

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 add a new Section 104-12 to Title 1 of the Rules of the City of New York regarding gas work qualifications. Specifically, this proposed rule clarifies requirements and specifies application and examination processes associated with both the gas work qualification and the limited gas work qualification requirement created by Local Law 150 of 2016. This rule is intended to promote public safety in accordance with the purpose of Local Law 150 of 2016.

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 2/14/19. The hearing will be in Spector Hall located at 22 Reade Street.

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 in the hearing room before the hearing begins on 2/14/19. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit comments by 2/14/19.

What if I 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 or email at the addresses given above. You may also tell us by telephone at 212-393-2085. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by 1/31/19.

This location has the following accessibility option(s) available: Wheelchair accessibility.

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 New York City Charter (City Charter), Article 423 of Chapter 4 of Title 28 of the New York City Administrative Code, and Local Law 150 of 2016 authorize DOB to make this proposed rule. This rule was included in DOB's regulatory agenda for fiscal year 2019.

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

What laws 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

The proposed rule adds a new Section 104-12 to Title 1 of the Rules of the City of New York (RCNY) regarding gas work qualifications. This proposed rule is intended to promote public safety by specifying requirements for obtaining gas work qualifications required for performing gas work within the City of New York.

This proposed rule includes provisions related to the following that are intended to give effect to Local Law 150 of 2016:

- Requirements for applications for a gas work qualification submitted before January 1, 2019.
- Requirements for applications for a gas work qualification submitted on or after January 1, 2019, including examination, experience and education requirements.
- Requirements for applications for a limited gas work qualification submitted before January 1, 2019, including experience requirements.
- Requirements for applications for a limited gas work qualification submitted on or after January 1, 2019, including experience and education requirements.
- Requirements for documentation purporting to verify claimed education, training and experience submitted with applications for a gas work qualification or a limited gas work qualification.

- Expiration and renewal of a gas work qualification and a limited gas work qualification.

The Department of Buildings' authority for this rule is found in sections 643 and 1043 of the New York City Charter, Article 423 of Chapter 4 of Title 28 of the New York City Administrative Code and Local Law 150 of 2016.

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.

Section 1. The table of fees payable to the department of buildings in Section 101-03 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding at the end of the table application fees for gas work qualification and limited gas work qualification, to read as follows:

<u>Gas work qualification application fee</u>	<u>\$15.00</u>
<u>Limited gas work qualification application fee</u>	<u>\$15.00</u>

§ 2. Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new Section 104-12 to read as follows:

§ 104-12 Gas Work Qualification.

(a) Requirement. Beginning January 1, 2020, no person may perform gas work, as defined in section 28-423.1 of the Administrative Code, unless such person satisfies one of the following:

- (1) Is a licensed master plumber; or,
- (2) Holds a gas work qualification pursuant to this section and is working under the direct and continuing supervision of a licensed master plumber; or,
- (3) Holds a limited gas work qualification pursuant to this section and is performing such work under the personal and immediate supervision of either a person who holds a gas work qualification pursuant to this section, or a licensed master plumber.

(b) Applications for a gas work qualification.

- (1) Applications for a gas work qualification submitted before January 1, 2019.
 - (i) Applicants must submit to the Department, in a form and manner determined by the commissioner, an application accompanied by

satisfactory proof that such applicant is a registered journeyman plumber pursuant to Article 409 of Chapter 4 of Title 28 of the Administrative Code.

(2) Applications for a gas work qualification submitted on or after January 1, 2019.

(i) *Application and fee.* Applicants must submit to the Department, in a form and manner determined by the commissioner, an application accompanied by all required documentation and, if applicable, an application fee as specified in the rules of the Department. No application fee is required for a gas work qualification, provided that the applicant is, at the time of filing, a registered journeyman plumber or is concurrently applying for registration as a journeyman plumber pursuant to Article 409 of Chapter 4 of Title 28 of the Administrative Code.

(ii) *Examination.* Applicants must submit to the Department acceptable documentation establishing satisfactory proof that such applicant has successfully passed a Department-sponsored gas work qualification examination.

(A) Applicants must apply for the examination by submitting an examination application, in a form and manner determined by the commissioner, to the Department's Licensing & Exams Unit or its designee. The examination application must be accompanied by an examination fee as specified in section 101-03 of the rules of the Department. Applicants reapplying to take such examination, including after a failure, must do so in accordance with the requirements in this paragraph.

(B) Applicants have six (6) months from the date of submission of the examination application to take the examination.

(C) Applicants who fail the examination must wait at least fourteen (14) days before reapplying to take the examination. Each time an applicant wishes to take the examination, including after a failure, the applicant must reapply to the Department and pay the required fee as specified in section 101-03 of the rules of the Department. Applicants may take the examination no more than three (3) times within a six (6) month period. Applicants who fail the examination three (3) times within six (6) months must wait six (6) months from the date of the third failed examination before reapplying to take such examination.

(iii) *Experience and education.* Applicants must submit to the Department acceptable documentation establishing satisfactory proof of one or more of the following:

- (A) Applicant is a registered journeyman plumber pursuant to Article 409 of Chapter 4 of Title 28 of the Administrative Code;
- (B) Applicant has successfully completed an apprenticeship in plumbing program approved by the New York State Department of Labor and has at least one (1) year of full-time experience performing or supervising plumbing work under the direct and continuing supervision of a licensed master plumber; or,
- (C) Applicant has at least five (5) years of full-time experience performing or supervising plumbing work under the direct and continuing supervision of a licensed master plumber, provided that at least one (1) year of such experience must have occurred within the City of New York.

(c) Applications for a limited gas work qualification.

- (1) Applications for a limited gas work qualification submitted before January 1, 2019.
 - (i) Application and fee. Applicants must submit to the Department, in a form and manner determined by the commissioner, an application accompanied by all required documentation and an application fee as specified in the rules of the Department.
 - (ii) Experience. Applicants must submit to the Department acceptable documentation establishing satisfactory proof that such applicant has at least six (6) months of full-time experience performing plumbing work under the direct and continuing supervision of a licensed master plumber.
- (2) Applications for a limited gas work qualification submitted on or after January 1, 2019.
 - (i) Application and fee. Applicants must submit to the Department, in a form and manner determined by the commissioner, an application accompanied by all required documentation and an application fee as specified in the rules of the Department.
 - (ii) Experience. Applicants must submit to the Department acceptable documentation establishing satisfactory proof that such applicant has at least six (6) months of full-time experience performing plumbing work under the direct and continuing supervision of a licensed master plumber.
 - (iii) Education. Applicants must submit to the Department acceptable documentation establishing satisfactory proof of one or more of the following:

- (A) Successful completion of a Department-sponsored gas work training course of not less than sixteen (16) hours of instructional time; or,
 - (B) Applicant's status as an apprentice in plumbing registered in an apprenticeship program approved by the New York State Department of Labor.
- (d) Documentation of education, training and experience submitted with the application. Applicants must submit to the Department acceptable documentation evidencing all claimed education, training and experience required by this section. For verification of such claimed education, training and experience, the Department may require additional supporting documentation satisfying the requirements set forth in Subdivision (e) of Section 104-01 of the rules of the Department.
- (e) Expiration and renewal.
 - (1) Gas work qualification. A gas work qualification will not expire and does not require renewal.
 - (2) Limited gas work qualification. A limited gas work qualification will expire five (5) years after the date of issuance and may not be renewed.

**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: Qualifications for Performing Gas Work

REFERENCE NUMBER: 2018 RG 134

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: December 21, 2018

**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: Qualifications for Performing Gas Work

REFERENCE NUMBER: DOB-118

RULEMAKING AGENCY: Department of Buildings

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) The rule provides building owners 120 days to correct conditions identified in the building's inspection report. The rule further provides building owners an additional 60 days to correct conditions if the building owner indicates additional time to correct is needed.

/s/ M. Jed Butler
Mayor's Office of Operations

December 21, 2018
Date