

## NEW YORK CITY DEPARTMENT OF BUILDINGS

### Notice of Opportunity to Comment on Proposed Rules

**What are we proposing?** The Department of Buildings (DOB) is proposing to repeal rules relating to the National Fire Protection Association, Flammable Combustible Code edition amendment; smoke detecting devices and systems; required carbon monoxide detecting devices and systems; and the procedure for amending, revising or promulgating Reference Standards.

**When and where is the hearing?** DOB will not hold a public hearing on the proposed rule amendment on the grounds that a hearing would serve no public purpose.

**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](mailto:dobrules@buildings.nyc.gov).
- **Mail.** You can mail comments to the New York City Department of Buildings, Office of the General Counsel, 280 Broadway, 7<sup>th</sup> 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.

**Is there a deadline to submit comments?** Yes, you must submit comments by 12/5/17.

**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/>.

**What authorizes DOB to make this rule?** Sections 643 and 1043(a) of the City Charter authorize DOB to make this proposed rule. This proposed rule was not included in DOB's regulatory agenda for this Fiscal Year because it was not contemplated when DOB published the agenda.

**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 of Proposed Rule**

The purpose of the proposed rule is to repeal rules which the Administrative Code, the New York City Building Code, and Mechanical Code now address. The rules to be repealed relate to:

- National Fire Protection Association, Flammable Combustible Code edition amendment to the Mechanical Code (1 RCNY 7000-01)
- Smoke detecting devices and systems (1 RCNY 28-01), which does not apply under the 2014 Building Code, and the requirements for which are now found in Section 901.9.5.1 of the 2014 Building Code.
- Required carbon monoxide detecting devices and systems (1 RCNY 28-02) , which does not apply under the 2014 Building Code, and the requirements for which are now found in Section 901.9.5.1 of the 2014 Building Code.
- Rules of Procedure for amending, revising or promulgating Reference Standards (1 RCNY 37-01); the process for amending Reference Standards is now found in Section 103.19 of Title 28 of the Administrative Code.

Working with the City's rulemaking agencies, the Law Department, and OMB, the Office of Operations conducted a retrospective rules review of the City's existing rules, identifying those rules that will be repealed or modified to reduce regulatory burdens, increase equity, support small businesses, and simplify and update content to help support public understanding and compliance. The repeal of 1 RCNY 7000-01 was identified through this initiative.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter.

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.** Section 7000-01 of Title 1 of the Rules of the City of New York, relating to the National Fire Protection Association, Flammable Combustible Code edition amendment, is REPEALED.

**§ 2.** Section 28-01 of Title 1 of the Rules of the City of New York, relating to required smoke detecting devices and systems, is REPEALED.

**§ 3.** Section 28-02 of Title 1 of the Rule of the City of New York, relating to required carbon monoxide detecting devices and systems, is REPEALED.

**§ 4.** Section 37-01 of Title 1 of the Rule of the City of New York, relating to rules of procedure for amending, revising or promulgating Reference Standards, is REPEALED.

**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: Repeal of Superseded Rules**

**REFERENCE NUMBER: 2017 RG 083**

**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: October 6, 2017

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

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

**RULE TITLE: Repeal of Superseded Rules**

**REFERENCE NUMBER: DOB-100**

**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) 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

October 6, 2017  
Date