



**DEPARTMENT OF BUILDINGS**  
EXECUTIVE OFFICES  
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Issuance No. #470

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**OPERATIONS**  
**POLICY AND PROCEDURE NOTICE #2/95**

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TO: Distribution  
FROM: Barry G. Cox  
DATE: January 24, 1995 (Revised 8 May 1995)  
RE: Professional Certification of Applications and Plans

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**PURPOSE:** To implement an optional plan review system for a Professional Engineer (PE) or Registered Architect (RA) who files as applicant to certify compliance with applicable laws and codes on applications filed by him/her and to enable a contractor to request a work permit after all required information is data entered into the Building Information System (BIS).

**EFFECTIVE:** January 30, 1995 - Manhattan  
February 13, 1995 - Bronx, Queens, Staten Island  
March 13, 1995 - Brooklyn

# **SUPERSEDED BY OPPN 05/02**

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## **SPECIFICS:**

### **Restrictions:**

- For a job requiring Board of Standards and Appeals (BSA) approval, plans and applications must be filed through the standard plan review process, but may be professionally certified after the BSA has rendered their decision.
- For a job requiring Landmarks or City Planning Commission approval or certification, a PE/RA may **only** use the professional certification option **after** obtaining such approval or certification from the respective agency.
- For any application where a waiver must be sought from compliance with any provision of Local Law 58 of 1987, a PE/RA may use the professional certification option only after obtaining both an advisory opinion from the Mayor's Office for People with Disabilities, and a determination from the Borough Commissioner that a waiver is to be granted. If such a determination is made, then a PE/RA must certify that all provisions and conditions of the waiver have been satisfied. If the Borough Commissioner determines that a waiver will not be granted, the applicant must revise the application accordingly before the professional certification option can be utilized.
- For a filing concerning property of foreign governments, plans and applications must include a "Letter of No Objection" from the Office of Foreign Missions of the U.S. Department of State, consistent with Technical Policy and Procedure Notice 5/94.
- Applications filed prior to the effective date(s) of this PPN cannot be self-certified.

### **Applicant:**

The applicant must submit a complete set of plans and documents required for the work type(s) filed. This submission must be complete and in accordance with code, zoning, and applicable laws. The submission shall, at a minimum, meet the requirements set forth in Administrative Code sections 27-156 and 27-157 for new buildings and sections 27-161 and 27-162 for alterations.

The submission must include:

- Separate lists of items required for approval, permit, final signoff or Certificate of Occupancy as well as required controlled inspections. (See Enclosed). For each item on the list the applicant must make a notation of Yes (Y) or No (N) to indicate whether or not the item is required. Each list must be signed and sealed by the applicant. The application will be rejected if any information is missing, incomplete or not provided as required.

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if any information is missing, incomplete or not provided as required.

- Two self-addressed stamped envelopes which will be forwarded to the applicant and owner if the package is incomplete.
- A notation in Section 16 of the PW-1 by the applicant stating:

"I hereby state that I have exercised a professional standard of care in certifying that the filed application is complete and in accordance with applicable laws as of this date. I am aware the Commissioner will rely upon the truth and accuracy of this statement. If non-compliance is disclosed I agree to notify the owner of the remedial measures which must be taken to meet Department of Buildings' requirements. I further realize that any misrepresentation or falsification of facts made knowingly or negligently by me, my agents or employees or, additionally, by others with my knowledge, will render me liable for legal and disciplinary action by the Department of Buildings and other appropriate authorities, including termination of participation in the Professional Certification Program at the Department of Buildings."

The owner(s) must state and sign on the AI-1 Form: "I have authorized 'professional certification' of plans by the applicant as indicated in Section 16 of the PW-1 for work specified on the enclosed plans and application. I agree to take the remedial measures necessary to meet DOB requirements if necessary."

Applicants who file under the professional certification option cannot subsequently request plan examination review or approval, but may request in writing, on an AI-1 form, an interpretation or reconsideration about a code or zoning issue in advance of filing their application. Such interpretation shall be given by the Borough Commissioner, in writing, and a copy of same will become part of the job application. Applicants who wish to withdraw an application filed under the professional certification option after approval and prior to permit must file a new application, with fees, which will then be assigned for plan review, unless the applicant opts for Professional Certification of this new application as well.

Applicants must state they are opting for professional certification in Section 16 of the PW-1 form.

All work types filed under a job number must be professionally certified. In instances where multiple work types are filed by multiple applicants, simultaneously, under one job number, only one list of items required for approval, permit, final signoff or Certificate of Occupancy, as well as required controlled inspections, shall be submitted.

Amendments to applications which are professionally certified must be professionally

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certified as well. Subsequent filings do not exist under this program since the package being submitted by the applicant is entered as "approved" on receipt. Any such filing shall be filed as a new job and will receive a separate job number.

The applicant will submit the completed package to the pre-filing section for data entry. The applicant, at that time, must alert the pre-filer that the application will be professionally certified as indicated on the PW-1.

The applicant will pay the filing fee at the cashier.

An approval status will be data entered into the computer unless the package is incomplete. An incomplete package may be re-submitted to DEAR by the applicant when all required information has been compiled and will be given priority processing. An applicant who repeatedly submits applications which are incomplete or incorrect may be referred to the Investigations and Disciplinary Unit (IDU) for possible suspension from participation in the professional certification program and for notification to peer review groups.

### **BOROUGH OFFICE**

#### **Pre-filing/Fee Estimator:**

The pre-filer will accept the package and data enter the required data. The pre-filer will verify that a PW-1 and AI-1 were submitted containing the signed and sealed statements listed above. The pre-filer will stamp the application and plans "Professional Certification."

The pre-filer will indicate "Y" next to "If Professional Certification of Application by Applicant" on the "Record Initial Pre-Filing Data" Screen indicating that the application is being professionally certified. The Fee Estimator will calculate the fee required on the job. Fees will be calculated based on the work type(s) filed.

#### **Cashier:**

The Cashier will accept the fee and forward the package to DEAR.

#### **DEAR:**

DEAR will review the documents for clerical completeness.

If the package does not contain all documents and information required for approval as stated on the required items list, a form letter (Attachment A), shall be placed in the self-addressed stamped envelopes included in the package and mailed to the applicant and owner. The status of the application will be listed in the computer as "On Hold". (The application must not be rejected if the only missing documentation is the self-addressed stamped envelopes. If other documents are also missing which cause the application to be rejected, the Department is under no obligation to notify

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the applicant by mail.)

All data entry must be completed within 10 work days. A rejection letter must be forwarded to the applicant within that time frame as well.

At DEAR the clerk will data enter the plan examination information and approval by using codes assigned for this purpose.

Applicants must pickup the folder and have it microfilmed prior to the first permit being issued.

### **BOROUGH COMMISSIONER:**

Within 45 days of permit, at least 20% of all professionally certified applications - representing a mixture of application types - will be given a complete audit plan review. The mix will be prioritized based on public safety impact and anticipated completion date of construction. A review will also be made at any time upon receipt of a complaint or evidence of non-compliance. Results of the audits shall be reported monthly to the Assistant Commissioner for Operations.

Applications chosen for audit review will be assigned to an examiner. The examiner will review the application consistent with established policy and objections found will be noted on an objection sheet and forwarded with an appointment card to the applicant and the owner. This application will then be processed through the standard plan examination process. The applicant may not professionally certify these objections. If the applicant does not appear for the scheduled appointment, a 10 day notice of intent to revoke the permit shall be sent to the applicant and owner.

Upon plan review audit, for those applications found to have serious code and/or zoning objections, the Borough Commissioner shall be notified and, at his discretion, a 10 day notice will be sent to the applicant and owner with a copy to IDU. At the discretion of the Borough Commissioner, and in the interest of public safety, any application and/or permit may be revoked immediately and the applicant and owner shall be notified of such action, with a copy of such notification forwarded to the IDU.