



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony before the City Council Committee on Housing and Buildings
Oversight hearing and legislative package on sidewalk sheds
City Hall – June 25, 2024

Bills: Intro 369-2024 (Powers), Intro 391-2024 (Powers), Intro 392-2024 (Powers), Intro 393-2024 (Powers), Intro 394-2024 (Powers), Intro 503-2024 (Abreu), Intro 659-2024 (Bottcher), Intro 660-2024 (Bottcher), Intro 661-2024 (Bottcher), Intro 774-2024 (Marte), Intro 796-2024 (Stevens), Intro 956-2024 (Rivera)

Dear Chair Sanchez and members of the Committee on Housing and Buildings. My name is Ben Weinberg, and I am the Director of Public Policy at Citizens Union. Thank you for giving us the opportunity to speak before you today.

Citizens Union is a nonpartisan good government group committed to reforming New York City and State governments to advance accountable, ethical, and effective government. As such, we occasionally examine policy areas where a noticeable systematic problem results in poor services or negatively impacts New Yorkers.

The regulatory system that governs the construction of sidewalk sheds is such an issue. It encourages noncompliance with city code and incentivizes building owners to maintain these structures longer than they are legally allowed.

The result is a proliferation of sheds that have damaged urban life in our city. They obstruct sidewalks and entrances, cover landmarked buildings, attract trash, and often become safety risks themselves.

In December of 2023, we [issued a report](#) on the state of sidewalk sheds in New York City, which reviewed the evolution of the City's Façade Inspection & Safety Program, known as Local Law 11, the rules governing sidewalk sheds, the problems associated with them, previous attempts to reform this issue, and the various proposals made by current officials.

We found that the number of applications for sidewalk sheds increases every year, with sheds now totaling almost 400 miles.

Only about 40% of sheds are erected to comply with Local Law 11 - the rest are due to construction and demolition projects – but those sheds tend to stay up for longer periods. Over half of 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.

According to our analysis, last year there were sheds surrounding 1,454 landmarked sites, half of which had been obscured for over a year. New York City spends substantive resources in designating and upkeeping many thousands of historic landmarks, but then allows more than a thousand of them to be virtually hidden behind sidewalk sheds.

We also found that several accidents involving sidewalk sheds and scaffolding occur every year, with the total number believed to be higher since some accidents go unreported.

Although several attempts have been made by past administrations and lawmakers to reduce the number of sheds and their negative impact on the urban environment, none has managed to curb this problem in the long run.

The current convergence of interests, with the Mayor, the Manhattan Borough President, and several members of the City Council all advancing real, practical solutions for this problem, is a hopeful sign. Citizens Union commends today's sponsors, the Manhattan Borough President Mark Levine, and DOB Commissioner Jimmy Oddo for advancing this important reform package.

We also urge all stakeholders to utilize this rare moment to ensure necessary legislation is approved this calendar year and that programmatic changes result in tangible improvements that New Yorkers can see in their neighborhoods.

The bills before the Committee today would assist in reducing the amount of time sidewalk sheds are unnecessarily up (Intro. 661-2024, Bottcher; Intro. 393-2024, Powers; Intro 503-2024, Abreu), the negative impact they pose on the urban environment (Intro 391-2024, Powers; Intro 659-2024, Bottcher; Intro 660-2024, Bottcher; Intro 956-2024, Rivera) and the safety risk they pose (Intro 774-2024, Marte; Intro 392-2024, Powers), and the number of sheds the City requires to be constructed in the first place (Intro 391-2024, Powers; Intro 394-2024, Powers; Intro 369-2024, Powers).

We recommend the Council explore three other key issues:

- **Study the direct impact of penalties on sidewalk 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 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).
- **Tailor solutions to historic districts**
Landmarked facades are often built of materials that are too easily damaged and can be costlier to maintain. In addition, building owners need a permit from the Landmark Preservation Commission before they can begin any façade maintenance. The Council and the administration

should offer specific solutions to landmarked buildings and historic districts, like streamlining the permit process and assisting owners with the compliance and repair process.

- **Dedicate particular efforts to NYCHA developments**

NYCHA continues to be one of the worst offenders of sidewalk sheds and façade compliance while rarely seeing the same fines and penalties as other building owners. Any substantive sidewalk shed and scaffolding reform should address public housing.

In addition, in order to effectively implement the proposed reform efforts, the city should,

- **Coordinate reform efforts under one leading point person**

The proposals and bills require action from the Mayor’s Office, DOB, DCAS, LPC, Borough Presidents, the City Council, and the State Legislature. The Mayor should appoint one person to oversee these efforts, facilitate partnerships and coordination, and track implementation.

- **Publish a reform initiative tracker to monitor progress**

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.

For more information, please contact Ben Weinberg, Director of Public Policy, at bweinberg@citizensunion.org.