

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to Section 101-07 of Subchapter A of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, and Section 103-09 of Subchapter C of Chapter 100 of Title 1, regarding approved agencies and retaining wall inspections.

This rule was first published on March 3, 2021 and a public hearing thereon was held on April 5, 2021.

Dated: 4/15/2021
New York, New York

/s/
Melanie E. La Rocca
Commissioner

Statement of Basis and Purpose

The purpose of these rule amendments is to clarify the qualifications and responsibilities of qualified retaining wall inspectors and bring them in line with those of qualified exterior wall inspectors.

The rule adds new requirements regarding the experience and responsibilities of the Qualified Retaining Wall Inspector (QRWI) to ensure inspectors have appropriate knowledge of retaining walls and how to conduct inspections of those walls.

The Department of Buildings' authority for this rule is found in sections 643 and 1043 of the New York City Charter and Article 305 of Title 28 of the 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. Paragraphs (14) through (17) of subdivision (a) of section 101-07 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York are renumbered paragraphs (15) through (18), and a new paragraph (14) is added, to read as follows:

(14) Qualified retaining wall inspector. An engineer as defined in section 28-101.5 of the administrative code with three years of relevant experience with retaining walls over 10 feet.

§2. Subdivision (c) of section 101-07 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new paragraph (10), to read as follows:

(10) Retaining wall inspections.

- (i) Inspection of a retaining wall and appurtenances pursuant to section 28-305.4 of the Administrative Code must be performed by or under the direct supervision of a qualified retaining wall inspector.
- (ii) The qualified retaining wall inspector applicant must provide a detailed résumé indicating relevant work experience obtained in any US city or jurisdiction. When relevant experience is obtained while employed by another registered design professional who was signing and sealing such relevant work, a letter must be provided indicating length of the qualified retaining wall inspector applicant's employment and his or her responsibilities.
- (iii) A qualified retaining wall inspector applicant must demonstrate to the commissioner's satisfaction, including performance on any written or oral tests the commissioner may require, that he or she is sufficiently familiar with the Construction Codes, laws and rules pertaining to retaining walls and engineering concepts related to retaining walls.

§3. Paragraph (11) of subdivision (a) of section 103-09 of Subchapter C of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (11) Qualified Retaining Wall Inspector (“QRWI”). [An engineer as defined in section 28-101.5 of the administrative code with three years relevant experience as such experience is] A qualified retaining wall inspector as defined in section 101-07 of the rules of the Department.

§4. Subdivisions (b) through (j) of section 103-09 of Subchapter C of Chapter 100 of Title 1 of the Rules of the City of New York are relettered subdivisions (c) through (k), and a new subdivision (b) is added, to read as follows:

(b) Responsibilities of qualified retaining wall inspectors.

- (1) A QRWI must conduct condition assessments and file reports in accordance with this section and section 28-305.4 of the Administrative Code.
- (2) A QRWI must maintain records of inspections and tests for at least six years and must make such records available to the Department upon request.
- (3) A QRWI must maintain insurance coverage as set forth in paragraph (7) of subdivision (b) of section 101-07 of these rules. Copies of such insurance policies must be made available to the Department upon request.