



2014 CONSTRUCTION CODES UPDATE PAGES

Attached are 2014 Construction Codes Update Pages. These pages reflect local laws enacted and ministerial administrative corrections made after December 31, 2014. Please note that the source of a particular update, the local law number, and year is indicated on each page. Please visit our [webpage](#) to ensure that your codes are complete and up to date as the City Council may periodically pass Local Laws that affect the Construction Codes.

Instructions:

Please place each page, according to its page number found on the bottom right hand corner, into your Construction Codes books.

The pages contain letters after the page number and should be placed in alphabetical order following the number, i.e. 5, 6, 6a, 6b, etc.

Place Title Pages in the front of your Code books for easy reference.

CONSTRUCTION CODES UPDATE PAGES

UPDATE # 77

Source(s): Local Law 93 of 2019, effective September 16, 2019, & Local Law 59 of 2019, effective September 27, 2019, & Local Law 105 of 2019, effective October 6, 2019.

This update includes the following pages:

GENERAL ADMINISTRATIVE PROVISIONS	
<u>Sections</u>	<u>Page Number</u>
28-103.21 thru 28-103.35	12aa – 12ll
28-104.2 thru 28-104.2.1.6	12mm – 12rr

CONSTRUCTION CODES UPDATE PAGE

Source(s): Sections 28-103.21 through 28-103.35 have been amended by the following legislation:

Local Law 45 of 2015, effective November 13, 2015.	Local Law 188 of 2017, effective February 18, 2018.
Local Law 78 of 2017, effective May 10, 2017.	Local Law 158 of 2017, effective August 30, 2018.
Local Law 68 of 2017, effective September 7, 2017.	Local Law 233 of 2017, effective December 1, 2018.
Local Law 196 of 2017, effective October 16, 2017.	Local Law 190 of 2018, effective December 1, 2018 & May 30, 2019.
Local Law 224 of 2017, effective December 1, 2017.	Local Law 93 of 2019, effective September 16, 2019.
	Local Law 59 of 2019, effective September 27, 2019.

GENERAL ADMINISTRATIVE PROVISIONS

Recently enacted Local Laws have reorganized the provisions of Sections 28-103.21 through 28-103.35. Please remove pages 12a through 12v of your bound volume of the NYC General Administrative Provisions and replace with the following revised pages.

Sections 28-103.21 through 28-103.35 have been amended to read as follows:

§28-103.21 Incident lists. The commissioner shall, by January 2018 and monthly hereafter, post on the department's website, in a machine-readable format, a list of every incident, reported to the department in accordance with section 28-103.21.1, that occurred on every construction site where construction work subject to permitting by the commissioner resulted in (i) a fatality to any individual, including a member of the general public or a construction worker, or (ii) an injury to any individual, including a member of the general public or a construction worker, that requires transport by emergency medical services or requires immediate emergency care at a hospital or offsite medical clinic, regardless of whether such incident involved a violation of this code or any other law or rule. Such list shall identify, at a minimum, the following information for each incident that the department is required to report on pursuant to this section:

1. The owner of the site where the incident occurred;
2. If the incident involved a construction worker, the name of the general contractor or the subcontractor who employed such worker at the time of the incident;
3. A detailed description of the incident, including the nature of the work being performed at the time of the incident;
4. Violations issued by the department as a result of the incident and to whom such violations were issued;
5. The number of persons injured and/or killed in the incident, and whether such persons were members of the public, construction workers or other persons;
6. If the incident involved an injury, a description of the type of injury;
7. Whether the incident involved a fatality;
8. The date and time of the incident;
9. The address where the incident occurred;
10. The total square footage of the site where the incident occurred;
11. The number of floors and height of the building involved where the incident occurred or, in the case of a new building, the proposed number of floors and proposed height;

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Local Law 196 of 2017, effective October 16, 2017.	Local Law 190 of 2018, effective December 1, 2018 & May 30, 2019.
Local Law 224 of 2017, effective December 1, 2017.	Local Law 93 of 2019, effective September 16, 2019.
	Local Law 59 of 2019, effective September 27, 2019.

12. A list of active permits issued by the department associated with the construction site where an incident occurred, disaggregated by type;
13. If the incident involved a construction worker, the length of time the injured or deceased worker had been employed by their employer at the time of the incident;
14. If the incident involved a construction worker, the number of hours the injured or deceased worker had been working when the incident occurred;
15. If the incident involved a construction worker, whether or not the injured or deceased worker was a union member; and
16. Whether or not the construction site where the incident occurred was a union site.

**Section 28-103.21 was amended by [Local Law 78 of 2017](#). This law has an effective date of May 10, 2017.*

***§28-103.21.1 Reporting.** Where construction work subject to permitting by the commissioner that results in a fatality or injury to any individual, including a member of the general public or a construction worker, occurs on a construction site within the city, the owner of person otherwise in control of the site at which such incident occurred, or, if the incident involved a construction worker, the general contractor or subcontractor that employed such worker, shall report to the department, within three business days after the occurrence of such incident, the information required by section 28-103.21.

**Section 28-103.21.1 was added by [Local Law 78 of 2017](#). This law has an effective date of May 10, 2017.*

§28-103.22 Outreach on security grille visibility requirements. The commissioner shall, through or in cooperation with the department of small business services, the department of consumer affairs, and other city agencies deemed appropriate, develop an outreach program to manufacturers and installers of security grilles, business improvement districts, local development corporations, chambers of commerce and community boards to alert these groups and the businesses that utilize security grilles of the permit requirements and the requirements of this section, the penalties associated with violation thereof and the availability of any business loans, grants or tax subsidies related to the installation or use of such security grilles.

§28-103.23 Manual on flood construction and protection standards. The commissioner shall create and make publicly available, in print and on the department's website, a manual explaining in detail the flood construction and protection requirements and standards applicable to the city. Such manual shall be made available in plain English and Spanish and in other languages as determined by the commissioner and shall be updated as necessary to reflect changes to applicable flood construction requirements and standards. Such manual shall include, but need not be limited to, a description and explanation of the following:

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Local Law 224 of 2017, effective December 1, 2017.	Local Law 93 of 2019, effective September 16, 2019.
	Local Law 59 of 2019, effective September 27, 2019.

1. The materials requirements imposed by applicable flood construction requirements and standards, including the elements of structures subject to such material requirements;
2. The manner in which specific utilities and attendant equipment must be protected from flooding; and
3. The application of the flood construction and protection requirements and standards to existing structures.

§28-103.24 Electronic submissions. The commissioner shall have the discretion to require that any document submitted to the department be submitted electronically.

***§28-103.25 Hotel development plans.** Where the department receives applications for new construction of or conversions to transient hotels, as defined in the zoning resolution, the department shall provide written notice, or notice by electronic mail, of the proposed construction or conversion to:

1. The borough president of the borough in which such proposed construction is located;
2. The council member in whose district such proposed construction is located;
3. The community board of the community district in which such proposed construction is located; and
4. If such proposed construction involved land within two or more community districts in a borough, the borough board.

**Section 28-103.25 was added by [Local Law 45 of 2015](#). This law has an effective date of November 13, 2015.*

***§28-103.26. Reporting to the federal occupational safety and health administration.** As soon as practicable after the issuance of (i) an immediately hazardous or major violation of chapter 33 of the New York city building code or (ii) a violation of section 3310.10.2 of the New York city building code, the commissioner shall report such violation to the federal occupational safety and health administration.

**Section 28-103.26 was added by [Local Law 68 of 2017](#). This law has an effective date of September 7, 2017.*

***§28-103.27 Disclosure of building occupancy status for buildings subject to permit.** For each building for which a permit for work has been issued, the commissioner shall post on the department's website a statement of whether the construction documents relating to such permit indicate that one or more dwelling units within such building will be occupied during such work.

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Local Law 224 of 2017, effective December 1, 2017.	Local Law 93 of 2019, effective September 16, 2019.
	Local Law 59 of 2019, effective September 27, 2019.

**Section 28-103.27 was added by [Local Law 158 of 2017](#). This law has an effective date of August 30, 2018.*

***§28-103.28 Site safety training (SST) task force.** The commissioner shall convene and provide staff for an SST task force in accordance with the following:

1. Such task force shall be composed as follows:
 - 1.1. The commissioner, or the designee of such commissioner, shall serve as the chairperson of such task force.
 - 1.2. The task force shall consist of 14 members, in addition to the chairperson. Seven of the additional members of such task force shall be appointed by the mayor or the mayor's designee, and seven of the additional members of such task force shall be appointed by the speaker of the council. Such task force shall include members who represent (i) parts of the construction industry that are represented by labor unions or labor organizations, (ii) parts of such industry that are not represented by such unions or organizations, (iii) minority-owned business enterprises or women-owned business enterprises that are certified in accordance with section 1304 of the New York city charter and primarily engaged in construction work and (iv) day laborers.
 - 1.3 All members of the task force shall have significant experience (i) in a construction or demolition related field or (ii) developing or providing construction site safety training, except that one of the members appointed by the mayor pursuant to Item 1.2 may be a municipal officer with experience related to the program to be established pursuant to section 22-509 of the code.
2. Such task force shall meet at least quarterly each year for the first two years of its existence and at least annually for three years thereafter.
3. Such task force shall from time to time on its own initiative or upon request of the commissioner provide the commissioner with recommendations relating to training required by section 3321 of the New York city building code.
4. Such task force shall establish a mechanism for receiving and reviewing recommendations from the public relating to training required by such section.
5. By no later than March 1, 2018, such task force shall provide the commissioner with recommendations relating to the amount of additional SST credits required for satisfying item 1.1 of the definition of limited SST card and the topics that such additional SST credits must cover. Such task force shall consider, but need not include in its recommendations, the following topics insofar as such topics relate to safeguarding the public from potential dangers posed by building sites.

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- 5.1. Fall protection.
- 5.2. Personal protection equipment.
- 5.3. Safely working with machines.
- 5.4. Working with hazardous chemicals or other materials.
- 5.5. OSHA and its role in construction industry safety and health.
- 5.6. Handling heavy materials and proper lifting techniques.
- 5.7. Exit routes, emergency action plans, fire prevention and fire protection.
- 5.8. Confined space awareness.
- 5.9. Walking and working surfaces.
- 5.10. Electrical safety.
- 5.11. Hazard communication.
- 5.12. Concrete operations.
- 5.13. Demolition work.
- 5.14. Excavation work.
- 5.15. Construction and demolition work at major building sites.
- 5.16. Material handling.
- 5.17. Material hoisting.
- 5.18. Site perimeter protection.
- 5.19. Sidewalk sheds and fences.
- 5.20. Steel erection.
- 5.21. Tenant and occupant protection.
- 5.22. Ladders and stairs.
- 5.23. Drug and alcohol awareness.
- 5.24. Asbestos awareness.
- 5.25. Lead awareness.
- 5.26. First aid, including cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) use.

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Local Law 196 of 2017, effective October 16, 2017.	Local Law 190 of 2018, effective December 1, 2018 & May 30, 2019.
Local Law 224 of 2017, effective December 1, 2017.	Local Law 93 of 2019, effective September 16, 2019.
	Local Law 59 of 2019, effective September 27, 2019.

**Section 28-103.28 was added by [Local Law 196 of 2017](#). This law has an effective date of October 16, 2017.*

***§28-103.29 Reporting regarding implementation of section 3321 of the New York city building code.** No later than three months after the end of each fiscal year, the commissioner shall report to the mayor and the speaker of the council, and make publicly available online, a report on implementation of section 3321 of the New York city building code. In addition to any information the commissioner deems relevant, such report shall include:

1. The number of SST providers in existence at the end of such fiscal year.
2. The number of SST cards issued in such fiscal year.
3. The number of temporary SST cards issued in such fiscal year.
4. The number of violations of such section issued in such fiscal year, disaggregated by violation type.
5. A list of building sites where violations of such section were issued and, for each such site, the following information disaggregated by violation type:
 - 5.1. The number of follow-up inspections conducted pursuant to section 28-204.1.1.
 - 5.2. The average frequency of such follow-up inspections.
 - 5.3. The number of violations of section 3321 of the New York city building code issued as a result of such inspections.
6. A description of the enforcement mechanisms used by the department to ensure the integrity of training provided by SST providers in connection with section 3321 of the New York city building code and that such training satisfies the requirements of such section and any rules or department requirements relating to such training.

**Section 28-103.29 was added by [Local Law 196 of 2017](#). This law has an effective date of October 16, 2017.*

****§28-103.29.1 Audits of training provided in connection with section 3321 of the New York city building code.** In addition to any other enforcement mechanisms, the department shall periodically audit SST providers and training provided in connection with section 3321 of the New York city building code by such providers in order to ensure the integrity of such training and compliance with such section and any rules or department requirements relating to such training.

***Section 28-103.29.1 was added by [Local Law 196 of 2017](#). This law has an effective date of October 16, 2017 and was renumbered by [Local Law 93 of 2019](#). This law has an effective date of September 16, 2019.*

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Local Law 224 of 2017, effective December 1, 2017.	Local Law 93 of 2019, effective September 16, 2019.
	Local Law 59 of 2019, effective September 27, 2019.

****§28-103.30 Real Time Enforcement Unit.** There is hereby established within the department a real time enforcement unit. Such unit and an agency that is delegated authority by the commissioner shall be responsible for enforcing the construction codes with respect to:

1. occupied multiple dwellings with complaints related to work without a permit; and
2. occupied multiple dwellings with valid permits for (i) the alteration of 10 percent or more of the existing floor surface area of the building or (ii) an addition to the building.

***Section 28-103.30 was added by [Local Law 188 of 2017](#). This law has an effective date of February 13, 2018 and was renumbered by [Local Law 233 of 2017](#). This law has an effective date of December 1, 2018.*

****§28-103.30.1 Tracking complaints related to work without a permit.** The real time enforcement unit shall receive and track all complaints related to work without a permit in occupied multiple dwellings. The unit shall retain records of such complaints.

***Section 28-103.30.1 was added by [Local Law 188 of 2017](#). This law has an effective date of February 13, 2018 and was renumbered by [Local Law 233 of 2017](#). This law has an effective date of December 1, 2018.*

****§28-103.30.2 Monitoring occupied multiple dwellings with permits for alteration or addition.** The real time enforcement unit shall monitor all occupied multiple dwellings with valid permits for (i) the alteration of 10 percent or more of the existing floor surface area of the building or (ii) an addition to the building. Owners of such buildings shall notify the department in writing at least 72 hours prior to the commencement of any work pursuant to such permits.

***Section 28-103.30.2 was added by [Local Law 188 of 2017](#). This law has an effective date of February 13, 2018 and was renumbered by [Local Law 233 of 2017](#). This law has an effective date of December 1, 2018.*

****§28-103.30.3 Inspections.** For immediately hazardous complaints related to work without a permit in occupied multiple dwellings, the real time enforcement unit shall conduct inspections of such occupied multiple dwellings within 12 hours of the receipt of such complaints, except that complaints received after 8:00 p.m. shall be inspected by 10:00 a.m. on the following day. For all other complaints related to work without a permit in occupied multiple dwellings, such unit shall conduct inspections of such multiple dwelling within ten days of receipt of such complaints. The real time enforcement unit shall also conduct initial inspections of no fewer than five percent of occupied multiple dwellings with valid permits for alteration or addition as described in section 28-103.26.2, within 20 days of commencement of work for such alterations or

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additions and shall conduct periodic unannounced inspections thereafter until such work is complete. The unit shall be available to conduct inspections seven days a week, between the hours of 8:30 a.m. and 10:00 p.m.

***Section 28-103.30.3 was added by [Local Law 188 of 2017](#). This law has an effective date of February 13, 2018 and was renumbered by [Local Law 233 of 2017](#). This law has an effective date of December 1, 2018.*

****§28-103.30.4 Violations.** The real time enforcement unit shall issue notices of violation or stop work orders as necessary.

***Section 28-103.30.4 was added by [Local Law 188 of 2017](#). This law has an effective date of February 13, 2018 and was renumbered by [Local Law 233 of 2017](#). This law has an effective date of December 1, 2018.*

****§28-103.30.5 Report.** The department shall publish online an annual report with the following information related to the effectiveness of the real time enforcement unit: (i) the number of complaints received disaggregated by building; (ii) the average time taken to respond to complaints; (iii) the number of monitored occupied multiple dwellings with valid permits for alteration or addition as described in section 28-103.26.2; (iv) the number of initial and periodic inspections conducted disaggregated by building; and (v) the number and type of violations issued disaggregated by building.

***Section 28-103.30.5 was added by [Local Law 188 of 2017](#). This law has an effective date of February 13, 2018 and was renumbered by [Local Law 233 of 2017](#). This law has an effective date of December 1, 2018.*

***§28-103.31 Report on site safety manager and coordinator certifications.** The commissioner shall, in October of 2018 and each year thereafter, electronically submit to the city council and post on the department's website a report that includes the following information regarding site safety managers and site safety coordinators:

1. The (i) number of active site safety manager certificates and (ii) number of active site safety coordinator certificates;
2. The (i) number of active site safety manager certificates on the last day of the preceding year and (ii) number of active site safety coordinator certificates on the last day of the preceding year;
3. The (i) number of sites for which a site safety manager was required by this code during the preceding year and (ii) number of such sites for which a site safety manager was required by this code but for which a site safety coordinator may be designated in lieu of such manager pursuant to the exception to section 3310.5 of the New York city building code;

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4. The (i) number of site safety manager certificates issued in the preceding year and (ii) number of site safety coordinator certificates issued in the preceding year;
5. The (i) number of applicants for site safety manager certificates who submitted applications during the preceding year and (ii) number of applicants for site safety coordinator certificates who submitted applications during the preceding year;
6. The (i) average length of time for an applicant who submitted an application for a site safety manager certificate during the preceding year to receive such certificate, measured from the date a completed application is submitted to the department and (ii) average length of time for an applicant who submitted an application for a site safety coordinator certificate during the preceding year to receive such certificate, measured from the date a completed application is submitted to the department; and
7. The (i) average length of time for an applicant who submitted an application for a site safety manager certificate during the preceding year to complete a background check, if any, for such certificate, measured from the date such applicant submitted all documentation necessary to complete such check, (ii) average length of time for an applicant who submitted an application for a site safety coordinator certificate during the preceding year to complete a background check, if any, for such certificate, measured from the date such applicant submitted all documentation necessary to complete such check (iii) the main three reasons for completions of background checks for applicants who submitted applications for site safety manager certificates during the preceding year exceeding the average length of time for completion of such background checks and (iv) the main three reasons for completions of background checks for applicants who submitted applications for site safety coordinator certificates during the preceding year exceeding the average length of time for completion of such background checks.

**Section 28-103.31 was added by [Local Law 224 of 2017](#). This law has an effective date of December 1, 2017.*

***§28-103.32 Education and outreach regarding single-occupant toilet room requirements.** The department, in conjunction with (i) the mayor's office of immigrant affairs, (ii) the commission on human rights, (iii) the department of consumer affairs, (iv) the department of health and mental hygiene, (v) the department of small business services, (vi) the department of citywide administrative services and (vii) any other office or agency designated by the mayor, shall conduct education and outreach to increase awareness of sections 403.2.1 and 403.4 of the New York city plumbing code, regarding single-occupant toilet room requirements. Such education and outreach shall be tailored to business owners, and shall, at a minimum, include educational materials concerning such single-occupant toilet room requirements and the related posting and signage requirements, including samples of acceptable signage. Such materials and sample signage shall be available in the designated

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	Local Law 59 of 2019, effective September 27, 2019.

citywide languages as defined in section 23-1101. Information concerning such requirements shall also be made available on the department's website.

**Section 28-103.32 was added by [Local Law 190 of 2018](#). This law has an effective date of December 1, 2018.*

***§28-103.32.1 Reporting.** By no later than April 1, 2019, and annually thereafter until April 1, 2023, the commissioner of buildings shall submit to the mayor and the speaker of the council, and post on the department's website, a report on:

1. The education and outreach conducted as required by section 28-103.32 including a description of how such outreach was conducted and the number of business owners reached through the outreach;
2. The number of complaints related to sections 403.2.1 and 403.4 of the New York city plumbing code reported to 311, disaggregated by online complaints and phone complaints;
3. The number of violations issued as a result of such complaints;
4. The total amount of penalties imposed as a result of such violations for the immediately preceding year; and
5. Whether subsequent inspections were conducted by the department to ensure future compliance with such sections of the New York city plumbing code.

**Section 28-103.32.1 was added by [Local Law 190 of 2018](#). This law has an effective date of December 1, 2018.*

****§28-103.33 Office of alternative energy.** There is hereby established within the department an office of alternative energy.

***Section 28-103.33 was added by [Local Law 233 of 2017](#). This law has an effective date of December 1, 2018 and was renumbered by [Local Law 93 of 2019](#). This law has an effective date of September 16, 2019.*

****§28-103.33.1 Definitions.** As used in this section, the following terms have the following meaning:

ALTERNATIVE ENERGY PROJECT. Construction work on a building that will result in such building having at least 50 kilowatts of alternative energy capacity installed onsite from:

1. A qualified energy resource, as such term is defined in section 45 of title 26 of the United States code; or
2. A source that is determined to be renewable by the commissioner or the head of another agency designated by the mayor.

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	Local Law 59 of 2019, effective September 27, 2019.

GREEN ROOF SYSTEM. See section 1502.1 of the New York city building code.

***Section 28-103.33.1 was added by [Local Law 233 of 2017](#). This law has an effective date of December 1, 2018 and was renumbered and further amended by [Local Law 93 of 2019](#). This law has an effective date of September 16, 2019.*

****§28-103.33.2 Duties of the office of alternative energy.** The duties of the office of alternative energy include, but need not be limited to:

1. Establishing a program to (i) assist with the technical review and approval of applications and other documents submitted to the department in connection with alternative energy projects, (ii) provide guidance to applicants in connection with such projects, (iii) support technical research for advancing energy legislation and policy within the city and (iv) receive and respond to comments, questions and complaints with respect to such program;
2. Coordinating with the office of long-term planning and sustainability, fire department, department of small business services, department of housing preservation and development, and other relevant agencies to ensure that policies are in place to encourage the installation and maintenance of alternative energy projects, and seeking cooperation and assistance from the city university of New York with respect to such policies; and
3. Making recommendations to the commissioner and the heads of other agencies with respect to streamlining the process for obtaining the necessary approvals to install and maintain alternative energy projects.

***Section 28-103.33.2 was added by [Local Law 233 of 2017](#). This law has an effective date of December 1, 2018 and was renumbered by [Local Law 93 of 2019](#). This law has an effective date of September 16, 2019.*

****§28-103.33.3 Reporting.** The head of the office of the alternative energy shall submit an annual report to the commissioner and to the head of any other relevant agency providing (i) a description of the most commonly received comments, questions and complaints received with respect to such office, (ii) a description of actions undertaken by such office to coordinate with other agencies and the results of such coordination, (iii) recommendations made pursuant to section 28-103.31.2 and (iv) recommendations with respect to expanding the definition of alternative energy project. By no later than three months after the end of each fiscal year, such office shall submit a report to the mayor and the speaker of the city council that includes a summary of the actions taken by any agency as a result of any comment, question, complaint or recommendation from or forwarded by such office.

CONSTRUCTION CODES UPDATE PAGE

Source(s): Sections 28-103.21 through 28-103.35 have been amended by the following legislation:

Local Law 45 of 2015, effective November 13, 2015.	Local Law 188 of 2017, effective February 18, 2018.
Local Law 78 of 2017, effective May 10, 2017.	Local Law 158 of 2017, effective August 30, 2018.
Local Law 68 of 2017, effective September 7, 2017.	Local Law 233 of 2017, effective December 1, 2018.
Local Law 196 of 2017, effective October 16, 2017.	Local Law 190 of 2018, effective December 1, 2018 & May 30, 2019.
Local Law 224 of 2017, effective December 1, 2017.	Local Law 93 of 2019, effective September 16, 2019.
	Local Law 59 of 2019, effective September 27, 2019.

***Section 28-103.33.3 was added by [Local Law 233 of 2017](#). This law has an effective date of December 1, 2018 and was renumbered by [Local Law 93 of 2019](#). This law has an effective date of September 16, 2019.*

****§28-103.33.4 Posting of information.** The office of alternative energy shall maintain a website and shall post on such website the contact information for such office and a statement indicating that any person may contact such office if such person has a comment, question or complaint with respect to such office.

***Section 28-103.31.4 was added by [Local Law 233 of 2017](#). This law has an effective date of December 1, 2018 and was renumbered by [Local Law 93 of 2019](#). This law has an effective date of September 16, 2019.*

***§28-103.33.4.1 Information regarding installation of green roof systems.** The office of alternative energy shall further post and maintain links on its website to information regarding the installation of green roof systems and other resources and materials regarding the installation of green roof systems and other resources and materials regarding green roof systems.

**Section 28-103.33.4.1 was added by [Local Law 93 of 2019](#). This law has an effective date of September 16, 2019.*

***§28-103.35 E-mail notice of construction project updates.** The department shall provide, free of charge, a service allowing users to register to receive an automated e-mail notification each time a change in status is recorded with respect to one or more construction projects, selected by such user. Such email notifications shall include any updates to work permits issued by the department for each such selected construction project, including issuance of any stop work order issued pursuant to section 28-207.2.

**Section 28-103.35 was added by [Local Law 59 of 2019](#). This law has an effective date of September 27, 2019.*

CONSTRUCTION CODES UPDATE PAGE

Source(s): Sections 28-104.2 through 28-104.2.1.6 have been amended by the following legislation:

Local Law 149 of 2017, effective December 28, 2017.

Ch. 217 of the Laws of NYS 2018, effective August 24, 2018.

Local Law 158 of 2017, effective August 30, 2018.

Local Law 108 of 2019, effective September 6, 2019.

Local Law 105 of 2019, effective October 6, 2019.

GENERAL ADMINISTRATIVE PROVISIONS

Recently enacted Local Laws have reorganized the provisions of Sections 28-104.2. Please remove pages 12a through 12v of your bound volume of the NYC General Administrative Provisions and replace with the following revised pages.

Section 28-104.2 has been amended to read as follows:

***§28-104.2 Application for approval of construction documents.** The department shall assign an application number to and docket all applications for approval of construction documents and any amendments thereto filed with it. The department shall examine the construction documents promptly after their submission. The examination shall be made under the direction of the commissioner for compliance with the provisions of this code and other applicable laws and rules. The personnel employed for the examination of construction documents shall be qualified registered design professionals, experienced in building construction and design. The department shall provide written notification to owners of adjoining property at the time such application is submitted.

**Section 28-104.2 was amended by [New York State Laws of 2018 Chapter 217](#). This law has an effective date of August 24, 2018.*

****§28-104.2.1 Less than full examination of applications for construction and related document approval.** The commissioner may, in the commissioner's discretion, establish a program whereby construction and related documents may be accepted with less than full examination by the department based on the professional certification of an applicant who is a registered design professional. On a monthly basis, the commissioner shall audit no less than 25 percent of construction documents which are for multiple dwellings where 25 percent or more of the dwelling units are occupied and such multiple dwellings, in whole or in part, either (i) are subject to rent regulation, (ii) are being rehabilitated or maintained as affordable housing through a department of housing preservation and development program, (iii) are subject to a city regulatory agreement mandating the creation or preservation of a certain number of affordable units, (iv) contain affordable housing units created, sponsored or preserved through other city programs or initiatives, or (v) where the department knows or has reason to know, are the subject of a rent overcharge application which is in the process of being investigated by the New York State division of housing and community renewal.

Exceptions:

1. Construction or related documents may not be subject to less than full examination if the building is listed on the department of housing preservation and development's website pursuant to paragraph 6 of subdivision m of section 27-2115.

CONSTRUCTION CODES UPDATE PAGE

Source(s): Sections 28-104.2 through 28-104.2.1.6 have been amended by the following legislation:

Local Law 149 of 2017, effective December 28, 2017.

Ch. 217 of the Laws of NYS 2018, effective August 24, 2018.

Local Law 158 of 2017, effective August 30, 2018.

Local Law 108 of 2019, effective September 6, 2019.

Local Law 105 of 2019, effective October 6, 2019.

2. Where a penalty is imposed pursuant to article 213 of chapter 2 of this title for work that has been performed without a permit on a building (i) construction and related documents for work at such building shall not be accepted with less than full examination by the department for one year after such imposition or (ii) if such work without a permit was performed on only part of such building and the owner of such part is not the owner of such building, construction and related documents for work on such part shall not be accepted with less than full examination by the department for one year after such imposition or until the date such part of such building changes owners, whichever is sooner.

**Section 28-104.2.1 was amended by [Local Law 149 of 2017](#). This law has an effective date of December 28, 2017.*

***Section 28-104.2.1 was amended by [Local Law 158 of 2017](#). This law has an effective date of August 30, 2018.*

§28-104.2.1.1 Effect of acceptance. Except as otherwise specified in this code or in the rules of the department, for the purposes of this code, the acceptance of construction and related documents in accordance with such program shall have the same force and effect as the approval of construction and related documents after full examination by the department. Except as otherwise specified in this code or in the rules of the department, references in this code to approved construction and/or related documents or to the approval of construction and/or related documents shall also be deemed to refer to accepted construction and related documents or to the acceptance of construction and related documents, as applicable.

***§28-104.2.1.2 Program requirements.** The commissioner may establish qualifications and requirements for registered design professionals to participate in such program and may exclude, suspend or otherwise sanction participants for cause. The commissioner shall send an annual notification to registered design professionals who are currently participating in this program notifying them, in a manner to be determined by the commissioner, of the grounds upon which they may be excluded, suspended or otherwise sanctioned.

**Section 28-104.2.1.2 was amended by [Local Law 108 of 2019](#). This law has an effective date of September 6, 2019.*

§28-104.2.1.3 Mandatory program requirements. Registered design professionals participating in such program shall be subject to sections 28-104.2.1.3.1 through 28-104.2.1.3.2.

CONSTRUCTION CODES UPDATE PAGE

Source(s): Sections 28-104.2 through 28-104.2.1.6 have been amended by the following legislation:

Local Law 149 of 2017, effective December 28, 2017.

Ch. 217 of the Laws of NYS 2018, effective August 24, 2018.

Local Law 158 of 2017, effective August 30, 2018.

Local Law 108 of 2019, effective September 6, 2019.

Local Law 105 of 2019, effective October 6, 2019.

§28-104.2.1.3.1 Probation. A registered design professional shall not be eligible to participate in the program during any period of probation imposed as a sanction by the board of regents pursuant to section 6511 of the education law.

****§28-104.2.1.3.2 Mandatory sanctions.** The commissioner shall, after the opportunity for a hearing before the office of administrative trials and hearings in accordance with department rules, exclude, suspend or otherwise condition the participation of a registered design professional who (i) knowingly or negligently submits a professional certification of an application and/or construction and other related document that contains false information or is not in compliance with all applicable provisions of law, (ii) submits two professionally certified applications for construction document approval within any 12-month period containing errors that result in revocation of an associated permit or that otherwise demonstrate incompetence or a lack of knowledge of applicable laws, or (iii) knowingly orders or directs another registered design professional to submit a professional certification of an application and/or construction and any other related document that contains false information or is not in compliance with all applicable provisions of law or that otherwise demonstrates incompetence or a lack of knowledge of applicable laws, or with knowledge of such specific conduct, ratifies or assents to such conduct or with knowledge of such specific conduct and while acting as a supervisor otherwise fails to prevent it. The commissioner may, after the opportunity for a hearing before the office of administrative trials and hearings in accordance with department rules, exclude, suspend, or otherwise condition the participation of a registered design professional who submits two professionally certified applications for construction document approval within any 12-month period containing errors that result in a stop work order. The term “otherwise condition” shall mean limitations on such professional’s participation in the program, such as, but not limited to, audits and monitoring of the registered design professional’s applications and other submissions. For the purposes of this section, a professionally certified application shall include the professional certification of construction and other related documents and the satisfaction of objections issued at plan examination.

***Section 28-104.2.1.3.2 was amended by [Local Law 108 of 2019](#). This law has an effective date of September 6, 2019. Section 28-104.2.1.3.2 was amended by [Local Law 105 of 2019](#). This law has an effective date of October 6, 2019.*

§28-104.2.1.3.2.1 Reinstatement. A registered design professional who is excluded from the program in accordance with section 28-104.2.1.3 may apply for reinstatement one year or more after such exclusion. An applicant who the commissioner finds is qualified to resume participation in the

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Source(s): Sections 28-104.2 through 28-104.2.1.6 have been amended by the following legislation:

Local Law 149 of 2017, effective December 28, 2017.

Ch. 217 of the Laws of NYS 2018, effective August 24, 2018.

Local Law 158 of 2017, effective August 30, 2018.

Local Law 108 of 2019, effective September 6, 2019.

Local Law 105 of 2019, effective October 6, 2019.

program shall be on probation for a period of not less than 6 months after reinstatement and during that time shall as a condition of such reinstatement attend one or more training or continuing education courses, approved by the department, related to compliance with the building code and related laws and rules and the zoning resolution. The professional shall submit satisfactory proof of the successful completion of such training or continuing education courses to the department.

***§28-104.2.1.3.2.2 Mandatory permanent revocation.** The commissioner (i) shall permanently revoke, without the opportunity of restoration, the professional certification privileges of an engineer or architect who, while on probation, professionally certifies an application, plans, construction or other related document that contains false information or is not in compliance with all applicable provisions of law or who otherwise demonstrates incompetence or a lack of knowledge of applicable laws and (ii) may permanently revoke the professional certification privileges of an engineer or architect who knowingly orders or directs another registered design professional to, while on probation, professionally certify an application, plans, construction or other related document that contains false information or is not in compliance with all applicable provisions of law or that otherwise demonstrates incompetence or a lack of knowledge of applicable laws, or with knowledge of such specific conduct, ratifies or assents to, or with knowledge of such specific conduct and while acting as a supervisor otherwise fails to prevent it.

**Section 28-104.2.1.3.2.2 was amended by [Local Law 108 of 2019](#). This law has an effective date of September 6, 2019.*

§28-104.2.1.3.2.3 Construction. Nothing herein shall be construed to limit the commissioner's power, consistent with state and local law, to adopt rules that include additional grounds to limit the filing privileges of or otherwise sanction registered design professionals, after the opportunity for a hearing, who it determines, knowingly or negligently submit applications or other documents to the department that contain false information or are not in compliance with all applicable provisions of law or that otherwise demonstrate incompetence or a lack of knowledge of applicable law or standards.

***§28-104.2.1.4 Database.** The department shall create and maintain a database of all registered design professionals who have been excluded, suspended or otherwise sanctioned by the department, all current firms of employment or affiliation of such professionals, if known or readily ascertainable, and the firm that employed such professionals, or with which such professional was affiliated, at the time such

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Source(s): Sections 28-104.2 through 28-104.2.1.6 have been amended by the following legislation:

Local Law 149 of 2017, effective December 28, 2017.

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Local Law 158 of 2017, effective August 30, 2018.

Local Law 108 of 2019, effective September 6, 2019.

Local Law 105 of 2019, effective October 6, 2019.

professionals were sanctioned, and the status of such sanction or sanctions. Within 7 business days of the date a sanction is imposed, the department shall post on its website, in a non-proprietary machine-readable format that permits automated processing, and shall make available upon request, the name of the registered design professional, and the firm that employed such professionals, or with which such professionals were affiliated, at the time such professionals were sanctioned, and a description of the sanction, the initial date of the sanction, the reinstatement date, if applicable, the address of the premises for which the application associated with the sanction was submitted, and whether the sanction was imposed after a hearing or a settlement. The department shall provide requested information concerning the exclusion, suspension or other sanction of a specific registered design professional and the firm of employment of such professionals, or the firm with which such professionals were affiliated, when such professionals were sanctioned, within 30 days of such request.

***Section 28-104.2.1.4 was amended by [Local Law 108 of 2019](#). This law has an effective date of September 6, 2019.*

Section 28-104.2.1.4 was amended by [Local Law 105 of 2019](#). This law has an effective date of October 6, 2019.

§28-104.2.1.5 Applicant requirement. The program shall include a condition that the applicant remain with the project until it is signed-off by the department, all current firms of employment or affiliation of such professionals, if known or readily ascertainable, and the firm that employed such professionals, or with which such professional was affiliated, at the time such professionals were sanctioned, and the status of such sanction or sanctions. and that if the applicant withdraws from or is unable to continue a project before the issuance of a letter of completion or certificate of occupancy, as applicable, all work shall stop and no permit, letter of completion or certificate of occupancy shall be issued until a successor registered design professional is designated as applicant of record and such person:

1. Completes a thorough review and evaluation of the previously filed and accepted construction and other related documents to determine that they conform to the applicable laws and rules in accordance with rules of the board or regents, 8 NYCRR 29.3(a)3;
2. Inspects any built work to confirm that the observable conditions are consistent with the previously filed and accepted construction documents; and
3. Based on the result of the evaluation and inspections, secures department approval after examination of construction and other related documents submitted by and under signature and seal of the successor. All deficiencies

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Source(s): Sections 28-104.2 through 28-104.2.1.6 have been amended by the following legislation:

Local Law 149 of 2017, effective December 28, 2017.

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Local Law 158 of 2017, effective August 30, 2018.

Local Law 108 of 2019, effective September 6, 2019.

Local Law 105 of 2019, effective October 6, 2019.

shall be addressed by the successor in such documents.

§28-104.2.1.6 Notice to the state department of education. The department shall provide written notice to the New York state department of education of any registered design professional who was the subject of any disciplinary proceeding where there has been an adverse determination or sanction by the department including any settlement agreement that is reached between the parties that resulted in a sanction of privileges being imposed by the department. Such notice shall be sent within ten business days after a determination is made in any such disciplinary proceeding or after a settlement of such proceeding has been reached, and shall include the name, and business firm name and address of such registered design professional, as well as any supporting documentation for the sanction imposed. The department shall also provide such notice to the state department of education of any registered design professional that has been the subject of any disciplinary proceeding where there has been an adverse determination or sanction by the department within the five calendar years immediately preceding the effective date of this section.