

## PHILADELPHIA FAÇADE INSPECTION ORDINANCE

R. David Walker • 215.665.7214 • [rdwalker@cozen.com](mailto:rdwalker@cozen.com)

James R. Williams • 215.665.4698 • [jrwilliams@cozen.com](mailto:jrwilliams@cozen.com)

The first building façade inspection ordinance in the City of Philadelphia will soon go into effect – bringing the city into line with almost all of the major metropolitan areas in the country. The new regulations, enacted this past February, were spurred by widely reported incidents in recent years involving pedestrians being injured, and even killed, by debris falling from the exteriors of buildings in the city, as well as many more near misses.

### QUALIFYING BUILDINGS

A significant number of buildings will be affected by the new inspection regime. Periodic inspection and maintenance will be required for all buildings of six or more stories in height and for any building that has an appurtenance – such as a steeple, chimney, or tower – that is in excess of a total height of sixty feet. The ordinance applies to both commercial and residential structures.

### INSPECTION TIME FRAME

The ordinance calls for a staggered schedule of initial inspections – the due date for the inspection of each qualifying building depends upon its age. For the oldest buildings in the city, an inspection report must be completed on or before June 30, 2011. More modern buildings have inspection due dates that are later, some as late as June 30, 2015. Once inspected, periodic re-inspections will be required on a five-year cycle, based on the date of the initial inspection.

### INSPECTION REQUIREMENTS

At the heart of the new inspection regime, the owner of each qualified building must cause a licensed professional who is “experienced in the practice of structural engineering,” or a licensed registered architect who is “knowledgeable in the design, construction, and inspection of building façades,” to

inspect and assess the structural integrity of its façade. Based upon this inspection, the engineer or architect must classify the building as either “safe,” “safe with a repair maintenance program,” or “unsafe.” Classification as “safe with a repair maintenance program” means a condition exists that is not necessarily unsafe at the time of inspection, but requires repairs or maintenance within a given time frame to prevent its deterioration. An “unsafe” designation means a portion of the building’s exterior wall or an appurtenance is dangerous to persons or property, and that prompt remedial action is required to remedy the condition. Any part of a building’s exterior walls or appurtenances may be classified as “unsafe.”

Upon the completion of a façade inspection, the inspector must create a report detailing any condition of the building that is not deemed “safe.” Among the required elements of a report are a brief history, if available, of any repairs theretofore performed to the exterior of the building, the procedures used for the inspection and a report as to the current conditions and any significant deterioration of the exterior walls and features of the façade, which can include items such as flagpoles, signs, parapets, copings, guard rails, window frames, window guards, window air conditioners, flower boxes and other items. The inspection report must be delivered to the owner, and a summary of the report must be delivered to the Philadelphia Department of Licensing and Inspection in a form determined by the department. The owner must make the full report available for inspection by the department upon request.

### REMEDIAL WORK

If an inspection reveals any “unsafe” exterior building condition, the ordinance imposes a number of additional requirements upon both the inspector and the building owner. The inspector must notify the Department of

Licensing and Inspection of the unsafe condition within twelve hours after the condition's discovery. Within 24 hours after completing the inspection report, the full report (not a summary) must be submitted to the department. Additionally, the owner must, within 24 hours after receiving notice of an unsafe condition, take any action or actions that are immediately necessary to protect public safety – such as installing a sidewalk shed or safety netting – and begin repair work within ten days after receiving such notice.

For all conditions designated by the inspector as “safe with a repair maintenance program,” the ordinance does not stipulate any specific time frame for commencing repairs. However, the owner must comply with any repair time frame designated by the inspector, or otherwise begin repairs as soon as necessary to prevent the condition from deteriorating into an “unsafe” condition.

The Department of Licensing and Inspection may, in certain instances, grant an extension of the applicable deadline for commencing repairs. An owner desiring such an extension must submit an application to the department, accompanied

by both evidence that the premises have been made temporarily safe and a copy of a repair contract indicating the scope and length of the necessary repairs.

### **PENALTIES**

Violators of the façade inspection ordinance will face a fine of \$2,000.00 for each individual violation. City regulations treat each day a violation continues as a separate offense, which will presumably mean that non-compliant owners may be charged with a \$2,000.00 fine for every day that a façade inspection report has not been prepared within the mandated time frame

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*If you are a property owner in Philadelphia and would like additional information or guidance on the implementation of the façade inspection ordinance, please contact R. David Walker at (215) 665-7214 or rdwalker@cozen.com. Cozen O'Connor's real estate attorneys are familiar with all aspects of the new regulations, and may also refer inspection professionals who can assist in compliance with the ordinance's requirements.*

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