

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 103-10 of Title 1 of the Rules of the City of New York regarding certifications of inspection for gas piping systems.

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 at 11am on 6/10/21.
- 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=ma6000926630cf12a4fd3c9e8662aa222>

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: 160 119 9145

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 6/3/21 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 6/10/21.

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 6/3/21.

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, Article 318 of Chapter 3 of Title 28 of the Administrative Code, and Local Law 12 of 2021 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

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 being amended to reflect that change.

This rule is also being 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 proposed 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 being amended to reflect that change.

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.

**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 Gas Piping Inspection Rules

REFERENCE NUMBER: 2020 RG 087

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: April 28, 2021

**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: Amendment of Gas Piping Inspection Rules

REFERENCE NUMBER: DOB-132

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

April 29, 2021
Date