



## Comments

### Submitted to the NYC Department of Buildings – June 2023

#### Re: Proposed Rule regarding Parapet Inspections

The American Council of Engineering Companies of New York's (ACEC New York) represents close to 300 consulting engineering and affiliate firms, and 30,000 employees, located throughout New York. Our members have a concentrated presence in New York City.

Our members are professional designers of the structural, mechanical, electrical, plumbing, civil, environmental, fire protection, and technology systems for buildings and infrastructure throughout the city.

Our Structural Code Committee has reviewed the department's Proposed Rule on Requirements for Parapet Inspections. We submit the following comments and recommendations which we request be addressed prior to rule adoption:

- Provide further clarification on the exception noted in the 2<sup>nd</sup> sentence of section (b): “buildings with a fence or other barrier preventing access to the exterior wall.” If the fence or barrier requirements are not further defined, this may lead to ineffective barriers being erected simply to avoid satisfying this rule.
- In section (b)(1), the inclusion of “building superintendent” and “handyman” in the list of competent individuals to inspect parapets is a concern. In addition to the question of liability for unlicensed and uninsured individuals making these assessments, there is a potential conflict of interest by those whose salary and employment should presumably already include such assessments whereby this rule would not increase compliance nor encourage reporting of unsafe conditions.
- In support of satisfying section (b)(2) and (b)(3)(ii), many parapets are covered with a waterproofing covering (e.g. metal enclosure, tar), which would need to be removed in order to observe the condition of the structural substrate underneath. Provide clarification on requirements for covering removal and/or minimum percentage of observed area.
- Delete entirely section (b)(3)(iii) – it is outside scope of Administrative Code §28-301.1.1, which only requires assessment of the parapet itself: ~~“A determination that appurtenances such as telecommunications equipment, railings, roof access rails, gooseneck ladders and handrail attachments for fire escapes, and signs, have been installed and maintained in a stable condition.”~~
- Section (b)(4) replace the word “potentially” as follows so the language will be aligned with the current requirement of the Administrative Code to report hazardous conditions: “(4) If the parapet exhibits ~~any potentially~~ a hazardous or unsafe condition:”
- Given that section (c)(2) does not require filing the generated reports nor mention of an audit process, please clarify the means of enforcement. Otherwise, the probable

compliance will be limited and may lead to post-dating reports by those with conflicts of interest.

**For further information please contact:**

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