

NEW YORK CITY DEPARTMENT OF BUILDINGS

Notice of Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Buildings (DOB) is proposing to amend sections 105-03, 3301-03 and 3321-01 of Title 1 of the Rules of the City of New York regarding the full compliance date for site safety training. The proposed rule moves the compliance date from September 1, 2020 to March 1, 2021 in response to a change made in Intro. # 2059-A of 2020, which was passed by the City Council on August 27, 2020 and is deemed to have been in force and effect on and after September 1, 2020.

- **When and where is the hearing?** Pursuant to section 1043(e)(iii) of the New York City Charter, the Department has determined that a hearing for this proposed rule would serve no public purpose.

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.
- **Comments cannot be submitted by mail or fax at this time because the DOB office is temporarily closed.**

Is there a deadline to submit comments? Yes, you must submit comments by 10/28/20.

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/>.

What authorizes DOB to make this rule? Sections 643 and 1043(a) of the City Charter 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

Intro. # 2059-A of 2020 was passed by the City Council on August 27, 2020 and is deemed to have been in force and effect on and after September 1, 2020.

It amended the full compliance date for site safety training from September 1, 2020 to March 1, 2021. These rules are being amended to reflect that change for language access plans, worker safety information signs at construction sites and training card requirements.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter.

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. Paragraph (2) of subdivision (h) of section 105-03 of Subchapter E of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(2) Not later than [September 1, 2020] March 1, 2021, an SST provider must certify to the Department that it has a language access plan that complies with requirements established by another City agency or office designated by the Mayor.

§2. Paragraph (1) of subdivision (b) of section 3301-03 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

As of [September 1, 2020] March 1, 2021, workers will not be permitted to work on this site unless they have 40 hours of safety training, demonstrated by a Site Safety Training Card.

§3 Paragraph (3) of subdivision (b) of section 3321-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

(3) By [September 1, 2020] March 1, 2021, workers must have either (i), (ii), or (iii) of this paragraph (3):

**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 Compliance Date for Construction Site Safety Training

REFERENCE NUMBER: 2020 RG 080

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
Division of Legal Counsel

Date: September 10, 2020

**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 Compliance Date for Construction Site Safety Training

REFERENCE NUMBER: DOB-130

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

September 10, 2020
Date