial and legal hurdles these property owners face so that sheds can be dismantled faster.

- **Provide financial support for buildings struggling with Local Law 11 compliance:** Mayor Adams and Manhattan Borough President Mark Levine propose providing low-interest loans to qualifying buildings with a demonstrated financial hardship, which lack the resources to complete façade repair work. This could allow small property owners, who often keep sidewalk sheds up because they cannot afford extensive repair work, to complete the work. Loan eligibility requirements and the source of the loans would need to be defined to develop this program, which might likely require state legislation. Lawmakers have previously proposed ([S1127 Liu/A513 Braunstein](#) – 2021 session) that the state provide property tax credit for class 2 cooperative and condominium buildings that successfully complete façade inspection.
- **Provide professional support for building owners on Local Law 11 compliance:** The Manhattan Borough President recommends the Department of Building provide property owners and building boards with access to expertise in construction, financing, engineering, project management, and other areas related to the Local Law 11 compliance, to guide them through the process of completing façade work.


- 
- **Facilitate access to neighboring properties for the purpose of fixing the façade:** Some façade repairs cannot be done without gaining access to the adjoining property. If the owner of that property refuses access, the legal proceedings required to obtain a license to enter the property may take months. State Senator Leroy Comrie and Assembly Member Jenifer Rajkumar proposed ([S1305/A1321](#)) setting a clear legal framework that regulates compensation, insurance, and the court's powers in such cases.³⁶ Manhattan Borough President suggested that the state allows mediated negotiation between the neighboring property owners without needing court intervention.

Goal: Reduce the number of sidewalk sheds the City requires to be constructed

Instead of finding ways to increase compliance with a scaffolding and sheds timetable through incentives, some have proposed changing legal requirements to require fewer sidewalk sheds be built in the first place.

- **Facilitate the use of safety netting instead of sidewalk sheds:** Currently, buildings can deploy safety netting instead of sidewalk sheds in order to protect pedestrians during façade work, yet this method is hardly used. Mayor Adams announced that the DOB will post specific rules governing the use of safety containment netting in an agency bulletin before the end of the year and proactively encourage professionals to use them. Clear design standards could make it easier for buildings to choose netting instead of a sidewalk shed. In addition, City agencies will prioritize using netting in their own construction projects, unless they rule it out as a viable option. The use of netting on City buildings will be piloted in the city-owned Queens County Courthouse, where sidewalk sheds have been installed for years because the city did not allocate the funds to make necessary repairs. A bill by Council Member Keith Powers, Intro. [970-2023](#), provides more specifics for how netting should be used as an alternative to sidewalk sheds.
- **Extend inspection cycle for certain new buildings:** Under current Local Law 11 rules, all buildings above six floors must conduct façade inspections every five years, regardless of their age or type. Council Member Keith Powers proposes (Intro. [973-2023](#)) that new buildings wait eight years after construction is completed for the façade to be inspected for the first time. Manhattan Borough President Mark Levine recommends that new buildings built with materials other than terra cotta (which are considered to carry less risk) be inspected after seven years in their first two inspection cycles. Mayor Adams instructed the DOB to

³⁶ A resolution calling the legislature to pass this bill was introduced by Council Member Julie Menin ([Res. 0559-2023](#))




conduct a study to determine whether the frequency of inspections can change. Changing the inspection cycle should be made based on data and clear evidence-based justifications This requires legislation.

- **Extend inspection cycle for buildings after certain renovations:** Manhattan Borough President recommends that buildings that completed “major” renovation and façade work would go into a 7-year inspection cycle immediately following renovations. What constitutes a major renovation still needs to be defined. This requires legislation.
- **Coordinate Local Law 11 inspections for buildings in the same block simultaneously:** Council Member Powers proposes to make the inspection cycle more effective by coordinating façade inspection for buildings on the same block at the same time, allowing buildings to share platforms, resources, and sheds. His proposed bill, [Intro 973-2023](#), requires the DOB Commissioner to coordinate inspections across blocks “to the extent practicable.” To make this proposal effective, more details would need to be worked out, like providing access to materials, funding, and receiving buy-in from all owners.
- **Use drones for façade inspections:** With improvements in unmanned aircraft technology, some suggest drones could be used in façade inspections, thus speeding up inspections and reducing some need for sheds and scaffolding. Council Member Powers proposes (Intro. [452-2022](#)) a one-year DOB pilot program that would use drones “in conjunction with physical examinations and close-up inspections” for Local Law 11 compliance. The pilot would assess the effectiveness of drones, the type of façade effects drones could detect, and the buildings that could benefit from the technology. The proposal is supported by the Manhattan Borough President. To note, a 2021 study by the DOB, which the City Council ordered, found that while drones can be helpful tools, they cannot substitute a close-up physical inspection.³⁷

Goal: Reduce the negative impact of sidewalk sheds on the urban environment

Some of the quality-of-life issues associated with sidewalk sheds – obstructing access to storefronts, hindering the flow of pedestrian traffic, poor sanitation – stem from their current design, which is heavy on pipes and plywood, receives insufficient light, and substantially blocks the streetscape. Even if dozens of miles of sheds are removed from our streets, those remaining will still present a negative impact on the

³⁷ Using Drones to Conduct Façade Inspections, Hrubeck, Jill PE, Wan, Wendy RA, New York City Department of Buildings, November 24th, 2021.
<https://www.nyc.gov/site/buildings/dob/pr-report-unmanned-aircraft-systems.page>



urban environment. The following proposals detail methods to mitigate these problems by changing sidewalk sheds' appearance and structure.

- **Change standards for the traditional sidewalk shed design:** Mayor Adams committed to advance changes to the design standards of traditional sidewalk sheds, including allowing for other color choices beyond hunter green, installing increased lighting, and allowing artwork to be installed. Some of those changes would require legislative action. A bill by Council Member Keith Powers, Intro. [970-2023](#), would implement some of these new design requirements, including new colors, lighting, and height. A bill by Council Member Eric Bottcher, Intro. [955-2023](#), would increase lighting levels and mandate the use of LED. Another bill by Council Member Bottcher, Intro. [954-2023](#), would require sheds in parks and playgrounds to have higher ceilings (12 feet), no cross-bracing, and ban them from “unreasonably obstructing” these public spaces.
- **Approve new shed design styles:** The City has not approved new alternative shed designs since 2011, when the “urban umbrella” style won an official design contest. However, that style is expensive, and only one company holds the rights to install it. Mayor Adams committed to implementing new shed designs, netting, and carbon fiber wrap designs into the city’s Construction Codes by the end of 2024. This proposal seems to be supported by all stakeholders involved in the sidewalk sheds reform efforts. In September, the DOB published in the City Record a public request for proposals (RFP) for six new standardized designs: two for heavy-duty sidewalk sheds, two for light-duty sidewalk sheds, and two for non-sidewalk level alternatives such as netting systems or cantilevered roofs. Intro. [970-2023](#) includes a provision that would require cantilevered platforms during the construction of new major buildings, though the DOB would still need to create new affordable options for these new structures.

Goal: Reduce safety risks caused by sidewalk sheds

Sidewalk sheds are constructed to protect pedestrians from construction work but can become safety risks themselves if they are not well maintained. Some proposals focus on shed safety.

- **Conduct periodical shed safety inspection by DOB personnel:** Currently, the sidewalk shed permit holder or designer is responsible for conducting safety and compliance inspections of the shed every six months until it is removed. Council Member Chris Marte proposes (Int. [966-2023](#)) that DOB inspectors would be the ones conducting the six-month periodic inspections and that building owners fund these inspections through a fee, proportionate to the size of the sidewalk shed being inspected.



- **Require permit holders to replace city-owned trees that a shed damages:** A bill from Council Member Powers (Intro. [971-2023](#)) would require permit holders to repair or replace trees within the public right-of-way that are damaged as a result of their sidewalk shed or scaffolding within six months.

Proposed solutions for sidewalk sheds – summary and comparison

Proposal	Included Mayor Plan	Included in MBP Plan	Included in Council package	Requires Council legislation	Requires state legislation	Commitments and timeframes
Goal: Reduce the amount of time sidewalk sheds are unnecessarily up						
Disincentivize sheds in public spaces through monthly penalties	Yes	Yes	No	Yes	No	
Disincentivize sheds in central business districts with higher penalties	Yes	Yes	No	Yes	No	
Fine building owners who erect sheds but do not start any work	Partly (in central business districts)	Yes	Yes Int. 956-2023 (Bottcher)	Yes	No	
Mandate removal of sheds when no work is done on the site	No	No	Yes Int. 972-2023 (Powers)	Yes	No	
Allow the government to repair unsafe façades when owners fail to do so	No	Yes	Yes Int. 972-2023 (Powers)	Yes		
Impose penalties for failed façade inspections and increase penalties for late repairs						Proposal appears in IBO Budget Options
Make it harder and costlier to renew shed permits	Yes	No	No	Yes	No	
Expedite permit approval processes at the Landmarks Preservation Commission	No	Yes	No	No	No	

Proposal	Included Mayor Plan	Included in MBP Plan	Included in Council package	Requires Council legislation	Requires state legislation	Commitments and timeframes
Focus enforcement on longstanding sidewalk sheds	Yes	No	No	No	No	DOB to expand Long Standing Shed Program to 3+ year-old sheds
Focus on longstanding sheds in City-owned buildings	No	Yes	No	No	No	
Assist tenants to receive financial compensation for scaffolding in their building	No	Yes	No	No	No	
Goal: Assist property owners to complete necessary repairs and dismantle sidewalk sheds						
Provide financial support for buildings struggling with Local Law 11 compliance	Yes	Yes	No	Potentially	Potentially	
Provide professional support for building owners on Local Law 11 compliance	No	Yes	No	No	No	
Facilitate access to neighboring properties for the purpose of fixing the façade	No	Yes	As Reso. 559-2023 (Menin)	No	Yes S1305 (Comrie)/ Rajkumar (A1321)	
Goal: Reduce the number of sidewalk sheds the City requires to be constructed						
Facilitate the use of safety netting instead of sidewalk sheds	Yes	No	Yes Int. 970-2023 (Powers)	No	No	DOB to publish bulletin with rules on using safety netting by the end of 2023 (first procedures published in OTCR/Buildings Bulletin 2023-006) DCAS to replace sheds outside the Queens Courthouse with netting
Extend inspection cycle for certain new buildings	Partially	Yes	Yes	Yes	No	



Proposal	Included Mayor Plan	Included in MBP Plan	Included in Council package	Requires Council legislation	Requires state legislation	Commitments and timeframes
			Int. 973-2023 (Powers)			
Extend inspection cycle for buildings after certain renovations	Partially	Yes	No	Yes	No	DOB to conduct a study on the question – no timeline given.
Coordinate Local Law 11 inspections for buildings in the same block simultaneously	No	No	Yes Int. 973-2023 (Powers)	Yes	No	
Use drones for façade inspections	No	Yes	Yes Int. 452-2022 (Powers)	Yes	No	
Goal: Reduce the negative impact of sidewalk sheds on the urban environment						
Change standards for the traditional sidewalk shed design	Yes	Yes	Yes Int. 970-2023 (Powers) Int. 954-2023 Int. 955-2023 (Bottcher)	Yes	No	
Approve new shed design styles	Yes	Yes	Yes Int. 970-2023 (Powers)	No	No	DOB issued RFP for six new designs in City Record in September 2023. DOB to implement new designs into Construction Codes by end of 2024.
Goal: Reduce safety risks caused by sidewalk sheds						
Conduct periodical shed safety inspection by DOB personnel	No	No	Yes Int. 966-2023 (Marte)	Yes	No	
Require permit holders to replace city-owned trees the shed damages	No	No	Yes Int. 971-2023 (Powers)	Yes	No	



Recommendations

Coordinate reform efforts under one leading point person

As reviewed above, over twenty proposals have already been floated to address the issue of sidewalk sheds, and they require action from the Mayor's Office, DOB, DCAS, LPC, Borough Presidents, the City Council, and the State Legislature. Coordination and collaboration is key. The Mayor should appoint one person to oversee these efforts, facilitate necessary partnerships between agencies, help steer intergovernmental coordination, and track implementation. In public statements, the Mayor referred to DOB Commissioner Jimmy Oddo and to Chief Public Realm Officer Ya-Ting Liu as officials leading this effort.

Publish a reform initiative tracker to monitor progress

To help drive and manage the implementation of the recommendations outlined in the various plans, the Mayor's Office should develop and make public a reform initiatives tracker, which would provide an overview of the status of each initiative and a description of the progress made to date. The tracker should be updated periodically. An example can be drawn from the NYPD Reform Implementation Initiatives Tracker, which was developed by the Police Reform and Reinvention Collaborative in 2021.

Study the direct impact of penalties on sidewalk sheds

More information is needed on the impact of financial penalties on the length of time sidewalk sheds are up. The DOB should provide an analysis of how the last increase in penalties affected noncompliance by building owners and whether it reduced the number or overall length of sheds in the city. In addition, the DOB's map of active sidewalk sheds should provide information about the penalties associated with each shed or with the façade they protect (for LL11 related sheds). Since several proposals rest on the assumption that increasing fines and penalties would reduce the proliferation of sidewalk sheds, more precise research is needed.

Dedicate particular efforts to NYCHA developments

The New York City Housing Authority (NYCHA) has miles of sidewalk sheds circling over 100 buildings, yet it does not provide the funds needed to repair or maintain facades. NYCHA estimates it would need \$3.2 billion to comply with Local Law 11.³⁸

³⁸Howard Husock, NY Post, 26 Miles of scaffolding blights NYC's public housing, some up for 10 years, July 30, 2023, <https://nypost.com/2023/07/30/26-miles-of-scaffolding-blights-nycs-public-housing/>; Greg Smith, The City, NYCHA Falling Facade in The Bronx Follows Years of Citations and No Action, May 1, 2023 <https://www.thecity.nyc/2023/5/1/23707471/bronx-nycha-falling-facade-citations-inaction>



If those estimates are correct, the City would likely need assistance from the state and federal government, given that NYCHA is already facing severe financial woes. NYCHA is one of the worst offenders of sidewalk sheds and façade compliance, but it rarely sees the same fines and penalties as other building owners.

In addition, NYCHA suffers from “over-shedding”. The agency’s strict interpretation of the building code leads it to establish sheds even when façade work is done on a building set back from the street.

Despite being mostly under the Mayor’s control, Mayor Adams’ plan to Get Sheds Down does not include sidewalk sheds in NYCHA complexes. Any substantive sidewalk shed and scaffolding reform should address public housing.

Tailor solutions to historic districts

As mentioned in this report, data from the Landmark Preservation Commission and Department of Buildings suggests that sidewalk sheds are erected around almost 1,500 landmarked sites in the city, with half of these sheds in place for over a year. Landmarked facades are often built of materials that are too easily damaged and can be costlier to maintain.

In addition, landmark building owners need a permit from the Landmark Preservation Commission before they can begin any façade maintenance. That process takes time. The exact building materials (most often, types of terra cotta) are in limited supply; shipping, production, and LPC inspection and approval of materials all add to delays. LPC permits often arrive after the DOB permit has expired.

The Mayor’s plan should address landmarked buildings and historic districts by facilitating the permit process and assisting owners with the compliance and repair process. The proposal by the Manhattan Borough President to set up a unit within the LPC that handles Local Law 11 compliance could greatly streamline the process.