



# Construction Law Group

## Newsletter

Volume 1

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## A Message from our Chair:

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As we move through a busy construction season and look ahead to the remainder of the year, I want to take a moment to thank our clients, colleagues, and industry partners for their continued trust in our Construction Law Group.

The construction industry continues to face significant challenges – from labor shortages and safety compliance to regulatory shifts, payment disputes, and evolving project delivery methods. At the same time, we are seeing new opportunities driven by infrastructure investment, development activity, and innovation across the sector. Our team is proud to work alongside owners, contractors, subcontractors, and developers as they navigate this complex and fast-moving landscape.

Looking ahead, our calendar is filled with industry events, speaking engagements, and timely resources designed to address the issues that matter most to construction professionals. Whether it's contract risk management, labor and employment concerns, workplace safety, claims avoidance, or dispute resolution, we remain committed to providing practical, business-focused legal guidance grounded in real-world construction experience.

I encourage you to stay connected with us through our newsletters, updates, and upcoming programs. We value the relationships we've built within the construction community and look forward to continuing to support your projects, your teams, and your long-term success.

Wishing you a productive and successful season ahead.

*Jacqueline Greenberg Vogt*  
*Chair of the Construction Law Group*

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## FEATURED BLOGS/ARTICLES



### NYC Expands Construction Safety Training to Include Mental Health and Wellness

New York City has recently amended its construction safety training requirements to address not only physical hazards on jobsites but also the mental health and well-being of workers. This change represents one of the most significant expansions of Site Safety Training (SST) requirements in recent years and will affect construction employers, workers, and supervisors operating on Department of Buildings-permitted construction and demolition sites.

# What Has Changed?

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Under the updated provisions of the New York City Building Code, individuals seeking or renewing a Site Safety Training (SST) card must now complete additional training focused on mental health and related topics as part of their overall safety education.

Specifically:

- **Mental Health, Suicide Prevention & Substance Use Awareness:** The new law requires SST card applicants to complete at least two training credits covering mental health and wellness, suicide risk and prevention, and alcohol or substance misuse awareness. These credits are integrated into the existing SST framework, which already mandates comprehensive safety instruction.
- **Expanded SST Credit Requirements:** These new credits are in addition to the traditional training modules. These include OSHA courses, fall protection, hazard recognition, and other DOB-approved SST coursework.
- **Renewal Flexibility:** NYC has also modified its renewal rules. SST and SST Supervisor cards may now be renewed up to one year after expiration if the new mental-health-related credits have been completed within the year preceding the renewal application.

# Why This Matters for Construction Law Clients

For construction employers and site operators, this development adds another layer of compliance to an already complex regulatory environment:

- **Compliance with DOB Requirements:** Employers must ensure that their workers and supervisors complete the newly required training before obtaining or renewing their SST cards. Failure to do so can jeopardize site access and expose employers to enforcement actions or civil penalties under the Building Code.
- **Training Provider Coordination:** Organizations that rely on third-party or internal training programs will need to verify that their providers are offering courses that satisfy the expanded SST credit requirements.
- **Broadening the Scope of “Safety”:** This change reflects an industry trend toward recognizing health and wellness, including mental health and substance use, as integral components of workplace safety. That shift may influence future litigation, standards of care, and risk-management practices in the construction sector.

# Practical Steps for Construction Employers

To prepare for these changes, construction law clients should consider the following actions:

- **Audit Current Training Protocols:** Review internal SST training tracking to identify which workers and supervisors still need to complete the new mental health credits before the effective date.
- **Update Onboarding and Compliance Calendars:** Employers should update compliance calendars to include the new SST requirements, deadlines for training completion, and renewed tracking for SST renewals.
- **Coordinate with DOB-Approved Providers:** Confirm that Site Safety Training providers are offering the new mental-health-related SST credits and that course offerings are properly certified by the NYC Department of Buildings.
- **Communicate With Workers and Supervisors:** Provide clear guidance to impacted workers and supervisors on the new training requirements, timelines, and how these requirements affect their ability to work legally on NYC construction sites.

# Looking Ahead

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This regulatory change goes into effect 120 days after the January 3, 2026 enactment date, giving employers and workers time to adapt before enforcement begins.

By broadening the scope of safety training to include mental health, New York City is acknowledging that worker safety encompasses both physical and psychological risks, a trend that other jurisdictions may soon follow. Construction attorneys advising clients in New York can play a crucial role in helping firms update compliance strategies and stay ahead of emerging safety requirements.

## Additional Resources

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For more information on New York City's expanded construction safety training requirements and the inclusion of mental health-related coursework, please see the following resources:

- **National Law Review** – [NYC Expands Construction Workplace Safety Training Requirements to Include Mental Health](#)
- **Ogletree Deakins** – [New York City Now Requires Construction Safety Training to Include Mental Health and Substance Abuse Awareness](#)
- **OSHA Law Blog** – [NYC Expands Construction Safety Training to Include Mental Health](#)
- **Virgil HR** – [New York City Expands Site Safety Training to Include Mental Health Requirements](#)

Construction employers and industry professionals should continue monitoring guidance from the New York City Department of Buildings and consult counsel to ensure compliance with evolving safety training obligations.

## FEATURED BLOGS/ARTICLES



### Immigration Enforcement in 2026: What Construction Lawyers Need to Know

In early 2026, immigration enforcement has quietly but materially begun reshaping labor dynamics in the U.S. construction industry. What started out as immigration policy shifts, has morphed into high-profile raids by Immigration and Customs Enforcement (ICE), the impact of which has rippled onto jobsites thus impacting labor costs, workforce availability, and contractual risk—putting construction lawyers squarely in the middle of advising owners, contractors, and developers on risk mitigation and compliance.

# The Labor Supply Crunch is Real -- Even if Enforcement Isn't Always Visible

The increased frequency and visibility of ICE raids have heightened the perception of risk among undocumented workers. As a result, undocumented workers may not show up for work, effectively shrinking the labor pool. This has two primary legal implications: (1) potential project delays and (2) the need to ensure that hiring practices are compliant with labor laws.

## Wage Pressure and Cost Adjustments

With a smaller labor pool, documented workers have gained bargaining leverage. Contractors are paying more to secure documented workers and to compete with projects in sectors like data center construction, which projects continue to command premium wages and attract the best talent.

Contractors that perform work under cost-plus contract are well positioned to cover labor cost increases. Conversely, contractors working with fixed price contracts may find their projects financially upside down as labor costs mount. It is therefore imperative that contractors and owners ensure their contracts fairly and properly allocate the risk of higher labor costs.

## Conclusion

Immigration enforcement in 2026 is more than a buzzword—it's a practical driver of labor scarcity, cost escalation, compliance risk, and contract disputes. Advising clients in this market requires taking a holistic view that connects federal immigration policy to on-the-ground labor realities and contractual obligations.

## FEATURED BLOGS/ARTICLES



### Construction Outlook 2026: What Contractors Need to Know

As 2026 gets underway, the construction industry is settling into a more measured pace. The explosive growth driven by a handful of megaprojects over the past few years is leveling off, but opportunity hasn't disappeared, it's just becoming more selective. Contractors that understand where demand is holding steady, and where risks are building, will be best positioned to navigate the year ahead.

## Costs Aren't Spiking – But They're Still a Challenge

Material prices are expected to remain relatively stable in 2026, with modest increases rather than major shocks. Concrete and cement costs appear fairly flat, while steel and aluminum continue to feel the effects of tariffs. For many contractors, the bigger pressure point isn't materials – it's labor. Skilled trade shortages and rising wage costs continue to strain budgets, making early planning, flexible sourcing, and clear contract language more important than ever.

## Data Centers Remain a Bright Spot

Demand for data center construction shows no signs of slowing. Growth tied to cloud computing and artificial intelligence is driving continued investment, particularly in regions with existing power and infrastructure. That said, the pace of new projects may be constrained by power availability, permitting challenges, and a limited pool of specialized labor. Even with those hurdles, data centers remain one of the most active and reliable sectors heading into 2026.

## Infrastructure Work Stays Strong -- With Some Uncertainty Ahead

Public infrastructure projects are expected to carry much of the industry's momentum through most of the year. Airports, highways, bridges, and water systems continue to benefit from funding that's already in place. However, as the year progresses, questions around future federal authorizations and the potential expiration of certain clean energy incentives could slow the rollout of new projects and intensify competition among contractors.

## Manufacturing Construction is Evolving -- Not Disappearing

Manufacturing construction isn't pulling back so much as it is recalibrating. While fewer brand-new megaprojects are expected, activity remains high thanks to large projects already underway. Growth is increasingly concentrated in advanced manufacturing sectors like semiconductors, defense, and biomanufacturing. Contractors should expect longer timelines, greater sensitivity to labor and power constraints, and a shift toward phased campus expansions rather than one-off builds.

## Interest Rates Could Unlock Stalled Projects

A gradually improving interest rate environment may help bring some sidelined projects back to life in 2026. Residential construction is likely to feel the effects first, followed by commercial and industrial projects as financing becomes more accessible. Still, the impact won't be immediate, and uncertainty around trade policy and long-term costs means many owners will continue to move cautiously.

## Balancing Risk with Opportunity in 2026

Looking ahead, contractors are preparing for several key risks: labor shortages, cost pressures, supply chain uncertainty, power limitations, and potential policy changes affecting sourcing, immigration, sustainability, and technology adoption. At the same time, steady demand in sectors like data centers, infrastructure, and advanced manufacturing offers reasons for optimism.

# Looking Forward

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Overall, the outlook for 2026 is best described as cautiously optimistic. Growth may not be explosive, but it is still very much present for firms that stay adaptable, plan early, and focus on the sectors best positioned to weather economic and regulatory headwinds.

For more information on how construction trends are shaping up for 2026, click the Construction Dive article [here](#).

## FEATURED BLOGS/ARTICLES



### Construction Contract Must-Haves: Key Terms That Protect Your Project From Day One

What turns a construction contract from a routine document into a tool that protects your project from the start?

In a newly republished Web Exclusive for NASBP's Surety Bond Quarterly (Winter Issue), Construction Contract Must-Haves, [Jacqueline Greenberg Vogt](#), Chair of the [Construction Law Group](#), and [Boris Peyzner](#), Partner in the [Construction Law Group](#), explain the key terms contractors and owners should understand before a project begins.

The article draws from their recent [Construction Law Forum](#) presentation and walks through practical guidance on scope, scheduling, change orders, dispute resolution, indemnity provisions, and other essentials that influence project outcomes.

With market conditions shifting and risks increasing, Jacqueline and Boris outline a straightforward approach to building contracts that protect your business and support successful delivery.

[Click here to read the full article.](#)

[Click here to view the full original presentation.](#)

## SPEAKING ENGAGEMENTS AND EVENTS



**MB** MANDELBAUM  
BARRETT PC  
ATTORNEYS AT LAW

# NJSBA Construction Law Section CLE Meeting

**January 28, 2026**  
**6:00 - 7:00 PM**  
**Virtual CLE**

**Program Name:**  
Framing Construction Contracts  
Through a Risk-Allocation Lens

### Jacqueline Greenberg Vogt and Boris Peyzner Presented Virtually During the New Jersey State Bar Association January Construction Law Section CLE Meeting

Jacqueline Greenberg Vogt, Chair of the Construction Law Group at Mandelbaum Barrett PC, and Boris Peyzner, Partner in the firm's Construction Law Group, presented at the recent New Jersey State Bar Association Construction Law Section CLE Meeting.

This CLE presentation covered key construction law issues and practical insights for attorneys navigating contract risk, project disputes, and evolving industry challenges straight from experienced practitioners in the field.

## SPEAKING ENGAGEMENTS AND EVENTS



### Jacqueline Greenberg Vogt Attended the New Jersey Women Lawyers Association Annual Holiday Party 2025

A festive evening spent connecting with colleagues at the New Jersey Women Lawyers Association Annual Holiday Party.

Jacqueline Greenberg Vogt, Chair of the Construction Law Group at Mandelbaum Barrett PC, was glad to attend this wonderful event, graciously hosted by Cole Schotz P.C., bringing together members old and new for meaningful connection and conversation.

The event also highlighted NJWLA's support of Family Promise of Bergen County and its mission to empower working families facing housing and food insecurity.



# CONGRATULATIONS!

Law360 Recognizes Mandelbaum Barrett's Cannabis and Construction Groups as Practice Groups of the Year.

Mandelbaum Barrett PC is proud to announce that two of its practice groups, the Cannabis, Hemp & Psychedelics Group and the Construction Law Group, have been named Law360 "Practice Groups of the Year" for 2025.

The Cannabis, Hemp & Psychedelics Group, led by Chair Joshua S. Bauchner, and the Construction Law Group, led by Chair Jacqueline Greenberg Vogt, were recognized for their exceptional work guiding clients through complex, high-stakes matters across their respective industries.

According to Law360, the honor highlights teams that delivered "impactful litigation victories and significant transactional achievements that resonated across the legal industry over the past year," a distinction that highlights Mandelbaum Barrett's commitment to strategic advocacy, innovation, and results-driven counsel.

\*No aspect of this advertisement has been approved by the New Jersey Supreme Court. Selection process and methodology for the list can be found [here](#).



# CONGRATULATIONS!

Industry Recognition for Our Construction Law Leadership

Jacqueline Greenberg Vogt, Chair of Mandelbaum Barrett PC's Construction Law Group, has been named a Top Author in Construction in the 2026 JD Supra Readers' Choice Awards.

This national recognition highlights the visibility and engagement of her insights on complex construction issues, from project risk and dispute resolution to emerging industry challenges impacting owners, developers, contractors, and design professionals.

The Readers' Choice Awards honor thought leaders whose analysis reaches C-suite executives, in-house counsel, and industry decision-makers across JD Supra's global platform.

Congratulations to Jacky on this well-deserved recognition.

\* No aspect of the advertisement or award listed above have been approved by the Supreme Court of New Jersey or the American Bar Association. A description of the standard or methodology used can be found at [https://lnkd.in/evv\\_a6Kw](https://lnkd.in/evv_a6Kw)



# CONGRATULATIONS!

Industry Leadership in Construction Dispute Resolution

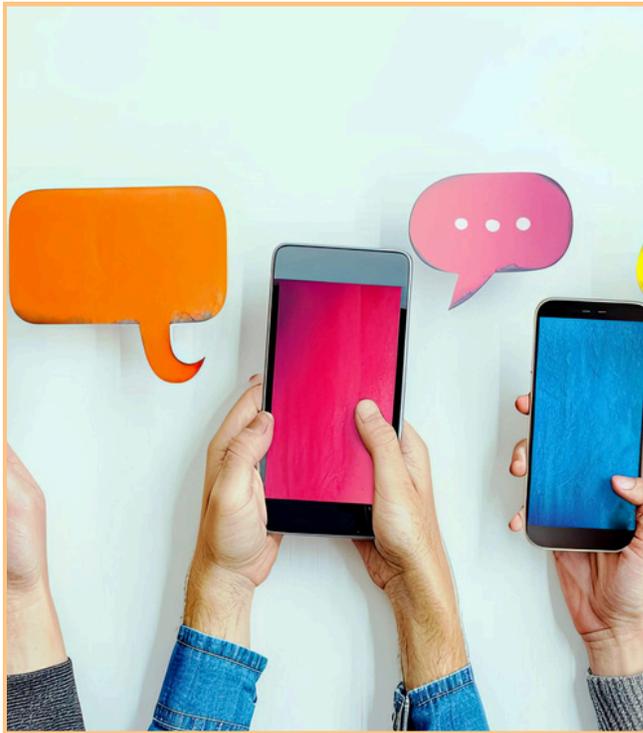
Jacqueline Greenberg Vogt, Chair of the Construction Law Group at Mandelbaum Barrett PC, has been selected to serve on the Construction Panel of Arbitrators and Mediators for the American Arbitration Association.

The American Arbitration Association Construction Panel of Arbitrators and Mediators is composed of experienced professionals trusted to resolve complex disputes involving construction projects, including matters related to contract performance, project delays, design issues, payment disputes, and construction defects.

With more than 25 years of experience representing owners, developers, contractors, design professionals, and suppliers in high-stakes construction disputes, Jacky brings deep industry knowledge and practical insight to the arbitration and mediation process.

Her appointment reflects her longstanding commitment to helping parties resolve complex construction conflicts efficiently and fairly.

## Follow Us!



### “We want to hear from you”

Please let us know construction regulations and “hot topics” you would like to hear about.



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### Our Construction Law Insights

Our Construction Law Insights page has a number of resources to help you manage and grow your practice. Our recent articles and blogs cover tips on how to stay ahead of the industry and much more.

[Visit our Website!](#)

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