NYC BUILDINGS
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Statement of Substantial Need for Earlier Implementation

I hereby find, pursuant to §1043, subdivision e, paragraph 1(c) of the New York City Charter, and hereby represent to the Mayor, that there is substantial need for the implementation of new Section §101-10 of Title 1 of the Rules of the City of New York, regarding final inspection and sign-off prior to letter of completion, upon the publication in the City Record of its Notice of Adoption.

This is one of the rules needed to implement the City's new Construction Codes. The rule is based on Sections 26-217 and 27-207 of the Administrative Code, which authorize the Commissioner to accept inspection reports from registered design professionals. It is also based on Section 28-116.2.4.2 of the Administrative Code, which provides that a final inspection must be performed on completed work within one (1) year of the expiration of the last valid permit. The rule further provides a thirty (30) day period following the date of the final inspection within which the final inspection report must be filed. By requiring submission of the inspection report to the Department within close proximity to the inspection date, the rule minimizes the opportunity that illegal work will be performed for which the inspector can disclaim responsibility

Robert D. LiMandri
Acting Commissioner
Department of Buildings

APPROVED: _____
Michael R. Bloomberg
Mayor

DATE: 6/30/2008

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 101-10 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding final inspection and sign-off prior to letter of completion.

This rule was first published on May 22, 2008 and a public hearing thereon was held on June 23, 2008.

Dated: 6/26/08, 2008
New York, New York

Robert D. LiMandri
Acting Commissioner

Section 1. Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new section 101-10 to read as follows:

§101-10 Final Inspection and Sign-Off prior to letter of completion.

(a) Final Inspection. Where permitted work does not require the issuance of a certificate of occupancy and where the final inspection is performed by an approved agency, the final inspection shall be performed after all work authorized by the permit is completed, but in no event later than one (1) year from the date of the expiration of the last valid permit.

(b) Inspection Report. A final inspection report complying with the requirements of section 28-116.2.4.2 of the Administrative Code shall be filed within thirty (30) days of the date of the final inspection that enables the inspector to attest that the work is substantially compliant with the approved construction documents, the building code, and other applicable laws and rules.

(c) Applicability. The requirements in this section shall apply to all final inspections performed after July 1, 2008, regardless of when the underlying permit was issued.

STATEMENT OF BASIS AND PURPOSE

This rule is adopted pursuant to the authority of the Commissioner of Buildings under sections 643 and 1043(a) of the New York City Charter and Title 28, Article 116 of the New York City Administrative Code.

The rule is based on Sections 26-217 and 27-207 of the Administrative Code, which authorize the Commissioner to accept inspection reports from registered design professionals. It is also based on Section 28-116.2.4.2 of the Administrative Code, which provides that a final inspection must be performed on completed work within one (1) year of the expiration of the last valid permit. The rule further provides a thirty (30) day period following the date of the final inspection within which the final inspection report must be filed.

This rule will enable the Department to better monitor the quality and standard of work performed on projects that do not require a certificate of occupancy and that are thus capable of being inspected by approved agencies. Currently, a final inspection may be performed long before such a job is signed off, creating an opportunity for improper changes to the work for which it is difficult to hold the inspecting professional accountable. By requiring submission of the inspection report to the Department within close proximity to the inspection date, the rule minimizes the opportunity that illegal work will be performed for which the inspector can disclaim responsibility.