

From: [Michele Russo](#)
To: dobrules@buildings.nyc.gov
Subject: Comments on Proposed Rule 1 RCNY §101-20 – Incomplete Inspections (Reference No. DOB-210 / 26 RG 004)
Date: Monday, August 3, 2026 4:53:00 PM
Attachments: [image001.png](#)

New York City Department of Buildings
Office of the General Counsel
280 Broadway, 7th Floor
New York, NY 10007
Via email: dobrules@buildings.nyc.gov

Re: Comments on Proposed Rule Relating to Incomplete Inspections
Proposed 1 RCNY §101-20 (Reference No. DOB-210 / 26 RG 004)

To the Office of the General Counsel:

Thank you for the opportunity to comment on the Department's proposed rule adding §101-20 to Title 1 of the Rules of the City of New York regarding incomplete inspections. I support the Department's underlying goal of recovering the administrative cost of repeat site visits and reducing scheduling inefficiencies caused by unprepared or unresponsive parties. However, I respectfully request that the Department consider two revisions before this rule is finalized, as currently drafted it may impose fees on permit holders and licensees for circumstances genuinely outside their control.

1. Tenant-caused denial of access

Subdivisions (b)(5) and (b)(6) define "incomplete access" and "unprepared site" without any accommodation for situations where a tenant, rather than the permit holder, licensee, contractor, or owner, refuses or is unable to provide access to a unit or area required for inspection. In multi-tenant buildings, plumbers, contractors, and owners routinely coordinate access in advance, but a tenant's refusal to allow entry, a tenant's absence, or a tenant's unresponsiveness is a circumstance entirely outside the control of the permit holder or licensee. As drafted, the rule would still impose the \$200 fee on the permit holder in these situations, even where the permit holder or licensee made a good-faith effort to secure access and can document that effort.

I request that the Department either:

- (a) add a defined exception or affirmative defense to subdivision (b) for incomplete inspections caused solely by tenant refusal of access or tenant unavailability, where the permit holder or licensee can demonstrate reasonable advance efforts to obtain access (e.g., written notice to the tenant, building management correspondence, or attempted entry logs); or
- (b) expressly identify tenant-caused access denial as qualifying "extenuating circumstances"

under the challenge process in subdivision (f)(2), so that a fee arising from tenant non-cooperation is presumptively subject to dismissal upon adequate documentation, rather than left to case-by-case discretion with no defined standard.

Without such a provision, permit holders and licensees bear financial responsibility for a third party's conduct that they cannot legally compel, which is inconsistent with the rule's stated purpose of recovering costs caused by the permit holder's or licensee's own lack of preparation or cooperation.

2. Conflict with existing 48-hour self-certification notice requirements

Subdivision (b)(4) defines a "late cancellation" as any cancellation request received fewer than three (3) business days before a scheduled appointment. This timeline conflicts with the Department's existing scheduling practice for self-certified inspections, which currently requires only 48 hours' advance notice. Under the proposed rule, a permit holder or licensee following the Department's own 48-hour self-certification notice framework could still be assessed a \$200 late-cancellation fee, because 48 hours will frequently fall short of three business days (for example, a cancellation submitted on a Friday for a Monday appointment).

I request that the Department clarify or harmonize these timelines so that permit holders and licensees are not penalized for complying with one DOB-established notice requirement while running afoul of another. At minimum, I ask that the final rule either (a) align the cancellation window in subdivision (b)(4) with the 48-hour notice standard applicable to self-certified inspections, or (b) expressly clarify how the two timelines interact so the regulated community is not held to inconsistent standards for the same category of inspection.

I appreciate the Department's consideration of these comments and would welcome the opportunity to discuss further, including at the public hearing scheduled for September 9, 2026.

Respectfully submitted,

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