

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 section 101-03 and add a new section 101-17 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 proposed rule would create a new voluntary program that would offer owners of proposed new buildings that will be 20 stories or more, and other large, complex development projects, dedicated project coordination and guidance services. The proposed rule would set out eligibility and requirements for participation in this program.

Due to the current health emergency, the public hearing for this rule is being scheduled as a virtual hearing, which may be accessed according to the information given below in this Notice.

When and where is the hearing? DOB will hold a public hearing on the proposed rule online. The public hearing will take place at 11am on 11/22/21.

- Join through Internet:

To join the hearing via your browser either click on the following URL link or copy and paste it into your browser's address bar. Then follow the prompts. <https://buildings.webex.com/buildings/j.php?MTID=m536ffb16fe68ec8b5d4957a09c3db0d0>

When prompted, enter the following meeting password: 10007

When joining the meeting choose either **“Use computer for audio”** or **“Call in”** for the audio portion of the public hearing. If you choose the **“Call in”** option, the information needed to connect (**phone number, Access Code and Attendee ID**) will automatically be presented to you immediately **after** you join the Webex meeting.

If you have low bandwidth or inconsistent Internet connection, we suggest you use the **“Call-in”** option for the hearing. This will reduce the possibility of dropped audio and stutters.

- Join via phone only:

To join the meeting only by phone, use the following information to connect:

Phone: +1-646-992-2010
Access code: 231 997 50388
Password (if requested): 10007

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 by emailing dobrules@buildings.nyc.gov by 11/15/21 and including your name and affiliation. While you will be given the opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign up in advance. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit comments by 11/22/21.

What if I 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 can tell us by email at dobrules@buildings.nyc.gov or by telephone at 212-393-2085. Advance notice is requested to allow sufficient time to arrange the accommodation. You must tell us by 11/8/21.

The following accessibility option(s) are available: Simultaneous transcription for people who are hearing impaired, and audio only access for those who are visually impaired.

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/>. 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 and may be requested by email at dobrules@buildings.nyc.gov.

What authorizes DOB to make this rule? 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, 28-105.5, and 28-112.1 and Article 118 of such Title, 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 Subdivision b of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

This proposed rule would add a new Section 101-17 to Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York that would create a new voluntary major projects development program. The major projects development program would provide 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 proposed rule would set out eligibility and requirements for participation in this program.

The Department of Buildings proposes to promulgate rules that would 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 the 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 would reduce the impact of prolonged construction projects on the surrounding community. Facilitating code compliance would 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 would provide through this program would 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 would support the entire project in an efficient and comprehensive manner.

The proposed rule would also amend 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 or other service or privilege 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 778 of the Real Property Actions and Proceedings Law.</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), below. 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. The major projects development program is a voluntary program that applies to:

- (1) owners of proposed new buildings that will be 20 stories or greater, regardless of whether such proposed building preserves existing building elements;
- (2) 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;
- (3) owners of proposed new buildings with a total floor area of 500,000 square feet or more; and
- (4) 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.

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, 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 or Article 112 of Title 28 of the Administrative Code.

(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 and conditions of the program. The notice shall 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 within 10 business days of delivery of the notice by hand or electronically to the owner's email address, or 15 calendar days of the posting of notice by mail, information as to why the project should not be removed from the program.

(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. After withdrawal, such owner must comply with all applicable requirements in the same way as owners of other projects that were not part of the program.

**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: Major Developments Services Guidance Rule

REFERENCE NUMBER: 21 RG 071

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: September 23, 2021

**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: Major Developments Services Guidance Rule

REFERENCE NUMBER: DOB-143

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 24, 2021
Date