

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 relating to reinstatement of license, continuing education requirements, and supervisory responsibilities of riggers and sign hangers and to repeal its rules regarding private elevator inspection agencies and climber or tower crane rigger licenses.

When and where is the hearing? DOB will hold a public hearing on the proposed rule. The public hearing will take place at 10am on 4/14/17. The hearing will be in the 3rd floor conference room at 280 Broadway.

This location has the following accessibility option(s) available: Wheelchair accessibility.

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 before the hearing by calling 212-393-2085. You can also sign up in the hearing room before the hearing begins on 4/14/17. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit comments by 4/14/17.

Do you 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 must tell us if you need a sign language interpreter. You can tell us by mail or email at the addresses given above. You may also tell us by telephone at 212-393-2085. You must tell us by 3/31/17.

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/>. A few days after the hearing, 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.

What authorizes DOB to make this rule? Sections 643 and 1043(a) of the City Charter, Sections 28-401.13 and 28-401.14 and Articles 404 and 415 of the 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

The Department of Buildings (DOB) is proposing to amend sections 104-05, 104-06, 104-20 and 104-21 of Title 1 of the Rules of the City of New York relating to reinstatement of license, continuing education requirements, and supervisory responsibilities of riggers and sign hangers and to repeal sections 11-01 and 25-01 relating to elevator inspection agencies and climber and tower crane riggers.

The amendments to sections 104-05, 104-06, 104-20 and 104-21 more accurately reflect the current process for reinstatement of licenses as well as continuing education requirements. Applicants need to be able to demonstrate employment when not on the payroll of a licensee in order to be reinstated. The proposed rule spells out what is necessary to provide as proof of employment and complies with a recent New York Supreme Court decision on the subject.

In addition, the proposed rule requires Construction Superintendents to take an eight (8)-hour course for renewal. This brings the course requirements in line with section 3301-02 of Title 1 of the Rules of the City of New York. To keep requirements consistent across disciplines, the proposed rule also requires Site Safety Managers and Site Safety Coordinators to take an eight (8)-hour refresher course.

Sections 11-01 and 25-01 are being repealed because their provisions have been moved to Chapter 4 of the City Administrative Code.

The proposed rule also includes minor plain language revisions.

DOB's authority for this rule is found in Sections 643 and 1043(a) of the New York City Charter, Sections 28-401.13 and 28-401.14, and Articles 404 and 415 of the City Administrative 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. Section 11-01 of Title 1 of the Rules of the City of New York, relating to the certification and qualification of private elevator inspection agencies and for the performance of inspections and filing of inspection reports for elevators and escalators by such agencies, and section 25-01 of Title 1 of the Rules of the City of New York, relating to licensing persons as climber or tower crane rigger, are REPEALED.

§2. Paragraph (1) of subdivision (b) and subdivision (d) of section 104-05 of Title 1 of the Rules of the City of New York are amended to read as follows:

(1) Continued competence shall be demonstrated by the applicant's full-time active and legal engagement in the trade for which the applicant's license was issued in accordance with the relevant provisions of Chapter 4 of Title 28 of the Administrative Code. The applicant [shall]must supply the Department with the following:

- (i) A [~~resume detailing~~]detailed employment history and the duties the applicant performed in each position during the time the license was expired;
- (ii) A signed and notarized statement from the applicant's employer stating the nature of the applicant's duties and the dates of such employment;
- (iii) For work in the trade requiring the direct and continuing supervision of a licensed person in accordance with Chapter 4 of Title 28 of the Administrative Code, a signed and notarized (or sealed) statement from the supervising licensee stating that he or she supervised the applicant, the dates of such supervision and the nature of the applicant's duties; and
- (iv) Proof of payment or compensation from employer during applicable time period.
- (v) For work in the trade that did not require direct and continuing supervision of a licensed person in accordance with Chapter 4 of Title 28 of the Administrative Code, applicants must provide a letter from their employer or supervisor and documentary proof of their business arrangement with the employer or supervisor. This may include contracts and proof of payment for services.
- (vi) Any other documentation the Department deems appropriate.

(d) Exceptions to reinstatement provisions. If an application for renewal of a registration for

Construction Superintendent, Concrete Safety Manager, General Contractor, Welder or Safety Registration is not filed within one (1) year of a registration's expiration, the applicant must reapply for a new registration and meet all applicable qualifications.

§3. Paragraphs (2), (3), (6), (7), (8), (9), (10) and (11) of subdivision (b) of section 104-06 of Title 1 of the Rules of the City of New York are amended to read as follows:

- (2) Construction Superintendent. During the one (1) year immediately prior to renewal, the licensee [shall]must have successfully completed [a seven- (7) hour Site Safety Manager refresher] an eight- (8) hour Site Safety Coordinator course approved by the Department or any equivalent course(s) approved by the Department, including those in electronic format.
- (3) Electrician (Master/Special). [Beginning July 1, 2015, during]During the one (1) year immediately prior to renewal, the licensee must have successfully completed a course approved by the Department of at least eight (8) hours, [at least four (4) hours of] which must focus on the New York City Electrical Code and other requirements pursuant to section 105-03 of subchapter E of this chapter. [The Department will accept for each license year up to four (4) credit hours earned from an electrical continuing education course offered in another jurisdiction as part of a licensed electrician renewal process in that jurisdiction, provided that the course is at least eight (8) credit hours per license year in that jurisdiction, the credits were earned during the three (3) years immediately prior to renewal and:
 - (i) the jurisdiction follows the National Electrical Code/NFPA 70;
 - (ii) the course provider is a certified provider within that jurisdiction; and
 - (iii) the course is taught by an instructor with experience in the electrical field who is certified as an electrical course provider in jurisdictions following the National Electrical Code/NFPA 70.

Credit hours earned in another jurisdiction will not count toward the at least four (4) hours that must focus on the New York City Electrical Code and other requirements pursuant to section 105-03.]

- (6) Master Fire Suppression Piping Contractor and Master Plumber. During the [two (2) years]one (1) year immediately prior to renewal, the licensee must have

successfully completed a one- (1) day (seven- (7) hour) continuing education course approved by the Department.

- (7) Master Rigger. [Beginning July 1, 2015, during the three (3) years]During the one (1) year immediately prior to renewal, the licensee must have successfully completed a Department-approved eight- (8) hour re-certification course including instruction on inspection, maintenance, repair, use, installation, hazards associated with, and the relevant sections of the building code and industry practice with regards to:
 - (i) Rigging methods, hardware, and equipment;
 - (ii) Hoisting machines, including cranes and derricks;
 - (iii) Climber/tower crane assembly, jumping, and disassembly;
 - (iv) Suspended scaffolds;
 - (v) Critical picks; and
 - (vi) Fall hazards and fall protection.
- (8) Special Rigger. [Beginning July 1, 2015, during the three (3) years]During the one (1) year immediately prior to renewal, the licensee must have successfully completed a Department-approved eight- (8) hour re-certification course including instruction on inspection, maintenance, repair, use, installation, hazards associated with, and the relevant sections of the building code and industry practice with regards to:
 - (i) Rigging methods, hardware, and equipment;
 - (ii) Hoisting machines with a manufacturer's rated capacity of one ton or less;
 - (iii) Suspended scaffolds;
 - (iv) Critical picks; and
 - (v) Fall hazards and fall protection.
- (9) Climber or Tower Crane Rigger. During the [three (3) years]one (1) year immediately prior to renewal, the licensee must have successfully completed a Department-approved eight- (8) hour re-certification course including instruction on inspection, maintenance, repair, use, installation, hazards associated with, and the relevant sections of the building code and industry practice with regards to:
 - (i) Climber/tower crane assembly, jumping, and disassembly; and
 - (ii) Fall hazards and fall protection.
- (10) Site Safety Coordinator. During the [two (2) years]one (1) year immediately prior

to renewal, the licensee ~~[shall]~~must have successfully completed ~~[a]an eight- (8)~~
hour Site Safety Manager refresher course approved by the Department.

- (11) Site Safety Manager. During the one (1) year immediately prior to renewal, the licensee ~~[shall]~~must have successfully completed ~~[a seven- (7)]an eight- (8)~~ hour Site Safety Manager refresher course approved by the Department.

§4. Paragraph (3) of subdivision (i) of section 104-20 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (3) The list must be updated [within two weeks of any change in the reported information relating to current designated foremen or] within one week of the termination of a designation. When a list is updated, the licensee must file a new notification listing all rigging foremen designated by the licensee[shall be filed]. The new notification ~~[shall]~~must be filed in a manner required by the department and ~~[shall]~~must contain the information set forth in subparagraphs (i), (ii), (iii) and (iv)[, above] of paragraph (1) of this subdivision. The new list will supersede any earlier filed notification.

§5. Paragraph (3) of subdivision (h) of section 104-21 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (3) The list must be updated [within two weeks of any change in the reported information relating to current designated foremen or] within one week of the termination of a designation. When a list is updated, the licensee must file a new notification listing all sign hanging foremen designated by such licensee[shall be filed]. The new notification ~~[shall]~~must be filed in the manner required by the department and ~~[shall]~~must contain the information set forth in subparagraphs (i), (ii), (iii) and (iv)[, above] of paragraph (1) of this subdivision. The new list will supersede any earlier filed notification.

**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 Riggers, Sign Hangers and Elevator
Inspection Agencies**

REFERENCE NUMBER: DOB-90

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 the violations pose significant risks to public safety.

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

March 3, 2017
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 Riggers, Sign Hangers and Elevator Inspection Agencies

REFERENCE NUMBER: 2017 RG 015

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: March 3, 2017