

REBNY Comments| September 9, 2026

The Real Estate Board of New York to The Department of Buildings on the Incomplete Inspections Proposed Rules

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association representing commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople, and other organizations and individuals active in New York City real estate. Thank you for the opportunity to provide comments to the Department of Buildings (DOB) on the Incomplete Inspections Proposed Rules.

The proposed rule would establish a new \$200 fee for incomplete electrical, plumbing, and construction inspections when the permit holder or licensee fails to appear, does not adequately prepare the site, fails to provide access or required documentation, or otherwise prevents the inspection from being completed. The rule would also require payment of the fee before an inspection can be rescheduled and allow DOB to refer licensees or registered design professionals for further enforcement in cases of repeated incomplete inspections or unpaid fees.

REBNY appreciates DOB's recognition that inspectors' time is a valuable resource. Repeated incomplete inspections place unnecessary demands on DOB resources and can lead to delays across the system in delivering projects on time. We agree with the need to address instances in which an applicant is not prepared for a scheduled inspection and to ensure that inspection appointments are used efficiently. However, owners and applicants face the same challenges when a scheduled inspection cannot proceed because the Department or another agency inspector does not show for the appointment. In these circumstances, the owner may have prepared the site, coordinated with contractors and other parties, and incurred costs and lost time in anticipation of the inspection, only to have the appointment go unfulfilled.

The proposed rule should therefore establish a clear process for agency no-shows. An owner or applicant should not be responsible for a \$200 fee or any resulting delay when an inspection cannot be completed due to the failure of the inspecting agency to appear. REBNY recommends that DOB establish a mechanism to track agency inspector attendance and provide an expedited process for rescheduling inspections when an agency no-show occurs. This is particularly important where inspections by other agencies, such as FDNY, are necessary to advance a project. The Department should ensure that applicants are not required to bear the costs or scheduling delays associated with circumstances outside of the applicant's control.

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