

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 Title 28 of the Administrative Code of the City of New York, and in accordance with Section 1043 of such Charter, that the Department of Buildings hereby adopts the amendments to Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York, regarding a major projects development program. This rule was first published on October 21, 2021, and a public hearing thereon was held on November 22, 2021.

Dated: 1/20/22
New York, New York

/s/
Melanie E. La Rocca
Commissioner

Statement of Basis and Purpose of Rule

This rule, which takes effect May 1, 2022, adds a new Section 101-17 to Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York that creates a new voluntary major projects development program. The major projects development program provides owners of proposed new buildings that will be 20 stories or more, and other large, complex development projects, with dedicated project coordination and guidance services in order to cause construction to be performed more efficiently and in a manner that promotes public safety. The rule sets out eligibility and requirements for participation in this program.

The Department of Buildings is promulgating rules that establish this program in order to help large, complex development projects proceed in an orderly and code compliant manner. By providing owners with dedicated project coordination and guidance services at an early stage, as well as continuing engagement throughout such major projects' development, owners' applicants will be able to navigate the myriad of applicable laws, rules, and regulations applicable to such projects, attain permits in the most efficient sequencing, and avoid or expeditiously address field violations that may arise during construction, and which often create extensive delays due to the need to stop work. This coordination and guidance will reduce the impact of prolonged construction projects on the surrounding community. Facilitating code compliance will also minimize the economic impacts that sometimes befall complex construction projects and, more broadly, help revitalize the city, which was recently subject to substantial losses of jobs, revenue and economic vitality as a result of the COVID pandemic.

The guidance that the Department of Buildings will provide through this program may relate to: (1) zoning and code compliance, (2) phasing of filings, permits, and occupancy, (3) construction, site safety, and public safety, and (4) the issuance of a Temporary Certificate of Occupancy and Final Certificate of Occupancy. This robust engagement process will support applicable projects in their entirety in an efficient and comprehensive manner.

The rule also amends section 101-03 to establish fees for the services associated with this major projects development program.

The Department of Buildings' authority to promulgate rules establishing this program is found in sections 643 and 1043 of the New York City Charter and Title 28 of the New York City Administrative Code, particularly sections 28-104.1 and 28-105.5 and Article 118 of such Title. Section 28-112.1 of the Administrative Code authorizes the imposition of fees for permits and other services and privileges regulated by this 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 101-03 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding the following entries at the end of the table set forth in that section:

<p><u>Consultations for a major project development covered by the program set out in section 101-17 of these rules regarding all phases of construction including applications, permitting, and the issuance of a certificate of occupancy.</u></p>	<p><u>\$50,000</u></p>
<p><u>Consultations for a major project development covered by the program set out in section 101-17 of these rules regarding all phases of construction including applications, permitting, and the issuance of a certificate of occupancy for a development that the New York City Department of Housing Preservation and Development certifies is for the construction or rehabilitation of affordable housing and has received or, based on documentation deemed sufficient to the department, reasonably expects to receive (i) a conveyance of municipally owned property pursuant to Article 15 or 16 of the General Municipal Law, (ii) a loan, grant or tax exemption pursuant to the Private Housing Finance Law or the General Municipal Law, (iii) a tax exemption pursuant to Section 420-c of the Real Property Tax Law, (iv) a transfer pursuant to an in rem foreclosure judgment pursuant to section 11-412.1 of the code, or (v) funding for repairs pursuant to Section</u></p>	<p><u>\$25,000</u></p>

§2. Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new section 101-17 to read as follows:

§101-17 Major projects development program. The major projects development program will offer dedicated project coordination and guidance services to participating projects as set forth in subdivision (a) of this section. Such services will include consultations with dedicated Department staff throughout the life of a project, including, but not limited to, pre-application development consultations, pre-construction consultations, pre-inspection consultations, and consultations regarding construction phasing and scheduling as needed. The consultations may cover (1) zoning and code compliance, (2) phasing of filings, permits, and occupancy, (3) construction, site safety, and public safety checks, and (4) the issuance of a Temporary Certificate of Occupancy and Final Certificate of Occupancy.

(a) Applicability.

(1) The major projects development program is a voluntary program that applies to:

(i) owners of proposed new buildings that will be 20 stories or greater, regardless of whether such proposed building preserves existing building elements;

(ii) owners of proposed new buildings that preserve existing building elements and for which the resulting building includes additional floor area of 100,000 square feet or more;

(iii) owners of proposed new buildings with a total floor area of 500,000 square feet or more; and

(iv) owners of existing or proposed buildings designated by the commissioner as eligible for this program due to unique hazards associated with the construction or demolition of the structure, including complex construction logistics potentially impacting adjoining properties or public safety.

(2) Acceptance into the program is on a first-come-first-served rolling basis, depending on program capacity.

(b) Requirements. Owners who choose to participate in this program shall:

(1) provide all project scope information, required filings, and project schedule, sequencing and phasing information, and provide timely updates of such information, as directed by the Department;

(2) attend all scheduled consultations and provide any additional information and documentation requested by the Department; and

(3) address any objections and deficient conditions on the work site in a timely manner.

(c) Fee. In order to participate in this program, the owner will be charged a fee as provided in section 101-03 of this title. Such fee will be charged in addition to all other applicable fees set out in such section 101-03, Article 112 of Title 28 of the Administrative Code, or any other provision of law.

(d) Removal from program. The Department may, on written notice to the owner, remove a project from the program for failure to comply with the requirements of the program. The notice will inform the owner of the reasons for the proposed removal from the program and that the owner has the right to present to the Department information as to why the project should not be removed from the program within:

(1) 10 business days of delivery of the notice by hand or electronically to the owner's designated email address; or

(2) 15 calendar days of the posting of notice by mail.

(e) Withdrawal from program. An owner who wishes to withdraw a project from the program for financial or any other reasons must inform the Department in writing.

(f) Effect of removal or withdrawal. After removal or withdrawal, as described in subdivisions (d) and (e) of this section, an owner must continue to comply with all requirements of law or rule applicable to the project without receiving the consultation and guidance services authorized pursuant to this section.

§3. This rule takes effect on May 1, 2022.