



Master Plumbers Council of the City of New York

Aka

Licensed Plumbing Association of New York City, Inc.

240-21 Braddock Avenue, Bellerose, NY 11426

Phone: (718) 793-6300 • Fax: (516) 677-5374 Website: www.nycmpc.org

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September 4, 2026

NYC Department of Buildings

Office of the General Counsel

280 Broadway, 7th FL

New York, NY 10007

Re: Proposed Rule regarding Incomplete Inspections

2026 Directors

Anthony Caiazzo

Joseph Caiazzo

Robert Giuliant

Angelo Lemodetis

Michael Maniscalco

Hershel Weiss

Leonard Williams

Owen Williams

Anthony Vigilante

On behalf of the Master Plumbers Council of the City of New York (MPC), we submit the following comments regarding the Proposed Rule related to Incomplete Inspections.

The below list of comments raises concerns regarding certain provisions of the Proposed Rule, provides examples of situations that may create an unfair or unintended impact on licensed Master Plumbers (LMPs), and offers recommendations for consideration regarding the proposed language.

Executive Director

John F. DeLillo, Jr.

We respectfully request that the Department review these comments and consider the issues and recommendations outlined in our submission as it evaluates the proposed rule. We would also welcome the opportunity for a brief meeting with the Department to discuss our submission, as we believe a meeting is warranted to discuss practical experiences with these requirements and to provide additional context regarding the concerns and recommendations outlined in our submission.

Some of the concerns and examples we would like to highlight are as follows:

1. Inability to Cancel Appointment when DOB schedules notice sooner than the cancellation window:
 - Example - Late Cancellation (Section 101-20(b)(4)) - The permit holder requests an inspection, but DOB schedules it with less than three business days' notice (sometimes scheduled with only twelve hours' advanced notice). If the owner is unavailable on the assigned date, the permit holder has no practical ability to comply with the rule requiring cancellation at least three business days before the appointment.
 - Question: How can we cancel 3 days in advance when DOB notifies us in less than 3 days in advance?
 - Recommendation: Consider revising the cancellation process to account for situations where DOB provides less than three business days' notice. In these circumstances, the permit holder should not be subject to a late cancellation fee



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when there was not a reasonable opportunity to cancel within the required timeframe.

2. Inability to Cancel Appointment if an Emergency Arises:

- Example - Emergency circumstances such as weather conditions, travel restrictions, building super/tenant/owner not available to provide access to the building, unforeseen accidents/circumstances.
- Question: How can a permit holder be expected to cancel an inspection within the required timeframe when an unforeseen emergency or circumstance arises after the cancellation window?
- Recommendation: Allow cancellations without penalty when an unforeseen emergency or circumstance prevents the inspection from taking place.

3. Fee Provisions 101-20(c)

- Question: How should the fee be addressed when a disputed issue is subsequently decided in favor of the licensee, or when DOB does not provide sufficient time to complete an inspection that requires an extensive amount of time?
- Recommendation: The fee section should have an added concept to waive the fee when a disputed issue is decided in favor of the licensee thereafter. Further exception is necessary when the initial request required an extensive amount of time to complete the scope of the inspection, and the DOB failed to provide that amount of time to the inspector.

4. Inspection Declined or Incomplete Access (Section 101-20(b)(3))

- Example: The permit holder requests an inspection, and the owner/tenant agrees to the scheduled date and time. When the inspector arrives, the owner/tenant refuses to provide access or fails to appear. The permit holder does not control access to the building—the owner or owner's representative does.
- Recommendation: The permit holder should not be responsible for an incomplete inspection fee when the inspection cannot proceed because the owner or owner's representative denies or fails to provide access.

5. Inconsistent Code Interpretation

- Example: The code contains areas that may be subject to interpretation, and differences in code knowledge and interpretation can sometimes result in situations where the LMP and inspector may have differing views. In these circumstances, it may be difficult to determine whether a failure is warranted after a single inspection, particularly when the issue could potentially be clarified or resolved through further discussion. It should also be noted that when you call Queens, you are directed to voicemail, which does not provide an opportunity to discuss the matter or clarify the issue before a failure is issued.
- Recommendation: Provide an opportunity for the LMP to discuss and clarify disputed code interpretations with DOB before a failure and additional reinspection fee are issued.

6. Inspector Communication and Self-Certification Rights



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- Example: An LMP had an inspection last week and was on site on time and remained at the site five minutes more than the required time of 20 minutes. Five minutes after the LMP left the site, the inspector called the LMP's office and reported that the LMP was not there. The inspector was informed that the LMP had been on site for an excess of 20 minutes and had now left the site and could have returned within five minutes. Despite this, the inspector told the LMP that he was going to lose his self-certification rights. Fortunately, the LMP contacted Enforcement, and the inspector ultimately backed down. This example highlights the need for clear communication and reasonable consideration before imposing serious consequences on an LMP.
 - Question: What safeguards are in place to ensure that an LMP is given an opportunity to clarify the circumstances before serious consequences, such as the loss of self-certification rights, or financially penalties are imposed?
 - Recommendation: Provide clear communication and a reasonable opportunity for the LMP to clarify or resolve any issue before serious consequences/financial penalties are imposed.
7. Incomplete Installation (Section 101-20(b)(6))
- Example: The permit holder performs a pre-site inspection to confirm that the work performed is ready for inspection and confirms that it is ready. However, at the time of the inspection, an unforeseen condition may arise that prevents the inspection from being completed. For example, the power may go out and there is a non-working light, the site may be vandalized, or the area may have become flooded.
 - Question: If an unforeseen condition arises at the time of the inspection that prevents the inspection from being completed, would this result in a fee being assessed for the subsequent inspection?
 - Recommendation: Consider allowing an exception to the fee when unforeseen conditions outside of the permit holder's control prevents the inspection from being completed, particularly when the permit holder had confirmed beforehand that the work was ready for inspection.
8. Unprepared Site (Section 101-20(b)(6))
- Example: The scope of work includes rooftop gas piping, and the only means to gain access to the roof is a ship ladder or ladder safely staged with approved weight capacity.
 - Question: If the inspector refuses to access the roof, will the permit holder be subject to a fee for another inspection?
 - Recommendation: Consider clarifying how the fee would apply in situations where the permit holder has provided safe and appropriate access to the area requiring inspection, but the inspector does not proceed with the inspection.
9. Question: Will this rule apply only to work performed under DOB permits, or will it also extend to inspections that do not require permits, such as Local Law 152 gas piping inspections?



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10. Question: Will the DOB consider allowing permit holders two failed inspections that are attributable to the permit holder before imposing an additional fee? Several villages and towns, including the Village of Malverne, already follow a similar approach, which appears to provide a fair balance between the interests of permit holders and the Department. Will the DOB consider adopting a similar policy that distinguishes between failed inspections that are the permit holder's responsibility and those that are not?
11. Question: MPC members have found over the years that no two inspectors necessarily look for the same items during an inspection. If an inspection fails, would the same inspector return for the reinspection?

We appreciate the Department's time and consideration and look forward to continuing to work collaboratively with DOB on this matter.

Regards,

Daniel Vessio
President

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