

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to Section 105-02 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding the use of ballast and aggregate in the installation of a solar electric generating system.

This rule was first published on July 7, 2017 and a public hearing thereon was held on August 8, 2017.

Dated: _____

8.28.17

New York, New York



Rick D. Chandler, P.E.
Commissioner

Statement of Basis and Purpose

The Department of Buildings (DOB) is amending section 105-02 of Title 1 of the Rules of the City of New York relating to tax abatements for solar electric generating systems. These amendments modify the prohibition of ballast for grade-level installations and clarify requirements of the New York City Building Code which apply to ballast systems.

The rule currently prohibits ballast at grade level, which is permitted by the Building Code. The Code also prohibits the use of aggregate as ballast on roofs because New York City is in a hurricane zone. The amendments clarify the usage of ballast and aggregate.

DOB's authority for this rule is found in Section 643 and 1043(a) of the New York City Charter and Title 4-C of Article 4 of the Real Property Tax Law of New York State.

New material is underlined.

[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Item (F) of subparagraph (ii) of paragraph (1) of subdivision (e) of Section 105-02 of title 1 of the rules of the city of New York is amended to read as follows:

(F) Drawings showing the foundation and/or anchorage of the solar electric generating system. Ballast [shall be]is prohibited for [grade-level installations and for] installations one hundred (100) feet or higher above grade. For rooftop installations less than one hundred (100) feet above grade, and grade-level installations, ballast [shall]must be fully contained and must comply with the requirements for aggregate in Chapter 15 of the New York City Building Code.