

**The Established Legal Requirements
for the Individual Filling the Position of
Commissioner of the New York City Department of Buildings.**

Where as...

The City of New York with its more than eight (8) million residents is the most complex and densely populated city in the United States. In addition it is a world-class city, the financial capitol of the world, home of the United Nations and a destination for well over one (1) million visitors per year.

Where as...

The city's building stock is compiled from many eras, different construction classifications and conditions. New York City has also enacted the first major change to its Building Code in forty (40) years, which has yet to be fully implemented and interpreted. The design and construction of any building situated within such a complex city is an extremely complex endeavor, which mandates the most qualified of individuals.

Where as...

The New York State Board of Regents, Office of Professions, establishes the qualification of individuals who design, prepare construction documents and evaluate such documents. According to New York State Education law those qualified to evaluate the designs and construction drawings for buildings must be licensed and registered architects or licensed engineers due to the concerns for "safeguarding of life, health, property and public welfare".

Where as...

According to the New York City Charter chapter 26, The New York City Department of Buildings "Commissioner shall have the following powers and duties exclusively, subject to review only by the board of standards and appeals as provided by law:"... "to require that the construction or alteration of any building or structure, including the installation or alteration of any service equipment therein, shall be in accordance with the provisions of law and the rules, regulations and orders applicable thereto; **but where there is a practical difficulty in the way of carrying out the strict letter of any provision of law relating to buildings in respect to the use of prescribed materials, or the installation alteration of service equipment, or methods of construction and where equally safe and proper materials or forms of construction maybe employed in a specific case, he may permit the use of such materials or of such forms of construction, provided that the spirit of the law shall be observed, safely secured and substantial justice done,**". Accordingly the position of Commissioner would require the qualifications of a licensed and registered architect or licensed engineer to perform such "evaluation" to ensure the "safeguarding of life, health, property and public welfare".

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Where as...

The New York City Charter chapter 26 clearly states that the Department of Buildings “commissioner shall be a registered architect or a licensed engineer in good standing under the education law” due to the overwhelming concerns for “safeguarding of life, health, property and public welfare” within the boundaries of the most complex and densely populated city in the United States.

Now therefore...

It is strongly recommended by the undersigned representatives of all of the Architectural and Engineering Professional Associations that the current reading of the charter of the City of New York with regards to the requirements that the Commissioner of the Department of Buildings of the City of New York being a licensed and registered architect or licensed Engineer in the State of New York, **NOT** be altered in any way so as to continue and guarantee the protection of safeguarding the life, health, property and public welfare of the over eight (8) million residents and over one (1) million visitors to the great City of New York.

In Summary...

The Commissioner of the New York City Department of Buildings must be a Licensed and Registered Architect or Licensed Engineer in the State of New York.