

## ASK REAL ESTATE

# How Long Can My Building Keep Scaffolding Up?

Sidewalk sheds and scaffolding are ubiquitous fixtures in the New York City landscape, but they aren't supposed to stay up forever.



By Ronda Kaysen

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**Q: My large, rent-stabilized building in New York City has been encased in scaffolding with a sidewalk shed for over four years. Many of the apartments have balconies or terraces, and there is a roof deck, but no one is allowed to use these spaces while the scaffolding is up. Repair work is done only intermittently, with no real sign of progress. Because city law requires facade inspections every five years, we were told management may leave the scaffolding up indefinitely. Homeless people now shelter beneath the sidewalk shed, which is littered with garbage. Is a building allowed to put up scaffolding and not complete work for an endless amount of time?**

**A:** Sidewalk sheds and scaffolding are ubiquitous fixtures of the New York City landscape. Today, there are nearly 10,000 active permits for sidewalk sheds, according to the city's Department of Buildings, a third of which are in place because of city rules that regulate facades.

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Sidewalk sheds are erected to protect pedestrians from falling debris and avoid tragedies like the ones that killed a toddler in 2015 and an architect in 2019. On average, the structures stay up for a little over seven months, according to the Buildings Department — although the oldest shed in the city, in Manhattan, has been up for 16 years.

Under city rules, residential buildings taller than six stories must conduct a close inspection of their facades every five years and make necessary repairs. At this point, your building may have decided that it's cheaper to wait until the next city inspection than to complete the work and disassemble the scaffold, only to put it back up in a few months.

The city fines buildings for not completing facade repairs in a timely fashion, but the fines may be cheaper than the work that needs to be done.

"These projects are extremely expensive," said Michael J. Ciarlo, a real estate lawyer and a partner at the Manhattan law firm Nadel & Ciarlo. "We had a client and the facade work was close to \$1 million. Sometimes they don't have the money and they have to leave the sidewalk shed up."

So where does that leave you? It's hard to push back against public safety. But you can exert pressure to get the work done so the equipment can come down. As rent-stabilized tenants, you and your neighbors could apply to the state for rent reductions because of a decrease in building-wide services for the shared roof deck, Mr. Ciarlo said. Those with private balconies could apply for rent abatements because of the loss of individual apartment services. You could also withhold rent and then argue for an abatement when the landlord takes you to housing court. All of this could motivate the landlord to make the repairs, particularly if several tenants take this action simultaneously.

The sidewalk shed, while critical to public safety, might irritate other people in the neighborhood, too. Contact your local community board and your City Council member, asking them to lobby your landlord to make the necessary repairs so the community can get its sidewalk back.

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