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Title: A Local Law to amend the administrative code of the city of New York, in relation to mandatory sanctions for submitting incorrect professionally certified applications for construction document approval.

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Int. No. 439

By Council Members Gentile, Reynoso, Barron, Koo, Treyger, Koslowitz, Rosenthal, Mendez, Miller, Rose, Cabrera, Grodenchik and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to mandatory sanctions for submitting incorrect professionally certified applications for construction document approval.

Be it enacted by the Council as follows:

Section 1. Section 28-104.2.1.3.2 of the administrative code of the city of New York is amended to read as follows:

§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 documents that

contains false information or is not in compliance with all applicable provisions of law, or (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, result in a stop work order or that otherwise demonstrate incompetence or a lack of knowledge of applicable laws. The term “otherwise condition” shall mean limitation 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 purposes of this section, a professionally certified application shall include the professional certification of and other related documents and the satisfaction of objections issued at plan examination.

§2. Section 28-104.2.1.4 of the administrative code of the city of New York is amended to read as follows:

§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. Within 7 business days of the date a sanction is imposed, the department shall post on its website and shall make available upon request, the name of the registered design professional, 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. No later than January 15, 2015, and annually thereafter, the department shall compile and submit to the council a report on all such information, disaggregated by community board. The department shall provide requested information concerning the exclusion, suspension or other sanction of a specific registered design professional within 30 days of such request.

§3. This local law shall take effect ninety days after its enactment into law.