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New York State



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Brooklyn



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**SARA**  
Society of American Registered Architects  
Architect helping Architect



ARCHITECTS COUNCIL OF NEW YORK CITY INC.

**ACEC New York**  
American Council of Engineering Companies of New York



**The New York State Society of Professional Engineers, Inc.**  
The Founding Society of the National Society of Professional Engineers

September 1, 2017

Rick D. Chandler, P.E.  
Commissioner  
NYC Department of Buildings  
280 Broadway, 3rd floor  
New York, NY 10007

Re: Proposed rule for additional fees (Section 101-03)

Dear Commissioner Chandler,

The American Institute of Architects (AIA) including New York state and local chapters, Society of American Registered Architects (SARA), Architects Council of New York (ACNY), American Council of Engineering Companies (ACECNY), and New York State Society of Professional Engineers (NYSSPE) totaling over 10,000 architects, engineers, construction and allied professionals, wish to voice our concern over the NYC Department of Building's proposed rule to introduce additional fees for processing variations, pre-determinations, appeal determinations and appeals.

Given the multiplicity and malleable nature of our construction, building and zoning codes, the need for clarification is both common and necessary in order to ensure the health, safety and welfare of the public. The NYC Building Code, for instance, acknowledges in Chapter 1 that when read in conjunction with the plethora of reference documents, including Directives, Memorandums, PPNs, Interpretations, and Buildings Bulletins, potential conflicts and contradictions often arise that require Commissioner interpretations to address all the varied and unique conditions frequently confronted while constructing or altering properties in New York City. We do not believe that additional fees, associated with interpreting code, should be required.

We understand the Department of Buildings has made this proposal in an effort to improve efficiency and to cover administrative costs. While we support these goals, more consideration should be given to the unintentional impacts of these additional fees, in particular:

- Affordable housing would incur additional costs and processing time. Innovative design solutions to reduce the costs of housing, often developed before they are incorporated into code and zoning, require more interpretation.
- Sustainable, energy-efficient buildings would incur additional costs and processing time. State-of-the-art technologies, often developed before they are incorporated into code and zoning, require more interpretation.

- Detrimental to small building and home owners seeking to undertake minor alterations and/or facing unique circumstances or constraints not anticipated by current codes. For example, home owners impacted by Hurricane Sandy in non-complying buildings would be severely impacted.
- Detrimental to small business owners and professionals whose work on smaller projects would be disproportionately impacted and slowed down compared with larger firms who are more equipped to process additional fees.
- Detrimental to renovation work of existing buildings (as opposed to new construction) which require more interpretation.
- Encourages the generation of more objections as a fee generating device for the Department of Buildings.

As representatives of the design and construction industry, we hope to continue our longstanding tradition of working with the Department of Buildings on positively impacting the physical and social qualities of our city. We are willing to work with the Department to improve efficiency and to lower administrative costs through innovative measures that increase transparency and collaboration between staff and professionals. Practical solutions include developing a searchable database of past approvals to avoid duplicative interpretations and developing a list of frequently asked questions or case studies that illustrate code clarifications.

Over the past years, we have been witness to a Buildings Department that has taken immense steps in terms of efficiency, transparency and service, and hope to continue that progress. Given the critical and timely nature of these proposed rule changes, we request the opportunity to meet with you and your staff at the earliest possible convenience to discuss further.

Sincerely,



**Georgi Ann Bailey, CAE**  
Executive Director, AIA New York State



**Sebastian M. D'Alessandro, RA, AIA**  
President, ACNY



**Anthony Fasano, PE**  
Executive Director, NYSSPE



**Antonio Freda, AIA**  
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**David Piscuskas, FAIA**  
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**Dmitriy Shenker, AIA**  
President, AIA Brooklyn



**Jay Simson, CAE**  
President, ACEC New York



**Frank A. Szatkowski, ARA**  
President, SARA|NY