

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 amend its rule regarding construction superintendent license qualifications.

When and where is the hearing? DOB will hold a public hearing on the proposed rule online. The public hearing will take place at 11 am on March 23, 2026.

- **Join through Internet – Desktop app:**

To join the hearing via your browser either click on the following URL link or copy and paste it into your browser's address bar. Then follow the prompts to either continue using the browser or download/open the Teams desktop app.

<https://events.gcc.teams.microsoft.com/event/07db9632-c48c-45b2-b4bf-f7647432abd3@32f56fc7-5f81-4e22-a95b-15da66513bef>

Enter your name when prompted and click the **“Join now”** button. If you don't have computer audio or prefer to phone in for audio, select **“Phone audio”** under **“Other join options”** then click the **“Join now”** button. You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins. If you are using phone audio then follow the dial-in instructions when prompted.

If you have low bandwidth or inconsistent Internet connection, we suggest you use the Phone audio option for the hearing. This will reduce the possibility of dropped audio and stutters.

- **Join through Internet - Smartphone app:**

To join using the Microsoft Teams app on your smartphone, click on the following URL link from your phone to automatically open the Teams app. Note that the Microsoft Teams app must already be installed on your smartphone. It is available for free both in the Apple Store and Google Play.

<https://events.gcc.teams.microsoft.com/event/07db9632-c48c-45b2-b4bf-f7647432abd3@32f56fc7-5f81-4e22-a95b-15da66513bef>

When prompted select **“Join meeting”**. Type your name and then select **“Join meeting”** again. You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins.

PLEASE NOTE: The above links are used to register for the hearing. Once registered, you will receive a confirmation email that will include a link to join the hearing. If you should run into technical difficulties when using the above links to register or you do not receive the registration confirmation email with your link to join the hearing, please use one of the following alternative methods to join the hearing. You should receive the

confirmation email within a short time of registering. Please check your junk email folder too if you do not see the email in your inbox. Best practice is to register for the hearing prior to the actual hearing date.

Alternatively, open the Teams app and select “Join a meeting”. Signing in with an account is not required. Type your name, the following Meeting ID and Passcode, then select “Join meeting”.

Meeting ID: 248 589 467 369 12

Passcode: sw3Ka7WZ (Code is case sensitive)

- Join via phone only:

To join the meeting only by phone, use the following information to connect:

Phone: 646-893-7101

Phone Conference ID: 259636173#

You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins.

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.
- **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.
- **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 by emailing dobrules@buildings.nyc.gov by March 16, 2026 and including your name and affiliation. While you will be given the opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign up in advance. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit comments? Yes, you must submit comments by March 23, 2026.

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 can tell us by

email at dobrates@buildings.nyc.gov. Advance notice is requested to allow sufficient time to arrange the accommodation. You must tell us by March 9, 2026.

This location has the following accessibility option(s) available: Simultaneous transcription for people who are hearing impaired, and audio only access for those who are visually impaired.

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/>. 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 and may be requested by email at dobrates@buildings.nyc.gov.

What authorizes DOB to make this rule? Sections 643 and 1043(a) of the City Charter and Article 428 of Chapter 4 of Title 28 of the New York City Administrative Code authorize DOB to make this proposed rule. This proposed rule was not included in DOB's regulatory agenda for Fiscal Year '26 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.

Statement of Basis and Purpose of Proposed Rule

Article 428 of Chapter 4 of Title 28 of the New York City Administrative Code establishes qualification pathways to become a licensed construction superintendent. Article 428 also authorizes the department to establish additional pathways via rule. These additional pathways are currently found in section 3301-02 of Chapter 3300 of Title 1 of the Rules of the City of New York.

These proposed amendments would repeal section 3301-02 and add provisions currently found in that section to a new section 104-28 in Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York. Chapter 3300 deals with site safety requirements for construction and demolition sites. Subchapter D of Chapter 100 deals with licensing and administrative provisions. It is, therefore, more appropriate for the rules related to construction superintendent licensing to be in Subchapter D. Requirements from section 3301-02 related to the fees to obtain a construction superintendent license are proposed to be moved to the fee rule, section 101-03 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York. No change to the fee amounts is proposed.

The new proposed section 104-28 would contain some differences from existing section 3301-02 to more accurately reflect and conform to the requirements of Chapter 4 of Title 28 of the New York City Administrative Code.

Requirements in subdivision (b) of existing section 3301-02 related to training courses to be completed by a construction superintendent license applicant would not be moved to new section 104-28, as they have been superseded by the training requirements in Article 428 of Chapter 4 of Title 28 of the New York City Administrative Code, which require all construction superintendent applicants to complete a 40-hour course and hold a valid site safety training supervisor card, which requires completion of an Occupational Safety and Health (OSHA) 30-hour course and an additional 32 hours of New York City-specific training.

The terminology “registered design professional” in subdivision (b) of existing section 3301-02 would be changed in subdivision (b) of new section 104-28 to read “New York State licensed professional engineer or a New York State registered architect” to make clear who is intended to be covered by this provision.

Subdivision (b) of the existing section 3301-02 currently allows experience as a “safety official,” “safety manager,” “safety engineer,” or “working with plans in a relevant construction trade” to qualify as sufficient for a construction superintendent license. This proposed rule would move these provisions to new section 104-28 but would provide that the provisions apply only to applications submitted on or before December 31, 2026. Since the initial creation of these pathways in 2016, they have proven to be unclear and difficult to quantify. This proposed rule would leave these provisions in place through December 31, 2026 in order to give applicants currently pursuing this path time to complete the requirements but would not permit applicants to use this pathway to obtain a construction superintendent license after such date.

Other pathways for building inspectors, licensed site safety managers, and professional engineers to qualify for a construction superintendent license are clearer and more specific and would be retained in new section 104-28. Individuals who do not qualify for those more specific pathways can also avail themselves of the pathway to obtain a certification from the Board of Certified Safety Professionals as a certified safety professional or construction health and safety technician, which would also be retained. This mirrors a recent similar change made in relation to qualifications to obtain a site safety manager certification.

A separate requirement in subdivision (b) of existing section 3301-02 to be able “to read construction plans and specifications” is not proposed to be moved to new section 104-28, as each of the remaining pathways for construction superintendent licensure already requires a person to be able to read construction plans and specifications to qualify for those pathways.

Existing subdivision (c) of section 3301-02 is not proposed to be moved to new section 104-28. The existing subdivision allows up to three years of full time college, technical, or trade school education to be substituted for work experience. Since the educational credit provision was created in 2016, the responsibilities of the construction superintendent have evolved and expanded, making practical hands-on experience more critical. Today, the construction superintendent is a senior level position with broad authority and oversight of the jobsite. This was most recently

reinforced in January 2025 when the department adopted rule section 3301-04, which imposed critical jobsite compliance and inspection responsibilities on the construction superintendent. Given these new responsibilities, DOB has determined that education is not a sufficient replacement for work experience.

A new subdivision (c) is proposed to be added to new section 104-28 to reiterate the current practice that there is no examination requirement for a construction superintendent license.

These amendments further propose not to move subdivisions (d) through (h) of existing section 3301-02 to new section 104-28, as the requirements in these subdivisions are already addressed in Chapter 4 of Title 28 of the New York City Administrative Code.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter and Article 428 of Chapter 4 of Title 28 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

“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 1. Section 101-03 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding the following entry at the end of the table set forth in that section:

Construction Superintendent License	<u>Initial:</u> <u>\$100</u>	<u>Renewal:</u> <u>\$50</u>	<u>Late Renewal:</u> <u>\$50</u>
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§ 2. Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new section 104-28 to read as follows:

§ 104-28 Construction Superintendent Qualifications.

(a) Construction superintendent license. No person may perform the duties and responsibilities of a construction superintendent, as specified in chapter 33 of the New York City Building Code, unless such work is performed by a person licensed as a construction superintendent under the provisions of Article 428 of Chapter 4 of Title 28 of the Administrative Code and this section.

(b) Equivalent experience. For the purposes of satisfying the equivalent experience requirements of paragraph 3.3 of section 28-428.2 of the New York City Administrative Code, the applicant must submit satisfactory proof establishing that the applicant meets one of the following:

- (1) Holds a valid site safety manager or site safety coordinator certificate;
 - (2) Holds a valid registration as a concrete safety manager;
 - (3) Is a New York State licensed professional engineer or a New York State registered architect;
 - (4) Holds a Certified Safety Professional (“CSP”) designation or a Construction Health and Safety Technician (“CHST”) designation from the Board of Certified Safety Professionals (“BCSP”);
 - (5) Has five (5) years of experience, within ten (10) years prior to the date of the application, as a building code enforcement official charged with enforcement of the provisions of the New York City Building Code. The enforcement must have included inspections of buildings under construction or demolition and thus this basis for qualification excludes officials whose primary role is to perform inspections of occupied or vacant buildings;
 - (6) Has five (5) years of full-time field experience in the United States, within ten (10) years prior to the date of the application, with the application submitted on or before December 31, 2026, working on buildings as a safety official for a governmental entity or construction firm, or as a safety manager or safety engineer for a safety consulting firm specializing in construction or demolition, and has satisfactorily completed, within one (1) year prior to the date of the application, a course in site safety that is at least eight (8) hours in length and approved by the department; or
 - (7) Has five (5) years of full-time experience in the United States, within ten (10) years prior to the date of the application, as verified by employer affidavit, with the application submitted on or before December 31, 2026, working with plans in a relevant construction trade in furtherance of the construction, vertical or horizontal enlargement, or full demolition of a building or structure, and has satisfactorily completed, within one (1) year prior to the date of the application, a course in site safety that is at least forty (40) hours in length and approved by the department.
- (c) Exams. Applicants for a construction superintendent license are not required to take an examination in order to qualify for the license.

§ 3. Section 3301-02 of Chapter 3300 of Title 1 of the Rules of the City of New York, regarding registration of construction superintendents, is REPEALED.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment to Rules Relating to Construction Superintendent License Qualifications

REFERENCE NUMBER: 2025 RG 108

RULEMAKING AGENCY: Department of Buildings

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Senior Counsel

February 6, 2026
Date

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment to Rules Relating to Construction Superintendent License Qualifications

REFERENCE NUMBER: DOB-208

RULEMAKING AGENCY: Department of Buildings

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

February 9, 2026
Date