



Testimony before the New York City Council Committee on Consumer Affairs on Intro 265 April 28, 2014

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Good Afternoon, Chair Espinal and Council Members. Thank you for the opportunity to testify. My name is Stephen Hegeman, and I am the co-chair of the Professional Practice Committee at the American Institute of Architects New York Chapter. The AIA New York Chapter was founded in 1857 and is the largest AIA Chapter in the country. The Chapter's membership includes over 5,000 practicing architects, allied professionals, students, and public members with interest in architecture and design. I am also a registered architect in New York State.

The AIA New York Chapter (AIANY), is dedicated to three goals: design excellence, public outreach, and professional development. To fulfill its mission, the Chapter sponsors initiatives, programs and exhibitions that explore topics of interest to architects, allied professionals and the general public. Our Chapter also advocates on behalf of the architectural profession on issues concerning the built environment, professional regulation, education and legislation and we are registered to lobby on both the state and city level.

I am here to make clear AIANY's serious concerns about Intro 265. AIANY strongly believes that architects must act in good faith and meet strict ethical standards. There is a code of ethics that all AIA members must follow. AIANY feels that Intro 265 would add an unnecessary layer of bureaucracy.

Architects are already heavily regulated. To practice in New York State, we must be licensed by the New York State Education Department's Office of the Professions. This requires professional education and rigorous testing. Architects are trained in architectural and art history, theory, psychology, materials, structure and construction methodologies and in how to incorporate principals of aesthetics, form and pragmatic functionality into building design. We are also taught to take great pride in our designs, protect the integrity of the profession and comply with all of the applicable laws and codes that affect buildings and the built environment.

Moreover, because an architect's decisions on a project affect public safety, an architect must stay abreast of developments in health, safety, welfare and technology and is required by New York State to fulfill continuing education requirements to maintain a license.

Once licensed, architects in New York City must have nearly all our work reviewed by the Department of Buildings, if not also DEP, LPC, DOT, CPC, BSA, FDNY and the MTA. Punishment for filing misleading or false documents can lead to the loss of an architect's license. Additionally, architects can be found liable in court for any defects in our design.

This is to say that there are already several agencies with the skill-set necessary to investigate complaints. Both NYSED's Office of the Professions and the New York City Department of Buildings have the ability to revoke licensing. These agencies can quickly investigate complaints and have the technical understanding to comprehend the issues surrounding them. DCA, though a very capable agency, does not have that expertise.



Because DCA investigators, and most likely the mediators DCA uses, are not trained in examining architectural plans or the construction process, such investigations may lead to architects needing to spend an inordinate amount of time defending themselves from frivolous complaints. This would be a burden on many in the architectural community who often practice in small firms.

The Department of Buildings, on the other hand, has architects, engineers and other construction experts on staff who have the resources and experience needed to evaluate complaints. The Department of Buildings also has relationships with the architecture community and can work with them to stop bad actors.

Similarly, NYSED's Office of the Professions already has a hotline set up where complaints can be made about licensed professionals about everything from incompetence to charging for work not performed. Their staff also has architects and other design professionals on staff who have the expertise to look into any alleged malfeasance.

Adding yet another agency to investigate complaints would be unnecessarily redundant. DCA cannot add anything to the oversight of design professionals that the DOB and the Office of Professions don't already provide. As far as we can tell, DCA lacks staff that has the nuanced knowledge of the design and construction process that these agencies possess.

In addition to the regulatory burden, Intro 265 will muddy agency responsibility and accountability, and therefore may result in weaker protection of the Health Safety and Welfare of the public, an Architect's primary obligation.

We completely agree that bad actors in the industry must be held accountable, but we do not believe that Intro 265 is the answer. We want to work with Council Member Maisel, Chair Espinal and the Council, and we hope this is the beginning of a conversation about how to appropriately meet the goals of the sponsors.

Again, thank you for your time. I would be happy to answer any questions.

Stephen J. Hegeman, AIA