



Promulgation Details for 1 RCNY 101-03

This rule became effective on July, 1, 2008.

Since such date, one or more amendments have been made to this rule. Each rule amendment has its own effective date and Statement of Basis and Purpose.

Below you will find one or more rule amendments (the most recent appearing at the top), followed by the original rule.

The effective date of each amendment and the original rule can be found at the top of each "NOTICE OF ADOPTION OF RULE."

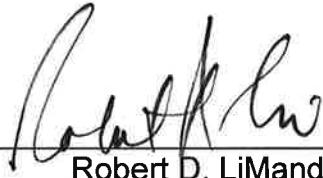
This amendment has an effective date of 10-19-13.

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Sections 643 and 1043 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendment to Section 101-03 of Subchapter A of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding fees for registration of energy auditors or retro-commissioning agents who are not registered design professionals.

This rule was first published on July 11, 2013, and a public hearing thereon was held on August 14, 2013.

Dated: 9/12/13
New York, New York



Robert D. LiMandri
Commissioner

STATEMENT OF BASIS AND PURPOSE

This rule is promulgated pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter, Article 308 of the New York City Administrative Code and 1 RCNY 103-07.

Article 308 of the Administrative Code requires an energy efficiency audit to be performed by an energy auditor or a retro-commissioning agent and a report to be filed by building owners every ten years. 1 RCNY 103-07 sets out the requirements for those energy auditors and retro-commissioning agents, including a registration requirement for those who are not registered design professionals.

The amendment adds fees for initial registration of those energy auditors and retro-commissioning agents, as well as for registration renewal. These fees will cover the administrative costs incurred by the Department in registering and renewing the registration of these individuals.

In accordance with section 1043(d)(4) of the New York City Charter, a review of this rule pursuant to Local Law 46 of 2010 was not performed.

New matter is underlined.

Section 101-03 of Title 1 of the Rules of the City of New York is amended by adding the following entry at the end of the table set forth in that section:

<u>Registration of energy auditor or retro-commissioning agent who is not a registered design professional</u>	<u>Initial:</u> <u>\$200</u>	<u>Renewal:</u> <u>\$90</u>
--	---------------------------------	--------------------------------


This amendment has an effective date of 07-24-13.

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendment to Section 101-03 and the addition of a new Section 103-09 to Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding retaining walls.

This rule was first published on April 25, 2013 and a public hearing thereon was held on May 28, 2013.

Dated: June 17, 2013
New York, New York



Robert D. LiMandri
Commissioner

STATEMENT OF BASIS AND PURPOSE

This rule is promulgated pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter and section 28-305.4 of the New York City Administrative Code.

Section 28-305.4 requires regular inspections of retaining walls that are 10 feet or higher, and that face a public right-of-way, such as a sidewalk or entrance. The section allows the Commissioner to 1) establish staggered assessment cycles for retaining walls, and 2) to promulgate rules specifying what constitutes a condition assessment, which is an examination conducted by a qualified retaining wall inspector to review the parts of the wall and its safety and maintenance conditions.

This rule enhances public safety by identifying conditions before they become hazards. The rule:

- Adds filing fees for required retaining wall inspection reports;
- Sets out who can perform a condition assessment;
- Specifies which elements of the wall must be assessed;
- Sets out what type of information must be in the report;
- Creates staggered reporting cycles by borough;
- Sets out the actions to take where there is an unsafe condition or a safe condition that needs repair; and
- Creates civil penalties for failure to file an acceptable condition assessment report.

New matter is underlined.

Section 1. Section 101-03 of Chapter 100 of Title 1 of the Rules of the City of New York is amended to add the following fees at the end of the table set forth in that section, to read as follows:

<u>Retaining wall inspection reports</u>	
• <u>Initial filing</u>	<u>\$355</u>
• <u>Amended filing</u>	<u>\$130</u>
• <u>Application for extension of time to complete repairs</u>	<u>\$260</u>

§2. Subchapter C of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new section 103-09 to read as follows:

§103-09 Retaining Wall Inspections, Filing Requirements, Penalties and Waivers.

(a) Definitions

- (1) *Acceptable report.* A report of condition assessment filed by a qualified retaining wall inspector that meets the requirements of the Administrative Code and this rule as determined by the Department.
- (2) *Amended report.* A report of condition assessment filed by a qualified retaining wall inspector who certifies that the unsafe conditions reported in the initial report have been repaired and that the retaining wall is no longer unsafe.
- (3) *Close-up inspection.* A physical examination performed on a retaining wall for the purpose of performing a condition assessment.
- (4) *Condition assessment.* An examination conducted to review a retaining wall and all parts of it to determine whether the retaining wall and its parts are either safe, unsafe, or safe with a repair and maintenance program and whether, in the judgment of a qualified retaining wall inspector, it requires remedial work.

- (5) Filed (in reference to a report). A report is deemed filed with the Department when it has been received by the Department.
- (6) Filing window. The one-year period during which an acceptable report for a particular retaining wall may be filed with the Department without penalty.
- (7) Fronting. The length of a retaining wall running parallel or near parallel to a public right-of-way.
- (8) Height (of retaining wall). The vertical distance, measured from the ground surface above the toe of the wall to the top of the wall, wall stem, or wall step for tiered walls, including any parapets or fencing intended for retaining material.
- (9) Maintenance. The cyclical or recurring upkeep of a retaining wall including, but not limited to, vegetation removal, weep holes, cleaning wall drains, removing debris from culverts, replacing dislodged chinking, painting soldier piles, cleaning and sealing concrete and wood facings.
- (10) Public right-of-way. A public highway, railroad, street, avenue, alley, public driveway, sidewalk, roadway or any other public place or public way.
- (11) Qualified Retaining Wall Inspector. An engineer as defined in section 28-101.5 of the administrative code with three years relevant experience as such experience is defined in section 101-07 of the rules of the Department.
- (12) Repair. The non-routine fixing and restoring of wall elements to their intended function, including, but not limited to, resetting dislodged stonework, repointing stone masonry, re-grading or reseeding adjacent slopes, patching concrete spalls, mending damaged wire baskets, and repair or replacement of the drainage system.
- (13) Report of condition assessment ("Report"). A written report filed with the Department by a qualified retaining wall inspector clearly documenting the conditions noted during the assessment; areas that need repair, maintenance, or engineering monitoring; a final wall rating; and any other requirements mandated by this rule.

- (14) Report filing cycle. The five-year time interval established by the Commissioner for the filing of each successive report for each successive condition assessment of every retaining wall subject to the requirements of Article 305 of Title 28 of the Administrative Code.
- (15) Retaining Wall. A wall that resists lateral or other forces caused by soil, rock, water or other materials, thereby preventing lateral displacement and the movement of the mass by sliding to a lower elevation. Such term does not include basement walls and vault walls that are part of a building, and underground structures, including but not limited to utility vault structures, tunnels, transit stations and swimming pools.
- (16) Safe. A final wall rating in which a retaining wall is determined to be fully functional with no action required at the time of assessment.
- (17) Safe with minor repairs or maintenance. A final wall rating in which a retaining wall is found at the time of assessment to be safe, but requires minor repair or routine maintenance within the next five years to correct minor deficiencies in order to minimize or delay further wall deterioration and remain safe.
- (18) Safe with repairs and/or engineering monitoring. A final wall rating in which a retaining wall is found at the time of assessment to be safe but requires repair within the next five years to correct minor to severe deficiencies in order to minimize or delay further wall deterioration and remain safe. In addition to repair, the qualified retaining wall inspector deems it necessary to regularly monitor and/or investigate further the retaining wall to determine the nature or cause of observed distresses and what action may be required.
- (19) Subsequent report. A technical examination report that is filed by a qualified retaining wall inspector after an acceptable report in order to change the status of a retaining wall for that reporting cycle to reflect changed conditions, except where an amended report should be filed.

(20) Unsafe. A condition of a retaining wall and any appurtenances found at the time of assessment that is a hazard to persons or property and requires immediate abatement and/or public protection.

(b) Condition assessments.

(1) In accordance with Article 305 of Title 28 of the Administrative Code, a condition assessment of all parts of retaining walls with any portion of the wall having a height of ten feet or more at any location and fronting a public right-of-way must be conducted by a qualified retaining wall inspector once every five (5) years. The results of the condition assessment must be submitted to the Department in the form of a report of condition assessment.

(2) Before performing a condition assessment of a retaining wall, the qualified retaining wall inspector retained by or on behalf of the owner must review the most recent report and any available previous reports. The Department will maintain a file of such reports submitted in conformance with article 305 of Title 28 of the Administrative Code, and provide copies upon payment of fees set forth in the rules of the Department.

(3) The qualified retaining wall inspector must design and implement an assessment program that is specific to the retaining wall to be assessed, including, but not limited to, observations, data collection and method of evaluation. The assessment program and methods to be employed must be based on the consideration of the wall construction type, wall function, year built, location and failure consequence. Consideration must be given to the retaining wall's history of maintenance and repairs as described in previous reports and submittals to the Department, if applicable. The assessment program must be provided to the Department for approval no fewer than 90 days prior to implementation. The Department reserves the right to object to the proposed program.

(4) The methods used to assess the retaining wall in question must permit a complete condition assessment of the wall, including, but not limited to,

selective probes, cores and measurements of wall dimensions, including, but not limited to, thickness.

- (5) The qualified retaining wall inspector must utilize a professional standard of care to assess the condition of the retaining wall and surrounding elements that impact the wall's stability. The following elements must be assessed as applicable:
 - (i) Primary wall elements, including, but not limited to, piles and shafts, lagging, anchor heads, wire or geo-synthetic facing elements, bins or cribs, concrete, shotcrete, mortar, manufactured block or brick, placed stone and wall foundation material.
 - (ii) Secondary wall elements and appurtenances, including, but not limited to, wall drains and water management systems, architectural facing, traffic barrier, fencing, roads, sidewalks, shoulders, upslope, downslope, lateral slope, vegetation, culverts, curbs, berms and ditches.
- (6) The qualified retaining wall inspector must amend the scope of the condition assessment and add additional testing and investigation as required to characterize wall distresses, overall performance or if distresses warrant additional investigations.
- (7) During the course of the condition assessment, photographs must be taken and sketches made to document the exact location of all distresses that require repair, maintenance, or monitoring, or that cause a retaining wall to have a final wall rating of unsafe.
- (8) Upon the discovery of an unsafe condition, the qualified retaining wall inspector must notify the Department by calling 311 and then calling the Department directly with the 311 complaint number within 24 hours of discovering the unsafe condition.
- (9) The condition assessment must include close-up inspections of the retaining wall. It is not acceptable to base a condition assessment on a drive-by inspection or a prior report without a close-up inspection of the retaining wall.

(c) Report requirements.

- (1) The qualified retaining wall inspector must file with the Department and submit a copy to the owner of the retaining wall a written report of condition assessment. The report must clearly document all conditions noted during the assessment and state that the assessment was performed and completed in accordance with the Administrative Code and this rule. An acceptable report may be prepared and filed for multiple owners where a retaining wall which is required to comply with article 305 of Title 28 of the Administrative Code and this rule spans numerous blocks and lots.
- (2) Technical information in the report must adhere to and follow the sequence and the labeling of the report requirements as listed in paragraph (3) of this subdivision, and must be provided on such forms and in such format as the Department requires. Additional information may be provided. All items in subparagraphs (i) – (xiv) of paragraph (3) must be listed in the report. If a requirement is not applicable, this must be indicated on the report under the relevant number.
- (3) The report must include an executive overview that consists of a summary of findings and recommendations, a concise statement of the scope of the assessment and findings, the conclusions and recommendations and a final wall rating that categorizes the retaining wall as “safe,” “safe with minor repairs or maintenance”, “safe with repairs and/or engineering monitoring” or “unsafe.” The report must also include, but not be limited to:
 - (i) The address, any a.k.a. addresses, the Block and Lot number, the Building Identification Number (“BIN”) for the block and lot on which the retaining wall is located, the location from the nearest cross street, and a copy of the Property Profile Overview from the Buildings Information System (“BIS”) found on the Department’s website;
 - (ii) The name, mailing address and telephone number of the owner of the retaining wall, or, if the owner is not an individual, the name,

mailing address, telephone number, and position/title of a principal of the owner;

(iii) A detailed description of any maintenance, repairs, or the results of engineering monitoring performed to the retaining wall since the previous report;

(iv) A detailed description of the scope and procedures used in making the condition assessment that should include:

(A) The dates of start and completion of the condition assessment;

(B) The extent and location of all physical examinations performed;

(C) A location or plot plan of a discernible scale and with a north arrow that shows the entire earth-retaining length of the wall, all structures located on the block or lot and within the zone of influence of the wall, including the number of stories and the type of occupancy, and any and all public rights-of-way adjacent to the retaining wall; and

(D) locations and dates of close-up inspections and tests performed;

(v) At least one cross-section of the retaining wall with details adequate to indicate the following:

(A) Retaining wall construction type;

(B) Architectural finishes or surface treatment;

(C) Maximum exposed wall height;

(D) Height of earth on each side of the retaining wall;

(E) Average vertical distance from the public right-of-way to cut wall toe or ground-line at the top of the fill wall;

(F) Horizontal distance to wall face from the edge of the public right-of-way;

(G) Wall face angle (batter) measured from the vertical;

- (H) Maximum earth retaining length of the wall;
 - (I) Surcharges applied to the wall; and
 - (J) Additional cross-sections when the wall geometry and/or plumbness changes;
- (vi) A description of each significant distress observed with supporting photographic documentation. Distresses must be mapped using gridlines enabling all distresses to be positively located;
- (vii) An analysis of the cause of each significant distress reported;
- (viii) A final wall rating that categorizes the retaining wall as “safe,” “safe with minor repairs or maintenance,” “safe with repairs and/or engineering monitoring” or “unsafe.” A detailed description of the overall rating and factors attributing to the rating assigned must accompany the final wall rating.
- (ix) Where a retaining wall is categorized with a final wall rating of safe with repairs and engineering monitoring:
 - (A) A plan detailing the proposed monitoring program;
 - (B) The name of the engineer performing the monitoring;
and
 - (C) A stability analysis of the retaining wall that reports a “factor of safety” which shows that the wall is stable under current and expected loading conditions.
- (x) A comparison of currently observed conditions with conditions observed during the previous report filing cycle examinations, including the status of the repairs or maintenance performed with respect to the prior conditions. The following must be included and discussed:
 - (A) Work permit numbers relating to repairs performed;
 - (B) Job numbers, status and sign-off dates for any retaining wall related jobs, where applicable; and
 - (C) Violation numbers of any open Environmental Control Board (“ECB”) violations associated with the retaining

wall and the status of the repairs of the conditions cited in the ECB violations.

(xi) Detailed recommendations for repairs or maintenance for retaining walls with final wall ratings of “safe with minor repairs or maintenance” or “safe with repairs and/or engineering monitoring,” including:

(A) The recommended time frame for such repairs or maintenance to be performed, which must indicate the date by which the work will be performed (MM/YYYY) to prevent the conditions from becoming unsafe and not the date on which work is planned or scheduled;

(B) Time frames of less than one (1) year, “ASAP,” or “immediately,” will not be accepted.

(xii) A list and description of the work permits required to accomplish the necessary work. If no work permits will be required, the reason must be indicated;

(xiii) Color photographs of the retaining wall and at least one view of the entire street front elevation for all reports regardless of the retaining wall’s final wall rating. Photographs must be at least 3” x 5” (76mm x 127mm) in size, unless otherwise requested by the Department. The photographs must be dated and both the original photographs and all required copies shall be in color. The page/sheet size for attachments must not exceed 11” x 17” (280mm x 430mm).

(xiv) The seal and signature of the qualified retaining wall inspector under whose direct supervision the condition assessment was performed.

(4) All reports and supporting documents must be submitted to the Department in an electronic format.

(d) Report filing requirements.

(1) The requirements of this rule apply to owners of retaining walls with a height of ten feet or more and fronting a public right-of-way.

- (2) Owners of retaining walls who are required to file a report must do so once during each five-year report filing cycle established by the Department, depending on the borough, as described in subsection (5) below. The next complete report filing cycle runs from January 1, 2014 to December 31, 2018.
- (3) An acceptable report must be filed within the applicable one-year filing window to avoid a late filing penalty.
- (4) The report must be submitted to the Department along with a filing fee as specified in the rules of the Department.
- (5) Beginning January 1, 2014 an acceptable report for each retaining wall to which this rule applies is due in accordance with the following filing windows:
 - (i) For retaining walls located within the Borough of the Bronx, an acceptable report must be filed within the filing window starting January 1, 2014 and ending December 31, 2014.
 - (ii) For retaining walls located within the Borough of the Manhattan, an acceptable report must be filed within the filing window starting January 1, 2015 and ending December 31, 2015.
 - (iii) For retaining walls located within the Borough of Staten Island, an acceptable report must be filed within the filing window starting January 1, 2016 and ending December 31, 2016.
 - (iv) For retaining walls located within the Borough of Queens, an acceptable report must be filed within the filing window starting January 1, 2017 and ending December 31, 2017.
 - (v) For retaining walls located within the Borough of Brooklyn, an acceptable report must be filed within the filing window starting January 1, 2018 and ending December 31, 2018.
- (6) A report must be filed within sixty (60) days of the date on which the qualified retaining wall inspector completed the condition assessment, but not more than one (1) year after completion of the close-up inspection. If the report is not acceptable and is rejected by the Department, a revised

report must be filed within forty-five (45) days of the date of the Department's rejection. Failure to submit a revised report addressing the Department's objections within one (1) year of the initial filing requires a new conditional assessment, including a new close-up assessment.

(7) A subsequent report may be filed within a five-year report filing cycle to change a retaining wall's status for that cycle.

(e) Unsafe conditions.

(1) If any retaining wall is found in an unsafe condition, the qualified retaining wall inspector or the person in charge of the retaining wall must notify the Department by calling 311 and then calling the Department directly with the 311 complaint number within 24 hours of discovering the unsafe condition.

(2) Upon discovery of an unsafe condition, the owner of the retaining wall, his or her agent, or the person in charge of the retaining wall must immediately commence such repairs or reinforcements and any other appropriate measures required to secure the safety of the public and to make the retaining wall safe.

(3) Within two weeks after repairs to correct the unsafe condition have been completed, the qualified retaining wall inspector must inspect the premises. The qualified retaining wall inspector must obtain permit sign-offs as appropriate and must promptly file with the Department a detailed amended report stating the revised report status of the retaining wall, along with a filing fee as specified in the rules of the Department. Protective measures must remain in place until an amended report is accepted; however, the qualified retaining wall inspector may request permission for the removal of the protective measures upon submission of a signed and sealed statement certifying that an assessment was conducted, the conditions were corrected, and the protective measures are no longer required. Permission may be granted at the Commissioner's sole discretion.

- (4) The Commissioner may grant an extension of time of up to ninety (90) days to complete the repairs required to remove an unsafe condition upon receipt and review of an initial extension application submitted by the qualified retaining wall inspector on behalf of the owner, together with:
- (i) A copy of the original report for that report filing cycle and all required documentation submitted with such report;
 - (ii) Notice that the retaining wall and surrounding area have been secured for public safety by means of a shed, bracing, or other appropriate measures as may be required;
 - (iii) A copy of the contract indicating scope of work to remedy unsafe conditions;
 - (iv) The qualified retaining wall inspector's estimate of length of time required for repairs;
 - (v) A statement of all applicable permit requirements;
 - (vi) A notarized affidavit by the owner of the retaining wall that work will be completed within the time of the qualified retaining wall inspector's stated estimate; and
 - (vii) a fee as specified in the rules of the Department.

Financial considerations will not be accepted as a reason for granting an extension.

- (5) A further extension will be considered only upon receipt and review of a further extension application, together with notice of:
- (i) An unforeseen delay (e.g., weather, labor strike) affecting the substantially completed work; or
 - (ii) Unforeseen circumstances; or
 - (iii) The nature of the hazard that requires more than ninety (90) days to remedy (e.g., new retaining wall to be built).

Financial considerations will not be accepted as a reason for granting an extension.

- (6) Notwithstanding any extensions granted to commence the repair of an unsafe condition, all work to repair an unsafe condition must be completed

within 365 days of filing a report of an unsafe condition with the Department.

(f) Conditions classified as safe with repair and/or engineering monitoring.

- (1) The owner of the retaining wall is responsible for ensuring that the conditions described in the report of condition assessment as safe with repair and/or engineering monitoring are repaired, the wall is restored to a safe condition, and all actions recommended by the qualified retaining wall inspector are completed within the time frame recommended by the qualified retaining wall inspector, and are not left to deteriorate into unsafe conditions before the next condition assessment. It is the owner's responsibility to notify the Department of any deviation from the timeframe to make corrections as specified in qualified retaining wall inspector's report. Such notification must be accompanied by supporting documents from the qualified retaining wall inspector justifying the request for a new time frame. The Department may approve or disapprove such request.
- (2) A report may not be filed describing the same condition and pertaining to the same location on the retaining wall as safe with repair and/or engineering monitoring for two consecutive report filing cycles.
- (3) The qualified retaining wall inspector must certify the correction of each condition reported as requiring repair in the previous report filing cycle, or report conditions that were reported as safe with repair and/or engineering monitoring in the previous report filing cycle as unsafe if not corrected at the time of the current assessment.

(g) Civil Penalties.

- (1) Failure to file. An owner who fails to file the required acceptable condition assessment report will be liable for a civil penalty of one thousand dollars (\$1,000) per year immediately after the end of the applicable filing window.
- (2) Late filing. In addition to the penalty for failure to file, an owner who submits a late filing will be liable for a civil penalty of two hundred fifty dollars (\$250.00) per month, commencing on the day following the filing

deadline of the assigned filing window period and ending on the filing date of an acceptable initial report.

(3) In addition to the penalties provided in this section, an owner who fails to correct an unsafe condition will be liable for a civil penalty of one thousand dollars (\$1,000) per month, pro-rated daily, until the unsafe condition is corrected, unless the commissioner grants an extension of time to complete repairs pursuant to this section. This penalty will be imposed until the Department receives an acceptable amended report indicating the unsafe conditions were corrected, or until an extension of time is granted.

(h) Challenge of civil penalty.

(1) An owner may challenge the imposition of any civil penalty authorized to be imposed pursuant to this subdivision by providing proof of compliance. Examples of such proof must include, but are not limited to, a copy of an acceptable initial report, a copy of the acceptable amended report, copies of approved extension of time requests while work was/is in progress, or written proof from a qualified retaining wall inspector that the unsafe conditions observed at the retaining wall were corrected and the violation was dismissed.

(2) Challenges must be made in writing within thirty (30) days from the date of service of the violation by the Department and must be sent to the office/unit of the Department that issued the violation. The decision to dismiss or uphold the penalty is at the sole discretion of the Department.

(i) Penalty waivers; eligibility and evidentiary requirements. Owners may request a waiver of penalties assessed for violation of Article 305 of Title 28 of the Administrative Code, or rules enforced by the Department. Requests must be made in writing and must meet eligibility and evidentiary requirements as follows:

(1) Owner status.

(i) A new owner requesting a waiver due to change in ownership must submit proof of a recorded deed showing evidence of transfer of ownership to the current owner after penalties were incurred, as

well as any other documentation requested by the Department. The new owner may only request a waiver in one of the following circumstances:

(A) The new owner has obtained full tax exemption status from the New York City Department of Finance; or

(B) The new owner took title of the property as part of an economic development program sponsored by a government agency.

(ii) A new owner of a government-owned property requesting a waiver due to change in ownership must submit official documentation from the government entity affirming that the premises was entirely owned by the government entity during the period for which a waiver is requested.

(iii) An owner may be granted a waiver of penalties upon submission of a copy of a bankruptcy petition, together with proof that either the Department or the New York City Law Department was served with a "Notice of Bar Date."

(2) Retaining wall status. An owner requesting a waiver because the wall was removed must submit city or Departmental records showing evidence of the removal of the retaining wall prior to the filing deadline.

(i) Alternate report filing requirements for owners of more than 200 retaining walls in multiple boroughs. Notwithstanding any other provisions of this section, the inspection and reporting requirements set forth above for retaining walls shall not apply to owners of 200 or more retaining walls in multiple boroughs with a height of ten feet or more and fronting on a public right-of-way who on the effective date of this rule (i) employ full-time professional engineers and (ii) have an established inspection procedure for such retaining walls acceptable to the Department. Such inspection procedure must comply with Article 305 of Title 28 of the Administrative Code. Such owners must file inspection reports for all such retaining walls in a form acceptable to the Department.

This amendment has an effective date of 07-24-13.

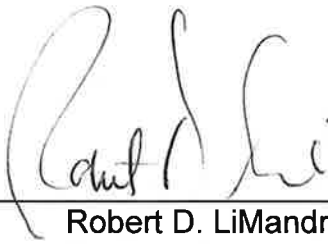
NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendment to Section 101-03 and the addition of a new Section 102-03 to Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding potentially structurally compromised buildings.

This rule was first published on April 4, 2013 and a public hearing thereon was held on May 13, 2013.

Dated:

June 17, 2013
New York, New York



Robert D. LiMandri
Commissioner

STATEMENT OF BASIS AND PURPOSE

This rule is promulgated pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter and section 28-216.12 of the New York City Administrative Code.

Section 28-216.12.1 of the Administrative Code created a requirement that potentially structurally compromised buildings be inspected regularly by a registered design professional.

Pursuant to Section 28-216.12.1, this rule:

- adds a filing fee for required reports of compromised buildings;
- expands on the definition of “potentially compromised” in section 28-216.12;
- specifies the inspection requirements for potentially structurally compromised buildings;
- sets out the items that need to be included in the inspection report; and
- creates civil penalties for failure to file a report.

New matter is underlined.

Section 1. Section 101-03 of Chapter 100 of Title 1 of the Rules of the City of New York is amended to add the following fee at the end of the table set forth in that section, to read as follows:

<u>Filing structurally compromised building</u>	<u>\$500</u>
<u>inspection report</u>	

§2. Subchapter B of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new section 102-03 to read as follows:

§ 102-03 Potentially structurally compromised buildings

- (a) Potentially compromised. For the purposes of this section, “potentially compromised” means a building or structure that:

- (1) has had an open roof for sixty days or longer,
 - (2) has been shored and braced or repaired pursuant to an emergency declaration issued by the commissioner pursuant to Article 215 of Title 28 of the Administrative Code,
 - (3) has been subject to a precept as a compromised structure under Article 216 of Title 28 of the Administrative Code,
 - (4) may have suffered structural damage by fire or by partial collapse of floors, interior or exterior walls or other cause as determined by the commissioner.
- (b) Inspections.
- (1) Initial inspections. Beginning September 1, 2013, the owner of a building or structure that has become potentially compromised must have a structural condition inspection of such building or structure. The inspection must be performed by a registered design professional within sixty days from the date that the building or structure becomes potentially compromised. The design professional must file a report as described in subdivision d of this section with the department within thirty days after the date of the inspection.
 - (2) Periodic inspections. After the initial inspection and filing of the report, structural condition inspections must be performed and reports as described in subdivision d of this section must be filed annually, unless otherwise specified by the department. The periodic inspections must continue until a certification is filed with the department by the registered design professional stating that the building or structure is no longer potentially compromised and the department has audited the certification to ensure its accuracy.
- (c) Notifications to the department.
- (1) Department notification by owner. An owner of a building or structure must notify the department in writing that such building or structure has become potentially compromised immediately after such owner knows or should have known of the condition.

(2) Department notification by registered design professional. If a structural condition inspection reveals that there is an immediate risk to the public or property due to a violation of any applicable law or rule or any unsafe condition, the registered design professional must immediately notify the department and the owner by both calling 311 and in writing.

(d) Report. The registered design professional must sign, seal, and submit to the department the report of the inspection required by section 28-216.12.1 of the Administrative Code and subdivision b of this section. The registered design professional must also submit a filing fee as specified in section 101-03 of the department's rules, and must send a copy of the report to the owner. The report must include, but need not be limited to, the following information:

- (1) the address of the property;
- (2) the block and lot of the property;
- (3) the owner's name and contact information, including an address for the receipt of notifications and service of process;
- (4) the registered design professional's name and contact information, including an address for the receipt of notifications and service of process;
- (5) the date of inspection or inspections;
- (6) detailed description and location of the structural damage found;
- (7) a comprehensive analysis of the structural condition of the building or structure as a result of the structural damage, based on probes and calculations;
- (8) photographs of the condition;
- (9) 8 1/2" x 11" sketches of the property showing its relationship to the adjacent properties;
- (10) schematically sketched floor plans, sections and elevations of the building and adjacent buildings, roof to foundation, with notes relating to the existing description of the property;
- (11) at least two different photographs of each of the following: street façades, side façades, rear façades, the roof and the condition of the interior of the property;

- (12) a statement that the owner received the report;
 - (13) an estimate of how long the building will remain stable;
 - (14) a proposed schedule for monitoring and repairing the condition;
 - (15) 8 1/2" x 11" sketches showing the work required to stabilize the property, such as shoring and bracing and/or partial demolition; and
 - (16) any additional information requested by the commissioner.
- (e) Final report. After the condition that caused the building or structure to be potentially compromised has been repaired, the registered design professional must submit to the department a signed and sealed report certifying that the building or structure is no longer potentially compromised.
- (f) Civil penalties. In addition to any other penalties authorized by law, failure to file a report pursuant to the requirements of section 28-216.12.1 and this section will result in a civil penalty of \$3,000 for each violation of such section, payable to the department.

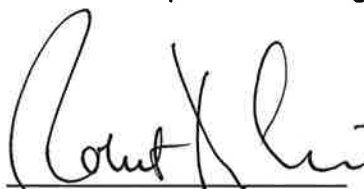
This amendment has an effective date of 04-14-13.

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter and Article 416 of Title 28 of the New York City Administrative Code, that the Department of Buildings hereby REPEALS Section 31-01 of Chapter 31, adds a new Section 104-24 to Subchapter A of Chapter 100, and amends Sections 101-03 of Subchapter A of Chapter 100, 104-03 of Subchapter D of Chapter 100, and 104-06 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York, regarding registered filing representatives.

This rule was first published on September 4, 2012 and a public hearing thereon was held on October 4, 2012.

Dated: 3/12/2013
New York, New York


Robert D. LiMandri
Commissioner

Statement of Basis and Purpose of Adopted Rule

The following rule is promulgated pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043 of the New York City Charter.

In promulgating this rule, the Commissioner is exercising the authority set forth in Section 28-416.3 of Article 416 of the New York City Administrative Code, which states, “The commissioner shall promulgate rules for the proper and efficient administration and enforcement of this article. Unless required by rule, a registered filing representative shall not be required to take an examination or to complete continuing education courses as a condition for renewal of the registration.” This authority is being exercised at this time to meet the needs of the construction industry and the Department for qualified registered filing representatives.

The construction industry, including architects, engineers, contractors and owners, often use the services of registered filing representatives to present, submit, furnish and/or seek approval of applications or construction documents, and to remove documents from the possession of the Department of Buildings (“DOB”). These construction documents are then reviewed by DOB plan examiners and/or other DOB technical staff who may issue objections if the construction documents do not comply with the Construction Codes, zoning or other applicable laws, or other relevant rules or requirements. These objections should be addressed by persons with some threshold knowledge of the construction documents and the applicable procedures and requirements. Sometimes the person who presents, submits, or furnishes the documents is not qualified or prepared to address the objections issued by the plan examiner or other technical staff. In such instances, the approval process is delayed.

To eliminate this problem and ensure the efficient processing of construction documents, DOB is adopting a rule that creates training, education, filing experience and continuing education requirements for registered filing representatives. These requirements will create two classes of registered filing representative:

- Class 2 Registered Filing Representatives, who will be permitted to present, submit, furnish or seek approval of applications or construction documents, and remove documents from the possession of DOB, and who will be qualified to meet with plan examiners and other technical staff to address objections; and,
- Class 1 Registered Filing Representatives, who will be limited to presenting, submitting, furnishing or seeking approval of applications or construction documents, and removing documents from the possession of DOB.

By creating these two classes of registered filing representatives, the rule will:

- Assist the Department, the construction industry, and the public in identifying qualified individuals to support their filings; and
- Expedite the approval process by ensuring that only qualified registered filing representatives appear before plan examiners and other technical staff to address objections.

For those individuals who do not have the academic requirements to qualify for class 2 status, the rule provides a two-month window of opportunity (May 1- June 30, 2013) in which such individuals will be eligible to register as class 2 representatives based solely on their years as a registered filing representative with DOB and number of jobs filed with DOB.

The rule also restates the existing fee structure set forth in Section 28-401.15 of Article 401 of the New York City Administrative Code to align with the triennial filing representative registration term.

In addition, the rule amends Section 104-03 of the Rules of the City of New York to provide that, beginning July 1, 2014, the term of a filing representative's registration will be three years, beginning on the applicant's birthday following the date of registration, and that the registration may be renewed for terms of three years. Section 104-03 is also being amended to clarify that the term of a general contractor registration is three years, beginning on the applicant's birthday following the date of registration, and that the term of a master electrician or special electrician license is one year, beginning on the applicant's birthday following the date of issuance.

A public hearing on this rule was held on October 4, 2012. In response to comments received, the Department has made the following changes and clarifications to the following provisions of the rule:

- Subdivision (a) of Section 104-24: added a reference to Section 28-416.2 of the New York City Administrative Code, which sets forth a list of persons exempt from filing representative registration.
- Subdivision (b)(3) of Section 104-24: added a definition of the term "Job."
- Subdivision (c) of Section 104-24: clarified who constitutes "department technical staff."
- Subdivision (d) of Section 104-24: added a requirement that beginning May 1, 2013, those seeking class 1 filing representative status must complete a department-approved, integrity training prior to registration.
- Subdivision (f) of Section 104-24: clarified when a class 2 representative can appear/attend appointments at the NYC Development Hub.
- Subdivision (g) of Section 104-24: eased the registration requirements for class 2 applicants and made changes to dates at which the new requirements will begin to apply:
 - The final rule does not require the completion of a thirty-six hour training course until 2014. The proposed rule required completion of such course by 2013.

- The final rule imposes certain registration requirements beginning May 1, 2013, while the proposed rule imposed them beginning on April 1, 2013. This change was made to conform with Section 28-401.12 of the New York City Administrative Code, which states that applications for renewals of licenses shall be made no more than 60 calendar days prior to the expiration date of such license.
- Subdivision (g)(1)(i)(B) & (g)(2)(i)(B) of Section 104-24: For applicants submitting proof of a four year degree other than in Architecture or Engineering, the final rule lessened the requirements from 4 years of filing experience with at least 100 jobs within 6 years of application for registration, to 2 years as a registered filing representative with at least 50 jobs within 4 years of application for class 2 filing representative status.
- Subdivision (g)(1)(i)(C) of Section 104-24: During the two-month window for registration without submission of proof of academic degree, the final rule lessened requirements from 8 years of filing experience with at least 200 jobs within 10 years of application for registration, to 4 years as a registered filing representative with at least 125 jobs within 8 years of application for class 2 filing representative status. The time period for such registration was also changed from April 1 - June 1, 2013 to May 1- June 30, 2013.
- Subdivision (h) of Section 104-24: separated class 2 filing representative renewal requirements into 2 parts:
 - Beginning July 1, 2014, during the one (1) year immediately prior to renewal, a class 2 registered filing representative must complete an integrity training and the thirty-six- (36) hour training course.
 - Beginning July 1, 2017, during the three (3) years immediately prior to renewal, a class 2 registered filing representative must complete an integrity training and a sixteen- (16) hour, Department-approved, refresher course.
- Subdivision (h) of Section 104-03: lessened the fee for changing from a class 1 representative to a class 2 representative, from a \$150 registration fee to a \$50 reissuance fee.

Section 1. Section 31-01 of Chapter 31 of Title 1 of the Rules of the City of New York, relating to Suspension, revocation or limitation of registration of persons who present, submit, furnish or seek approval of applications for approval of plans or remove any documents from the possession of the Department of Buildings, is REPEALED.

§2. Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new Section 104-24, to read as follows:

§104-24 Registered filing representatives. This section establishes two types of filing representatives and sets forth the training, education, and experience requirements necessary at registration for both classes of representatives.

(a) References. See Article 416 of Title 28 of the New York City Administrative Code and Section 28-416.2 of same for a list of persons exempt from filing representative registration.

(b) Definitions. For the purposes of this chapter, the following terms mean:

(1) Architect. A person licensed and registered to practice the profession of architecture under the education law of the state of New York.

(2) Engineer. A person licensed and registered to practice the profession of engineering under the education law of the state of New York.

(3) Job. An application with an individual job number filed by the registered design professional of record. This does not include limited alteration applications, post-approval amendments, electrical applications, or demolition applications.

(4) Registered design professional. An architect or engineer.

(5) Registered design professional of record. The registered design professional who prepared or supervised the preparation of applicable construction documents filed with the department.

(c) Class 1 registered filing representatives. Class 1 filing representatives may, following registration and issuance of an identification card, present, submit, furnish or seek approval of applications or construction documents, and remove documents from the possession of the department. However, beginning July 1, 2013, such filing representatives cannot appear before or attend appointments with plan examiners and other department technical staff including, but not limited to code and zoning specialists, plan examiners, chief plan examiners, borough commissioners, and deputy borough commissioners, regarding

construction document approvals, including, but not limited to, plan review, audit review, pre-determinations, and determinations.

(d) Class 1 filing representative registration requirements.

(1) Beginning May 1, 2013, those seeking class 1 filing representative status must submit proof of the successful completion of a department-approved, integrity training at registration.

(2) Beginning May 1, 2014, those seeking class 1 filing representative status must submit the following at registration:

(i) Proof of the successful completion of a sixteen- (16) hour training course, approved by the department, within one (1) year of application for registration, in the following areas:

(A) The New York City Building Code;

(B) The New York City Energy Conservation Code;

(C) The New York City Zoning Resolution; and

(D) Relevant provisions of the New York City Administrative Code and department practices.

(ii) Proof of the successful completion of a department-approved, integrity training.

(e) Class 1 filing representative renewal requirements. Beginning July 1, 2014, during the one (1) year immediately prior to renewal, or beginning July 1, 2017, during the three (3) years immediately prior to renewal, a class 1 registered filing representative must have attended and successfully completed a Department-administered or Department-approved integrity training and the sixteen- (16) hour training course required by subdivision (d) of this rule. If the sixteen- (16) hour training course was successfully completed prior to registration, it need not be completed again prior to renewal. Proof of completion of such course(s) must be submitted to the Department at renewal.

(f) Class 2 registered filing representatives. Class 2 registered filing representatives (also referred to as “code and zoning representatives”) may, following registration and issuance of an identification card, perform all of the activities of a class 1 registered filing representative and may also appear before and attend appointments with plan examiners and other department technical staff regarding construction document approvals, including, but not limited to, plan review, audit review, pre-determinations, and determinations. However, class 2 registered filing representatives can only appear before, or attend such

appointments at, the NYC Development Hub for New Building applications, Alteration Type 1 applications, and any and all related applications, in person or online, if they are employed and supervised by the registered design professional of record. If not, when appearing before or attending such appointments at the NYC Development Hub, class 2 registered filing representatives must be accompanied by the registered design professional of record or an individual employed and supervised by the registered design professional of record in the preparation of the construction documents being discussed.

(g) Class 2 filing representative requirements.

(1) Beginning May 1, 2013, those seeking class 2 filing representative status must submit the following:

(i) Proof of:

(A) A four (4) year degree in Architecture or Engineering from an accredited college; or

(B) A four (4) year degree in another field from an accredited college, and proof of two (2) years as a registered filing representative with the department with at least fifty (50) jobs filed within four (4) years of application for class 2 filing representative status; or

(C) Those who do not meet the requirements of paragraphs (i) or (ii) above may register and submit proof of the following during the limited time period of May 1, 2013 through June 30, 2013 only: four (4) years as a registered filing representative with the department with at least one hundred and twenty-five (125) jobs filed within eight (8) years of application for class 2 filing representative status.

(ii) Proof of the successful completion of a department-approved, integrity training.

(2) Beginning May 1, 2014, those seeking class 2 filing representative status must submit the following:

(i) Proof of:

(A) A four (4) year degree in Architecture or Engineering from an accredited college; or

(B) A four (4) year degree in another field from an accredited college, and proof of two (2) years as a registered

filing representative with the department with at least fifty (50) jobs filed within four (4) years of application for class 2 filing representative status; or

(ii) Proof of the successful completion of a thirty-six- (36) hour training course approved by the department, within one (1) year of application for class 2 filing representative status, in the following areas:

(A) The New York City Building Code;

(B) The New York City Energy Conservation Code;

(C) The New York City Zoning Resolution; and

(D) Relevant provisions of the New York City Administrative Code and department practices.

(iii) Proof of the successful completion of a department-approved, integrity training.

(h) Class 2 filing representative renewal requirements.

(1) Beginning July 1, 2014, during the one (1) year immediately prior to renewal, a class 2 registered filing representative must have attended and successfully completed a Department-administered or Department-approved integrity training and the thirty-six- (36) hour training course required by subdivision (g) of this rule. If the thirty-six- (36) hour training course was successfully completed prior to registration, it need not be completed again prior to renewal. Proof of completion of such course(s) must be submitted to the Department at renewal.

(2) Beginning July 1, 2017, during the three (3) years immediately prior to renewal, a class 2 registered filing representative must have attended and successfully completed a Department-administered or Department-approved integrity training and a sixteen- (16) hour, Department-approved, refresher course. Proof of completion of such course(s) must be submitted to the Department at renewal.

(i) Additional powers of the commissioner. The commissioner may, upon a determination of good cause, extend the dates and deadlines set forth in this rule.

(j) Suspension or revocation. Filing representative registration may be suspended or revoked in accordance with Section 28-401.19 of the New York City Administrative Code.

§3. Paragraph (4) of Subdivision (b) of Section 104-06 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(4) Filing Representative. [During the one (1) year immediately prior to renewal, the registrant shall have attended at Department-administered or Department-approved integrity training.] Renewals for class 1 or class 2 filing representative registration are subject to the requirements set forth in 1 RCNY 104-24.

§4. Subdivision (h) of Section 104-03 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is relettered Subdivision (i), a new Subdivision (h) is added, and Subdivisions (d) and (g) are amended, to read as follows:

(d) The term of an initial general contractor registration [issued to a new or renewal applicant shall be three (3) years, measured from the date of the applicant's birthday] is three (3) years, beginning on the applicant's birthday following the date of registration, and may be renewed for additional three (3) year periods after such initial registration.

(g) The term of an initial master electrician or special electrician license [issued to a new or renewal applicant shall be one (1) year, measured from the date of the applicant's birthday] is one (1) year, beginning on the applicant's birthday following the date of issuance, and may be renewed for additional one (1) year periods after such initial issuance.

(h) Beginning July 1, 2014, the term of an initial filing representative registration is three (3) years, beginning on the applicant's birthday following the date of registration, and may be renewed for additional three (3) year periods after such initial registration. Changing from a class 1 registered filing representative to a class 2 registered filing representative will require payment of a reissuance fee.

[(h)] (i) Nothing contained herein shall limit the authority of the Commissioner to stagger the issuance of licenses based on considerations other than the date of issuance of the license or to otherwise provide for reasonable implementation of modifications to license terms.

§5. Section 101-03 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding the following entry to the end of the table set forth in that section:

<u>Filing representative</u>	<u>Initial:</u> <u>\$50 for a 1-</u>	<u>Renewal:</u> <u>\$50 for a 1-</u>	<u>Late-renewal:</u> <u>\$50</u>	<u>Reissuance:</u> <u>\$50</u>
------------------------------	---	---	-------------------------------------	-----------------------------------

<u>registration.</u>	<u>year registration or \$150 for a 3-year registration.</u>	<u>year renewal or \$150 for a 3-year renewal.</u>		
----------------------	--	--	--	--


This amendment has an effective date of 03-31-13.

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Sections 643 and 1043 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to Section 101-03 of Subchapter A of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding fees for filing energy efficiency reports and for energy code compliance review.

This rule was first published on January 10, 2013, and a public hearing thereon was held on February 15, 2013.

Dated: 2/22/13
New York, New York



Robert D. LiMandri
Commissioner

STATEMENT OF BASIS AND PURPOSE

This rule is promulgated pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter, section 28-308.4 of the New York City Administrative Code, 1 RCNY 103-07 and section 103.3 of the New York City Energy Code.

Section 28-308.4 of the Administrative Code requires an energy efficiency report to be filed by building owners every ten years. That section also allows the owner to apply for an extension of time to file the report. 1 RCNY 103-07 provides for a fee to be charged for filing energy efficiency reports.

Section 103.3 of the Energy Code provides for department examination of construction documents to determine whether they are in compliance with the requirements of the Energy Code.

The amendments:

- Add fees for initial filings, extensions and amendments of energy efficiency reports.
- Add fees for Energy Code compliance reviews.

New matter is underlined.

Section 101-03 of Title 1 of the Rules of the City of New York is amended by adding the following entries at the end of the table set forth in that section:

<u>Energy efficiency reports</u> <ul style="list-style-type: none">• <u>Initial filing</u>• <u>Extension request</u>• <u>Amendments</u>	<u>\$375</u> <u>\$155</u> <u>\$145</u>
<u>Energy Code compliance review</u>	<u>\$220</u>

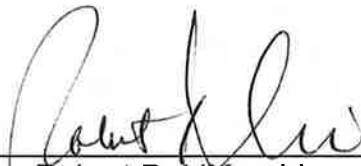
This amendment has an effective date of 12-16-12.

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to section 101-03 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding fees.

This rule was first published on October 5, 2012 and a public hearing thereon was held on November 8, 2012.

Dated: 11/13/12
New York, New York



Robert D. LiMandri
Commissioner

STATEMENT OF BASIS AND PURPOSE

This rule is proposed pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter and sections 28-401.7 and 28-401.8 of the New York City Administrative Code.

Currently, the Department of Citywide Administrative Services administers examinations and conducts investigations for most licenses. The Department of Buildings will be taking over the examinations and investigations for those licenses it issues. This rule sets out the fees for these examinations and investigations.

STATEMENT OF BASIS AND PURPOSE

This rule is proposed pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter and sections 28-401.7 and 28-401.8 of the New York City Administrative Code.

Currently, the Department of Citywide Administrative Services administers examinations and conducts investigations for most licenses. The Department of Buildings will be taking over the examinations and investigations for those licenses it issues. This rule sets out the fees for these examinations and investigations.

The entry for “License examination fee” set forth in section 101-03 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is deleted, and a new entry for “Licensing” is added, to read as follows:

[License examination fee: <ul style="list-style-type: none">• Elevator agency director certificate of approval• Elevator agency inspector certificate of approval• Site safety manager certificate]	[\$350]
<u>Licensing:</u> <ul style="list-style-type: none">• <u>Written examination</u>• <u>Practical examination</u>• <u>Background investigation class 1 (includes experience)</u>• <u>Background investigation class 2 (does not include experience)</u>	<u>\$525</u> <u>\$350</u> <u>\$500</u> <u>\$330</u>

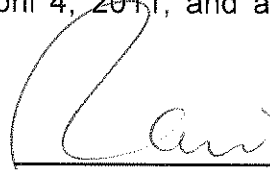
This amendment has an effective date of 05-13-12.

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter and Section 28-115.1 of the New York City Administrative Code, that the Department of Buildings hereby amends Sections 101-03 and 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York, relating to special inspectors and special inspection agencies.

This version of the rule was published on April 4, 2011, and a public hearing thereon was held on May 11, 2011.

Dated: 4/5/12
New York, New York


Robert D. LiMandri
Commissioner

Statement of Basis and Purpose of Adopted Rule

Section 101-06 was originally promulgated in July, 2008, and it specified the qualifications of special inspectors and the processes through which the Department would regulate their activities.

Amendments to the rule were initially published for comment in the City Record on June 7, 2010. A public hearing was held on July 8, 2010, and comments were received prior to, during and after that hearing. The Department again published the rule for comment in the City Record on April 4, 2011, having received significant input in connection with the initial comment period that resulted in changes to the proposed amendments. A second public hearing was held on May 11, 2011.

These amendments accomplish the following:

- Special Inspection classes: They add the concept of special inspection classes in § 101-06(c), which will better address the level of qualification necessary to perform the various types of special inspections. There is currently only one registration class and all special inspection agencies must be accredited. This rule amendment establishes three different classes (class 1, class 2, and class 3, based on the scope of work the special inspection agency is performing) instead of the pre-existing one class, and requires only class 1 special inspection agencies (typically agencies that work on large-scale projects) to pursue accreditation.

special inspection agencies (typically agencies that work on large-scale projects) to pursue accreditation.

- Definitions: The following new definitions were previously published in June, 2010 : “Accreditation Deadline”, “Full Demolition”, “Major Building”, “Partial Demolition”, “Registration Deadline” and “Special Inspection Category” and two additional new definitions have subsequently been added: “Floor Area, Gross” and “Approved Inspection Agency”, for the purposes of clarity and ease of use. In response to agency comments and to ensure consistency, several definitions were amended to cross-reference the NYC Administrative Code. Also in response to agency comments, the definition of “Registration Deadline” was modified to give agencies more time to register.

The new deadline definitions help clarify when registration and accreditation will occur and allow for timely and proper enforcement of the proposed three-class registration system described more fully below.

- Service of process: As a result of public comments received, the rule adds a requirement that special inspection agencies must have an agent for the acceptance of service or maintain a New York City address. In addition, this requirement will be applicable by or upon the time the agencies register (§ 101-06 (b)(10)).

- Conflict of Interest: Also as a result of comments, the conflict of interest provisions set forth in § 101-06(b)(2) have been revised to clarify that it is not automatically assumed to be a conflict for a registered design professional to perform a special inspection(s) on a project or portion of work that he or she designed.

- Accreditation: The amendments expand the choice of recognized national standards that an approved accrediting body may accredit to, to include ISO 17020-98 (§ 101-06(c)(3)). The deadline for agencies to be accredited is set for twelve months from the effective date of this rule.

- Insurance: As amended, the rule's insurance requirements more accurately reflect what is necessary for these inspection entities (§ 101-06(c)(5)). The requirement for general liability insurance for the special inspection agencies was removed because these agencies would either be required to obtain professional liability insurance which would cover their technical duties, or if other than a PE or RA, the special inspection agency already would have general liability insurance as part of their trade license requirements. Further, in response to input from insurance companies, the type of policies required have been changed from “occurrence-based” to “claim-based.”

- Agencies' composition: The amendments allow for up to four alternative full-time directors because many companies that provide special inspection services are constituted as partnerships (§ 101-06(c)(6)).

- Registration term: The amendments remove dates and references that are no longer relevant and change the term of registration from three (3) years from the date of registration issuance to three (3) years from the applicant's birthday following the date of registration. This second amendment will make the registration renewal process easier for all parties involved (§ 101-06(c)(9)).

- New "Small Projects" category: The "Small Building" Special Inspection Category in Appendix A of this rule is replaced with a "Small Projects" category, allowing Class 3 special inspection agencies to perform identified inspections on 1-, 2- and 3-family buildings, as well as alterations of 10,000 square feet or less, without special qualification other than being registered as a New York State licensed PE or RA.

- Fees: Fees are established for special inspection agency registration.

* * *

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department.

Matter underlined is new. Matter [in brackets] is deleted.

* * *

Section 1. Subdivision (a) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(a) **Definitions.** For the purposes of this chapter, the following terms [shall] will have the following meanings:

(1) **Accreditation.** Evaluation of agencies, including testing and calibration laboratories, fabricators and inspection bodies, against internationally acceptable standards to demonstrate their performance capability. Such accreditation is required to be conducted by a nationally recognized accreditation agency accrediting to the ASTM E329-07 or ISO 17020-98 international standard, the requirements of this rule, and approved by the department.

(2) **Accreditation Deadline.** Twelve months from the effective date of this rule.

(3) **Approved Construction Documents.** For the purpose of this rule approved construction documents [shall] will include any and all documents that set forth the location and entire nature and extent of the “work” proposed with sufficient clarity and detail to show that the proposed work conforms to the provisions of this code and other applicable laws and rules. Such documents [shall] will include but not be limited to shop drawings, specifications, manufacturer’s instructions and standards that have been accepted by the design professional of record or such other design professional retained by the owner for this purpose.

(4) **Approved Inspection Agency.** This term has the same definition as established in section 28-101.5 of the Administrative Code

[(3)] (5) **Certification.** Documented acknowledgment by a nationally recognized organization of a technician’s competency to perform certain functions.

[(4)] (6) **Commissioner.** [The commissioner of buildings or his or her designee] This term has the same definition as established in section 28-101.5 of the Administrative Code.

[(5)] (7) **Department.** [The department of buildings] This term has the same definition as established in section 28-101.5 of the Administrative Code.

[(7)] (8) **Floor Area, Gross.** This term has the same definition as established in section 1002.1 of the Building Code.

[(8)] (9) **Full Demolition.** This term has the same definition as established in section 3302.1 of the Building Code (Demolition, Full).

[(6)] (10) **Initial** [acceptable qualifications] **Acceptable Qualifications.** With respect to supplemental special inspectors for which Appendix A of this rule requires a certification, such technician [shall] will be deemed qualified without such certification provided that such individual has the underlying skills, education and training for which such certification would provide validation, and the relevant experience prescribed by Appendix A of this rule or by the certifying body.

[(7)] (11) **Job.** A construction project that is the subject of one (1) or more department-issued permits.

[(11)] (12) **Major Building.** This term has the same definition as established in section 3310.2 of the Building Code.

[(8)] (13) **Materials.** Materials, assemblies, appliances, equipment, devices, systems, products and methods of construction regulated in their use by this code or regulated in their use by the 1968 building code.

[(9)] (14) **New York City Construction Codes.** The New York City Plumbing Code, the New York City Building Code, the New York City Mechanical Code, the New York City Fuel Gas Code, and Title 28, chapters 1 through 5 of the Administrative Code. Any reference to “this code” or “the code” [shall] will be deemed a reference to the New York City Construction Codes as here defined.

[(14)] (15) **Partial Demolition.** This term has the same definition as established in section 3302.1 of the Building Code (Demolition, Partial).

[(10)] (16) **Registered Design Professional.** A New York State licensed and registered architect (RA) or a New York State licensed and registered professional engineer (PE).

[(11)] (17) **Registered Design Professional of Record.** The registered design professional who prepared or supervised the preparation of applicable construction documents filed with the department.

[(17)] (18) **Registration Deadline.** Six months from the effective date of this rule.

[(12)] (19) **Relevant Experience.** Direct participation and practice related to the underlying construction activities that are the subject of the special inspection where such participation has led to accumulation of knowledge and skill required for the proper execution of such inspection.

[(13)] (20) **Special Inspection.** Inspection of selected materials, equipment, installation, methods of construction, fabrication, erection or placement of components and connections, to ensure compliance with [the code] approved construction documents and referenced standards as required by Chapter 17 of the Building Code or elsewhere in the code or its referenced standards.

[(14)] (21) **Special Inspection Agency.** An approved inspection agency employing one (1) or more persons who are special inspectors and that has met all requirements of this rule.

[(21)] (22) **Special Inspection Category.** The specific type(s) of special inspection(s) that a special inspection agency may perform in accordance with Appendix A of this rule.

[(15)] (23) **Special Inspector.** An individual employed by a special inspection agency, who has the required qualifications[,] set forth in this rule to perform or witness particular special inspections required by the code or by the rules of the department, including but not limited to a qualified registered design professional.

[(16)] (24) **Supervise/Supervision.** With respect to a designated Primary Inspector or Inspection Supervisor as indicated in Appendix A, supervision [shall] will mean oversight and responsible control by a registered design professional having the necessary qualifications and relevant experience to perform responsibilities associated with the special inspection. Such supervision [shall] will include ensuring training and/or education necessary to qualify the special inspector for his or her duties, including continued training and education necessary to keep pace with developing technology.

Field supervision [shall] will include responsibility for determining competence of special inspectors for the work they are authorized to inspect and on-site monitoring of the special inspection activities at the job site to assure that the qualified special inspector is performing his or her duties when work requiring inspection is in progress.

With respect to a [Director] director of a Special Inspection Agency, supervision [shall] will mean oversight and responsible control by a registered design professional who [shall] must ensure that qualified inspectors are dispatched for special inspections, that such special inspectors properly document their activities, and that reports and logs are prepared in accordance with section 28-114.2 of the Administrative Code. Such supervision [shall] will include ensuring training and/or education necessary to qualify the special inspector for his or her duties, including continued training and education necessary to keep pace with developing technology.

[(17)] (25) **Technician.** An employee of the inspection or testing agency assigned to perform the actual operations of inspection or testing. See ASTM E 329-07, paragraph 3.1.17.

[(18)] (26) **Work.** The construction activity including techniques, tests, materials and equipment that is subject to special inspection.

§ 2. Paragraph (2) of Subdivision (b) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(2) **Obligation to Avoid Conflict of Interest.** A special inspector and/or a special inspection agency [shall] must not engage in any activities that may conflict with their objective judgment and integrity, including but not limited to having a financial and/or other interest in the construction, installation, manufacture or maintenance of structures or components that they inspect. It is not, in and of itself, a conflict of interest for a registered design professional of record to perform a special inspection(s) on the project he or she designed.

§ 3. Subdivision (b) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new paragraph (10) to read as follows:

(10) **Service of process.** All special inspection agencies must have an agent for the acceptance of service or maintain a New York City address. A Post Office Box will not be acceptable for such purposes. All agencies must comply with the requirements of this paragraph upon registration.

§ 4. Subdivision (c) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(c) **Registration of Special Inspection Agencies.**

(1) [Effective Date. On or after the effective date of this rule, all agencies including single person agencies performing special inspections must comply with the requirements of this section.] **General.** All [such] agencies performing special inspections must be registered with the department as special inspection agencies by [January 1, 2009] the registration deadline unless extended by the commissioner, as provided in paragraph (c)(9) of this rule.

(2) **Form and Manner of Registration.** An application for registration [shall] must be submitted in a form and manner determined by the commissioner, including electronically, and [shall] must provide such information as the commissioner may require. Such registration [shall] will be deemed an acknowledgement by the special inspection agency of its obligations hereunder.

(i) **Registration of Special Inspection Categories.** Agencies must register for each special inspection category that the agency intends to perform.

(ii) **Registration of Special Inspection Classes.** Agencies must register as class 1, class 2, or class 3 special inspection agencies for each special inspection category for which the agency registers.

(A) **Class 1.** An agency registered as a Class 1 special inspection agency for a special inspection category will be permitted to perform the work associated with such special inspection category on any project.

(B) **Class 2.** An agency registered as a Class 2 special inspection agency for a special inspection category will be permitted to perform the work associated with such special inspection category on any project, except those involving:

1. The construction of a new major building;
2. The full demolition of a major building;
3. The alteration of a major building including:
 - a. The removal of an entire story or more;
 - b. The partial demolition of twenty thousand (20,000) square feet or more of gross floor area; or
 - c. The partial demolition of twenty (20) percent or more of the gross floor area.
4. The enlargement of a major building by more than ten thousand (10,000) square feet of gross floor area.

(C) **Class 3.** An agency registered as a Class 3 special inspection agency for a special inspection category will be permitted to perform the work associated with this category on the following projects only:

1. The construction, demolition, or alteration of a one-, two-, or three-family dwelling; or
2. The alteration of any building, including partial demolition, of less than ten thousand (10,000) square feet of gross floor area in total.

Exception: The special inspection categories of underpinning, mechanical means and methods of demolition, and the protection of the sides of excavations greater than ten (10) feet in depth must be performed only by special inspection agencies

registered as either class 1 or class 2 special inspection agencies for such categories.

(3) [Qualifications. Special inspection] **Agency Accreditation.** For class 1 special inspection agencies only, accreditation is required by the accreditation deadline in order to maintain their class 1 registration status. [Such] These agencies [shall] will be required to demonstrate accreditation for their intended scope of work by [International Accreditation Service, Inc. or] an [equivalent accreditation agency] approved accrediting body accrediting to the standards set forth in this rule and either ASTM E329-07 or [a federal agency] ISO 17020-98. Accrediting [agencies] bodies[,] other than federal agencies [must] are required to operate in accordance with ISO 17011 and must be members of an internationally recognized cooperation of laboratory and inspection accreditation bodies subject to a mutual recognition agreement.

[Agencies must insure] (4) **Qualifications.** All special inspection agencies must ensure that the special inspectors employed by the agency meet the qualification requirements set forth in Appendix A of this rule and perform special inspections only within the area of expertise for which such special [inspector is] inspectors are qualified. A Professional Engineer who is listed in Appendix A as requiring qualification in civil, structural, mechanical, electrical, fire protection, geotechnical or such other designation [shall] must have had the education, training and experience[, including having passed the Principles and Practice of Engineering examination offered by the National Council of Examiners for Engineering and Surveying (NCEES) in the specific discipline or having obtained a bachelors degree in the specific field,] that has led to an accumulation of knowledge and skill required for the Professional Engineer to hold himself/herself out as a professional practicing in that field.

[(4)] (5) **Insurance.** [A] All special inspection [agency] agencies must have the following insurance coverage:

- (i) Professional liability/errors and omissions insurance policy[, for the minimum amount of five hundred thousand dollars (\$500,000.00), [occurrence] claim-based, for the term of the registration.

Exception: An agency that is limited to performing fuel-oil storage and fuel-oil piping inspections, fire alarm tests, sprinkler systems, standpipe systems, emergency power systems and/or site storm drainage disposal and detention system installation special inspections, and whose director is not a registered design professional, will be exempt from obtaining professional liability insurance coverage. This

exception applies so long as the director maintains the insurance requirements required for his/her respective license in accordance with Chapter 4 of Title 28 of the Administrative Code.

(ii) [General liability insurance policy for the minimum amount of one million dollars (\$1,000,000.00) and] Insurance required by the provisions of the New York State Workers' Compensation and disability benefits [law and other applicable provisions of the workers' compensation law] laws.

~~[(5)]~~ (6) **Agency Structure.** [The] A special inspection agency [shall] must have [a] one primary and up to four (4) alternative full-time [director] directors who [is a] are registered design [professional] professionals in [responsible] charge and all special inspections [shall] must be performed under [his or her] their direct supervision. The [director] directors [shall] must not be retained by any other agency that provides special inspection or testing services. The [director shall] directors must possess relevant experience in the inspection and testing industry and hold [a] management [position] positions in the agency. The agency structure [shall] must comply with all relevant New York State and Federal laws. Notwithstanding anything to the contrary set forth in this paragraph, an agency that is limited to conducting fuel-oil storage and fuel-oil piping inspections [(BC1704.16)], fire alarm tests, sprinkler systems [(BC1704.21)], standpipe systems [(BC1704.22)], emergency power systems or site storm drainage disposal and detention [(BC1704.20)] may have [a director] directors who [satisfies] satisfy the requirements of inspection supervisor for such tests and inspections as set forth in Appendix A of this rule.

[(6)] Small Building Exception. Notwithstanding anything to the contrary set forth in the provisions of this rule and its appendix, with respect to jobs in connection with the construction or alteration of Occupancy Group R-3 buildings, 3 stories or less in height, a registered design professional with relevant experience shall be qualified to perform special inspections other than inspections involving soils investigations, pier and pile installation, underpinning of structures, and protection of the sides of excavations greater than 10 feet in depth.]

(7) **Audits.** The operations of special inspectors and special inspection agencies [shall] will be subject to audit by the department at any time. Audits may [examine] involve the examination of applications for registration as well as the performance and documentation of special inspections. Audits may also be conducted upon receipt of complaints or evidence of falsification, negligence or incompetence.

(8) [Interim Status and Application Deadlines. An] **Performance of Special Inspections Prior to Registration Deadline.** Except as otherwise determined by the commissioner, an agency [employing special inspector(s) with initial acceptable qualifications shall] will be entitled until [July 1, 2010] the registration deadline to perform those special inspections for which it is qualified, subject to the following requirements:

(i) The agency must certify compliance with this rule on such form as the commissioner may require and must file such certification with the department prior to performing any special inspections after the effective date of this rule and until the registration deadline.

(ii) [The agency] Class 1 special inspection agencies only must diligently pursue accreditation as a special inspection agency [pursuant to the provisions of section] in accordance with subdivision (c)(3) of this rule.

(iii) [Notwithstanding anything to the contrary set forth in this rule and Appendix A, an individual who satisfies all requirements set forth in Appendix A to qualify as a special inspector except for the required national certification shall be deemed a special inspector until July 1, 2009 provided that such individual meets the initial acceptable qualifications. In order to continue as a special inspector beyond July 1, 2009, such individual shall obtain the certification required in Appendix A.] Special inspectors employed by a special inspection agency must satisfy all requirements in Appendix A.

[(iv) The agency shall certify such initial acceptable qualifications on such form as the department may require and shall file such certification with the department prior to performing any special inspections after the effective date of this rule.]

(9) [Additional Powers of the Commissioner. Notwithstanding anything to the contrary set forth in the provisions of this rule, the commissioner may upon a determination of good cause extend the interim status of qualifications for any specific special inspection agency to a date beyond July 1, 2010 but in no event later than July 1, 2011.

(i) In the event the agency has failed by January 1, 2010 to receive the accreditation required by section (c)(8)(i) of this rule, the agency may apply to the commissioner who may, upon the showing of good cause by the agency, grant an extension of time and allow the continuance of the interim status of such agency, but in no event later than January 1, 2011.

(ii) The requirements and standards prescribed in this rule shall be subject to variation in specific cases by the commissioner, or by the Board of Standards and Appeals, under and pursuant to the provisions of paragraph two of subdivision (b) of section six hundred forty-five and section six hundred sixty-six of the New York City Charter, as amended.]

[(10)] **Registration Term.** [An initial registration issued under this rule is valid until July 1, 2010 unless otherwise extended by the commissioner in accordance with section (c)(9) of this rule. A renewal or initial registration issued after July 1, 2010 is valid for three years from the date of issuance] The term of an initial registration is three (3) years, beginning on the applicant's birthday following the date of registration, and may be renewed for additional three (3) year periods after such initial registration.

[(11)] (10) **Registration Fees.** [The department shall charge the following registration fees:] Fees will be those set forth in section 101-03 of these rules.

- (i) A one (1) year initial fee of \$35;
- (ii) A triennial renewal fee of \$35; and
- (iii) A later renewal surcharge of \$35.]

[(12)] (11) **Renewals.** A renewal application [shall] must be submitted between [thirty] sixty [(30)] (60) and [sixty] ninety [(60)] (90) days prior to the expiration date of the registration and [shall] must be accompanied by proof that the agency has, during the one (1) year period immediately preceding renewal, maintained all certifications/accreditations and other requirements set forth in this rule and its Appendix.

- (i) Renewal [shall] will be precluded where there has been a finding by the commissioner that any special inspection or test conducted by the special inspector or special inspection agency has not been performed in accordance with the requirements set forth in the code, applicable reference standards or the rules of the department, or where there has been a finding by the commissioner of fraud or misrepresentation on any document or report submitted to the department by the special inspector or special inspection agency.
- (ii) No special inspector or special inspection agency [shall] will perform an inspection or test with an expired or lapsed registration.

§ 5. The “Small Building Special Inspections” Special Inspection Category of Appendix A of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

<p>[Small Building] <u>Class 3 Special Inspections</u> ([Group R-3, 3 stories or less in height] <u>Small Projects</u>)³</p>		<ul style="list-style-type: none"> • PE or RA; and • relevant experience 	<p>[N/A] See <u>Technician requirements for relevant inspection.</u></p>	<ul style="list-style-type: none"> • [Technician with relevant experience] See <u>Technician requirements for relevant inspection.</u>
---	--	--	--	---

§ 6. The Notes to Appendix A of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows:

Notes:

1. Abbreviations in the qualifications descriptions:
 - ACI – American Concrete Institute
 - AWS – American Welding Society
 - ICC – International Code Council
 - NEBB – National Environmental Balancing Bureau
 - NICET – National Institute for Certification in Engineering Technologies
 - PE – A New York State Licensed and Registered Professional Engineer
 - RA – A New York State Licensed and Registered Architect
2. Bachelor’s Degrees must be from an accredited institution or equivalent
3. [Small Building Inspections - For Group R-3 buildings, 3 stories or less in height, all special inspections may be performed by a qualified PE or RA or a qualified person under their direct supervision without the need for certification by the department, with the exception of the special inspection of the following operations:
 - a. Soils Investigations
 - b. Pier and Pile installation
 - c. Underpinning of structures
 - d. Protection of the sides of excavations greater than 10 feet in depth]

Class 3 Special Inspections. An agency registered as a Class 3 special inspection agency for a special inspection category will be permitted to perform the work associated with such special inspection category on the following projects only:

 - a. The construction, demolition, or alteration of a one-, two-, or three-family dwelling; or
 - b. The alteration of any building, including partial demolition, altering less than ten thousand (10,000) square feet of gross floor area in total.

Exception: The special inspection categories of underpinning, mechanical means and methods of demolition, and the protection of the sides of excavations greater than ten (10) feet in depth will be

performed only by special inspection agencies registered as either class 1 or class 2 special inspection agencies for such categories.

§7. Section 101-03 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

<u>Special inspection agency registration.</u>	<u>Initial:</u> <u>\$200 plus a \$30</u> <u>endorsement fee per</u> <u>special inspection</u> <u>category</u>	<u>Renewal:</u> <u>\$90 plus a \$30</u> <u>endorsement fee per</u> <u>special inspection</u> <u>category</u>
--	---	--

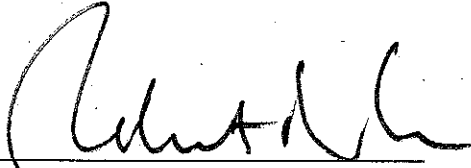
This amendment has an effective date of 07-11-11.

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter and Section 28-112.8 of the New York City Administrative Code, that the Department of Buildings hereby adopts an amendment to Section 101-03 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding fees payable to the Department of Buildings.

This rule was first published on April 27, 2011 and a public hearing thereon was held on May 31, 2011.

Dated: 6/5/11
New York, New York


Robert D. LiMandri
Commissioner

Statement of Basis and Purpose of Rule

The foregoing rule amendment is promulgated pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043 of the New York City Charter.

This rule implements the fee structure provided for in Section 28-112.8 and Table 28-112.8 of the New York City Administrative Code by setting forth the "Accelerated inspection" fee which may be charged by the Department pursuant to that table.

The fee will cover departmental costs for the performance of accelerated inspections performed after hours at the request of the applicant.

Matter underlined is new.

Section 101-03 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding the following entry to the end of the table set forth in that section:

<u>Accelerated inspection made necessary by a request for an after hours inspection.</u>	<u>\$95 each inspection plus \$50 for every 2,000 square feet of floor area, but not less than \$50 per story.</u>
--	--

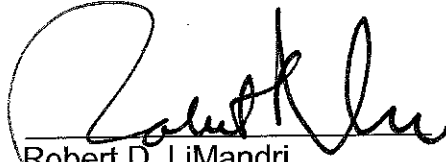
This amendment has an effective date of 03-26-11.

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter and Sections 28-112.1, 28-112.7.1 and 28-112.8 of the New York City Administrative Code, that the Department of Buildings hereby amends Section 101-03 of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding fees payable to the Department of Buildings.

This rule was first published on December 16, 2010 and a public hearing thereon was held on January 19, 2011.

Dated: 2/14, 2011
New York, New York



Robert D. LiMandri
Commissioner

Section 101-03 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is hereby amended by adding the following entries to the end of the table set forth in that section:

<u>Reinspection made necessary by a failure to correct a condition or respond to a request to correct that results in issuance of a violation or other order.</u>	<u>\$85 each inspection</u>		
<u>On-site inspection of cranes application renewal.</u>	<u>\$100 each inspection</u>		
<u>Outrigger beam application review.</u>	<u>Initial:</u> <u>\$100</u>	<u>Amendment:</u> <u>\$100</u>	<u>Renewal:</u> <u>\$90</u>

STATEMENT OF BASIS AND PURPOSE

The foregoing rule amendment is promulgated pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter.

This rule implements the fee structure provided for in sections 28-112.1, 28-112.7.1 and 28-112.8 of the New York City Administrative Code by setting forth the fees which may be charged by the Department pursuant to those sections.

This rule makes additions to the fee table in order to cover departmental costs for the performance of reinspections and certain application renewals and reviews required by the New York City Administrative and Construction Codes.

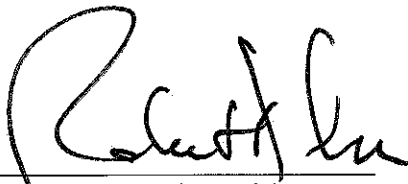
This amendment has an effective date of 01-28-11.

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the repeal of sections 32-01, 32-02 and 32-04 and renumbering and amendment of section 32-03 of Title 1 of the Official Compilation of the Rules of the City of New York regarding façade inspections.

This rule was first published on October 15, 2010 and a public hearing thereon was held on November 15, 2010.

Dated: Dec 20, 2010
New York, New York


Robert D. LiMandri
Commissioner

Section 1. Sections 32-01, 32-02 and 32-04 of title 1 of the rules of the city of New York, relating to the design and installation of curtain walls and panel walls, dangerous conditions of a building's exterior walls and appurtenances, and masonry parapet walls are hereby REPEALED.

§2. Section 32-03 of title 1 of the rules of the city of New York is hereby renumbered section 103-04.

§[32-03] 103-04 **Periodic Inspection of Exterior Walls and Appurtenances of Buildings.**

§3. The definition of *Acceptable report* set forth in subdivision a of section 103-04 of title 1 of the rules of the city of New York, as renumbered by this rule, is amended as follows and a new definition of *Filed report* is added between the definitions of *Critical examination* and *Filing window*, as follows:

Acceptable report. A technical examination report filed by a Qualified Exterior Wall Inspector that meets the requirements of the Administrative Code and this rule as determined and approved by the Department. [A report shall be deemed filed with the Department only when it has been submitted to, received, reviewed, and accepted by the Department.]

Filed report. A report shall be deemed filed with the Department when it has been received by the Department. The filed report shall be completed in accordance with the provisions of paragraph 3 of subdivision b of this section.

§4. Subparagraphs ii, iii and iv of paragraph 2 of subdivision b of section 103-04 of title 1 of the rules of the city of New York are amended as follows:

(ii) Such examination shall be conducted and witnessed by or under the direct supervision of a QEWI retained by [or on behalf of] the owner of the building or his or her representative.

(iii) The QEWI shall [determine] design an inspection program for the specific building to be inspected, which shall include, but not be limited to, the methods to be employed in the examination.[, but he/she] The inspection program shall be based on considerations of the type of construction of the building's envelope, age of the material components, the façade's specific exposure to environmental conditions and the presence of specific details and appurtenances. Consideration shall be given to the facade's history of maintenance and repairs as described in previous reports and submittals to the department.

Except as provided in subparagraph viii of paragraph 2 of subdivision b of this section, the QEWI need not be physically present at the location [where]when the examination is made. [Under] Architects, engineers, tradesmen and technicians, working under the QEWI's direct supervision, [technicians, tradesmen, contractors, and engineers-in-training] may be delegated to perform selected inspection tasks[. These individuals need not be in the QEWI's employ] only when they are employees or subcontractors of the QEWI.

(iv) The methods used to examine the building shall permit a complete inspection of same. Except as herein required, the use of a scaffold or other observation platform is preferred, but the QEWI may use other methods of inspection as he/she deems appropriate. A physical examination from a scaffold or other observation platform (a “close-up inspection”) is required for a representative sample of the exterior wall. The QEWI shall determine what constitutes a representative sample. The representative sample shall include at least one physical examination along a path from grade to top of an exterior wall on a street front using at least one scaffold drop or other observation platform configuration, including all setbacks.

§5. Paragraph 2 of subdivision b of section 103-04 is amended by adding a new subparagraph viii to read as follows:

(viii) Completion of a critical examination shall mean that the QEWI has conducted a final physical inspection to determine that the building conditions as described in the report are consistent with the actual conditions. Such final inspection shall, at a minimum, include an actual visual examination and a walk around with binoculars or other inspectorial equipment. A drive-by inspection is not acceptable.

§6. Subparagraph i of paragraph 3 of subdivision b of section 103-04 is amended as follows:

(i) The QEWI shall [submit to] file with the Department and submit a copy to the owner of the building a written report [as to] describing the result of the critical examination, clearly documenting all conditions noted during the inspection and stating that the inspection was performed and completed in accordance with the Administrative Code and this rule. A separate acceptable report must be prepared and filed for each building, even if it shares a Block and Lot number with other structures.

§7. Items D, G, I, J, M(1), O and P of subparagraph iii of paragraph 3 of subdivision b of section 103-04 are amended as follows:

(D) A detailed description of any settlements, repairs, or revisions to exterior enclosures since the previous report[, if available];

(G) A [report of all]description and classification of each significant condition[s] observed, including:

1. [Significant] deterioration and any movement detected; and
2. [A statement concerning] the apparent water-tightness of the exterior surfaces[;].

[3. A classification of each]Each condition shall be classified as safe, unsafe or SWARMP[;]. If the building is classified as “safe,” all conditions noted during examination that require monitoring and/or routine maintenance, including, but not limited to, minor rusting at ground floor exit door, caulking exterior joints and repair of flashing at cant strip shall be included. If the building is classified as “SWARMP” or unsafe, the report shall include the locations and descriptions of all SWARMP or unsafe conditions.

[4. The deleterious effect, if any, of]The observation shall also include the condition of the exterior appurtenances, including, but not limited to, exterior fixtures, flagpoles, signs, parapets, copings, guard rails, window frames (including hardware and lights), balcony enclosures, window guards, window air conditioners, flower boxes[,] and [communications] any equipment attached to or protruding from the façade. The condition of window air conditioners may not be designated as SWARMP[; and].

[5. If the classification of the building is “safe,” all conditions noted during examination that require monitoring and/or routine maintenance, including, but not limited to, minor rusting at ground floor exit door, caulking exterior joints and repair of flashing at cant strip.]

[6. A list of locations and descriptions of all SWARMP and unsafe conditions.]

(I) [The] A detailed status [of the exterior maintenance] report of maintenance work performed up to the date of submission of the report;

(J) A comparison of currently observed conditions with conditions observed during the previous report filing cycle examinations, including the status of the repairs or

maintenance performed with respect to the prior conditions. The following shall be [listed in the comparison] included and discussed:

1. Work permit numbers relating to façade repairs, including permits for sheds;
2. Job numbers, status and sign-off dates for any façade related jobs, where applicable; and
3. Violation numbers of any open Environmental Control Board (“ECB”) façade violations and the status of the repairs of the conditions cited in the ECB violations;

(M) 1. Color [P]photographs of the primary house number and at least one view of the entire street front elevation for all reports regardless of the building’s filing condition, and color photographs and sketches documenting [the location of] any conditions that are either unsafe or SWARMP and their locations. Photographs shall be at least 3” x 5” (76mm x 127mm) in size, unless otherwise requested by the Department. The photographs shall be dated and both the original photographs and all required copies shall be in color.

(O) The seal and signature of the QEWI under whose direct supervision the critical examination was performed.

[P] Appendices.

1. BIS Property Profile Overview
2. ECB facade violation summary
3. ECB violation details for any facade-related violations
4. BIS Document Overview for facade-related alteration and shed applications]

§8. Subparagraphs i and iii, items A and B of subparagraph viii and subparagraph ix of paragraph 4 of subdivision b of section 103-04 are amended as follows:

- (i) The requirements of this rule shall apply to all buildings with exterior walls or parts thereof that are greater than six stories in height, including the basement, but not the cellar, as defined in the building code, and regardless of the information in the Certificate of

Occupancy. For buildings constructed on sloped sites that contain six (6) full stories plus one partial story where more than half the height of that partial story is above existing grade and/or adjacent to open areas (e.g., areaways, yards, ramps), the wall containing that partial story shall be subject to façade inspection. Conditions requiring façade inspections may also include other structures that add to the height of the building as per section BC 504. The Commissioner shall determine which additional buildings and/or parts thereof are required to file in accordance with this rule.

(iii) An acceptable report shall be filed within the applicable two-year filing window to avoid a late filing penalty, except for cycle seven, during which the applicable filing window shall be:

(A) two years for buildings that meet the requirements of item (A) of clause (v) of this paragraph,

(B) eighteen months for buildings that meet the requirements of item (B) of clause (v) of this paragraph and

(C) twelve months for buildings that meet the requirements of item (C) of clause (v) of this paragraph.

[The late filing penalty shall be two hundred fifty dollars (\$250) for each month until the report is accepted by the Department.]

(viii) If contiguous zoning lots under single ownership or management contain multiple buildings that are considered one complex where at least two buildings of more than six stories in height fall into different filing windows as described above in items (A), (B) and (C) of clauses (v) and (vi) of this paragraph, the owner or management shall choose one of the following report filing options:

(A) An acceptable report for each building to which this rule applies may be filed separately according to the filing window corresponding to the last digit of that individual building's block number; or

(B) The owner or his or her representative may choose one of the applicable filing windows and file a report for all of the buildings within that filing window, regardless of that building's individual filing window. The owner or his or her representative shall

inform the Department 180 days prior to the end of the assigned filing window if this option is chosen. If an owner or [management] representative chooses this option, the owner or [management] representative shall continue to file under this same filing window for the duration of [his, her or its control] the owner's ownership of the property.

(ix) A report shall be filed within sixty (60) days of the date on which the QEWI completed the critical examination, as defined in subparagraph viii of paragraph 2 of subdivision b of this section, but not more than one (1) year after completion of the close-up inspection. If the report is not acceptable and is rejected by the Department, a revised report shall be filed within forty-five (45) days of the date of the Department's rejection. Failure to submit a revised report addressing the Department's objections within one (1) year of the initial filing shall require a new critical examination, including a new close-up inspection.

§9. Subparagraphs i, ii and iii of paragraph 5 of subdivision b of section 103-04 are amended as follows:

(i) Upon filing a report of an unsafe condition with the Department, the owner of the building, his or her agent, or the person in charge of the building shall immediately commence such repairs or reinforcements and any other appropriate measures such as erecting sidewalk sheds, fences, and safety netting as may be required to secure the safety of the public and to make the building's walls and appurtenances thereto conform to the provisions of the Administrative Code.

(ii) All unsafe conditions shall be corrected within thirty (30) days from the [filing] submission of the critical examination report.

(iii) Within two weeks after repairs to correct the unsafe condition have been completed, the QEWI shall inspect the premises. The QEWI shall obtain permit sign-offs as appropriate and shall promptly file with the Department a detailed amended report stating the revised report status of the building, along with a filing fee as specified in the rules of the Department. Sheds or other protective measures shall remain in place until an amended report is accepted; however, the QEWI may request permission for the removal of the shed upon submission of a signed and sealed statement certifying that an inspection was conducted, the conditions were

corrected and the shed is no longer required. Permission to remove the shed may be granted in the Commissioner's sole discretion.

§10. Subparagraphs i and ii of paragraph 6 of subdivision b of section 103-04 are amended as follows:

(6) Conditions that are safe with a repair and maintenance program.

(i) The owner of the building is responsible for ensuring that the conditions described in the critical examination report as SWARMP are repaired and all actions recommended by the QEWI are completed within the time frame recommended by the QEWI, and are not left to deteriorate into unsafe conditions before the next critical examination. It is the owner's responsibility to notify the Department of any deviation from the timeframe to make corrections as specified in the QEWI's report. Such notification shall be accompanied by supporting documents from the QEWI justifying the request for a new time frame. The department may approve or disapprove such request.

(ii) A report may not be filed describing the same condition and pertaining to the same location on the building as SWARMP [for the same building] for two consecutive report filing cycles.

§11. Subdivision c of section 103-04 is re-lettered subdivision d and a new subdivision c is added to read as follows:

(c) Civil penalties.

(1) Failure to file. An owner who fails to file the required acceptable inspection report shall be liable for a civil penalty of one thousand dollars (\$1,000) per year immediately after the end of the applicable filing window.

(2) Late filing. In addition to the penalty for failure to file, an owner who submits a late filing shall be liable for a civil penalty of two hundred fifty dollars (\$250.00) per month, commencing on the day following the filing deadline of the assigned filing window period and ending on the filing date of an acceptable initial report.

(3) In addition to the penalties provided in this section, an owner who fails to correct an unsafe condition shall be liable for a civil penalty of one thousand dollars (\$1,000) per month, pro-rated daily, until the unsafe condition is corrected, unless the commissioner grants an extension of time to complete repairs pursuant to this section. This penalty shall be imposed until receipt of an acceptable amended report by the department indicating the unsafe conditions were corrected or an extension of time is granted.

(4) Challenge of civil penalty.

(i) An owner may challenge the imposition of any civil penalty authorized to be imposed pursuant to this subdivision by providing proof of compliance. Examples of such proof shall include, but are not limited to, a copy of an acceptable initial report, a copy of the acceptable amended report, copies of approved extension of time requests while work was/is in progress or written proof from a QEWI that the unsafe conditions observed at the building were corrected and the violation was dismissed.

(ii) Challenges shall be made in writing within thirty (30) days from the date of service of the violation by the department and sent to the office/unit of the department that issued the violation. The decision to dismiss or uphold the penalty shall be at the sole discretion of the department.

§12. Paragraph 1 of subdivision d of section 103-04 is amended by adding a new subparagraph iii to read as follows:

(iii) An owner may be granted a waiver of penalties upon submission of a copy of a bankruptcy petition, together with proof that either the department or the New York City Law Department was served with a “Notice of Bar Date.”

§13. Section 101-03 of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York is amended to add the following fees at the end of the table set forth in that section, to read as follows:

§101-03 Fees payable to the Department of Buildings. The department shall be authorized to charge the following fees:

<u>Façade inspection reports</u>	
• <u>Initial filing</u>	<u>\$265</u>
• <u>[Application for amendment]Amended/subsequent filing</u>	<u>\$100</u>
• <u>Application for extension of time to complete repairs</u>	<u>\$135</u>

STATEMENT OF BASIS AND PURPOSE

The foregoing rule amendments are adopted pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter and section 28-302.2 of the New York City Administrative Code.

Sections 32-01, 32-02 and 32-04 are being repealed because their provisions are now covered in the building code or in this rule.

Rule 32-03 is renumbered to conform to the new rule numbering scheme the department is now using. It is also amended to clarify some provisions that were unaddressed in the previous amendment. These include: separating filing of a report from acceptance of a report by the department in order to clarify that the reporting requirement is satisfied when the department determines the report meets all Code requirements, as opposed to being satisfied upon the mere filing of the report, which could contain errors or omissions; specifying the duties of a QEWI; defining what constitutes a critical examination and when a new one should be performed; and clarifying how stories are counted on buildings constructed on sloped sites, for the purpose of determining the applicability of this rule. These changes address issues that have arisen since the rule was amended in 2009.

The rule replaces Technical Policy and Procedure Notice #5/99, which addresses which exterior building walls are exempt from or subject to inspections.

The rule is also amended to add penalties for failure to file a report and a penalty for failure to correct an unsafe condition. In addition, filing fees are added to cover the administrative costs of the program.

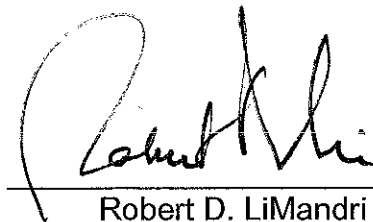
This amendment has an effective date of 09-20-10.

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to section 101-03 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding fees.

This rule was first published on June 10, 2010 and a public hearing thereon was held on July 12, 2010.

Dated: 8/10/10
New York, New York


Robert D. LiMandri
Commissioner

Section 101-03 of Title 1 of the Rules of the City of New York is amended by adding the following entry at the end of the table set forth in that section:

<u>Technical report filings</u> <ul style="list-style-type: none">• <u>Concrete</u>	<u>\$130 per filing</u>
---	-------------------------

STATEMENT OF BASIS AND PURPOSE

The foregoing rule amendment is promulgated pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter.

This rule implements the fee structure provided for in section 28-112.8 of the NYC Administrative Code by setting forth the fees which may be charged by the Department pursuant to that section.

This amendment adds a fee to cover the current costs of processing technical reports relating to concrete, including the examination, inspection and testing performed to examine the results of concrete operations involving the placement, sampling, and testing of concrete and concrete mixture designs.

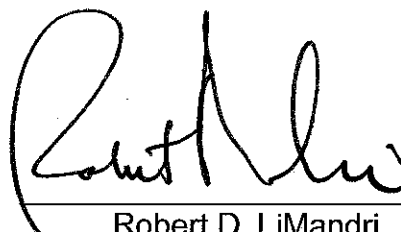
This rule establishes the filing fee for each filing of a concrete technical report.

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to section 101-03 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding fees.

This rule was first published on February 2, 2010 and a public hearing thereon was held on March 10, 2010.

Dated: 3/12/2010
New York, New York



Robert D. LiMandri
Commissioner

Section 101-03 of Title 1 of the Rules of the City of New York is amended as follows:

§101-03 Fees payable to the Department of Buildings. The department shall be authorized to charge the following fees:

[Microfilming of applications for new buildings and alterations and associated documentation for certificates of occupancy, temporary certificates of occupancy and/or letters of completion, as required by rule of the commissioner.]	[\$35]
---	--------

<u>Records management fee for applications for new buildings and alterations and associated documentation.</u> <ul style="list-style-type: none"> • <u>Exception: Applications that are exempt from fees in accordance with section 28-112.1 of the administrative code</u> 	<u>\$45 for one-, two- or three-family dwellings</u> <u>\$165 for all other types of buildings</u>
<u>Boiler filings</u> <ul style="list-style-type: none"> • <u>Affirmation of correction</u> • <u>Filing extension</u> • <u>Removal or disconnection</u> • <u>Waiver of penalties</u> 	<u>\$30</u> <u>\$15</u> <u>\$45</u> <u>\$30</u>

STATEMENT OF BASIS AND PURPOSE

The foregoing rule amendment is promulgated pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter.

This rule implements the fee structure provided for in section 28-112.8 of the NYC Administrative Code by setting forth the fees which may be charged by the Department pursuant to that section.

This amendment makes corrections and additions to the fee table in order to bring the fees in line with current costs of records management, including scanning, imaging, off-site storage and microfilming.

This rule also establishes fees for various types of boiler filings that are required by rule.

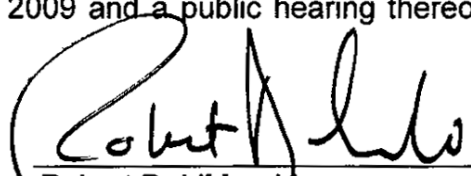
This amendment has an effective date of 04-18-09.

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with section 1043 of the Charter and Sections 27-3014, 27-3018, 28-112.1, 28-112.7.2, 28-112.8 and 28-401.15 of the NYC Administrative Code, that the Department of Buildings hereby renumbers and amends Sections 100-02 and 100-03 of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding fees of the Department of Buildings.

This rule was first published on February 2, 2009 and a public hearing thereon was held on March 6, 2009.

Dated: 3/10/09, 2009
New York, New York


Robert D. LiMandri
Commissioner

Section 1. Section 100-02 of Title 1 of the Rules of the City of New York is hereby renumbered as section 101-02.

§2. Section 100-03 of Title 1 of the Rules of the City of New York is hereby renumbered as section 101-03.

§3. Section 101-03 of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, as renumbered by section 2 of this rule, is amended to read as follows:

§10[0]1-03 Fees payable to the Department of Buildings. The department shall be authorized to charge the following fees:

<p>[Equipment inspection fee:</p> <p><input type="checkbox"/> High-pressure boiler periodically inspected as provided by section 28-303.10]</p> <p><u>Periodic inspection or Reinspection [fee] of high-pressure boilers, low-pressure boilers and elevators following a violation.</u></p>	<p>[\$65 for each inspection, for each boiler.]</p> <p>\$65 <u>per device</u></p>
<p>Acknowledgement.</p>	<p>\$2 each</p>
<p>Certificate of occupancy.</p>	<p>\$5 per copy</p>
<p>Certificate of pending violation: Multiple and private dwellings.</p>	<p>\$30 per copy</p>
<p>Certified copy of license.</p>	<p>\$5 per copy</p>
<p>Microfilming of applications for new buildings and alterations and associated documentation for certificates of occupancy, temporary certificates of occupancy and/or letters of completion, as required by rule of the commissioner.</p>	<p>\$35</p>
<p>Preparing only or preparing and certifying a copy of a record or document filed in the department, other than a plan, certificate of occupancy or certificate of pending violation.</p>	<p>\$8.00 for the first page and \$5.00 for each additional page or part thereof (a page consists of one face of a card or other record)[.]</p>

Half-size print from microfilm of a plan thirty-six by forty-eight inches or less.	\$8.00 per copy	\$5.00 per additional copy		
Half-size print from microfilm of a plan exceeding thirty-six by forty-eight inches.	\$16.00 per copy	\$5.00 per additional copy		
Electrician's license.	[Original] <u>Initial:</u> \$310	Renewal: \$90	Late- Renewal: [\$310 + \$90] \$400 (initial fee plus renewal fee)	Reissu[er]ance: \$[310] <u>50</u>
License examination fee:	<u>\$350</u>			
<ul style="list-style-type: none"> • Elevator agency director certificate of approval. • Elevator agency inspector certificate of approval. • <u>Site safety manager certificate.</u> 	[\$350]			
<u>Private elevator inspector certification.</u>	<u>Initial:</u> \$50	<u>Renewal:</u> \$75 triennially	<u>Late-renewal:</u> \$50	<u>Reissuance:</u> \$50
<u>Private elevator inspection agency certification.</u>	<u>Initial:</u> \$100	<u>Renewal:</u> \$150 triennially	<u>Late-renewal:</u> \$50	<u>Reissuance:</u> \$50
<u>Elevator agency director/co-director license.</u>	<u>Initial:</u> \$100	<u>Renewal:</u> \$150	<u>Late-renewal:</u> \$50	<u>Reissuance:</u> \$50
<u>Elevator inspector license.</u>	<u>Initial:</u> \$50	<u>Renewal:</u> \$75	<u>Late-renewal:</u> \$50	<u>Reissuance:</u> \$50

<u>Concrete safety manager registration.</u>	<u>Initial:</u> <u>\$150</u>	<u>Renewal:</u> <u>\$100</u>	<u>Late-renewal:</u> <u>\$50</u>	<u>Reissuance:</u> <u>\$50</u>
<u>Electrical permit initial application (excluding minor work).</u>	<u>\$40</u>			
<u>Electrical permit (excluding minor work).</u> <ul style="list-style-type: none"> • <u>Each outlet, each fixture, each horsepower or fraction thereof of a motor or generator, each kilowatt or fraction thereof of a heater, each horsepower or fraction thereof of an air conditioner, each kilovolt-ampere or fraction thereof of a transformer installed, altered or repaired shall be assigned the value of one unit:</u> <ul style="list-style-type: none"> <u>1 - 10 units</u> <u>Over 10 units</u> • <u>For each service switch installed, altered or repaired:</u> <ul style="list-style-type: none"> <u>0-100 Amperes</u> <u>101-200 Amperes</u> <u>201-600 Amperes</u> 	<u>Fee per unit (NOTE: The total additional fee is computed by calculating the sum of the units. The total additional fee, due prior to electrical sign-off or as otherwise provided by the department's rules, shall not exceed five thousand dollars):</u> <u>\$0</u> <u>\$0.25</u> <u>\$ 8.00</u> <u>\$30.00</u> <u>\$105.00</u> <u>\$225.00</u>			

<u>601-1200 Amperes</u>	<u>\$375.00</u>
<u>Over 1200 Amperes</u>	
• <u>For each set of service entrance cables and for each set of feeder conductors installed, altered or repaired:</u>	
<u>Up to #2 conductors</u>	<u>\$15.00</u>
<u>Over #2 to #1/0 conductors</u>	<u>\$30.00</u>
<u>Over #1/0 to 250 MCM</u>	<u>\$45.00</u>
<u>Over 250 MCM</u>	<u>\$75.00</u>
• <u>For each panel installed, altered or repaired:</u>	
<u>1 phase up to 20-1 or 10-2 pole cutouts or breakers</u>	<u>\$15.00</u>
<u>1 phase over 20-1 or 10-2 pole cutouts or breakers</u>	<u>\$37.50</u>
<u>3 Phase up to 225 amperes</u>	<u>\$50.00</u>
<u>3 Phase over 225 amperes</u>	<u>\$75.00</u>
	<u>\$40.00</u>
• <u>For each sign manufactured (in-shop inspections)..</u>	
• <u>For each sign manufactured (on-site inspections):</u>	
	<u>\$65.00</u>

<u>0 to 30 square feet</u> <u>31 to 60 square feet</u> <u>Over 60 square feet</u> <ul style="list-style-type: none"> • <u>For each elevator:</u> <u>10 floors or less</u> <u>Every additional ten or fewer floors</u> • <u>For wiring or rewiring boiler controls in buildings.</u> 	<u>\$90.00</u> <u>\$115.00</u> <u>\$125.00</u> <u>\$83.00</u> <u>\$12.00</u>
<u>Electrical permit (minor work pursuant to Section 27-3018(h) of the Administrative Code).</u>	<u>\$15</u>
<u>Duplicate copy of notice of electrical violation.</u>	<u>\$5</u>

STATEMENT OF BASIS AND PURPOSE

The foregoing rule amendment is promulgated pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter.

The rule implements the fee structure provided for in sections 27-3014, 27-3018, 28-112.1, 28-112.7.2, 28-112.8 and 28-401.15 of the NYC Administrative Code by setting forth the fees which may be charged by the Department of Buildings pursuant to those sections.

This amendment makes corrections and additions to the fee table in order to bring the fees in line with current costs and to consolidate all fees into one section.

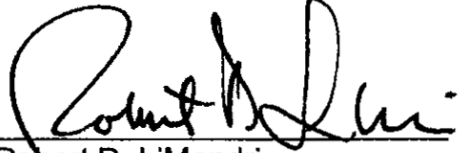
In addition, this amendment makes corrections to 1 RCNY rule section numbering to conform to the numbering scheme set forth in recent Construction Code-related rules.

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the addition of Section 100-03 to Subchapter B of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding the fee structure provided for in sections 28-112.1, 28-112.7.2, 28-112.8 and 28-401.15 of the NYC Administrative Code by setting forth the fees which may be charged by rule of the Department of Buildings pursuant to those sections. This rule also repeals Chapter 14 of Title 1 of the Official Compilation of the Rules of the City of New York, which set forth fees charged by rule of the Department of Buildings under the 1968 Building Code.

This rule was first published on March 27, 2008 and a public hearing thereon was held on April 30, 2008.

Dated: May 19, 2008
New York, New York


Robert D. LiMandri
Acting Commissioner

Section 1. Chapter 14 of Title 1 of the Official Compilation of the Rules of the City of New York, relating to fees of the Department of Buildings, is hereby REPEALED, and Subchapter A of chapter 100 of title 1 of the Rules of the City of New York is amended by adding a new section 100-03, to read as follows:

§100-03 Fees payable to the Department of Buildings. The department shall charge the following fees:

<u>Equipment inspection fee:</u>	
<input type="checkbox"/> <u>High-pressure boiler periodically inspected as provided by section 28-303.10</u>	<u>\$65 for each inspection, for each boiler.</u>
<input type="checkbox"/> <u>Reinspection fee following a violation.</u>	<u>\$65</u>
<u>Acknowledgement.</u>	<u>\$2 each</u>
<u>Certificate of occupancy.</u>	<u>\$5 per copy</u>
<u>Certificate of pending violation: Multiple and private dwellings.</u>	<u>\$30 per copy</u>
<u>Certified copy of license.</u>	<u>\$5 per copy</u>

<u>Microfilming of applications for new buildings and alterations and associated documentation for certificates of occupancy, temporary certificates of occupancy and/or letters of completion, as required by rule of the commissioner.</u>	<u>\$35</u>			
<u>Preparing only or preparing and certifying a copy of a record or document filed in the department, other than a plan, certificate of occupancy or certificate of pending violation.</u>	<u>\$8.00 for the first page and \$5.00 for each additional page or part thereof (a page consists of one face of a card or other record).</u>			
<u>Half-size print from microfilm of a plan thirty-six by forty-eight inches or less.</u>	<u>\$8.00 per copy</u>		<u>\$5.00 per additional copy</u>	
<u>Half-size print from microfilm of a plan exceeding thirty-six by forty-eight inches.</u>	<u>\$16.00 per copy</u>		<u>\$5.00 per additional copy</u>	
<u>Electrician's license.</u>	<u>Original</u> <u>\$310</u>	<u>Renewal</u> <u>\$90</u>	<u>Late</u> <u>Renewal</u> <u>\$310 +</u> <u>\$90</u>	<u>Reissue</u> <u>\$310</u>
License examination fee:				
<input type="checkbox"/> <u>Elevator agency director certificate of approval.</u>	<u>\$350</u>			
<input type="checkbox"/> <u>Elevator agency inspector certificate of approval.</u>	<u>\$350</u>			

§2. This rule shall take effect on July 1, 2008.

STATEMENT OF BASIS AND PURPOSE

The foregoing rule is proposed pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter.

The proposed rule implements the fee structure provided for in sections 28-112.1, 28-112.7.2, 28-112.8 and 28-401.15 of the NYC Administrative Code by setting forth the fees which may be charged by rule of the Department of Buildings pursuant to those sections. This rule also repeals Chapter 14 of Title 1 of the Official Compilation of the Rules of the City of New York, which set forth fees charged by rule of the Department of Buildings under the 1968 Building Code.