

Date: March 9th, 2026

Construction Superintendent/Qualification for License

Proposed Rule 104-28

The text of existing rule 3301-02 (related to NYC Building Code/Chapter 33/Safety During Construction or Demolition) will be revised and become new rule 104-28 (related to NYC Administrative Code/Licensing and Registration of Businesses, Trades, and Occupations Engaged in Building Work). After the new rule is published, the old rule will be repealed.

Rule 104-28 relates specifically to Administrative Code 28-428.2 (3.3), which provides alternate pathways to obtain a construction superintendent license, in addition to the supervisory experience pathways in 28-428.2 (3.1) and (3.2). See code excerpt below.

The revised rule proposes to sunset various pathways in the existing rule. Specifically, 104-28 (b) (6) and (7) will be sunset on December 31, 2026.

Below are my comments on the proposed rule.

1. Administrative Code 28-428.2 (3) (3.3) permits the DOB to establish alternate pathways based on “experience”, not based on training, certificates, education, etc. That said, the rule establishes pathways based on other than “experience”, such as 104-28 (b) (1-4)
2. The rule sunsets an existing pathway 104-28 (b) (7) for a tradesperson without *supervisory* experience to obtain the construction superintendent license, while allowing other pathways that do not require supervisory experience [104-28 (b) (1-6)]. I suggest retaining 104-28 (b) (7), while requiring one of the 5 years of experience to be as a supervisor.
3. The rule sunsets an existing pathway [104-28 (b) (6)] for private and government safety officials to obtain the construction superintendent license, while allowing *DOB* safety officials essentially that same pathway [104-28 (b) (5)].
4. The rule provides for two pathways [104-28 (b) (6) (7), both sunset in December 2026] that provide for different training than that established by the Administrative Code 28-428.2 (1) (2). I don't think the rule can contradict the training requirements established by the Administrative Code.
5. The rule removes existing “educational credits” in 1 RCNY 3301-02 (c) (1), while retaining many pathways based solely on education or the attainment of a license, such as 104-28 (b) (1-4).

NYC Administrative Code/Article 428

ARTICLE 428 CONSTRUCTION SUPERINTENDENT LICENSE

§28-428.1 License required. It shall be unlawful to perform the duties and responsibilities of a construction superintendent, as specified in chapter 33 of the New York city building code, unless such work is performed by a person licensed as a construction superintendent under the provisions of this article and department rules.

††† **§28-428.2 Qualifications.** All applicants for a construction superintendent license shall submit satisfactory proof establishing that the applicant:

1. Has, within one (1) year prior to application, satisfactorily completed a course that is at least forty-hours (40) in length and approved by the department in construction and demolition site safety;
2. Possesses a valid Site Safety Training (SST) Supervisor Card; and
3. Either:
 - 3.1. Has at least three (3) years of experience, within the five (5) years prior to application, serving as a full-time project supervisor with on-site responsibility over the construction or demolition of buildings in the city of New York;
 - 3.2. Has at least five (5) years of experience, within the eight (8) years prior to application, serving as a full-time project supervisor with on-site responsibility over the construction or demolition of buildings in the United States; or
 - 3.3. **Has equivalent experience, as specified in rules promulgated by the commissioner.**

§28-428.3 Previous registrants. Individuals who, as of the effective date of this section, held a valid registration as a construction superintendent in accordance with rules promulgated by the commissioner shall be deemed to hold a license as a construction superintendent.

§28-428.4 Fitness to perform work. As a condition of license renewal, a licensed construction superintendent shall provide evidence satisfactory to the department that such licensee is fit to perform the work.

New Rule 104-28/Excerpt

§ 104-28 Construction Superintendent Qualifications.

(a) Construction superintendent license. No person may perform the duties and responsibilities of a construction superintendent, as specified in chapter 33 of the New York City Building Code, unless such work is performed by a person licensed as a construction superintendent under the provisions of Article 428 of Chapter 4 of Title 28 of the Administrative Code and this section.

(b) Equivalent experience. For the purposes of satisfying the equivalent experience requirements of paragraph 3.3 of section 28-428.2 of the New York City Administrative Code, the applicant must submit satisfactory proof establishing that the applicant meets one of the following:

- (1) Holds a valid site safety manager or site safety coordinator certificate;
 - (2) Holds a valid registration as a concrete safety manager;
 - (3) Is a New York State licensed professional engineer or a New York State registered architect;
 - (4) Holds a Certified Safety Professional (“CSP”) designation or a Construction Health and Safety Technician (“CHST”) designation from the Board of Certified Safety Professionals (“BCSP”);
 - (5) Has five (5) years of experience, within ten (10) years prior to the date of the application, as a building code enforcement official charged with enforcement of the provisions of the New York City Building Code. The enforcement must have included inspections of buildings under construction or demolition and thus this basis for qualification excludes officials whose primary role is to perform inspections of occupied or vacant buildings;
 - (6) Has five (5) years of full-time field experience in the United States, within ten (10) years prior to the date of the application, with the application submitted on or before December 31, 2026, working on buildings as a safety official for a governmental entity or construction firm, or as a safety manager or safety engineer for a safety consulting firm specializing in construction or demolition, and has satisfactorily completed, within one (1) year prior to the date of the application, a course in site safety that is at least eight (8) hours in length and approved by the department; or
 - (7) Has five (5) years of full-time experience in the United States, within ten (10) years prior to the date of the application, as verified by employer affidavit, with the application submitted on or before December 31, 2026, working with plans in a relevant construction trade in furtherance of the construction, vertical or horizontal enlargement, or full demolition of a building or structure, and has satisfactorily completed, within one (1) year prior to the date of the application, a course in site safety that is at least forty (40) hours in length and approved by the department.
- (c) Exams. Applicants for a construction superintendent license are not required to take an examination in order to qualify for the license.

§ 3. Section 3301-02 of Chapter 3300 of Title 1 of the Rules of the City of New York, regarding registration of construction superintendents, is REPEALED.

Existing Rule 3301-2/Excerpt

1 RCNY §3301-02

CHAPTER 3300

Safeguards during Construction or Demolition

§3301-02 Registration of Construction Superintendents

Construction superintendents must be registered with the Department, in accordance with the following provisions.

- (a) **Form and manner of registration.** An application for registration as a construction superintendent must be submitted in a form and manner acceptable to Department, and provide such information as the department may require.
- (b) **Qualifications.** All applicants for construction superintendent registration are subject to the provisions of Article 401 of Chapter 4 of Title 28 of the New York City Administrative Code and must submit satisfactory proof establishing that the applicant:
- (1) Holds a valid site safety manager or site safety coordinator certificate, or a valid registration as a concrete safety manager; or
 - (2) Is able to read construction plans and specifications; and
 - (3) Has satisfactorily completed, within two (2) years prior to the date of application, a course that is at least ten hours (10) in length and approved by the United States Department of Labor Occupational Safety and Health Administration (OSHA) in construction industry safety and health; and also meets one of the following:
 - (i) Is a registered design professional and has satisfactorily completed, within one (1) year prior to the date of the application, a course in site safety that is at least 8 hours in length and approved by the department;
 - (ii) Holds a Certified Safety Professional ("CSP") designation or a Construction Health and Safety Technician ("CHST") designation from the Board of Certified Safety Professionals ("BCSP") and has satisfactorily completed, within one (1) year prior to the date of the application, a course in site safety that is at least 8 hours in length and approved by the department;
 - (iii) Has five (5) years of experience, within ten (10) years prior to the date of the application, as a building code enforcement official charged with enforcement of the provisions of the New York City Building Code, and has satisfactorily completed, within one (1) year prior to the date of the application, a course in site safety that is at least 8 hours in length and approved by the department. The enforcement must have included inspections of buildings under construction or demolition and thus this basis for qualification excludes officials whose primary role is to perform inspections of occupied or vacant buildings;
 - (iv) Has five (5) years of full-time field experience in the United States, within 10 years prior to the date of the application, working on buildings as a safety official for a governmental entity or construction firm or as a safety manager or safety engineer for a safety consulting firm specializing in construction or demolition and has satisfactorily completed, within one (1) year prior to the date of the application, a course in site safety that is at least 8 hours in length and approved by the department; or
 - (v) Has five (5) years of full-time experience in the United States, within ten (10) years prior to the date of the application, as verified by employer affidavit, working with plans in a relevant construction trade in furtherance of the construction, vertical or horizontal enlargement, or full demolition of a building or structure, and has satisfactorily completed, within one (1) year prior to

the date of the application, a course in site safety that is at least 40 hours in length and approved by the department.

(c) **Credits.** For purposes of paragraph (3) of subdivision (b) of this section, the following credits may be applied:

- (1) **Educational credit.** Each year of full-time formal training or education in a program with emphasis on construction at a college, technical or trade school may be substituted for one year of work experience, up to a maximum of three years.
- (2) **Training credit.** Possession of a valid Site Safety Training Supervisor Card will be accepted in lieu of providing proof that the applicant has completed the OSHA and site safety courses specified in paragraph (3) of subdivision (b) of this section.

Respectfully submitted,



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