



NEW YORK STATE SOCIETY OF
PROFESSIONAL ENGINEERS

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Mr. James Oddo, J.D.
Commissioner of Building
New York City Department of Buildings
280 Broadway
New York, New York 10007

January 27, 2025

Dear Commissioner,

As current President and Past President of the New York State Society of Professional Engineers, we are writing to urge the Department to expeditiously review and remedy a major deficiency in its approach to the inspection of buildings with potentially dangerous parapets. The regulations apply to all parapets fronting the public right away located in all five NYC boroughs, with a narrow exception for specified residential dwellings housing less than three families. The Society is charged with furthering public health, safety, and welfare by assuring that the critical role played by the licensed professional engineering community is fully recognized by state and local policymakers.

The inspection program recently put in place (see Section 28-301.1.1 of the New York City Administrative Code) requires that the individual conducting an inspection render a judgment as to the safety of each parapet. Safety determinations in this context constitutes the practice of professional engineering and must be undertaken by a professional engineer. Alternatively, registered architects may also perform inspections since in NYS professional engineering and architecture enjoy coterminous practice. (See New York State Education Law Sections 7201 and 7301; and D'Luhosch v Andros 200 Misc. 400, 109 N.Y.S. 2d 491 (1950).)

It is estimated that there are more than 1/2 million buildings having parapets requiring annual inspections and the risk to public safety posed cannot be overstated. The current regulatory framework, which permits a litany of parties, including, e.g., a building superintendent, handyman or self-certifying expert, with only a cursory understanding of parapets to perform inspections is woefully inadequate. This regulatory scheme requires the inspector to render an opinion as to the safety of the parapet and cannot be undertaken by building superintendents, handymen or other parties self-identifying themselves as competent.

We, along with others within the Society's leadership, are available to discuss the issues raised herein. We are deeply concerned that without corrective action a wide-sweeping threat to public safety will result in deaths or serious personal injuries.

Sincerely,

John Sucharski, P.E. President

Joseph Pasaturo, P.E. Past President

Personal contact information has been removed