

NEW YORK CITY DEPARTMENT OF BUILDINGS

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Buildings (DOB) is proposing to add fees for Zoning Resolution or Construction Codes Determination requests and appeals submitted to DOB.

When and where is the hearing? DOB will hold a public hearing on the proposed rule. The public hearing will take place at 10am on 7/19/16. The hearing will be in the 3rd floor conference room at 280 Broadway.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the DOB through the NYC rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to dobrules@buildings.nyc.gov.
- **Mail.** You can mail comments to the New York City Department of Buildings, Office of the General Counsel, 280 Broadway, 7th floor, New York, NY 10007.
- **Fax.** You can fax comments to the New York City Department of Buildings, Office of the General Counsel, at 212-566-3843.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-393-2085. You can also sign up in the hearing room before the hearing begins on 7/19/16. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit comments by 7/19/16.

Do you need assistance to participate in the hearing? You must tell the Office of the General Counsel if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the addresses given above. You may also tell us by telephone at 212-393-2085. You must tell us by 7/5/16.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments and a summary of oral comments concerning the proposed rule will be available to the public at the Office of the General Counsel.

What authorizes DOB to make this rule? Sections 643 and 1043(a) of the City Charter and sections 28-112.1 of the City Administrative Code authorize DOB to make this proposed rule. This proposed rule was not included in DOB's regulatory agenda for this Fiscal Year because it was not contemplated when DOB published the agenda.

Where can I find DOB's rules? DOB's rules are in Title 1 of the Rules of the City of New York.

What rules govern the rulemaking process? DOB must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

PROPOSED

Statement of Basis and Purpose of Proposed Rule

This rule would amend Section 101-03 of Chapter 100 of Title 1 of the Rules of the City of New York, relating to fees payable to the Department, to include fees for responding to requests submitted to the Department for Zoning Resolution or Construction Codes Determinations and appeals of such Determinations.

The authority of the Department of Buildings for this rule is found in sections 643 and 1043 of the New York City Charter and section 28-112.1 of the New York City Administrative Code.

The Department provides a service when current or prospective applicants request a Borough Commissioner to issue a Determination interpreting certain provisions of the Zoning, Energy or Construction Codes. These requests may be made using either a Zoning Resolution Determination Form (ZRD1) or a Construction Code Determination Form (CCD1). Applicants may appeal a Borough Commissioner's Determinations to the Department's Technical Affairs Unit.

The proposed rule would add fees for processing Determinations filed with a Borough Commissioner's Office and appeals to the Technical Affairs Unit using either a ZRD1 or CCD1 Form. These fees will cover the administrative costs incurred by the Department in reviewing these requests and appeals. No fees will be charged for requests and appeals filed in connection with the construction or alteration of one-, two- or three-family dwellings or multiple dwellings that are financed entirely or in part by a grant or loan from the City of New York or the New York City Housing Development Corporation and at least 50 percent of whose dwelling units are affordable.

Pursuant to section 1043(d)(4)(iii) of the New York City Charter, certification of this proposed rule pursuant to Local Law 46 of 2010 is not required.

New material is underlined.

[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 101-03 of Title 1 of the Rules of the City of New York is amended by adding the following entries at the end of the table set forth in that section:

<u>CCD1 and ZRD1 Determinations</u>	<u>\$1,000 each</u>
<ul style="list-style-type: none"><u>Exception: No fee will be charged for proposed one-, two-, or three-family dwellings that will be owner occupied or for alterations to one-, two- or three-family dwellings that are owner occupied (excluding conversions of one-, two- or three-family dwellings to any structure</u>	

<p><u>other than a one-, two- or three-family dwelling).</u></p> <ul style="list-style-type: none"> • <u>Exception: No fee will be charged for proposed buildings classified in occupancy group R-2, where at least 50 percent of the occupancy units are affordable to households whose income is less than 165 percent of the area median income for New York city, as determined by the United States department of housing and urban development or successor agency, which are financed entirely or in part by a grant or loan from the city of New York or the New York city housing development corporation, or for alterations to such buildings.</u> 	
<p><u>CCD1 and ZRD1 Appeals</u></p> <ul style="list-style-type: none"> • <u>Exception: No fee will be charged for proposed one-, two-, or three-family dwellings that will be owner occupied or for alterations to one-, two- or three-family dwellings that are owner-occupied (excluding conversions of one-, two- or three-family dwellings to any structure other than a one-, two- or three-family dwelling).</u> • <u>Exception: No fee will be charged for proposed buildings classified in occupancy group R-2, where at least 50 percent of the occupancy units are affordable to households whose income is less than 165 percent of the area median income for New York city, as determined by the United States department of housing and urban development or successor agency, which are financed entirely or in part by a grant or loan from the city of New York or the New York city housing development corporation, or for alterations to such buildings.</u> 	<p><u>\$2,500 each</u></p>

PROPOSED