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Mandatory Parking Garage Inspections Coming in New York

By Deborah B. Koplovitz



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In July 2015, a two-level parking garage in Johnson City, New York (outside of Binghamton) collapsed, and two dozen vehicles were trapped. As a result, New York State has amended Title 19 of New York Code, Rules and Regulations Parts 1202, 1203, and 1204 (the “Rule”) requiring local governments to inspect parking garages at least every three years after the initial inspection. While New York City has not yet promulgated its own rules, they are assumed to be forthcoming.

Co-ops and condominiums with parking garages covered by the Rule should anticipate having to undergo periodic inspections by a qualified engineer, similar to the process involved with New York City’s Façade Inspection & Safety Program, to provide condition assessment reports every three years.

The Rule is fairly specific already, and once New York City passes its own requirements, it is anticipated that there will be even more requirements to follow.

Covered co-ops and condos will have to have an on-site inspection and evaluation of a parking garage performed for evidence of de-

terioration of any structural element or building component, and unsafe conditions.

Deterioration is defined as “the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component.”

The certified engineer will be required to evaluate and describe: any deterioration and unsafe conditions; conditions causing deterioration which should be remedied immediately to prevent an unsafe condition; the corrective options available, including the recommended timeframe for remedying the situations; and the risks associated with not addressing the situation. In addition, the responsible professional engineer must make recommendations regarding preventative maintenance.

The DOB will have to review condition assessment reports and take the actions necessary to protect the public from any identified hazards. It is possible that the DOB could suspend or revoke parking at a location based on reports.

The State’s timeline for conducting an initial condition assessment of all parking garages is as follows:

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New parking garages:

- After construction is complete and prior to issuance of a Certificate of Occupancy or Certificate of Compliance.

Existing parking garages:

- If originally constructed prior to January 1, 1984, then prior to October 1, 2019.
- If originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020.
- If originally constructed between January 1, 2003 and August 29, 2018, then prior to October 1, 2021.

Not all co-ops and condos will be required to comply with this periodic reporting. If a garage

falls under one of the exclusions to the definition of “parking garage” in 1203.3(j)(2)(iv), then that building should not have to participate.

The Rule excludes from the definition of “parking garage” (a) “buildings in which the only level used for parking or storage of motor vehicles is on grade; (b) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and (c) a townhouse unit with attached parking exclusively for such unit.”

We will continue to monitor the DOB’s regulations and will notify our clients of any additional requirements. In the meantime, boards with parking garages which are not exempted from the Rule should begin budgeting for additional costs. ▲

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