

**CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT**

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Housing Preservation and Development (“HPD”) is proposing amendments concerning requirements for providing stove knob covers or permanent stove safety knobs with integrated locking mechanisms for gas stoves in multiple dwelling units. The proposed amendments update the rules in accordance with recently enacted Local Law 44 of 2022.

When and where is the hearing? HPD will hold a public hearing on the proposed rules. The public hearing will take place virtually on May 5, 2022 from 10 AM to 11 AM:

To participate in the public hearing, enter the Webex URL:

<https://nychpd.webex.com/nychpd/j.php?MTID=md8776f6e70e58806ef71ef3209bf6867>

If prompted to provide a password or number, please enter the following:

Meeting number: 2349 428 9212 Password: RmQimfEV239

You may also join via audio device or dial in via phone:

Join by video system:

Dial 23494289212@webex.com

You can also dial 173.243.2.68 and enter your meeting number 2349 428 9212

To dial in by phone, please use the following dial-in phone number and participant access code:

+1-646-992-2010 United States Toll (New York City)

+1-408-418-9388 United States Toll

Access code: 2349 428 9212

Password if requested: RmQimfEV239

If you have low bandwidth or inconsistent internet connection, use the dial-in option for the hearing. This will reduce the possibility of dropped audio and stutters.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to HPD through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to rules@hpd.nyc.gov.

- **Mail.** You can mail comments to Deputy Commissioner AnnMarie Santiago, Department of Housing Preservation and Development, Room 6-01, 100 Gold Street, New York, N.Y. 10038.
- **Fax.** You can fax comments to Deputy Commissioner AnnMarie Santiago at 212 863-7010.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rules at the public hearing must sign up to speak. You can sign up before the hearing by calling 212 863-8603 or by emailing rifenm@hpd.nyc.gov before 5:00 PM on May 4, 2022. Although you can indicate during the hearing 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? The deadline for submission of comments is May 5, 2022.

What if I need assistance to participate in the hearing? You must tell HPD if you need a reasonable accommodation of a disability at the hearing. You can tell us by mail at the address given above or by email at rifenm@hpd.nyc.gov. You may also tell us by telephone at 212 863-8603. We request advance notice so that we have sufficient time to arrange the accommodation. Please tell us by April 21, 2022. This hearing has the following accessibility options available: Simultaneous transcription for people who are deaf or hard of hearing and audio-only access.

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 <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 rules will be available to the public at the Office of Legal Affairs, 100 Gold Street, Fifth Floor, New York, N.Y. 10038.

What authorizes HPD to make these rules? Sections 1043 and 1802 of the New York City Charter (“City Charter”) and sections 27-2046.4 and 27-2090 of the New York City Administrative Code authorize HPD to make these rules. The rule was not included in the agency’s regulatory agenda as the local law amendment was not anticipated.

Where can I find HPD’s rules? The agency’s rules are in Title 28 of the Rules of the City of New York.

What laws govern the rulemaking process? HPD must comply with Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rules

Administrative Code section 27-2056.4 provides that owners of multiple dwellings must annually inform tenants that they may request stove knob covers for gas stoves. Recent amendments to section 27-2056.4 by Local Law 44 of 2022, added that tenants may request either stove knob covers, or permanent stove safety knobs with integrated locking mechanisms.

Tenants must affirmatively request either device in writing to the owner after receiving the required annual notice. The owner does not have to provide either the stove knob covers or the permanent stove safety knobs if there is no such available device for the stove, if the owner has already fulfilled two requests for replacement of such devices within the previous year, or if the owner has not received a request for installation of such devices.

Owners must keep a record of providing the annual notice, written tenant responses, units for which devices were provided, and a list of requests for such devices. Owners must also document where requests were made for stove knob covers or permanent stove safety knobs with integrated locking mechanisms but not provided because there was no such available device for the stove.

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 one. Section 55-01 of chapter 55 of title 28 of the rules of the city of New York is amended to read as follows:

§55-01 **Records.**

An owner must keep a record of the following documents for five years, and produce such documents upon request of the Department:

[(1) a documented notification of refusal of stove knob covers tenants;]

[(2)] (1) documentation of annual notification to tenants [attempts] by the owner to make stove knob covers or permanent stove safety knobs with integrated locking mechanisms available for apartments [where the owner knows or reasonably should know that a child under age six resides, for which the tenant did not return the annual notice to the owner];

[(3)] (2) a list of units for which stove knob covers or permanent stove safety knobs with integrated locking mechanisms were made available;

[(4)] (3) a list of [tenants who requested] written requests received from units for stove knob covers or permanent stove safety knobs with integrated locking mechanisms and attempts to make them available;

[(5)] (4) a list of units where, after written request by the tenant, stove knob covers or permanent stove safety knobs with integrated locking mechanisms could not be made available for the particular stove in the unit, with documented proof that compatible knob covers or permanent stove safety knobs with integrated locking mechanisms for such stove are unavailable or that the stove was not a gas-powered stove.

§55-02 **Annual Notice.**

On or prior to [January 5, 2019, and every year, thereafter] January 16th annually, an owner of a unit in a multiple dwelling, other than a dwelling unit in a multiple dwelling owned as a

condominium or cooperative and used as the primary residence of such owner, must provide an annual notice to each tenant of a unit with a gas-powered stove regarding the owner's obligation to provide stove knob covers or permanent stove safety knobs with integrated locking mechanisms pursuant to New York City Administrative Code section 27-2046.4(a). [Such notice may be combined with other annual notices required to be provided to tenants.] Such notice must provide the following information:

ENGLISH VERSION:

ANNUAL NOTICE REGARDING INSTALLATION OF STOVE KNOB COVERS OR PERMANENT STOVE SAFETY KNOBS WITH INTEGRATED LOCKING MECHANISMS

The owner of this building is required, by Administrative Code §27-2046.4(a), to provide stove knob covers or permanent stove safety knobs with integrated locking mechanisms for each knob located on the front of each gas-powered stove to tenants in each dwelling unit in which a child under six years of age resides when requested to do so in writing by the tenant, unless there is no available stove knob cover that is compatible with the knobs on the stove. Tenants may [refuse] request stove knob covers or permanent stove safety knobs with integrated locking mechanisms by marking the appropriate box on this form. Tenants may also request stove knob covers or permanent stove safety knobs with integrated locking mechanisms even if they do not have a child under age six residing with them, by marking the appropriate box on this form. The owner must make the stove knob covers available within 30 days of [this notice] the written request by the tenant. Please also note that an owner is only required to provide replacement stove knob covers or permanent stove safety knobs with integrated locking mechanisms twice within any one-year period. You may request [or refuse] stove knob covers or permanent stove safety knobs with integrated locking mechanisms by checking the appropriate box on the form below, and by returning it to the owner at the address provided. [If you do not refuse stove knob covers in writing, the owner will attempt to make them available to you.]

Please complete this form by checking the appropriate box, filling out the information requested, and signing. Please return the form to the owner at the address provided by (INSERT DATE):

Yes, I want stove knob covers or replacement stove knob covers for my stove [, and I have a child under age six residing in my apartment].

Yes, I want [stove knob covers or replacement stove knob covers] permanent stove safety knobs with integrated locking mechanisms for my stove[, even though I do not have a child under age six residing in my apartment].

There is a child under age six residing in my apartment:

YES [No, I DO NOT want stove knob covers for my stove, even though I have a child under age six residing in my apartment.]

NO [No, I DO NOT want stove knob covers for my stove. There is no child under age six residing in my apartment.]

_____ (Tenant Signature) _____ (DATE)

Print Name, Address, and Apartment Number:

Return this form to: (Owner address): _____

VERSIÓN EN ESPAÑOL:

AVISO ANUAL SOBRE LA INSTALACIÓN DE CUBIERTAS DE PERILLAS DE ESTUFA O PERILLAS DE SEGURIDAD DE ESTUFA PERMANENTES CON MECANISMOS DE BLOQUEO INTEGRADOS

Según el Código Administrativo, § 27-2046.4(a), el propietario de este edificio debe dar cubiertas o perillas de seguridad de estufa permanentes con mecanismos de bloqueo integrados para cada perilla del frente de cada estufa a gas en cada unidad de vivienda donde vivan niños menores de seis años, cuando así lo solicite por escrito el inquilino, a menos que no haya en el mercado cubiertas compatibles con las perillas de alguna estufa. Los inquilinos pueden [rechazar] pedir que se instalen cubiertas para las perillas de la estufa o perillas de seguridad de estufa permanentes con mecanismos de bloqueo integrados marcando la casilla correspondiente en este formulario. Además, los inquilinos pueden rechazar o pedir que se instalen cubiertas para las perillas de la estufa o perillas de seguridad de estufa permanentes con mecanismos de bloqueo integrados, incluso si no viven con ningún niño menor de seis años, marcando la casilla correspondiente en este formulario. El propietario debe dejar disponibles las perillas de las estufas dentro de un período de 30 días después de recibir [este aviso] la solicitud por escrito del inquilino. Tenga en cuenta que el propietario solo debe reemplazar las cubiertas de perillas de estufa o perillas de seguridad de estufa permanentes con mecanismos de bloqueo integrados dos veces en el período de un año. Usted puede pedir [o rechazar] que se instalen cubiertas para las perillas de la estufa o perillas de seguridad de estufa permanentes con mecanismos de bloqueo integrados marcando la casilla correspondiente en el formulario de abajo, y devolviéndolo al propietario a la dirección dada. [Si no rechaza la instalación de las cubiertas por escrito, el propietario intentará ponerlas disponibles para usted.]

Complete este formulario marcando la casilla correspondiente, completando la información solicitada y firmándolo. Devuelva el formulario al propietario a la dirección dada antes del (INSERTE LA FECHA):

Sí, quiero cubiertas para las perillas de la estufa o cubiertas de reemplazo para mi estufa [, y en mi apartamento vive un niño menor de seis años].

Sí, quiero [cubiertas para las perillas de la estufa o cubiertas de reemplazo] perillas de seguridad de estufa permanentes con mecanismos de bloqueo integrados para mi estufa, [aunque en mi apartamento no vive ningún niño menor de seis años].

En mi apartamento vive un niño menor de seis años.

SÍ [No, NO QUIERO las cubiertas para las perillas de la estufa, aunque en mi apartamento vive un niño menor de seis años.]

NO [No, NO QUIERO cubiertas para las perillas de mi estufa. En mi apartamento no viven niños menores de seis años.]

_____ (Firma del Inquilino) _____ (FECHA)

Letra de molde, dirección y número de apartamento:

Deveulva este formulario a: (Dirección del propietario): _____

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 Stove Knob Covers

REFERENCE NUMBER: 2021 RG 014

RULEMAKING AGENCY: Department of Housing Preservation and Development

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

Date: February 25, 2022

Senior Counsel

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 Rules Relating to Stove Knob Covers

REFERENCE NUMBER: HPD-86

RULEMAKING AGENCY: Department of Housing Preservation and Development

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

February 25, 2022

Date