

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to Section 103-10 of Chapter 100 of Title 1 of the Rules of the City of New York, regarding certifications of inspection for gas piping systems.

This rule was first published on May 7, 2021 and a public hearing thereon was held on June 10, 2021.

Dated: 7/1/21
New York, New York

/s/
Melanie E. La Rocca
Commissioner

Statement of Basis and Purpose of Rule

Gas piping systems are required to be inspected periodically and certificates of inspection are required to be submitted to the owner and DOB in accordance with section 103-10 of Title 1 of the Rules of the City of New York.

Local Law 12 of 2021 was passed by the City Council on December 17, 2020 and became law after it was returned unsigned by the Mayor. In relevant part, this local law was deemed to have been in force and effect as of January 1, 2020. Local Law 12 extended the deadlines for inspection and correction of building gas piping systems in community districts 1, 3 and 10 in all boroughs from December 31, 2020 to June 30, 2021. Section 103-10 of DOB's rules is amended to reflect that change.

This rule is also amended to provide that any buildings that received a temporary, interim or final certificate of occupancy on or after the effective date of Local Law 152 of 2016 have ten years to perform the initial inspection. This language more accurately reflects the purpose of the local law.

In addition, the amendment deletes language that could cause confusion regarding the timing of filing a certificate of inspection because the current language would limit inspections to being performed only between 60 and 120 days before the inspection due date.

Local Law 12 also extended to June 30, 2021 the deadline for submission of certifications of inspection for building gas piping systems in community districts 1, 3 and 10 in all boroughs that are inspected on or between September 1, 2020 and December 31, 2020. Section 103-10 of DOB's rules is amended to reflect that change.

This rule is further amended by reducing the penalty for failure to file the required certification from \$10,000 to \$5,000 to bring it in line with the penalty for similar reporting requirements.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter, Article 318 of Chapter 3 of Title 28 of the New York City Administrative Code, and Local Law 12 of 2021.

[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. Subparagraph (i) of paragraph (2) of subdivision (a) of section 103-10 of Subchapter C of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (i) [December 31, 2020, and] June 30, 2021, as extended by local law 12 for the year 2021, no later than December 31 [within] in calendar year 2024, and every fourth calendar year thereafter, for buildings in community districts 1, 3, and 10 in all boroughs.

§ 2. Subparagraphs (i), (ii), (iii) and (iv) of paragraph (3) of subdivision (a) of section 103-10 of Subchapter C of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (i) Between January 1, 2020 and [December 31, 2020] June 30, 2021 (inclusive), [and within] as extended by local law 12 for the year 2021, no later than December 31 in calendar year 2024, and every fourth calendar year thereafter, building gas piping systems shall be inspected in community districts 1, 3, and 10 in all boroughs.
- (ii) [Between January 1, 2021 and December 31, 2021 (inclusive)] In calendar year 2021, and within every fourth calendar year thereafter, building gas piping systems shall be inspected in community districts 2, 5, 7, 13, and 18 in all boroughs.
- (iii) [Between January 1, 2022 and December 31, 2022 (inclusive)] In calendar year 2022, and within every fourth calendar year thereafter, building gas piping systems shall be inspected in community districts 4, 6, 8, 9, and 16 in all boroughs.
- (iv) [Between January 1, 2023 and December 31, 2023 (inclusive)] In calendar year 2023, and within every fourth calendar year thereafter, building gas piping systems shall be inspected in community districts 11, 12, 14, 15, and 17 and in any community district not specified in this paragraph (3) in all boroughs.

§ 3. Paragraph (4) of subdivision (a) of section 103-10 of Subchapter C of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (4) The initial inspection for a new building with a gas piping system shall be performed during the tenth year after the Department has issued a certificate of occupancy for such building. Following such initial inspection, a new building's subsequent periodic inspection must be conducted in accordance with the periodic inspection schedule set forth in paragraph (3) of this subdivision. For the purposes of this section, the term "new building" means a building, or any portion thereof, [approved] for which the Department has issued a temporary, interim or final certificate of occupancy [by the Department] on or after December [31, 2019] 6, 2016.

§ 4. Paragraphs (2), (3) and (4) of subdivision (d) of section 103-10 of Subchapter C of Chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows:

- (2) No later than sixty (60) days following a building's inspection date, [and no more than sixty (60) days prior to such building's inspection due date,] the building owner must submit to the Department, in a form and manner determined by the commissioner, a certification of inspection as described in paragraph (1) of this subdivision, along with a filing fee as specified in the rules of the Department. Such certification must indicate the date the inspection was performed and whether there are conditions requiring correction. Certifications of inspections submitted more than sixty (60) days after a building's inspection date will not satisfy the requirement of this paragraph. Failure to file a certification of inspection within sixty (60) days of the building's inspection date will require a new inspection.
- (3) No later than one hundred twenty (120) days following the building's inspection date, the building owner must submit to the Department, in a form and manner determined by the commissioner, along with a filing fee as specified in the rules of the Department, a certification from a licensed master plumber stating that all conditions identified in the inspection report described in paragraph (1) of this

subdivision have been corrected. Such certification may indicate that correction of one (1) or more conditions will take additional time. If such certification of inspection pursuant to paragraph (2) of this subdivision indicates that no conditions requiring correction were identified in the inspection report, then no certification pursuant to this paragraph shall be required. Notwithstanding the foregoing provisions of this paragraph, for building gas piping systems in community districts 1, 3 and 10 in each borough that are inspected between September 1, 2020 and December 31, 2020 (inclusive), such building owners may submit such certification and fee to the department on or before June 30, 2021.

- (4) If additional time to correct the condition(s) was indicated in the certification submitted pursuant to paragraph (3) of this subdivision, the building owner must submit to the Department, no later than one hundred eighty (180) days following the building's inspection date, in a form and manner determined by the commissioner, a certification from a licensed master plumber that all conditions identified in the building's inspection report have been corrected, along with a filing fee as specified in the rules of the Department. Notwithstanding the foregoing provisions of this paragraph, for building gas piping systems in community districts 1, 3 and 10 in each borough that are inspected between September 1, 2020 and December 31, 2020 (inclusive), such building owners may submit such certification and fee to the department on or before June 30, 2021.

§ 5. Subdivision (f) of section 103-10 of Subchapter C of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (f) Civil penalties for failure to file certification. A building owner who fails to submit a certification required to be submitted pursuant to this section on or before the filing due date specified in such paragraph will be liable for a civil penalty of [ten] five thousand dollars [(\$10,000.00)] (\$5,000.00), payable to the Department.