



## Legislation Text

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Int. No. 1241

By Council Members Ampry-Samuel, Lander, Lancman, Ayala and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to expanding sanctions for submission of professionally-certified false or noncompliant building permit applications or plans.

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, as amended by local law number 33 for the year 2007, 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 and all other registered design professionals employed by the firm of employment of such professional, where applicable, 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 or that otherwise demonstrate incompetence or a lack of knowledge of applicable laws. 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 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.

§ 2. Section 28-104.2.1.3.2.1 of the administrative code of the city of New York, as amended by local law number 33 for the year 2007, is amended to read as follows:

**§ 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 and registered design professionals employed at a firm employing such excluded professional may apply for reinstatement one year or more after such exclusion. An applicant who the commissioner finds is qualified to resume participation in the 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.

§ 3. Section 28-104.2.1.3.2.2 of the administrative code of the city of New York, as amended by local law number 33 for the year 2007, is amended to read as follows:

**§ 28-104.2.1.3.2.2 Mandatory permanent revocation.** The commissioner shall permanently revoke, without the opportunity of restoration, the professional certification privileges of an engineer or architect and all engineers or architects employed by the firm of employment of such engineer or architect who, while on probation, professionally certifies an application, plans, construction or other related documents 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.

§ 4. Section 28-104.2.1.3.2.3 of the administrative code of the city of New York, as amended by local law number 33 for the year 2007, is amended to read as follows:

**§ 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 and all other registered design professionals employed by the firm of employment of a sanctioned registered design professional, 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.

§ 5. Section 28-104.2.1.4 of the administrative code of the city of New York, as amended by local law number 33 for the year 2007, 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 and the firms of employment of such 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 and the professional's firm of employment, 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 or the professional's firm of employment within 30 days of such request.

§ 6. This local law takes effect 90 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

MJT  
LS #8403  
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