



Promulgation Details for 1 RCNY 3301-02

This rule became effective on May, 30, 2016.

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 rule has an effective date of 02-25-2023

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 that the Department of Buildings hereby adopts amendments to its rules regarding construction superintendents, site safety and concrete safety managers. This rule was first published on September 29, 2022, and a public hearing thereon was held on October 31, 2022.

Dated:

1/18/2023
New York, New York


Kazimir Vilenchik, P.E.
Acting Commissioner

Statement of Basis and Purpose of Rule

The New York City Building Code (BC) requires a Department-registered Construction Superintendent (CS) to be designated for work subject to BC §3301.13.3 on buildings up to 9 stories in height. BC §3310.5 requires either a Department-certified Site Safety Manager (SSM) or Site Safety Coordinator (SSC) to be designated for work subject to Building Code §3310.1 on buildings 10 stories or greater in height. There is also a requirement in BC §3310.9.1 that a Concrete Safety Manager (CSM) be designated by the concrete contractor at those sites where the concrete portion of the project involves the pouring of a minimum of 2,000 cubic yards of concrete.

These amendments are in response to two comments received in conjunction with the June 27, 2022 hearing concerning amendments to 1 RCNY 104-08 and 3301-02 regarding Site Safety Managers, Site Safety Coordinators and Construction Superintendents, which amendments were adopted effective August 14, 2022.

Specifically, the comments suggested that the Department

- 1) create a process to allow a Concrete Safety Manager to register as a Construction Superintendent, and
- 2) make clear that the duties of a Construction Superintendent are too numerous for a Construction Superintendent to simultaneously serve in other Building Code mandated safety oversight roles at a construction job.

These changes were not made to the prior rule amendments as there existed a need to implement the prior rule amendments expeditiously.

Currently, Concrete Safety Managers are allowed to hold a Site Safety Manager or a Site Safety Coordinator registration. The proposed amendments will allow a Concrete Safety Manager to hold a Construction Superintendent registration as well.

The amendments will prohibit a SSM or SSC from being designated, acting, or serving as the primary or alternate CS at the job for which they are the primary or alternate SSM or SSC. The amendments will also prohibit a primary SSM or SSC from serving as the primary CS for any other job.

The amendments will also prohibit a CSM from simultaneously serving as an SSM, an SSC, or CS on the same job for which they are serving as the CSM.

The Department of Buildings' authority for this proposed rule is found in sections 643 and 1043 of the New York City Charter and sections 3301.13.7, 3301.13.17, 3310.8, and 3310.9.1 of the New York City Building Code.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

Section 1. Paragraph (1) of subdivision (b) of section 3301-02 of chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

(1) Holds a valid site safety manager or site safety coordinator certificate, or a valid registration as a concrete safety manager; or

§2. Section 3310-01 of chapter 3300 of Title 1 of the Rules of the City of New York is amended by adding a new subdivision (l), to read as follows:

(l) Limitation on serving as a construction superintendent. No person designated as the primary site safety manager or site safety coordinator for a job, or acting as the alternate site safety manager or site safety coordinator for a job, may be designated, act, or serve as the primary or alternate construction superintendent for that job. No person designated as the primary site safety manager or coordinator for a job may serve as the primary construction superintendent for any other job.


§3. Paragraph (2) of subdivision (f) of section 3310-02 of chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

(2) A concrete safety manager may also [be registered] hold a certification as a site safety manager or a site safety coordinator [but cannot serve as both], and a registration as a construction superintendent. No person who is serving as a concrete safety manager [and either] for a job may serve as a site safety manager [or a], site safety coordinator, or construction superintendent simultaneously on the same job [site].

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 Title 28 of the Administrative Code of the City of New York, and in accordance with Section 1043 of the Charter, that the Department of Buildings (DOB) hereby adopts amendments to its rules regarding site safety managers, site safety coordinators and construction superintendents. This rule was first published on May 26, 2022, and a public hearing thereon was held on June 27, 2022.

Dated: 7/7/2022
New York, New York



Eric A. Ulrich
Commissioner

Statement of Basis and Purpose of Rule

The 2014 Construction Codes require a Department-registered Construction Superintendent to be designated for work subject to Building Code section 3301.13.3 on buildings up to 9 stories in height. The 2014 Codes further require either a Department-certified Site Safety Manager or Site Safety Coordinator to be designated for work subject to Building Code section 3310.1 on buildings 10 stories or greater in height.

The 2022 Construction Codes will require both a Construction Superintendent and either a Site Safety Manager or Coordinator to be designated for work subject to Building Code sections 3301.13.3 and 3310.1 on buildings 10 stories or greater in height.

The amendments to rule 104-08 remove the prohibition on a Site Safety Manager or Site Safety Coordinator also holding a Construction Superintendent registration. This allows qualified individuals to register or certify as both a Construction Superintendent and as a Site Safety Manager or Site Safety Coordinator, giving an individual flexibility to determine which role they wish to assume at any given jobsite.

In anticipation of Site Safety Managers and Site Safety Coordinators seeking to obtain a Construction Superintendent registration so that they may serve as a Construction Superintendent at buildings 10 stories or greater in height, the amendments to rule 3301-02 create a pathway for Site Safety Managers and Site Safety Coordinators to register as a Construction Superintendent.

The rule also recognizes a “Certified Safety Professional” designation from the Board of Certified Safety Professionals as an acceptable pathway to registering as a Construction Superintendent. This certification is presently recognized as an acceptable pathway to be certified as a Site Safety Manager.

Lastly, the rule revises outdated language concerning the courses required to be completed by an individual seeking a Construction Superintendent registration and recognizes the completion of Site Safety Supervisor Training required by Local Law 196 of 2017 as being an acceptable alternative.

The Department of Buildings’ authority for these rules is found in sections 643 and 1043 of the New York City Charter and section BC 3301.13.17 of the New York City Building Code.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) represent ellipses (i.e., unamended text).

Section 1. Paragraph (2) of subdivision (a) of section 104-08 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(2) A holder of a site safety manager certificate may not simultaneously hold [either] an active site safety coordinator certificate [or an active registration as a superintendent of construction].

§2. Paragraph (2) of subdivision (b) of section 104-08 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(2) A holder of a site safety coordinator certificate may not simultaneously hold [either] an active site safety manager certificate [or an active registration as a superintendent of construction].

§3. Paragraphs (1) and (2) of subdivision (b) of section 3301-02 of chapter 3300 of Title 1 of the Rules of the City of New York are re-numbered (2) and (3), respectively and a new paragraph (1) is added to read as follows:

(1) Holds a valid site safety manager or site safety coordinator certificate; or

§4. Subparagraphs (i) through (v) of paragraph (3) of subdivision (b) of section 3301-02 of chapter 3300 of Title 1 of the Rules of the City of New York, as re-numbered by section 3 of this rule, are amended to read as follows:

(i) Is a registered design professional and has satisfactorily completed, within one (1) year prior to the date of the application, [an 8-hour Site Safety Coordinator] a course in site safety that is at least 8 hours in length and approved by the department;

(ii) Holds a Certified Safety Professional (“CSP”) designation or a Construction Health and Safety Technician (“CHST”) designation from the Board of Certified Safety Professionals (“BCSP”) and has satisfactorily completed, within one (1) year prior to the date of the application, [an 8-hour Site Safety Coordinator] a course in site safety that is at least 8 hours in length and approved by the department;

(iii) Has five (5) years of experience, within ten (10) years prior to the date of the application, as a building code enforcement official charged with enforcement of the provisions of the New York City Building Code, and has satisfactorily completed, within one (1) year prior to the date of the application, [an 8-hour Site Safety Coordinator] a course in site safety that is at least 8 hours in length and approved by the department. The enforcement must have included inspections of buildings under construction or demolition and thus this basis for qualification excludes officials whose primary role is to perform inspections of occupied or vacant buildings;

(iv) Has five (5) years of full-time field experience in the United States, within 10 years prior to the date of the application, working on buildings as a safety official for a governmental entity or construction firm or as a safety manager or safety engineer for a safety consulting firm specializing in construction or demolition and has satisfactorily completed, within one (1) year prior to the date of the application, [an 8-hour Site Safety Coordinator] a course in site safety that is at least 8 hours in length and approved by the department; or

(v) Has five (5) years of full-time experience in the United States, within ten (10) years prior to the date of the application, as verified by employer affidavit, working with plans in a relevant construction trade in furtherance of the construction, vertical or horizontal enlargement, or full demolition of a building or structure, and has satisfactorily completed, within one (1) year prior to the date of the application, a [40-hour Site Safety Manager] course in site safety that is at least 40 hours in length and approved by the department.

§5. Subdivision (c) of section 3301-02 of chapter 3300 of Title 1 of the rules of the City of New York is amended to read as follows:

(c) Credits. For purposes of paragraph (3) of subdivision (b) of this section, the following credits may be applied:

(1) Educational credit. [For purposes of paragraph (2) of this subdivision, each] Each year of full-time formal training or education in a program with emphasis on construction at a college, technical or trade school may be substituted for one year of work experience, up to a maximum of three years.

(2) Training credit. Possession of a valid Site Safety Training Supervisor Card will be accepted in lieu of providing proof that the applicant has completed the OSHA and site safety courses specified in paragraph (3) of subdivision (b) of this section.

This amendment has an effective date of 05-30-16.

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 new Section 3301-02 of Chapter 3300 of Title 1 of the Rules of the City of New York, regarding construction superintendents, and repeals Section 1 of Chapter 48 of Title 1 of the Rules of the City of New York.

This rule was first published on 2/29/16 and a public hearing thereon was held on 3/31/16.

Dated: 4.21.16
New York, New York



Rick D. Chandler, P.E.
Commissioner

Statement of Basis and Purpose

This rule repeals Chapter 48 of Title 1 of the Rules of the City of New York relating to construction superintendents, and amends Chapter 3300 of Title 1 of the Rules of the City of New York by adding a new section 3301-02 in its place.

This rule promotes public safety by adding several requirements that the current rule does not cover and by requiring construction superintendents to supervise construction on a greater range of jobs.

The rule changes the following aspects of the construction superintendent's role:

- **Jobs that require a construction superintendent:** The rule expands the requirement for a construction superintendent to alterations, including alterations of 1-, 2-, and 3-family dwellings, which comprise at least one of the following:
 - vertical or horizontal enlargement;
 - alteration or demolition of more than fifty percent (50%) of the floor area;
 - the removal of one (1) or more floors; or
 - work that requires a special inspection for underpinning or the protection of sides of excavations.

The rule also eliminates overlapping oversight requirements that exist between Chapter 48 and the New York City Construction Codes.

- **Designation of primary and alternate construction superintendents:** The rule requires the permit holder to immediately notify the Department if the primary construction superintendent is permanently replaced. Further, the rule requires the permit holder to notify the Department if an alternate construction superintendent serves in place of the primary construction superintendent for a period of two or more weeks. These processes mirror those applicable to site safety managers and coordinators.
- **Duties:** The rule expands upon construction superintendents' duties by requiring that construction superintendents, among other duties, visit each job site for which they are responsible each day that active work occurs at the site; inspect every area where work is occurring at each job site during each visit in order to verify compliance with the approved construction documents and Chapter 33 of the New York City Building Code; and designate a competent person who is present at the site at all times work occurs.
- **Log Requirements:** While the repealed rule did not contain any log requirements, the new rule requires that construction superintendents maintain a detailed log of work that occurs at each job site for which they are responsible. The rule details the items construction superintendents must record in this log. This ensures that construction superintendents are actively involved in the work occurring at each job site.

- **Qualifications:** The rule provides that construction superintendents are subject to the licensing provisions of Article 401 of Chapter 4 of Title 28 of the New York City Administrative Code. The rule also makes several changes to the experience and credential requirements construction superintendents must satisfy.
- **Renewal:** While the repealed rule required proof that the renewing construction superintendent had completed a seven-hour Site Safety Manager course approved by the Department, the new rule requires proof that the renewing construction superintendent has completed an eight-hour Site Safety Coordinator course approved by the Department. The rule also provides that renewals are subject to the provisions of Article 401 of Chapter 4 of Title 28 of the New York City Administrative Code. This allows the Department to hold construction superintendents to the same standards as licensees.
- **Discipline:** Under the rule, construction superintendents are subject to the disciplinary provisions of section 28-401.19 of the New York City Administrative Code, including denial of issuance or renewal of construction superintendent registrations.

The Department of Buildings' authority for this rule is found in Section 643 and 1043(a) of the New York City Charter and section 3301.3 of the New York City Building Code.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Chapter 48 of Title 1 of the Rules of the City of New York is hereby REPEALED.

§2. Chapter 3300 of Title 1 of the Rules of the City of New York is amended by adding a new Section 3301-02, to read as follows:

§3301-02 Construction Superintendents

(a) Definitions. For the purposes of this section, the following terms shall have the following meanings:

Accident. See Section 3302.1 of the New York City Building Code.

Approved construction documents. For the purpose of this section, approved construction documents 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 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.

Commissioner. The Commissioner of the Department of Buildings, or his or her designee.

Competent person. See Section 3302.1 of the New York City Building Code.

Construction. See Section 3302.1 of the New York City Building Code.

Construction superintendent. An individual registered with the department and responsible for all duties as defined in this section.

Days. Calendar days, unless otherwise specified.

Demolition. See Section 3302.1 of the New York City Building Code.

Full demolition. See Section 3302.1 of the New York City Building Code.

Partial demolition. See Section 3302.1 of the New York City Building Code.

Department. The Department of Buildings.

Job. A design and construction/demolition undertaking consisting of work at one building or structure, as well as related site improvements and work on accessory structures. A job may consist of one or more plan/work applications, and may result in the issuance of one or more permits.

Permit holder. The individual who receives the primary Department-issued permit for the job.

Registered design professional. See Section 28-101.5 of the Administrative Code.

(b) Designation of construction superintendent.

(1) Jobs for which a construction superintendent is required. A construction superintendent is required for the following types of jobs:

(i) The construction of a new building;

(ii) The full demolition of an existing building;

(iii) An alteration to an existing building that involves one or more of the following:

(A) A vertical enlargement;

(B) A horizontal enlargement;

(C) The alteration or demolition of more than fifty percent (50%) of the floor area of the building during the course of work over any twelve (12) month period;

(D) The removal of one (1) or more floors during the course of work over any twelve (12) month period;

(E) Work that requires a special inspection for underpinning; or

(F) Work that requires a special inspection for the protection of sides of excavations.

(iv) Other jobs that pose an enhanced risk to the public and property, as determined by the commissioner.

Exceptions: Notwithstanding the above, a construction superintendent is not required for:

1. A job for which a site safety plan is required;
2. The construction of a new 1-, 2-, or 3-family building; or
3. A job for which the Department issued or renewed the primary alteration permit within three months of the effective date of this rule.

(2) Designation of a primary construction superintendent. For jobs requiring a construction superintendent, the permit holder must designate a primary construction superintendent, prior to the commencement of work, in a form and manner acceptable to the department.

(3) Change of designation. The permit holder must immediately notify the department, in a form and manner acceptable to the department, of any permanent change to the primary construction superintendent.

(4) Alternate construction superintendent. In the event the primary construction superintendent is temporarily unable to perform his or her duties, an alternate construction superintendent, designated by the permit holder and acceptable to and acting on behalf of the primary construction superintendent, must fulfill the duties of the primary construction superintendent. In the event that an alternate construction superintendent will be acting in place of the primary construction superintendent for a period longer than two consecutive weeks, the permit holder must notify the Department, in a form and manner acceptable to the Department, of such change.

(5) Limitations. An individual may only be designated as a primary or alternate construction superintendent for that number of jobs for which he or she can adequately perform all required duties. No individual may be designated as the primary construction superintendent on more than ten (10) jobs.

(c) Duties of construction superintendent.

(1) Safe site. The construction superintendent must act in a reasonable and responsible manner to maintain a safe job site and assure compliance with Chapter 33 of the New York City Building Code and any rules promulgated thereunder at each job site for which the construction superintendent is responsible.

(2) Compliance with plans. To the extent that a registered design professional or special inspection agency is not responsible, the construction superintendent must assure compliance with the approved construction documents at each job site for which the construction superintendent is responsible.

(3) Administrative code duties. The construction superintendent must fulfill the duties of a superintendent of construction assigned by Chapter 1 of Title 28 of the New York City Administrative Code at each job site for which the construction superintendent is responsible.

(4) Daily visit. Beginning three months after the effective date of this rule, the construction superintendent must visit each job site for which the construction superintendent is responsible each day when active work is occurring.

Exceptions: The construction superintendent is not required to be present at the site during the following activities, provided no other work is in progress:

1. Surveying that does not involve the disturbance of material, structure, or earth;
2. Use of a hoist to transport personnel only;
3. Use of a material hoist that is fully enclosed within the perimeter of the building;
4. Finish trowelling of concrete floors;
5. When personnel are provided for temporary heat, light, or water;
or
6. Truck deliveries to the site where the sidewalk is closed and the entrance gate is within that closed sidewalk area.

(5) Inspection. Each time the construction superintendent visits a job site for which he or she is responsible, the construction superintendent must inspect all areas and floors where construction or demolition work, and ancillary activity, is occurring, and:

(i) Verify work is being conducted in accordance with sound construction/demolition practices;

(ii) Verify compliance with the approved construction documents; and

(iii) Verify compliance with Chapter 33 of the Building Code and any rules promulgated thereunder.

(6) Correcting unsafe conditions. In the event the construction superintendent discovers work at a job site for which he or she is responsible that is not being conducted in accordance with sound construction/demolition practices, not in compliance with approved construction documents, or not in compliance with Chapter 33 of the Building Code and any rules promulgated thereunder, the construction superintendent must immediately notify the person or persons responsible for creating the unsafe condition, order the person or persons to correct the unsafe condition, and take all appropriate action to ensure the unsafe condition is corrected. Where an unsafe condition relates to an item which a registered design professional or special inspection agency is responsible for implementing or verifying, the construction superintendent must also notify the responsible registered design professional or special inspection agency of the unsafe condition. All such unsafe conditions, notices, orders, and corrective work must be recorded in the log required by subdivision (d) of this section.

(7) Notification of conditions to the Department. The construction superintendent must immediately notify the Department, in a form and manner acceptable to the Department, when he or she discovers at any job site for which the construction superintendent is responsible any of the conditions listed in Section 3310.8.2.1 of the New York City Building Code. Notification to the Department does not relieve the construction superintendent of his or her obligations under paragraph (6) of this subdivision.

(8) Reporting of accidents and damage to adjoining property. The construction superintendent must immediately notify the Department, in a form and manner acceptable to the Department, of any accident at any job site for which the construction superintendent is responsible, or any damage to adjoining property caused by construction or demolition activity at the job site.

(9) Log. The construction superintendent must complete the log required by subdivision (d) of this section each time he or she visits a job site for which he or she is responsible.

(10) Competent person. The construction superintendent must designate a competent person for each job site for which the construction superintendent is responsible and ensure such competent person is present at the designated job site at all times active work occurs. The designation of a competent person does not alter or diminish any obligation imposed upon the construction superintendent. The competent person must carry out orders issued by the construction superintendent; be able to identify unsanitary, hazardous or dangerous conditions; take prompt corrective measures to eliminate such conditions; immediately report to the construction superintendent accidents at the job site or any damage to adjoining property caused by construction or demolition activity at the job site; and be able to effectively communicate workplace instructions and safety directions to all workers at the site.

(d) Log. The construction superintendent must maintain a log at each job site for which the construction superintendent is responsible. Such log must be made available to the commissioner upon request.

(1) Log contents. The log, at a minimum, must contain the following information:

(i) The presence of the construction superintendent at the job site as evidenced by his or her printed name and signature and a notation indicating the times of arrival at, and departure from the site, which must be recorded immediately after arriving at the site and immediately prior to leaving the site, respectively;

(ii) The general progress of work at the site, including a summary of that day's work activity;

(iii) The construction superintendent's activities at the site, including areas and floors inspected;

(iv) Any unsafe condition(s) observed per paragraph (6) of subdivision (c) of this section, and the time and location of such unsafe condition(s);

(v) Orders and notice given by the construction superintendent per paragraph (6) of subdivision (c) of this section, including the names of individuals issued orders or notices, any refusals to comply with orders or respond to notice given, follow up action taken by the construction superintendent, and where the violation is corrected, the nature of the correction;

(vi) Any violations, stop work orders, or summonses issued by the department, including date issued and date listed or dismissed;

(vii) Any accidents; and

(viii) The name of the competent person designated in accordance with paragraph (10) of subdivision (c) of this section, along with an accompanying signature of the competent person. If the construction superintendent assigns a new competent person, the date and time of this change, along with the name of the new competent person, must be recorded, accompanied by the signature of the new competent person. If the construction superintendent is not at the site when this occurs, the new competent person must instead make the log entry, which the construction superintendent must sign and date upon his or her next visit to the job site.

(2) Completed. The construction superintendent must complete the log prior to departing the job site.

(3) Signed and dated. The construction superintendent must sign and date each day's log entry.

(4) Form and manner. The log must be organized and recorded in a form and manner acceptable to the Department.

(e) Registration of construction superintendents. Construction superintendents must be registered with the Department, in accordance with the following provisions.

(1) Form and manner of registration. An application for registration as a construction superintendent must be submitted in a form and manner acceptable to Department, and provide such information as the department may require.

(2) Qualifications. All applicants for construction superintendent registration are subject to the provisions of Article 401 of Chapter 4 of Title 28 of the New York City Administrative Code and must submit satisfactory proof establishing that the applicant:

(i) Is able to read construction plans and specifications; and

(ii) Has satisfactorily completed, within two (2) years prior to the date of application, a course that is at least ten hours (10) in length and approved by the United States Department of Labor Occupational Safety and Health Administration (OSHA) in construction industry safety and health; and also meets one of the following:

(A) Is a registered design professional and has satisfactorily completed, within one (1) year prior to the date of the application, an 8-hour Site Safety Coordinator course approved by the department;

(B) Holds a Construction Health and Safety Technician (“CHST”) designation from the Board of Certified Safety Professionals (“BCSP”) and has satisfactorily completed, within one (1) year prior to the date of the application, an 8-hour Site Safety Coordinator course approved by the department;

(C) Has five (5) years of experience, within ten (10) years prior to the date of the application, as a building code enforcement official charged with enforcement of the provisions of the New York City Building Code, and has satisfactorily completed, within one (1) year prior to the date of the application, an 8-hour Site Safety Coordinator course approved by the department. The enforcement must have included inspections of buildings under construction or demolition and thus this basis for qualification excludes officials whose primary role is to perform inspections of occupied or vacant buildings;

(D) Has five (5) years of full time field experience in the United States, within 10 years prior to the date of the application, working on buildings as a safety official for a governmental entity or construction firm or as a safety manager or safety engineer for a safety consulting firm specializing in construction or demolition and has satisfactorily completed, within one (1) year prior to the date of the application, an 8-hour Site Safety Coordinator course approved by the department; or

(E) Has five (5) years of full time experience in the United States, within ten (10) years prior to the date of the application, as verified by employer affidavit, working with plans in a relevant construction trade in furtherance of the construction, vertical or horizontal enlargement, or full demolition of a building or structure, and has satisfactorily completed, within one (1) year prior to the date of the application, a 40-hour Site Safety Manager course approved by the department.

(3) Educational credit. For purposes of paragraph (2) of this subdivision, each year of full time formal training or education in a program with emphasis on construction at a college, technical or trade school may be substituted for one year of work experience, up to a maximum of three years.

(4) Audits. Applications for registration are subject to audit at any time. An audit may also be made at any time upon receipt of complaints or evidence of falsification.

(5) Registration term. Registrations issued under this section are valid for three years from the date of issuance.

(6) Registration fees. The initial fee for registration in accordance with this section is one hundred dollars (\$100.00).

(7) Renewals.

(i) Renewals may be subject to the provisions of Article 401 of Chapter 4 of Title 28 of New York City Administrative Code. The fee for timely renewal is fifty dollars (\$50.00). Renewals not submitted in a timely manner will be subject to a late surcharge of fifty dollars (\$50.00).

(ii) Timely renewal applications must be accompanied by proof that the applicant has, during the one-year prior to renewal, successfully completed an 8-hour Site Safety Coordinator course approved by the department.

(iii) Renewals not filed within one year of registration expiration will be treated as a new application.

(8) Notification of change of address. Registered construction superintendents must notify the department, in writing, of any address change within thirty (30) days of the change.

(f) Disciplinary Actions. Construction superintendents are subject to the provisions of section 28-401.19 of the New York City Administrative Code.

(g) Cooperation required. Construction superintendents must comply with the provisions of section 28-401.20 of the New York City Administrative Code.

(h) Obligation of others. Nothing in this rule is intended to alter or diminish any obligation otherwise imposed by law on others, including but not limited to, the owner,

permit holder, construction manager, general contractor, contractor, materialman, architect, engineer, land surveyor, or other party involved in a construction project to engage in sound engineering, design, and construction practices, and to act in a reasonable and responsible manner to maintain a safe job site.