



September 9, 2026

New York City Department of Buildings
Office of the General Counsel
280 Broadway, 7th Floor
New York, New York 10007

Re: Proposed Rule Relating to Incomplete Inspections – 1 RCNY § 101-20

Dear Commissioner and Members of the Department:

The Subcontractors Trade Association (“STA”) appreciates the opportunity to comment on the New York City Department of Buildings’ proposed rule relating to incomplete inspections. STA represents more than 350 union trade contractors and industry service providers that perform construction throughout New York City.

STA supports the Department’s goal of reducing missed and incomplete inspections and making efficient use of DOB’s inspection resources. We recognize the significant burden created when inspectors arrive at a project and an inspection cannot proceed because the responsible contractor has failed to prepare for or facilitate the inspection. However, we are concerned that several provisions of the proposed rule are overly broad and could result in an inspection being deemed incomplete and a contractor being assessed a fee and potentially subjected to disciplinary consequences even when the contractor has taken reasonable steps to facilitate the inspection.

We respectfully recommend that DOB revise the proposed rule to address the following concerns.

1. Personal Attendance of the Permit Holder or Licensee Should Not Be Required

Proposed §101-20 defines an incomplete inspection to include a “Failure to keep appointment” when “[t]he permit holder or licensee is not present at the inspection site at the scheduled inspection time.”

STA is concerned that this language effectively requires the permit holder or licensee to personally attend every scheduled inspection. This does not reflect the practical realities of construction operations or the manner in which inspections are currently handled.

Permit holders and licensees may be responsible for numerous projects at any given time and must attend meetings, visit other jobsites, address emergencies, and manage other business responsibilities. They cannot reasonably be expected to personally attend every DOB inspection. Contractors therefore rely upon qualified foremen and other authorized representatives to facilitate inspections. These individuals are often the people with the greatest day-to-day knowledge of the installation being inspected.

Where a knowledgeable and authorized representative is present, has access to the work, and is capable of providing the inspector with the information and assistance necessary to complete the inspection, there is no reason for the inspection to be deemed incomplete simply because the permit holder or licensee is not personally present.

Moreover, requiring personal attendance would unnecessarily divert licensees from their broader supervisory responsibilities without advancing DOB's stated objective. The relevant question should be whether the inspection can be completed, not whether a particular individual is physically present.

Recommendation: Revise §101-20(b)(1) to provide that an inspection will not be deemed incomplete where the permit holder or licensee has designated a qualified and knowledgeable representative, including a foreman, to attend and facilitate the inspection.

2. "Unfamiliar With Scope of Work" Is Overly Broad and Does Not Reflect How Contractors Operate

STA has similar concerns with proposed §101-20(b)(7), which would classify an inspection as incomplete when the permit holder or licensee is "not sufficiently familiar with the installation to be inspected to answer the inspector's inquiries or otherwise facilitate the inspection."

This standard is subjective and fails to recognize the structure of larger construction companies. A licensee may be responsible for 100 or more active projects and cannot reasonably be expected to possess the same detailed knowledge of each installation as the foreman or other field personnel who supervise the work every day.

Indeed, requiring the permit holder or licensee personally to attend an inspection may result in DOB having a less knowledgeable person available to answer detailed questions about the installation than if the contractor were permitted to designate the project's foreman.

The standard should therefore focus on whether someone qualified and sufficiently knowledgeable about the installation is available to facilitate the inspection, rather than on the personal knowledge of the permit holder or licensee.

STA is also concerned about the absence of an objective standard for determining when an individual is "sufficiently familiar" with the installation. A contractor should not face an incomplete-inspection determination merely because an individual cannot immediately answer every question posed by an inspector where the information necessary to complete the inspection is otherwise reasonably available.

Recommendation: Revise §101-20(b)(7) to provide that an inspection may be deemed incomplete only when neither the permit holder/licensee nor a qualified designated representative is sufficiently familiar with the work to provide the information reasonably necessary to complete the inspection.

3. The Rule Should Include an Exception for Circumstances Outside the Permit Holder's or Licensee's Control

The proposed rule does not adequately distinguish between an incomplete inspection caused by the permit holder or licensee and one caused by circumstances outside their reasonable control. Access, site safety, construction sequencing, and other conditions necessary to complete an inspection may be controlled by the owner, general contractor/construction manager, building management, another trade, or another third party. Similarly, an inspection may need to be cancelled on short notice because of a site shutdown, schedule change, emergency, owner or GC/CM directive, or delay caused by another contractor. Nevertheless, the proposed rule could result in an incomplete-inspection determination and \$200 fee in these circumstances.

A permit holder or licensee should not be penalized for conditions it did not cause and could not reasonably prevent. STA recommends that the rule expressly provide that an inspection will not be deemed incomplete, and no fee will be imposed, where the inspection cannot be completed or must be cancelled or rescheduled due to circumstances outside the reasonable control of the permit holder or licensee. This protection should be incorporated directly into the rule rather than requiring the contractor to pay the fee and subsequently challenge the determination.

Recommendation: The rule should expressly provide that an inspection will not be deemed incomplete where the permit holder or licensee demonstrates that the inspection could not be completed, or had to be cancelled or rescheduled, because of circumstances outside of its reasonable control.

Sincerely,



Felice Farber
Executive Director
Subcontractors Trade Association