



## THE DEPARTMENT OF BUILDINGS' NEW WEAPON: THE SAFETY REGISTRATION NUMBER PROGRAM

The New York City Department of Buildings' new "Safety Registration Number" Program is much more significant than it first appears. At first glance, the program seems to simply require New York City construction contractors to fill out more forms and pay more fees to DOB. However, the ultimate goal of the new registration requirement appears to be one of adding a new regulatory weapon to DOB's arsenal -- the ability to prohibit contractors from performing or supervising any construction, demolition, or significant concrete work almost anywhere in the City of New York. The only limits on this new DOB regulator power will be largely determined by DOB itself, through its recommendations to the City Council that will be made in a little less than a year.

Beginning October 1, 2009, City construction contractors must have DOB granted Safety Registration Numbers if they are performing or supervising work requiring: (1) a new building permit or various types of building alteration permits; (2) a demolition permit; or (3) the pouring of 2,000 cubic yards or more of concrete. The only exception is that registration numbers are not required for work on certain waterfront property and all bridges, tunnels, or subways in the City.

The program requires contractors to provide a list of documents and fill out an application that requests basic background information. (An online version of the safety registration form application can be found at <http://www.nyc.gov/html/dob/downloads/pdf/lic7.pdf> and instructions for filling out the form can be found at [http://www.nyc.gov/html/dob/downloads/pdf/lic7\\_instr.pdf](http://www.nyc.gov/html/dob/downloads/pdf/lic7_instr.pdf)). In addition, once registered, contractors must maintain at construction sites detailed information about each of their subcontractors performing work at the site and all special inspection reports that are required by the building code. The program also authorizes DOB to require each registrant to submit a plan to DOB that will decrease the number of "immediately hazardous violations" the registrant receives.

However, DOB and the City Council can pack considerably more punch than just requiring contractors to fill out applications and maintain construction documents at project sites. The Safety Registration Number requirement empowers the DOB to revoke or suspend a con-

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struction contractor's registration number and therefore prevent the contractor from performing or supervising most types of construction in the City.

The law authorizing the Safety Registration Number program requires DOB to submit to the City Council and the Mayor, by April 1, 2010, its recommendations for a list of criteria that DOB can use to justify the suspension or revocation of a contractor's safety registration number. Although the law fails to provide guidance on their scope or limits, presumably, but not necessarily, the criteria will have some relationship to the registrant's job site safety record.

Fortunately, the law also requires DOB to consult with "representatives of affected industries" before it submits its recommendations. Therefore, it is imperative that the construction industry takes an active role in this process to ensure that its concerns are heard and addressed or this process has the potential for draconian results. We note that the Building Trades Employers Association is leading the industry effort to guide the Department and the Mayor's office to appropriate results. In the meantime, all contractors planning to perform most types of construction work in New York City should make sure their applications for a Safety Registration Number are submitted to DOB by October 1, 2009.