

NEW YORK CITY DEPARTMENT OF BUILDINGS

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Buildings (DOB) is proposing to amend its rules regarding licensing.

When and where is the hearing? DOB will hold a public hearing on the proposed rule online. The public hearing will take place at 11am on 2/05/24.

- Join through Internet – Desktop app:

To join the hearing via your browser either click on the following URL link or copy and paste it into your browser's address bar. Then follow the prompts to either continue using the browser or download/open the Teams desktop app.

<http://tinyurl.com/Buildings202401Amendment>

Enter your name when prompted and click the **“Join now”** button. If you don't have computer audio or prefer to phone in for audio, select **“Phone audio”** under **“Other join options”** then click the **“Join now”** button. You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins. If you are using phone audio then follow the dial-in instructions when prompted.

If you have low bandwidth or inconsistent Internet connection, we suggest you use the Phone audio option for the hearing. This will reduce the possibility of dropped audio and stutters.

- Join through Internet - Smartphone app:

To join using the Microsoft Teams app on your smartphone, click on the following URL link from your phone to automatically open the Teams app. Note that the Microsoft Teams app must already be installed on your smartphone. It is available for free both in the Apple Store and Google Play.

<http://tinyurl.com/Buildings202401Amendment>

When prompted select **“Join meeting”**. Type your name and then select **“Join meeting”** again. You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins.

Alternatively, open the Teams app and select **“Join a meeting”**. Signing in with an account is not required. Type your name, the following Meeting ID and Passcode, then select **“Join meeting”**.

Meeting ID: 295 088 170 595

Passcode: DrPo55 (Code is case sensitive)

- Join via phone only:

To join the meeting only by phone, use the following information to connect:

Phone: 646-893-7101

Phone Conference ID: 394 277 306#

You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the DOB through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to dobrules@buildings.nyc.gov.
- **Mail.** You can mail comments to the New York City Department of Buildings, Office of the General Counsel, 280 Broadway, 7th floor, New York, NY 10007.
- **Fax.** You can fax comments to the New York City Department of Buildings, Office of the General Counsel, at 212-566-3843.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up by emailing dobrules@buildings.nyc.gov by 1/29/24 and including your name and affiliation. While you will be given the opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign up in advance. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit comments by 2/5/24.

What if I need assistance to participate in the hearing? You must tell the Office of the General Counsel if you need a reasonable accommodation of a disability at the hearing. You can tell us by email at dobrules@buildings.nyc.gov. Advance notice is requested to allow sufficient time to arrange the accommodation. You must tell us by 1/22/24.

This location has the following accessibility option(s) available: Simultaneous transcription for people who are hearing impaired, and audio only access for those who are visually impaired.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Copies of all comments submitted online, copies of all written comments and a summary of oral comments concerning the proposed rule will be available to the public at the Office of the General Counsel and may be requested by email at dobrules@buildings.nyc.gov.

What authorizes DOB to make this rule? Sections 643 and 1043(a) of the City Charter and Chapter 4 of Title 28 of the City Administrative Code authorize DOB to make this proposed rule. This proposed rule was included in DOB's regulatory agenda for this Fiscal Year.

Where can I find DOB's rules? DOB's rules are in Title 1 of the Rules of the City of New York. **What rules govern the rulemaking process?** DOB must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

Local Law 126 of 2021 became effective on November 7, 2022. Among other changes, Local Law 126 amended Chapter 4 of Title 28 of the Administrative Code regarding various licensing provisions.

Various rules are being amended to reflect these changes. Specifically, the amendments:

- Repeal Section 19-01 regarding examination, license, and conduct of the business of master plumbers and master fire suppression piping contractors as the provisions have either been superseded or now appear in Article 408 or 410 of Title 28 of the Administrative Code or in Sections 104-01 and 104-06 of Title 1 of the Rules of the City of New York.
- Increase the fees for licensing written and practical examinations and add fees for limited Hoist Machine Operator licenses.
- Amend the title of section 104-01 to reflect its contents more accurately.
- Remove the reference to Class A and B oil-burning equipment installer as those classifications were deleted from Section 28-412.2 of the Administrative Code.
- Remove the reference to portable high pressure boiler operating engineer as that term was deleted from Section 28-413.4 of the Administrative Code.
- Add language that used to be in Section 28-401.7 of the Administrative Code regarding commencing the license application process within one year of passing the examination.
- Delete subdivision (l) of section 104-01 regarding obsolete Zoning Resolution references to place of business and add a new subdivision (l) stating that licensees with a New York City location must comply with all applicable Zoning provisions.
- Add a list of license holders who are not required to have a New York City location by either Chapter 4 of Title 28 of the Administrative Code or the Department's rules. The following license holders have not been included in that list for the reasons below:
 - Elevator Agency Inspector, Technician and Helper. These licensees work for an Elevator Agency Director who is required to maintain a place of business in the city, which should cover these other licenses. Also, Technicians need a state elevator mechanic's license as well as the city's, so presumably they may be located elsewhere in the state.

- Concrete testing laboratories. §28-406.2 of the Administrative Code requires the concrete testing lab to be within 50 miles of the city, which exempts them from the requirement to maintain a place of business within the city. However, if they choose to locate within the city, they have to comply with zoning in accordance with the language added by this rule.
- Journeyman plumber and journeyman fire suppression pipe installer. Sections 28-409.4 and 28-411.4 of the Administrative Code specifically state that journeyman registrations are not licenses and are, therefore, exempt from the place of business requirements.
- Add language from rule 19-01 requiring licensed master plumbers and licensed master fire suppression piping contractors to have a sign outside their place of business that includes their license number.
- Repeal Section 104-03 – term of license – since it was intended to address those licenses for which an examination was not required, as was specified in Section 28-401.11 of the Administrative Code. The reference to examinations has been removed by Local Law 126; therefore, the provisions of section 104-03 are now covered by the language of section 28-401.11.
- Remove all references to reinstatement of licenses from various sections and repeal Section 104-05 – reinstatement of license – since the term “reinstatement” was deleted from Section 28-401.13 and the rest of Chapter 4 of Title 28 of the Administrative Code.
- Remove requirements from Section 104-08 regarding alternate experience pathways for Site Safety Manager and Site Safety Coordinator applicants as these pathways have been incorporated into Sections 28-402.2 and 28-403.2, respectively, of the Administrative Code.
- Revise references to the Administrative Code and Building Code in Section 104-08 to reflect section renumbering made by Local Law 126.
- Delete the 30-hour course requirement for site safety managers and site safety coordinators from Section 104-08 as this requirement is satisfied by the new requirement in Administrative Code Sections 28-402.2, item 2 and 28-403.2, item 2, that the site safety manager or coordinator possess a valid Site Safety Training Supervisor Card.
- Add language to Section 104-08 clarifying that the term of the site safety coordinator certificate is one year, to distinguish it from the other license terms covered by section 28-401.11 of the Administrative Code.
- Delete course requirements for licensed riggers from Section 104-10 as these course requirements have been incorporated and modified into Section 28-404.3 of the Administrative Code.
- Repeal Section 104-25 regarding requirement of a seal for use by licensed oil-burning equipment installers as that language is now in Section 28-412.6 of the Administrative Code and the fees are in Section 28-401.15.

The Department of Buildings' authority for this proposed rule is found in sections 643 and 1043 of the New York City Charter, and section 28-112.7.2 and Chapter 4 of Title 28 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

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

Section 1. Section 19-01 of chapter 19 of Title 1 of the rules of the City of New York regarding Examination, License, and Conduct of the Business of Master Plumbers and Master Fire Suppression Piping Contractors is REPEALED.

§2. The licensing fees in section 101-03 of subchapter A of chapter 100 of Title 1 of the rules of the City of New York are amended to read as follows and section 101-03 is further amended by adding the following entries at the end of the table set forth in that section:

Licensing:	
• Written examination	\$ [525] <u>585</u>
• Practical examination	\$ [350] <u>530</u>
• Background investigation class 1 (includes experience)	\$500
• Background investigation class 2 (does not include experience)	\$330

	<u>Initial</u>	<u>Renewal</u>	<u>Late Renewal Fee</u>	<u>Reissuance Fee</u>
<u>Limited License for Articulating Boom Crane</u>	<u>\$100</u>	<u>\$75</u>	<u>\$50</u>	<u>\$50</u>
<u>Limited License for Boom Trucks</u>	<u>\$100</u>	<u>\$75</u>	<u>\$50</u>	<u>\$50</u>
<u>Limited License for Mini Cranes</u>	<u>\$100</u>	<u>\$75</u>	<u>\$50</u>	<u>\$50</u>
<u>Limited License for Sign Hanging Cranes</u>	<u>\$100</u>	<u>\$75</u>	<u>\$50</u>	<u>\$50</u>
<u>Limited License for Telehandler</u>	<u>\$100</u>	<u>\$75</u>	<u>\$50</u>	<u>\$50</u>

§3. The title of section 104-01 of subchapter D of chapter 100 of Title 1 of the rules of the City of New York is amended to read as follows:

§104-01 License [Qualifications] qualifications and other requirements.

§4. Subparagraph (v) of paragraph (1) of subdivision (c) of section 104-01 of subchapter D of chapter 100 of Title 1 of the rules of the City of New York is amended to read as follows, subparagraph (vi) is deleted and subparagraphs (vii) through (xi) are renumbered subparagraphs (vi) through (x).

- (v) Oil Burning Equipment Installer [(Classes A and B)]
- [(vi) Portable High Pressure Boiler Operating Engineer]

§5. Subparagraph (viii) of paragraph (1) of subdivision (c) of section 104-01 of subchapter D of chapter 100 of Title 1 of the rules of the City of New York, as renumbered by section 4 of this rule, is amended to read as follows:

- (viii) Rigger (Master/Special/[Climber or] Tower Crane)

§6. Paragraph (2) of subdivision (c) of section 104-01 of subchapter D of chapter 100 of Title 1 of the rules of the City of New York is amended by adding a new subparagraph (x) to read as follows:

(x) An applicant who passes a required examination must commence the license application process with the department within one year of passing the examination for licensure. Where both written and practical tests are required, the license application process must be commenced within one year of passing the practical test.

§7. Paragraph (3) of subdivision (e) of section 104-01 of subchapter D of chapter 100 of Title 1 of the rules of the City of New York is amended to read as follows:

(3) Where the code requires supervision in the [design and] installation of plumbing [or fire suppression] systems, the planning or design of plumbing systems, or the performance of fire suppression piping work, including the planning or design of fire suppression piping systems, evidence that the supervising licensees performed such work as demonstrated by permits, completed contracts or such other documentation as the Department may require.

§8. Paragraphs (1) and (2) of subdivision (f) of section 104-01 of subchapter D of chapter 100 of Title 1 of the rules of the City of New York are amended to read as follows:

(1) An applicant for a license issued by the Department, other than a Master, Special[, Climber] or Tower Crane Rigger or Hoisting Machine Operator, must provide evidence of fitness to perform the work authorized by the license.

(2) An applicant for license renewal [or reinstatement], other than a license for Master, Special[, Climber] or Tower [crane rigger] Crane Rigger or Hoisting Machine Operator, must provide evidence of fitness to perform the work authorized to be performed by a holder of the license held or once held by the applicant. A renewal applicant must satisfy these requirements at every subsequent renewal.

§9. Subdivision (l) of section 104-01 of subchapter D of chapter 100 of Title 1 of the rules of the City of New York, relating to place of business is REPEALED and a new subdivision (l) is added to read as follows:

(l) Place of business.

(1) Where a licensee has a place of business in New York City, that location must comply with all applicable provisions of the Zoning Resolution.

(2) Pursuant to section 28-401.18 of Chapter 4 of Title 28 of the Administrative Code, a place of business in New York City is not required for holders of the following licenses:

- (i) Concrete Safety Manager
- (ii) Construction Superintendent
- (iii) Filing Representative
- (iv) General Contractor
- (v) High-Pressure Boiler Operating Engineer
- (vi) Hoisting Machine Operator
- (vii) Lift Director
- (viii) Safety Registrant
- (ix) Site Safety Coordinator
- (x) Site Safety Manager
- (xi) Welder

(3) A Licensed Master Plumber or Licensed Master Fire Suppression Piping Contractor must have a place of business within New York City and must display prominently to the public in the window of the place of business designated in his or her application or on a sign securely attached to the premises, the licensee's full name with the words "Licensed Master Plumber" or "Licensed Master Fire Suppression Piping Contractor" and the Department-issued license number immediately thereunder. If the business is conducted under a trade name, or by a co-partnership or corporation, such trade name or co-partnership or corporation name must be placed immediately above the full name or names of the licensee(s) conducting the business as provided by sections 28-408.6.2 and 28-410.7.2 of the Administrative Code.

§10. Paragraph (7) of subdivision (a) of section 104-02 of subchapter D of chapter 100 of Title 1 of the rules of the City of New York is amended to read as follows:

(7) Rigger (Master/Special/[Climber or] Tower Crane)

§11. Section 104-03 regarding term of license and section 104-05 of subchapter D of chapter 100 of Title 1 of the rules of the City of New York regarding reinstatement of licenses are REPEALED.

§12. Paragraph (1) 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, relating to equivalent education and construction

experience for site safety managers is REPEALED, and paragraphs (2) and (3) are renumbered paragraphs (1) and (2).

§13. 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, as renumbered by section 12 of this rule, is amended to read as follows:

(2) For the purposes of satisfying the requirements of paragraph [(4)] 3.8 of section 28-402.2, an acceptable 18 month on-the-job training program [shall consist of successful completion] must be completed within two years prior to application [of an OSHA 30-hour safety course]and must meet the following criteria:

§14. Paragraph (1) 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, relating to equivalent education and construction experience for site safety coordinators is REPEALED, paragraphs (2) and (3) are renumbered paragraphs (1) and (2), and a new paragraph (3) is added to read as follows:

(3) The term of a site safety coordinator certificate issued to a new or renewal applicant is one (1) year, measured from the date the certificate is issued.

§15. Subdivision (c) 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:

(c) The term “major building” as used in this rule shall have the meaning given to it in [Chapter 33] section 202 of the New York City Building Code.

§16. Subdivision (b) of section 104-11 of subchapter D of chapter 100 of Title 1 of the rules of the City of New York is amended to read as follows:

(b) Fitness requirements for renewal [and reinstatement]. As a condition of license renewal [or reinstatement], a licensed or previously licensed welder [shall] must provide evidence of fitness to perform the work authorized to be performed by a holder of the license held or once held by the licensee. Such evidence shall consist of:

§17. Section 104-25 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York, regarding Requirement of a seal for use by licensed oil-burning equipment installers, is REPEALED.

§18. Paragraph (2) of subdivision (c) of section 104-26 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) If the licensee cannot satisfactorily demonstrate active and legal engagement in the relevant trade, in order to prevent the license from expiring, the licensee must reactivate the license for at least one license term. If the license expires, applicants must comply with late renewal [and reinstatement] requirements of Administrative Code section 28-401.13, and any other applicable rules and regulations.

PROPOSED

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of Licensing Rules

REFERENCE NUMBER: DOB-175

RULEMAKING AGENCY: Department of Buildings

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

December 18, 2023
Date

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Licensing Rules

REFERENCE NUMBER: 2023 RG 096

RULEMAKING AGENCY: Department of Buildings

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Senior Counsel

Date: 12/15/2023