

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 fee to section 101-03 of Chapter 100 of Title 1 of the Rules of the City of New York regarding fees for filings for an adjustment to applicable annual building emission limits for calendar years 2024 – 2029, as set out in section 28-320.8 of the New York City Administrative Code.

Due to the current health emergency, the public hearing for this rule is being scheduled as a virtual hearing, which may be accessed according to the information given below in this Notice.

When and where is the hearing? DOB will hold a public hearing on the proposed rule online. The public hearing will take place from 11am to 12pm on 2/1/21.

- Join through Internet:

To join the hearing via your browser either click on the following URL link or copy and paste it into your browser's address bar. Then follow the prompts.
<https://buildings.webex.com/buildings/j.php?MTID=mb004c256fbbafb11a590b17f3afa2903>

When prompted, enter the following meeting password: 10007

When joining the meeting choose either **“Use computer for audio”** or **“Call in”** for the audio portion of the public hearing. If you choose the “Call in” option, the information needed to connect (**phone number, Access Code and Attendee ID**) will automatically be presented to you immediately **after** you join the Webex meeting.

If you have low bandwidth or inconsistent Internet connection, we suggest you use the “Call-in” option for the hearing. This will reduce the possibility of dropped audio and stutters.

- Join via phone only:

To join the meeting only by phone, use the following information to connect:

Phone: 646-992-2010
Access code: 180 474 1513
Password (if requested): 10007

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.
- **Comments cannot be submitted by mail or fax at this time because the DOB office is temporarily closed.**
- **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 by emailing dobrules@buildings.nyc.gov by 1/25/21 and including your name and affiliation. While you will be given the opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign up in advance. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit comments by 2/1/21.

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 can tell us by email at dobrules@buildings.nyc.gov. Advance notice is requested to allow sufficient time to arrange the accommodation. You must tell us by 1/25/21.

This location has the following accessibility option(s) available: Simultaneous transcription and an ASL interpreter for people who are hearing impaired, and audio only access for those who are visually impaired.

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 and section 28-320.10 of the Administrative Code 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 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

Local Law 97 of 2019, as amended by local law 147 of 2019, sets building emissions limits for certain buildings in a new Article 320 of Title 28 of the Administrative Code. Section 28-320.8 authorizes the Department to grant adjustments to the buildings emissions limit for certain buildings that have excessive emissions due to a special circumstance.

This proposed rule amends Section 101-03 of Chapter 100 of Title 1 of the Rules of the City of New York by adding a fee for filing an application for these adjustments for calendar years 2024 – 2029. The fee is proposed to cover the increase in workload and staffing for the Building Emissions unit.

The authority of the Department of Buildings for this rule is found in sections 643 and 1043 of the New York City Charter and section 28-320.10 of the New York City Administrative Code.

Pursuant to section 1043(d)(4)(iii) of the New York City Charter, certification of this proposed rule pursuant to Local Law 46 of 2010 is not required.

New material is underlined.
[Deleted material is in brackets.]

Section 101-03 of Chapter 100 of Title 1 of the Rules of the City of New York is amended to add, at the end of the table set forth in that section, a new fee for the application for an adjustment to the Building Emissions Limit for Calendar Years 2024 – 2029, as allowed by section 28-320.8, as follows:

<u>Filing an application for a building emissions limit adjustment for calendar years 2024 -2029 pursuant to Section 28-320.8 of the Administrative Code</u>	<u>\$2,450</u>
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