

NEW YORK CITY DEPARTMENT OF BUILDINGS

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Buildings (DOB) is proposing to remove language from the rule that addresses high-pressure boiler inspections that references DOB boiler inspections because the 2014 Administrative Code amendments transferred this responsibility to the building owner.

When and where is the hearing? DOB will hold a public hearing on the proposed rule. The public hearing will take place at 10am on 10/14/15. The hearing will be in the 4th floor conference room at 280 Broadway.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the DOB through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to dobrules@buildings.nyc.gov.
- **Mail.** You can mail comments to the New York City Department of Buildings, Office of the General Counsel, 280 Broadway, 7th floor, New York, NY 10007.
- **Fax.** You can fax comments to the New York City Department of Buildings, Office of the General Counsel, at 212-566-3843.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-393-2085. You can also sign up in the hearing room before the hearing begins on 10/14/15. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit comments by 10/14/15.

Do you need assistance to participate in the hearing? You must tell the Office of the General Counsel if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the addresses given above. You may also tell us by telephone at 212-393-2085. You must tell us by 10/7/15.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments and a summary of oral comments concerning the proposed rule will be available to the public at the Office of the General Counsel.

What authorizes DOB to make this rule? Sections 643 and 1043(a) of the City Charter and section 28-303.2 of the City Administrative Code authorize DOB to make this proposed rule. This proposed rule was included in DOB's regulatory agenda for this Fiscal Year.

Where can I find DOB's rules? DOB's rules are in Title 1 of the Rules of the City of New York.

What rules govern the rulemaking process? DOB must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The proposed rule removes language referencing high-pressure boiler inspections conducted by the Department of Buildings because the 2014 Administrative Code amendments transferred this responsibility to the building owner.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter and section 28-303.2 of the New York City Administrative Code.

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.

Subdivision (e) of section 103-05 of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

§103-05 High-pressure boiler inspection and filing requirements, penalties and waivers.

- (e) Inspections, tests and filing requirements. [Upon the department's mailing of a notification to an owner stating that the department will not be conducting high-pressure boiler annual inspections for the upcoming inspection cycle, the] The owner shall be responsible for hiring a qualified boiler inspector to conduct such inspections during such upcoming inspection cycle. Such inspections shall comply with Article 303 of Title 28 of the Administrative Code, applicable provisions of the New York State Labor Law and the following:
 - (1) Internal and external high-pressure boiler annual inspection reports along with the appropriate filing fee(s) shall be submitted for each inspection cycle

on such forms and in such manner as required by the department. The reports shall include:

- (i) An inspection report for each boiler identifying the qualified boiler inspector; and
 - (ii) An affirmation of correction from the owner along with the filing fee stating that identified defects have been corrected, if applicable.
- (2) The reports shall be filed by the filing deadline. Any required part of the report not filed by the filing deadline shall be deemed late and shall subject the owner to penalties as set forth in subdivision (j) of this section.
- (3) High-pressure boiler annual inspections shall be conducted twelve (12) months from the preceding annual inspection of the same inspection type.
- (4) Internal and external high-pressure boiler annual inspections shall be performed approximately six (6) months from each other during the inspection cycle.
- (5) The inspector must verify that a valid department-issued boiler number is affixed to the boiler, and this number must be used in all correspondence between the inspector and the department. If an inspection reveals any dangerous condition in a boiler that threatens life or safety and that requires an immediate shutdown of the boiler, or reveals an unregistered boiler, the inspector must immediately notify the department's boiler division of the condition via fax or email at the number or address provided on the department's website, <http://www.nyc.gov/buildings>.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Inspection Requirement for High Pressure Boilers

REFERENCE NUMBER: 2015 RG 091

RULEMAKING AGENCY: Department of Buildings

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: August 25, 2015

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of Inspection Requirement for High Pressure Boilers

REFERENCE NUMBER: DOB-74

RULEMAKING AGENCY: DOB

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

August 25, 2015
Date