

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 inspection of parking structures.

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 12/19/24.

- 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.

<https://events.gcc.teams.microsoft.com/event/4ffe02f2-4b99-42ae-8a7f-0b9a7a802d92@32f56fc7-5f81-4e22-a95b-15da66513bef>

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.

<https://events.gcc.teams.microsoft.com/event/4ffe02f2-4b99-42ae-8a7f-0b9a7a802d92@32f56fc7-5f81-4e22-a95b-15da66513bef>

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: 275 630 780 667

Passcode: ZEidd6 (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: 924 269 042#

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.
- **By 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 12/12/24 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. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit comments? Yes, you must submit comments by 12/19/24.

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 12/5/24.

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 Article 323 of Title 28 of the New York City Administrative Code authorize DOB to make this proposed rule. This proposed rule was not included in DOB’s regulatory agenda for this Fiscal Year because it was not contemplated when DOB published the agenda.

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

On June 24, 2024, Local law 71 for the year 2024 lapsed into law. Local law 71 of 2024 amends Article 323 of Title 28 of the Administrative Code regarding periodic inspections of parking structures to increase the frequency of parking structure inspections.

The Department of Buildings is amending section 103-13 of subchapter C of chapter 100 of Title 1 of the Rules of the City of New York to reflect the immediate changes made by the local law and to clarify some requirements related to Safe with Repairs and/or Engineering Monitoring (“SREM”) filings.

Specific changes include:

- Clarifying that a SREM condition assessment is required no earlier than 18 months and no later than two years after the initial filing date.
- Adding SREM compliance reports as grounds for an assessment of a civil penalty for late filing and failure to file.
- Adding a definition for engineer to require the engineers that work under the QPSI's direct supervision be in good standing with the New York State Education Department and DOB.

The Department of Buildings’ authority for these rules is found in sections 643 and 1043 of the New York City Charter and Article 323 of Title 28 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

“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. The definition of amended report set forth in subdivision (a) of section 103-13 of Title 1 of the Rules of the City of New York is amended, and a new definition of engineer is added in alphabetical order, to read as follows:

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

Amended report. A compliance report filed by a qualified parking structure inspector (1) certifying that the unsafe conditions identified in the most recent report have been repaired and that no unsafe conditions exist at the parking structure or (2) [attesting] certifying, within [three] two years of the most recent safe with repair and/or engineering monitoring (SREM) filing, to the current status of the building based on a condition assessment.

Engineer. An engineer as defined in section 28-101.5 of the Administrative Code. The engineer must be in good standing with the New York State Education Department and New York City Department of Buildings.

§2. Subparagraph (ii) of paragraph (4) of subdivision (c) of section 103-13 of Title 1 of the Rules of the City of New York is amended to read as follows:

(ii) Owners of buildings in which parking structures are located are required to file a compliance report at least once during each [six-year] report filing cycle established by the Department.

§3. The introductory paragraph of subparagraph (ii) of paragraph (6) of subdivision (c) of section 103-13 of Title 1 of the Rules of the City of New York is amended to read as follows:

(ii) A condition assessment is required [within three years of] no earlier than 18 months and no later than two years after the initial filing date and an amended report detailing the results of that assessment must be filed with the Department in accordance with section 28-323.9.1 of the Administrative Code within 60 days of the final inspection date but no later than two years after the initial filing date. The amended report must include, but not be limited to:

§4. Paragraphs (1) and (2) of subdivision (e) of section 103-13 of Title 1 of the Rules of the City of New York are amended to read as follows:

(1) *Late filing.* An owner who submits a late filing shall be liable for a civil penalty of one thousand dollars (\$1,000) per month, commencing on the day following the filing deadline of the applicable

filing window period and ending on the filing date of an acceptable initial compliance report or acceptable amended SREM compliance report.

- (2) *Failure to file.* In addition to the late filing penalty, an owner who fails to file the required acceptable initial or amended SREM compliance report shall be liable for a civil penalty of five thousand dollars (\$5,000) per year beginning one year after the end of the applicable filing window.

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 Rules Relating to Inspection of Parking Garages

REFERENCE NUMBER: DOB-192

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 a cure period is not practicable under the circumstances.

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

November 6, 2024
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 Rules Relating to Inspection of Parking Garages

REFERENCE NUMBER: 2024 RG 102

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
Acting Corporation Counsel

Date: November 7, 2024