

**NEW YORK CITY FIRE DEPARTMENT
FY 2022 REGULATORY AGENDA**

Pursuant to Section 1042 of the New York City Charter, the New York City Fire Department hereby publishes its Regulatory Agenda for Fiscal Year 2022. The Fire Department anticipates promulgating new rules during Fiscal Year 2022 that address the subjects set forth below.

Fire Department rules are consolidated in Title 3 of the Rules of the City of New York and are posted on the Fire Department's website at <https://www1.nyc.gov/site/fdny/codes/fire-department-rules/fire-dept-rules.page>.

1. Fire Safety Requirements and Procedures at Production Locations

Reasons for Proposed Rule: The rule will implement Local Law No. 33 of 2021, which among other things regulates fire safety at certain production locations used for filming and rigging.

Summary of Anticipated Content: The proposed rule will establish fire safety standards, procedures and requirements at production locations, including the requirements for production location fire safety manager.

Summary of Objectives: Implementation of the rule will mitigate existing fire safety hazards, and increase safety for individuals working at production locations and Fire Department personnel who respond to fire emergencies at such locations.

Legal Basis for the Proposed Rule: Sections FC 102.6.3 and 325 of the New York City Fire Code (Title 29 of Administrative Code of the City of New York) authorize the Fire Department to propose this rule.

Relevant Federal, State and Local Laws and Rules: Local Law No. 33 of 2021.

Individuals and Entities Likely to be Affected by the Proposed Rule: Applicants for certain rigging and filming permits issued by the Mayor's Office of Film, Theatre and Broadcasting.

Anticipated Adoption: Second Quarter, FY2022

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2. Fire and Emergency Preparedness (FEP) Level 2 Plans

Reasons for Proposed Rule: The rule will implement the emergency planning and preparedness provisions of Chapter 4 of the 2014 New York City Fire Code pertaining to fire and emergency preparedness (FEP) Level 2 plans (FC401.5).

Summary of Anticipated Content: The proposed rule will establish standards, procedures and requirements for buildings and occupancies required to have FEP Level 2 plans.

Summary of Objectives: Implementation of the proposed rule will increase fire safety and non-fire emergency preparedness in buildings and occupancies required to have an FEP Level 2 plan.

Legal Basis for the Proposed Rule: Sections FC 102.6.3 and 401.5 of the New York City Fire Code (Title 29 of the Administrative Code of the City of New York) authorize the Fire Department to propose this rule.

Relevant Federal, State and Local Laws and Rules: None.

Individuals and Entities Likely to be Affected by the Proposed Rule: The rule will generally affect owners of certain large buildings and the businesses that occupy them, as set forth in FC Sections 403 to 415.

Anticipated Adoption: Second Quarter, FY2022

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3. Conforming Fire Department Rules to Fire Code Revisions

Reasons for Proposed Rule(s): The Fire Department will promulgate one or more rules, as warranted, to conform existing Fire Department rule provisions to the Fire Code revisions anticipated to be enacted into law in FY2022.

Summary of Anticipated Content: The proposed rule will renumber Fire Department rules to conform with the anticipated renumbering of the Fire Code that will be part of the Fire Code revision local law. The proposed rule will also repeal or amend existing Fire Department rule provisions that have been incorporated in whole or in part into the Fire Code by the Fire Code revision local law, or that otherwise require conforming changes.

Legal Basis for the Proposed Rule: The Fire Department anticipates a new local law amending the Fire Code. Such law, along with Sections 489 and 1043 of the New York City Charter and Section FC102.6.3 of the New York City Fire Code, will provide authority to propose the rules described in this section.

Relevant Federal, State and Local Laws and Rules: None

Individuals and Entities Likely to be Affected by the Proposed Rule: The proposed rule will nominally affect all persons and entities subject to the terms of the Fire Code, but such conforming changes will wholly or substantially reflect local law provisions.

Anticipated Adoption: Third and/or Fourth Quarter, FY2022

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4. Creation of a Non-Curable Violation Code Category for Code Enforcement Purposes

Reasons for Proposed Rule(s): The Fire Department rule establishing violation code categories requires clean-up and reorganization, as well as a new code for non-curable violations.

Summary of Anticipated Content: The proposed rule will amend 3 RCNY §109-02 to create a non-curable violation code category. The proposed rule will also make other changes required to reflect new Fire Code and Fire Department rule provisions and/or enforcement procedures.

Summary of Objectives: A non-curable Violation Category will allow the Fire Department to utilize the FDNY Summonses, returnable at the NYC Office of Administrative Trials and Hearings, for enforcement action requiring prompt compliance and/or where a cure provision is not appropriate. The proposed rule will also update and, if necessary, modify the Violation Categories in response to changes in law or procedure.

Legal Basis for the Proposed Rule: Sections FC 102.6.3 and 109.2 of the New York City Fire Code (Title 29 of the Administrative Code of the City of New York) authorize the Fire Department to propose this rule.

Relevant Federal, State and Local Laws and Rules: None

Individuals and Entities Likely to be Affected by the Proposed Rule: The rule will generally affect all individuals and entities subject to the terms of the Fire Code.

Anticipated Adoption: Third Quarter, FY2022

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Questions or Comments

Communications regarding this Regulatory Agenda should be directed to the Code Development Unit, Bureau of Fire Prevention, 9 MetroTech Center, Brooklyn, NY 11201-3857, or use the Public Feedback form for Fire Department Rules on the Fire Department's website, <https://www1.nyc.gov/site/fdny/codes/code-feedback/code-and-rules-public-feedback-form.page>.