

Which provisions of this rule were included in the FY2027 Regulatory Agenda, and if the Department does not answer correspondence sent to the contact persons named in that agenda, why are those names published?

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.

The notice for this rule states: "The rule was included in the regulatory agenda for this Fiscal Year."

Item 2 of the Department's FY2027 Regulatory Agenda, published pursuant to Charter Section 1042, is titled "Rule relating to QPSI, QEWI, and QRWI designations." Its stated reason is "To establish a fee for applicants to obtain initial and annual renewal of Department designations." Its stated anticipated contents are that the rule will "be amended to require an initial and annual fee to obtain and renew Qualified Parking Structure Inspector (QPSI), Qualified Exterior Wall Inspector (QEWI) and Qualified Retaining Wall Inspector (QRWI) designations." Its stated legal basis is "Section 643 of the New York City Charter; Article 112 of Chapter 1 of Title 28 of the New York City Administrative Code."

Item 2 anticipates a fee and nothing else, and cites Article 112 alone.

This proposed rule contains, in addition to the fee, the creation of a one-year registration with defined expiration cycles; subsection of registrants to denial, suspension and revocation under Administrative Code Section 28-401.19; summary suspension of up to fifteen days; a mandatory interview as a precondition to approval; a mandatory interview as a precondition to renewal for existing QEWIs, with expiration of the registration for non-completion; an increase in the QPSI experience requirement from three years to seven and a narrowing of qualifying experience from building structures to parking structures; and Article 114 as an additional source of authority. None of those appears in Item 2.

I want to be precise about the legal consequence, because I am not claiming one that does not exist. Charter Section 1042(c) provides that failure to include an item in a regulatory agenda does not preclude action on it, and that inadvertent failure to explain the omission does not invalidate the rule. I am not asserting a defect that voids this rulemaking. The Charter says expressly that it does not.

What Section 1042(c) does require is affirmative and unmet. It provides that if rulemaking is undertaken on a matter not included in

the regulatory agenda, the agency "shall include in the notice of proposed rulemaking the reason the rule was not anticipated." Charter Section 1043(b) repeats the requirement for the published notice. This notice contains no such statement. It states the opposite.

This is cured in one sentence, and a sister agency has already shown the form. The Department of Transportation's notice of proposed amendment to its Traffic Rules for fiscal year 2022 stated that the rule was included in that agency's regulatory agenda for fiscal year 2022, "with the exception of the proposed amendment to 34 RCNY Section 4-08, which was not anticipated at the time such regulatory agenda was published." That is the formulation Section 1042(c) contemplates.

Why this matters here is practical rather than formal. A member of the regulated community reading the FY2027 agenda in May 2026 and monitoring for changes to inspector qualifications, disciplinary exposure, or practice authorization would not have found them under Item 2, because Item 2 announced a fee. The agenda is the mechanism by which the regulated community learns what is coming. It functioned as designed for the fee and did not function for the rest.

THE CONTACT PERSONS PUBLISHED IN THE AGENDA

Charter Section 1042(a)(5) requires each regulatory agenda to include "the name and telephone number of an agency official knowledgeable about each subject area involved." The Department published those names. Item 2 names an Assistant Commissioner for Existing Buildings Compliance. Item 16 names the First Deputy Commissioner. Items 5 through 7 name the Director of Sustainability Policy and Legal Affairs. Item 14 names the Director of Revenue Planning and Compliance.

On August 3, 2026 at 10:46 a.m. I wrote to the Commissioner and to the named contact persons for Items 2, 5 through 7, 14 and 16, at eleven Departmental addresses including the rules mailbox, raising the cost-recovery basis for the Item 2 designation fees, the register data integrity failures, and the Department's delinquent reports on the Government Publications Portal. I asked three specific questions and requested a formal response.

I received one automated reply, at 10:52 a.m., from the Department's Local Law 97 helpdesk, assigning ticket number nyc-162664 and stating that staff would respond as soon as they could. I attached my technical exhibits to that ticket at 11:31 a.m. the same morning.

As of the date of this comment I have received no substantive response, no acknowledgement from any named contact person, and no answer to any of the three questions. An inquiry about the Department's rulemaking agenda was routed to a Local Law 97 helpdesk queue.

I raise this in a comment on the rule rather than as a separate complaint because it bears directly on Charter Section 1043(e), which requires the agency to provide an opportunity to comment including outreach to the discrete regulated community, and to consider relevant comments before adopting a final rule. The Department published contact names for the express purpose of allowing the public to obtain information about anticipated rules. If those names do not produce answers, the requirement is being satisfied on paper only, and the technical questions that should have been resolved informally in May and June arrive instead as formal comments in September, which is worse for everyone including the Department.

REQUESTS

Identify which provisions of this rule were included in the FY2027 Regulatory Agenda and which were not.

For those that were not, state the reason they were not anticipated, as Charter Section 1042(c) requires.

If the Department's position is that the registration scheme, the interview requirement, the disciplinary provisions and the QPSI experience change are all encompassed within the phrase "requirements for obtaining and renewing Department designations," state that expressly, so that the regulated community understands the scope that phrase is being given for future agendas.

State the Department's procedure and target response time for substantive inquiries directed to the contact persons named under Charter Section 1042(a)(5), and provide a substantive response to my correspondence of August 3, 2026 on the public record for this rulemaking.

NYC Department of Buildings Regulatory Agenda for FY 2027

Pursuant to Section 1042 of the New York City Charter, the NYC Department of Buildings (“the Department”) hereby publishes its Regulatory Agenda for Fiscal Year 2027, which begins on July 1, 2026 and ends on June 30, 2027. The Rules of the New York City Department of Buildings are authorized pursuant to Section 643 of the New York City Charter and are found in Title 1 of the Rules of the City of New York. The Rules are supplementary and include technical determinations as well as administrative procedure necessary to carry out the law.

Promulgation of the following rules and regulations of the Department of Buildings is anticipated by the first day of July 2027:

1. Rule relating to Corrective Action Plans (CAP).

- A. Reason: To establish the criteria to request Corrective Action Plans (CAPs). Local Law 79 of 2024 requires rules to establish criteria for when a CAP is required.
- B. Anticipated contents: Rule to establish the criteria for requesting Corrective Action Plans (CAPs) from buildings where there is a potential for a hazardous condition or other safety concern.
- C. Objectives: Provide professionals and building owners with requirements for inspections, documentation, and reporting of potentially hazardous conditions.
- D. Legal basis: Section 643 of the New York City Charter; Article 326 of Chapter 3 of Title 28 of the New York City Administrative Code.
- E. Types of individuals and entities likely to be affected: Building owners, registered design professionals, and contractors.
- F. Other relevant laws: None
- G. Approximate schedule: Second half of FY’27

Contact person: Olga Suto, Assistant Commissioner, Existing Buildings Compliance
(212) 393-2621

2. Rule relating to QPSI, QEWI, and QRWI designations.

- A. Reason: To establish a fee for applicants to obtain initial and annual renewal of Department designations.
- B. Anticipated contents: Rule to be amended to require an initial and annual fee to obtain and renew Qualified Parking Structure Inspector (QPSI), Qualified Exterior Wall Inspector (QEWI) and Qualified Retaining Wall Inspector (QRWI) designations.
- C. Objectives: Provide professionals and building owners with requirements for obtaining and renewing Department designations for Qualified Parking Structures, Exterior Wall and Retaining Wall inspectors.

- D. Legal basis: Section 643 of the New York City Charter; Article 112 of Chapter 1 of Title 28 of the New York City Administrative Code.
- E. Types of individuals and entities likely to be affected: Building owners, registered design professionals, and contractors.
- F. Other relevant laws: None
- G. Approximate schedule: First half of FY'27

Contact person: Olga Suto, Assistant Commissioner, Existing Buildings Compliance
(212) 393-2621

3. Rule relating to verification of zoning lot formation.

- A. Reason: To require an applicant for construction document approval in connection with a development or enlargement, or in connection with the issuance of a certificate of occupancy based on a zoning lot with new metes and bounds, to verify proper zoning lot formation in order to comply with the requirements of the New York City Zoning Resolution.
- B. Anticipated contents: The proposed rule will state the requirements associated with verification of proper zoning lot formation, including the requirement for a licensed title insurance company to list all zoning lot documents recorded against the property.
- C. Objectives: To authorize a verification process, as set forth in a Department Buildings Bulletin, requiring applicants to provide a complete zoning analysis on forms provided by the Department to ensure that a proposed zoning lot does not conflict with an already formed zoning lot.
- D. Legal basis: Sections 643 and 1043 of the New York City Charter and sections 28-104.2.4 and 28-104.2.5 of the New York City Administrative Code, which require a complete zoning analysis prior to full or partial construction document approval.
- E. Types of individuals and entities likely to be affected: Owners, registered design professionals, title insurance company agents, and land use attorneys who prepare zoning lot exhibits.
- F. Other relevant laws: None
- G. Approximate schedule: Second half of FY '27

Contact person: Shane Rosen-Gould, Assistant General Counsel, (212) 393-6613

4. Rule(s) necessary to implement revisions to the Building Code related to sidewalk shed designs and sidewalk shed alternatives.

- A. Reason: Recent amendments to Section 3307 of the New York City Building Code seek to encourage use of containment netting as an alternative to the installation of a sidewalk shed in certain scenarios and provide for the specific requirements to be established by

- C. Objectives: Amend existing rules and adopt new rules necessary to implement the requirements of the new NYC Existing Building Code.
- D. Legal basis: Section 643 of the New York City Charter, Local Laws 33 and 42 of 2026
- E. Types of individuals and entities likely to be affected: Building owners, tenants, registered design professionals, permittees, licensees and contractors.
- F. Other relevant laws: None.
- G. Approximate schedule: Throughout FY'26.

Contact person: Dawn Davidson, Executive Project Manager, Strategic Planning, (212) 393-2045

16. Rule relating to facades.

- A. Reason: To incorporate changes to the façade rule suggested by a Department consultant's review.
- B. Anticipated contents: Changes suggested by a Department consultant.
- C. Objectives: To incorporate changes to the façade rule suggested by a Department consultant's review.
- D. Legal basis: Section 643 of the New York City Charter; Article 302 of Chapter 3 of Title 28 of the New York City Administrative Code.
- E. Types of individuals and entities likely to be affected: Building owners, registered design professionals, and contractors.
- F. Other relevant laws: None
- G. Approximate schedule: Second half of FY'27

Contact person: Yegal Shamash, First Deputy Commissioner, (212) 393-2609

17. Rule relating to site safety manager license qualifications.

- A. Reason: To clarify when the required 18-month training program must be completed.
- B. Anticipated contents: Clarification of when the required 18-month training program must be completed.
- C. Objectives: To clarify when the required 18-month training program must be completed.



Blake Yosep Bak <bak.yosep@gmail.com>

URGENT: Public Comment, DORIS Delinquency, & FY 2027 Regulatory Agenda Inquiries

Yosep Bak <bak.yosep@gmail.com>

Mon, Aug 3, 2026 at 10:46 AM

To: DOBcommunications@buildings.nyc.gov, olgas@buildings.nyc.gov, dobrules@buildings.nyc.gov, DOBCustomerService@buildings.nyc.gov, bgolub@buildings.nyc.gov, GHGEmissions@buildings.nyc.gov, sustainability@buildings.nyc.gov, pharnold@buildings.nyc.gov, nlazohayes@buildings.nyc.gov, FRFontana@buildings.nyc.gov, OTCR@buildings.nyc.gov

Dear Commissioner Ahmed Tigani, Assistant Commissioner Suto, Director Golub, Director Clarke, First Deputy Commissioner Shamash and people legally responsible for DOB Agenda

I am writing to you as a licensed structural engineer regarding the Department of Buildings' proposed rulemaking outlined in the document precisely located at <https://rules.cityofnewyork.us/wp-content/uploads/2026/05/CAPA-AGENDA-FY27-final.pdf>

As the named contact persons for several critical rules in this agenda—including Rule 2 (designation fees), Rules 5-7 (sustainability and energy codes), Rule 14 (fee amendments), and Rule 16 (facades)—you are collectively responsible for proposals that carry heavy financial and administrative impacts on professionals and building owners.

Before the public can adequately and meaningfully participate in the City Administrative Procedure Act (CAPA) process for these items, we must address severe, ongoing transparency issues at the Department. Specifically, the DOB has multiple delinquent reports on the Department of Records and Information Services (DORIS) portal. These outstanding reports contain critical data required by the public to make informed comments on the upcoming CAPA agenda. The City Council has already passed laws noting the Department's delinquency on these exact reporting mandates. Expecting the public to provide technical commentary on new rules while the Department illegally withholds the foundational data required to evaluate those rules is unacceptable.

In addition to the DORIS transparency failures, I am submitting formal technical concerns regarding Rule 2 (QPSI, QEWI, and QRWI designation fees) and Rule 14 (adding or amending fees)

1. Data Integrity Failures: We already have undeniable evidence of data integrity issues across the current manually curated PDF rosters specifically because the Department refuses to assign the NYSED primary license records as the single source of truth. As a result, the lists contain significant entry errors, including swapped names and false identities.

2. Lack of Cost-Recovery Justification: The Department proposes establishing new initial and annual renewal fees for these designations. A directory of 641 registered professionals requires negligible digital storage. The cost of implementation using commercially available options does not even exceed their minimum free tiers. Furthermore, integrating this list into existing DOB NOW/Open Data architecture costs effectively \$0 in incremental cloud hosting. Under New York municipal law, administrative fees must be strictly tied to cost recovery.



Blake Yosep Bak <bak.yosep@gmail.com>

[nyc-162664] URGENT: Public Comment, DORIS Delinquency, & FY 2027 Regulatory Agenda Inquiries (Opened)

2 messages

BEAM_LL97 (DOB) <BEAM_LL97@buildings.nyc.gov>
To: "bak.yosep@gmail.com" <bak.yosep@gmail.com>

Mon, Aug 3, 2026 at 10:52 AM

Helpdesk

Hello,

This is a courtesy e-mail to let you know that we have received your helpdesk query with the subject of "URGENT: Public Comment, DORIS Delinquency, & FY 2027 Regulatory Agenda Inquiries" .

You do not have to do anything further at this stage. Your ticket has been assigned the ID [nyc-162664] and our staff will respond as soon as they can.

If you wish to send us further details, or if you have any queries about this ticket, please include the ticket id of [nyc-162664] in the subject. The easiest way to do this is just press "reply" to this message.

If you wish to view this ticket online to provide further information, attach files or view recent updates, you can visit your ticket [here](#).

We will investigate your query and attempt to resolve it as soon as possible. You will receive further updates and a resolution via this e-mail address.

Regards,

NYC

BEAM_LL97@buildings.nyc.gov

This e-mail was sent to you as a user of our support service, in accordance with our privacy policy. Please advise us if you believe you have received this e-mail in error.

Yosep Bak <bak.yosep@gmail.com>
To: "BEAM_LL97 (DOB)" <BEAM_LL97@buildings.nyc.gov>

Mon, Aug 3, 2026 at 11:31 AM

See attached

[Quoted text hidden]

 **DOB_FY27_Technical_Exhibits.pdf**
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