



City council turns back the clock with flawed Intro 755-A

August 25, 2008 - Spotlights

In a disappointing turn of events, on Thursday August 14, the City Council voted to pass Intro 755-A, which amends the City Charter to allow appointment of a Department of Buildings commissioner who is not a registered professional architect or engineer. Representatives from the American Institute of Architects New York Chapter, the New York Building Congress, the American Council of Engineering Companies, and the State Society for Professional Engineers, the Architects Council gave eloquent testimony arguing against this bill for reasons of public safety and industry consistency. We're pleased to note that 12 Council members voted against the bill.

While the AIA New York Chapter with over 4,000 members has consistently supported the Bloomberg Administration's many laudable initiatives from PlaNYC2030 to modernization of the Department of Buildings (DoB), we strongly opposed repeal of the City Charter requirement that the Commissioner of the Department of Buildings hold a professional license as an architect (RA) or engineer (PE). We also find fault with the new legislation that abrogates the intent of the City Charter for the administration of building laws that govern construction in the city.

The supporters of 755-A have said its purpose is to allow the mayor freedom to choose the best DoB administrator, whether a design professional or not. In the case of a non-professional commissioner, the charter should have been amended to ensure that the First Deputy, a qualified registered architect or engineer, administers the technical application of the building laws. However, that is not the case.

Intro 755-A states that either the commissioner or the first deputy commissioner be a registered architect or professional engineer. However, it states the commissioner "may," but not "shall" (a critical distinction), designate a deputy commissioner who is a RA or PE to possess the powers previously granted by the city charter to a commissioner with professional licensure. We must be absolutely certain that all who make decisions that affect public safety be licensed professionals. Approval of plans and issues of variances to the building laws cannot be left to administrators without professional training and licensure.

Forty years ago, in the face of a rash of construction accidents not unlike those of today, the requirements for buildings commissioner were changed to mandate he or she be a licensed architect or engineer responsible for overseeing the department. In response to today's crises, we believe that 755-A as approved has turned back the clock on reforms that have remained in place since the Lindsay administration. No one would suggest that the health commissioner need not be a doctor, or that an attorney general not be an attorney. The notion that the buildings commissioner can be lacking in professional qualifications is a risk that New York cannot afford.

We urge that 755-A be reconsidered for compliance with the effective administration of New York City building laws, and with New York State laws governing professional practice. As mandated by the State of New York, an architecture or engineering license requires the knowledge of the art and

science of design and construction of buildings, structures and the spaces around them, and thus safeguards life, health, property, and the public welfare. This professional license requirement was integral to the requirements for DoB commissioner in the city charter until amended last Thursday by 755-A. Perhaps the realization of the ongoing need for such a public safety requirement will be a litmus test for industry support of one or another of the candidates for Mayor and Speaker in 2009. James McCullar, FAIA is the 2008 president of the New York Chapter of the American Institute of Architects, New York, N.Y.

New York Real Estate Journal - 17 Accord Park Drive #207, Norwell MA 02061 - (781) 878-4540