

## 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 variation of the Construction Codes, the 1968 or prior Building Code, or section 277.16 of the New York State Multiple Dwelling Law (MDL) for Article 7B buildings; pre-determination requests with respect to the Zoning Resolution, Construction Codes or 1968 or prior Building Code; and appeals of objections that were affirmed.

**When and where is the hearing?** DOB will hold a public hearing on the proposed rule. The public hearing will take place at 2pm on 9/14/17. The hearing will be in the 3<sup>rd</sup> 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 website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [dobrules@buildings.nyc.gov](mailto:dobrules@buildings.nyc.gov).
- **Mail.** You can mail comments to the New York City Department of Buildings, Office of the General Counsel, 280 Broadway, 7<sup>th</sup> 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 9/14/17. You can speak for up to three minutes.

**Is there a deadline to submit comments?** Yes, you must submit comments by 9/14/17.

**What if I 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 or email at the addresses given above. You may also tell us by telephone at 212-393-2085. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by 8/31/17.

**This location has the following accessibility option(s) available:** Wheelchair accessibility.

**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 Section 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 laws 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.

### **Statement of Basis and Purpose of Proposed Rule**

This proposed rule amends 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

- variation of the Construction Codes
- variation of the 1968 or prior Building Code
- variation of section 277.16 of the New York State Multiple Dwelling Law (MDL) for Article 7B buildings
- pre-determination request with respect to the Zoning Resolution, Construction Codes or 1968 or prior Building Code before application for construction document approval is submitted
- appeal after two reviews that consist of (1) a plan examination objection and (2) an affirmation of that objection ("Appeal Determination")
- appeal of an Appeal Determination.

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 variation of the Codes, or a pre-determination or determination interpreting certain provisions of the Zoning Resolution or the Codes, Appeal Determinations and appeals from such determinations. These requests may be made using either a Zoning Resolution Determination Form (ZRD1) or a Construction Code Determination Form (CCD1) or any subsequently created determination forms. .

The proposed rule adds fees for processing variations, pre-determinations, Appeal Determinations and appeals from such determinations using either a ZRD1 or CCD1 Form or any subsequently created determination form. These fees will cover the administrative costs incurred by the Department in reviewing these requests and appeals.

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:

<ul style="list-style-type: none"> <li>• <u>Request for a variation of the Construction Codes</u></li> <li>• <u>Request for a variation of the 1968 or prior Building Code</u></li> <li>• <u>Request for a variation of section 277.16 of the New York State Multiple Dwelling Law (MDL) for Article 7B buildings</u></li> <li>• <u>Pre-determination request with respect to the Zoning Resolution, Construction Codes or 1968 or prior Building Code</u></li> <li>• <u>Appeal after two reviews that consist of (1) a plan examination objection and (2) an affirmation of that objection (“Appeal Determination”)</u></li> </ul>	<p><u>\$1,000</u></p> <p><u>\$1,000</u></p> <p><u>\$1,000</u></p> <p><u>\$1,000</u></p> <p><u>\$1,000</u></p>
<p><u>Appeal from:</u></p> <ul style="list-style-type: none"> <li>• <u>Denial of a request for a variation of the Construction Codes</u></li> <li>• <u>Denial of a request for a variation of the 1968 or prior Building Code</u></li> <li>• <u>Denial of a request for a variation of section 277.16 of the New York State Multiple Dwelling Law (MDL) for Article 7B buildings</u></li> <li>• <u>Pre-determination with respect to the Zoning Resolution, Construction Codes or 1968 or prior Building Code</u></li> <li>• <u>Appeal Determination</u></li> </ul>	<p><u>\$2,500</u></p> <p><u>\$2,500</u></p> <p><u>\$2,500</u></p> <p><u>\$2,500</u></p> <p><u>\$2,500</u></p>