

When does this rule take effect, and what may a registrant do during a lapse?

I am a New York State licensed professional engineer, License No. 107881, commenting in an individual capacity on proposed rule DOB-216 / 2026 RG 048. No allegation of misconduct by any individual is made or implied. This comment addresses three transition defects that I believe are drafting oversights rather than policy choices, and each is curable before adoption.

THE RULE CONTAINS NO EFFECTIVE DATE AND ITS TWO DATING PROVISIONS DO NOT ALIGN

Subparagraph (i) of each amended paragraph provides that beginning on January 1, 2027 an inspection must be performed by or under the direct supervision of an inspector registered with the Department. Subparagraph (v) of each amended paragraph provides that current inspectors shall be considered registered as of the effective date of this rule amendment. The proposed rule contains no effective date provision. The Statement of Basis and Purpose refers to January 1, 2027, but that is description rather than an operative provision and it does not appear in the rule text.

If the rule takes effect before January 1, 2027, current inspectors are deemed registered during a period in which registration is not yet a precondition to inspecting, which is harmless but unacknowledged. If the rule takes effect on or after January 1, 2027, subparagraph (i) imposes a registration requirement as of a date on which, by subparagraph (v)'s own terms, no one has yet been deemed registered. The Department obviously does not intend to strand its entire designated population, but the text as drafted permits that reading, and a rule should not depend on the reader supplying the agency's intent.

There is a related compression problem. The first renewal window for license numbers ending in 0, 1, 2 or 3 runs February 1 to March 31 with expiration on May 1. For a rule effective January 1, 2027, that is approximately thirty days of notice to the first cohort, in the same window in which some of them must also complete a first-ever interview. The Mayor's Office of Operations certification states that the rule establishes certain time periods for renewal which should give time to comply after the rule effective date. For the first cohort in the first cycle, that period is approximately thirty days.

I request that an express effective date provision be added, that subparagraph (v) be conformed to subparagraph (i) by substituting a single stated date, and that in the first renewal cycle only, inspectors whose license numbers end in 0, 1, 2 or 3 be permitted to renew on the schedule applicable to the 4, 5 and 6 cohort, so that every registrant receives a comparable first compliance period.

FIRST CYCLE INTERVIEW CAPACITY

The Department reports 501 qualified exterior wall inspectors and does not state how many have previously been interviewed, so commenters cannot size the population requiring a first interview. If a material share of that population must be interviewed and license numbers are distributed roughly evenly across final digits, on the order of two hundred interviews would fall due before May 1, 2027, with further cohorts by August 1 and November 1, alongside mandatory initial interviews for every new applicant in all three categories.

As drafted, expiration follows from failure to complete the interview without regard to cause. An inspector who applies on the first day of the renewal window and is never offered an appointment is in the same position as one who does not apply at all. Nothing in the rule obligates the Department to offer an appointment within any period, and nothing preserves the registration where the delay is the Department's.

The consequence is not confined to the individual. An inspector whose registration lapses cannot file reports. Buildings mid-cycle would need to retain a replacement, re-scope, and in some cases re-inspect. Where an unsafe condition has been filed and a sidewalk shed is in place pending repair and re-inspection, a lapse in the inspector of record is not a paperwork problem.

I request that the Department state the number of currently approved exterior wall inspectors who have not previously been interviewed, state its interview capacity plan for the first cycle and whether the fee revenue is intended to fund it, provide that a registration does not expire where the Department has not offered an interview appointment before the expiration date, and consider phasing the first-time interview obligation across the first two renewal cycles rather than the first.

LATE RENEWAL

Subparagraph (vii) of each amended paragraph permits an individual whose registration has expired to apply for late renewal within three months after the expiration date. It creates a status without describing it.

The rule does not state whether the individual may perform inspections during the lapse period. Subparagraph (i) provides that an inspection must be performed by an inspector registered with the Department, which suggests not, but the point should not be left to inference given the consequences.

It does not state whether a report filed during the lapse and

subsequently accepted is valid, or whether a late renewal operates retroactively to the expiration date.

It does not state what fee applies to a late renewal. Section 101-03 as amended lists an initial fee and a renewal fee and no late fee. If the renewal fee applies, there is no consequence to lapsing beyond the practice interruption. If the initial fee applies, the rule should say so.

It does not state what happens after three months, and in particular whether an individual must then apply as a new applicant subject to the new experience requirements. This matters most for a parking structure inspector approved under the three-year standard, whose exemption under subparagraph (v) is keyed to approval prior to the effective date of the rule amendment and would appear to be lost on a lapse.

It does not address an inspection performed while the inspector was registered but filed after expiration, which is a routine occurrence given the interval permitted between examination and filing.

I request that subparagraph (vii) of each amended paragraph be revised to state whether inspections may be performed during a lapse, what fee applies to late renewal, whether late renewal operates retroactively, the status of an inspection performed before expiration and filed after, and the consequence of failing to renew within three months, and that a late renewal fee be added to Section 101-03 if one is intended.