



July 13, 2026

Keith L. Wen, RA
Assistant Commissioner, Code & Zoning Interpretation
New York City Department of Buildings
280 Broadway
New York, NY 10007

Re: ACEC New York Comments on Draft Bulletin regarding the ZR §12-10 definition of “zoning lot” and setting forth what an Applicant must do to verify zoning lot information.

Dear Assistant Commissioner Wen:

The American Council of Engineering Companies of New York (ACEC New York) appreciates the opportunity to comment on the Department’s draft bulletin concerning the verification of zoning lot formation under ZR §12-10.

While we support the Department’s goal of providing clarity and consistency regarding zoning lot formation, **we are concerned that the draft bulletin imposes new responsibilities and liabilities upon registered design professionals, including licensed professional engineers, that extend beyond their traditional scope of practice and expertise.**

The bulletin would require engineers to make certifications and determinations that have historically been the responsibility of title insurance companies, zoning and real estate attorneys, to a limited extent surveyors, and other specialists with expertise in property ownership, title matters, and zoning/tax lot history and laws/rules/regulations. Consulting engineers appropriately rely on the certifications and determinations of these professionals when performing their own services, and such reliance should not be diluted as that would remove responsibility from those persons most qualified to manage it.

By effectively shifting these responsibilities to the engineer, the draft bulletin will alter the professional standard of care across the entire New York City A&E industry, affecting competition; create uncertainty regarding insurance coverage; and expose engineers and their firms to substantial new liability unrelated to the engineering services they are licensed and insured to provide. Such a change will likely also increase project costs correspondingly while providing little additional protection to the public.

ACEC New York respectfully requests the Department to maintain the current framework for certifying zoning lots. Determinations regarding zoning lot formation and related title matters should remain the responsibility of the professionals specifically qualified to perform them—including zoning and real estate attorneys, title insurance companies, zoning consultants, and to a limited extent surveyors—and should not be shifted to design professionals.

We appreciate the Department's consideration of these comments and look forward to working collaboratively with DOB to develop guidance that provides clarity and consistency while preserving an appropriate allocation of professional responsibilities.

Sincerely,

A handwritten signature in black ink that reads "Bill Murray". The signature is written in a cursive, flowing style with a prominent "B" and "M".

Bill Murray
Vice President of the Metropolitan Region
American Council of Engineering Companies of New York