

## 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 amend section 908-01 of Title 1 of the Rules of the City of New York regarding carbon monoxide detectors.

**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 8/8/19. The hearing will be in the 5<sup>th</sup> 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 [dobrates@buildings.nyc.gov](mailto:dobrates@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.
- **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 8/8/19. You can speak for up to three minutes.

**Is there a deadline to submit comments?** Yes, you must submit comments by 8/8/19.

**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 7/25/19.

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 City Charter, section 28-315.11 of the City Administrative Code and sections 908.7.3 and 908.7.3.1 of the Building Code authorize DOB to make this proposed rule.

**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**

Local Law 191 of 2018 requires amendments to DOB’s rules regarding the locations of carbon monoxide detectors. The local law added a requirement for carbon monoxide detectors in additional occupancy types and created retroactive requirements for existing buildings.

The proposed amendments to 1 RCNY 908-01 will bring the rule in compliance with the provisions of Local Law 191.

They also reflect a publication error that left out subdivision (e), so that the provisions that were supposed to be subdivisions (e), (f) and (g) became (f), (g) and (h). Since these amendments are proposing new subdivisions (e) and (h), only incorrectly lettered subdivision (h) needs to be re-lettered.

The Department of Buildings’ authority for these rules is found in sections 643 and 1043 of the City Charter, section 28-315.11 of the City Administrative Code and sections 908.7.3 and 908.7.3.1 of the Building 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.

Section 908-01 of Chapter 900 of Title 1 of the Rules of the City of New York is amended to read as follows:

#### **§ 908-01 Carbon Monoxide Detectors.**

- (a) *Scope.* [Listed] Pursuant to sections 908.7.2 and 908.7.3 of the Building Code (BC), listed carbon monoxide (CO) detectors required to be installed in E, I-2 and I-4 occupancies and in buildings equipped with a fire alarm system that contain Group A-1, A-2, A-3 [and certain] B or M occupancies, as defined in BC Chapter 3, [pursuant to sections 908.7.2 and 908.7.3 of the Building Code] must be installed in accordance with the requirements of this section.
- (1) These requirements do not apply to those R-2 occupancies that are adjacent to or above those occupancies classified in this section.
- (2) Pursuant to BC section 908.7.3.1, existing buildings must comply with the requirements of this subdivision by January 1, 2021.
- (b) *Reference.* See [Sections] section 28-315.11 of the New York City Administrative Code (AC), and BC sections 908.7.2, 908.7.3, 908.7.3.1 and 908.7.4 [of the Building Code].

(c) *Group E, I-2 and I-4 occupancies.* CO detectors with built-in sounder bases installed in E, I-2 and I-4 occupancies in accordance with BC 908.7.2 [shall] must be installed in the following locations:

- (1) Any room containing carbon monoxide-producing equipment, except kitchens and laboratories.
- (2) Any corridor on the story where carbon monoxide-producing equipment unit is located, as well as one story above and one story below.
- (3) Any corridor on the story where enclosed parking or a loading dock is located, as well as one story above and one story below.

(d) *Group A-1, A-2[,] and A-3 [and certain B] occupancies.* CO detectors with built-in sounder bases installed in buildings that are equipped with a fire alarm system and that contain A-1, A-2 or A-3 occupancies [or assembly spaces classified as Group B occupancies in accordance with BC 303.1, Exception 1,] must be installed in the following locations:

- (1) Any room containing CO-producing equipment, except kitchens [and laboratories].
- (2) Any occupiable room or space on the same floor as, one story above, or one story below the CO-producing equipment that is at least 75 square feet and is not provided with mechanical ventilation.
- (3) Any corridor on the story where enclosed parking or a loading dock is located, as well as one story above and one story below.
- (4) Any parking attendant's office or booth located within an enclosed garage or loading dock.
- (5) As an alternative to installation as provided in paragraphs (1) through (4) of this subdivision and subject to the Department's approval, in locations determined by a performance-based design that is in accordance with Section 5.8.5.3.2 of reference standard National Fire Protection Association (NFPA) 720 and approved by the Department.

(e) *Group B and M occupancies.* CO detectors with built-in sounder bases installed in buildings that are equipped with a fire alarm system and that contain Group B or M occupancies must be installed in the following locations:

- (1) Any room containing CO-producing equipment, except kitchens.
- (2) Any corridor on the story where carbon monoxide-producing equipment unit is located, as well as one story above and one story below.
- (3) Any corridor on the story where enclosed parking or a loading dock is located, as well as one story above and one story below.
- (4) Any parking attendant's office or booth located within an enclosed garage or loading dock.

(5) As an alternative to installation as provided in paragraphs (1) through (4) of this subdivision and subject to the Department’s approval, in locations determined by a performance-based design that is in accordance with Section 5.8.5.3.2 of reference standard National Fire Protection Association (NFPA) 720 and approved by the Department.

(f) *Equipment shutdown.* Activation of a CO detector located at the source of CO-producing equipment must shut down that source. This provision does not apply where the source is a generator.

(g) *Installation [Requirements] requirements.* CO detectors must be installed in accordance with NFPA 720 – [2012] 2015 edition, as modified for New York City by this section.

(h) Fire alarm control units. The provisions of section 23.8.2.2 of NFPA 72 – 2010 regarding having a separate panel apply to CO detectors.

[(h)] (i) *NFPA 720 amendments.* Pursuant to Section 28-103.19 of the New York City Administrative Code, the New York City modifications to reference standard NFPA 720 – [2012] 2015 are as follows:

(1) Section 2.1 is revised [to add] by adding the following at the end: “Where a referenced publication has been modified for the City of New York by the New York City Building Code, every reference to such publication shall be deemed to include all such modifications.”

(2) Section 2.2 is deleted and a new section 2.2 is added to read as follows:

**2.2 NFPA Publications.** National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471.

NFPA 70®, *National Electrical Code*®, as modified and incorporated into the New York City Electrical Code.

NFPA 72®, *National Fire Alarm and Signaling Code*, as modified and incorporated into Appendix Q of the New York City Building Code.

NFPA 101®, *Life Safety Code*®, as listed in Chapter 35 of the New York City Building Code.

NFPA 110, *Standard for Emergency and Standby Power Systems*, as [modified and incorporated into the New York City Electrical Code] listed in Chapter 35 of the New York City Building Code.

NFPA 111, *Standard on Stored Electrical Energy Emergency and Standby Power Systems*, as listed in Chapter 35 of the New York City Building Code.

[NFPA 780, *Standard for the Installation of Lightning Protection Systems*, 2011 edition.

NFPA 1221, *Standard for the Installation, Maintenance, and Use of Emergency Services Communications Systems*, 2010 edition.

NFPA 5000®, *Building Construction and Safety Code*®, 2012 edition.]

- (3) Section 2.3.4 is deleted and a new section 2.3.4 is added to read as follows:

**Section 2.3.4 UL Publications.** Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, IL 60062-2096.

ANSI/UL 1971, *Standard for Safety Signaling Devices for Hearing Impaired*, 2002, revised [2008] 2013.

ANSI/UL 2034, *Standard for Single and Multiple Station Carbon Monoxide Alarms*, as listed in Chapter 35 of the New York City Building Code.

ANSI/UL 2075, *Standard for Gas and Vapor Detectors and Sensors*, as listed in Chapter 35 of the New York City Building Code.

- (4) Section 4.4.1.1 is deleted and a new section 4.4.1.1 is added to read as follows:

**Section 4.4.1.1** Carbon monoxide detection system plans and specifications must be developed in accordance with the New York City Building Code by persons who are New York State Registered Design Professionals and experienced in the proper design, application and testing of carbon monoxide detection systems.

- (5) Sections 4.4.1.2, 4.4.1.3 and 4.4.1.4 are deleted in their entirety.

- (6) Section 4.4.2.1 is revised to add the following at the beginning: “Carbon monoxide systems installations must be performed by a New York City Licensed electrical contractor.”

- (7) Section 4.4.3.1 is revised to add the following at the beginning: “Carbon monoxide inspection, testing, maintenance and repair may be performed by a New York City Licensed electrical contractor holding a New York State registration for Business of Installing, Servicing or Maintaining Security or Fire Alarm Systems or by those fire alarm companies holding a New York State registration for Business of Installing, Servicing or Maintaining Security or Fire Alarm Systems. The rules and regulations of the Fire Department shall apply as appropriate.”

- (8) Section 5.8.5.3.1 is [deleted in its entirety.] amended by substituting 5.8.5.3.1(2) with the following:

(2) On every level requiring detection and in every HVAC zone of the space requiring detection.

- (9) Section 9.4.1.1 is deleted in its entirety.

**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:** Amendment of Rules Relating to Carbon Monoxide Detectors

**REFERENCE NUMBER:** DOB - 120

**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/ Jenady Garshofsky  
Mayor's Office of Operations

June 21, 2019  
Date

**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 Rules Relating to Carbon Monoxide Detectors

**REFERENCE NUMBER:** 2019 RG 045

**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: 6/20/19