

FACT SHEET:

WHAT TO DO WHEN THERE IS NEW CONSTRUCTION RIGHT NEXT TO YOUR BUILDING

New construction of apartment buildings, hotels and dorms is a fact of life in New York City, particularly in downtown Manhattan. Dozens of permits are filed every year in the Lower East Side/East Village alone. If you live in an apartment building next to a vacant lot or a low rise building (4 or fewer stories), there's a significant chance that you may find yourself living next door to a demolition site and/or construction site for a couple of years. There are risks to any building, particularly 100 year old tenement buildings, when you are living next door to a building that is being demolished, or a site where excavation, or new construction is taking place. Here's what you can do to protect your home if you find yourself in this situation.

1) Get Apartment Insurance: Whether you own a co-op or you're a renter, you should get insurance for your apartment. If you're a tenant, your landlord has insurance to protect his/her building, but that insurance offers you no protection as a tenant if you suddenly find that you need to vacate your building because construction next door to you has damaged your building's foundation.

Apartment insurance is not very expensive. You can buy a renter's insurance policy for less than \$350 per year. It will cover you for thousands of dollars in lost possessions if, in a worst case scenario, your building is vacated and demolished by the NYC Dept. of Buildings. In these rare instances, tenants have lost all their possessions without any real opportunity to remove their belongings. Insurance can't replace precious items of sentimental value, but it can compensate you for lost furnishings. Policies also typically will cover relocation expenses if you need to vacate your apartment for months and rent another apartment or stay in a hotel while your building is being repaired. If you don't have insurance, the Red Cross can provide you with temporary housing, but it may not be to your liking or in a desirable location.

2) Be Proactive: If demolition or construction is happening next door, find out who the owner of the property is and who the demolition contractor is, and get their contact information. You can find this information on www.nyc.gov by going to the Dept. of Building's site and by looking on ACRIS. If you're a tenant, ask your landlord to contact them to find out what their building plans are. Before construction begins, your landlord should hire an engineer to take photographs of your basement walls and the exterior walls of the building to document whether there are pre-existing cracks. If there are cracks, they should repair them to strengthen your building. You should also take photos of your apartment walls. If not, the adjacent owner may say any cracks were pre-existing conditions.

The adjacent property owner is required to hire engineers to do "soil borings" to get soil samples which help them find out how much pressure per square inch the soil can hold. A site may have an underground stream or an oil tank that needs to be removed because it's an environmental hazard. They also should dig "test pits" next to adjacent buildings to see how deep the foundations are. Your landlord's engineer should get copies of all of these test results. The adjacent owner must obtain permits to do any work on their site. If they don't have permits posted, call 311 and ask that they put a Stop Work Order on the owner immediately.

When the adjacent owner is ready to excavate, your landlord should find out what their plans are for shoring up your building. They typically underpin adjacent buildings (pour mortar underneath the adjacent foundations) to solidify the foundations. Your landlord's engineer should install crack monitors and vibration monitors to ensure that excavation is not causing excessive stress to your

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building. If you find that cracks are forming, you should immediately call 311 and ask that DOB put a Stop Work Order on the construction next door. Your landlord or co-op board can demand they repair your building, but resolution of the matter may require going to court. If necessary, DOB may shore up your building with metal straps to prevent further cracking. It's possible they may temporarily vacate your building while they do an assessment of whether it's safe for tenants to occupy it. Fear of a Vacate Order should not prevent you from determining if it's safe to occupy your building.

3) Know Your Rights: If you have to vacate, you must protect your right to return to the building by filing a form with the NYS Division of Housing and Community Renewal, provided that you are a rent stabilized tenant. It will enable you to hold onto your apartment for \$1 per month. Tenants who fail to do this can lose their apartment because they are considered to have abandoned it. You may need to call upon local elected officials and tenant advocacy organizations like the Cooper Square Committee to help you navigate the politics of getting your building repaired so that you can move back in. We're here to help. Contact us at 212-228-8210 if you are concerned about demolition or construction next to your building.

(This Fact Sheet was prepared by the Cooper Square Committee, 61 E. 4th St., NY, NY 10003; 212-228-8210)