

NEW YORK CITY DEPARTMENT OF BUILDINGS

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? The Department of Buildings (DOB) is proposing to add a new rule regarding parapet observations.

- **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 6/13/23.

- Join through Internet – Desktop app:

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 to either continue using the browser or download/open the Teams desktop app.

<https://tinyurl.com/Buildings202306Parapets>

Enter your name when prompted and click the **“Join now”** button. If you don't have computer audio or prefer to phone in for audio, select **“Phone audio”** under **“Other join options”** then click the **“Join now”** button. You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins. If you are using phone audio then follow the dial-in instructions when prompted.

If you have low bandwidth or inconsistent Internet connection, we suggest you use the Phone audio option for the hearing. This will reduce the possibility of dropped audio and stutters.

- Join through Internet - Smartphone app:

To join using the Microsoft Teams app on your smartphone, click on the following URL link from your phone to automatically open the Teams app. Note that the Microsoft Teams app must already be installed on your smartphone. It is available for free both in the Apple Store and Google Play.

<https://tinyurl.com/Buildings202306Parapets>

When prompted select **“Join meeting”**. Type your name and then select **“Join meeting”** again. You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins.

Alternatively, open the Teams app and select **“Join a meeting”**. Signing in with an account is not required. Type your name, the following Meeting ID and Passcode, then select **“Join meeting”**.

Meeting ID: 245 218 976 500

Passcode: AkPyVC (Code is case sensitive)

- Join via phone only:

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

Phone: 646-893-7101

Phone Conference ID: 161 847 901#

You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins.

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 6/6/23 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 6/13/23.

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. Advance notice is requested to allow sufficient time to arrange the accommodation. You must tell us by 5/30/23.

This location has the following accessibility option(s) 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(a) of the City Charter and section 28-301.1.1 of the New York City Administrative Code authorize DOB to make this proposed rule. This proposed rule was included in DOB’s regulatory agenda for this Fiscal Year.

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 Rule

Section 28-301.1.1 of the New York City Administrative Code was added by Local Law 126 of 2021, which went into effect on November 7, 2022, and requires building owners to have an annual parapet observation performed in accordance with DOB’s rules. This proposed rule sets out the requirements for the observation and the resulting report.

Specifically, the proposed rule would require building owners to hire a qualified professional or another person capable of identifying hazards to inspect building parapets and identify any dangerous conditions. Upon finding an unsafe condition, the property owner must immediately install public protection, which must remain in place until the unsafe condition is corrected. The proposed parapet observation requirement would apply to all buildings fronting the right-of-way, regardless of height, except for detached 1- or 2-family homes.

The Department of Buildings’ authority for these rules is found in sections 643 and 1043 of the New York City Charter and section 28-301.1.1 of the New York City Administrative Code.

New material is underlined.

§103-15 Periodic observation of building parapets.

(a) Definitions. For the purposes of this section, the following terms have the following meanings.

Appurtenance. Any structure attached to or supported by a parapet.

Cornice. A projecting horizontal member or assembly that crowns a wall.

Fronting. Running parallel or near parallel to a public right of way.

Gooseneck. A curved section of a handrail which terminates at the top of a roof or parapet.

Observation. A visual examination of a parapet, cornice and other parapet appurtenances conducted to determine their stability and identify any potentially hazardous conditions.

Parapet. The part of any wall entirely above the roof line.

Public right-of-way. A public street, avenue, sidewalk, roadway or any other public place or public way.

(b) Observations. Starting on July 1, 2023, in accordance with the requirements of section 28-301.1.1 of the Administrative Code, every building owner must have an observation performed in accordance with this subdivision. This requirement applies to all buildings with parapets fronting the public right-of-way, regardless of height, except for detached 1- or 2-family homes or buildings with a fence or other barrier preventing access to the exterior wall.

- (1) The observation must be performed annually by a person competent to inspect parapets. For the purposes of this subdivision, this includes, but is not limited to, a bricklayer, building superintendent, handyman, mason or a person in a similar construction-related trade, architect, engineer or any other individual capable of identifying hazards on the parapet.
- (2) The observation must include close-up inspections of the entire parapet. The close-up inspection may be conducted from a fire escape or roof.
- (3) The observation must include, but not be limited to:
 - (i) A determination that the parapet is plumb by a horizontal distance within one-eighth of its cross-sectional thickness in any location.
 - (ii) A determination of whether there is excessive deterioration, including, but not limited to, displacement, horizontal or diagonal

cracks, missing or loose bricks or coping stones, deteriorated mortar joints, spalling, or rot.

(iii) 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.

(4) If the parapet exhibits any potentially unsafe condition:

(i) The person performing the observation must immediately notify the Department of Buildings; and

(ii) The owner must immediately install public protection, such as erecting sidewalk sheds, fences, and safety netting, as may be required to secure the safety of the public, and have the unsafe condition remedied. The public protection must remain in place until the unsafe condition is remedied.

(c) Report Requirements. A report must be prepared by the person performing the observation or by the owner in consultation with the person performing the observation.

(1) The report must include, but not be limited to:

(i) The address and any other associated addresses for the building;

(ii) The name, mailing address and telephone number of the owner of the building, or, if the owner is not an individual, the name, mailing address, telephone number, and position/title of a principal of the owner;

(iii) The name of the person performing the observation. If other than the owner, their mailing address, telephone number, affiliation with the building or owner, and business name, if applicable;

(iv) The date(s) of the observation;

(v) The location plan of the parapet(s) observed;

(vi) The construction of the parapet, including but not limited to material, height, and thickness;

- (vii) General conditions noted, whether any unsafe conditions were found, and actions taken to remedy the unsafe conditions;
 - (viii) Any repairs made to the parapet since the previous report; and
 - (ix) Dated photos documenting the conditions at the time of observation.
- (2) Owners must maintain the observation reports for at least six (6) years and must make such reports available to the Department upon request.

**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: Requirements for Inspection of Parapets

REFERENCE NUMBER: 2022 RG 098

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

Date: April 26, 2023

**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: Requirements for Inspection of Parapets

REFERENCE NUMBER: DOB-158

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

April 26, 2023
Date