

## **FY'23 REGULATORY AGENDA OF THE DEPARTMENT OF BUILDINGS PURSUANT TO SECTION 1042 OF THE CITY ADMINISTRATIVE PROCEDURE ACT**

The Rules of the New York City Department of Buildings are authorized pursuant to Section 643 of the New York City Charter and are found in Title 1 of the Rules of the City of New York. The Rules are supplementary and include technical determinations as well as administrative procedure necessary to carry out the law.

Promulgation of the following rules and regulations of the Department of Buildings is anticipated by the first day of July 2023:

### **1. Rule(s) relating to the Loft Board.**

- A. Reason: To simplify navigation, language, and processes, to add rules pertaining to the 2015 and 2019 amendments to the Loft Law and to address issues raised by tenants and owners within the Loft community. In addition, these rules will amend minimum housing maintenance standards with respect to heat to address changes made by Local Law 86 of 2017.
- B. Anticipated contents: Add an entirely new Chapter 1 governing the Loft Board's functions and amend some rules contained in Chapter 2 to incorporate amendments to the Loft Law and address community concerns.
- C. Objectives: Repeal and reenact the Loft Board procedural rules in order to simplify navigation, language, and processes, incorporate amendments to the Loft Law, and to address community concerns.
- D. Legal basis: Section 643 of the New York City Charter; Section 1043(a) of the New York City Charter; NYS Multiple Dwelling Law §282(iv).
- E. Types of individuals and entities likely to be affected: Owners and tenants of interim multiple dwellings and those who work with them to legalize these spaces (architects, contractors, etc.)
- F. Other relevant laws: Art. 7-C of the NYS Multiple Dwelling Law, as amended. Local Law 86 of 2017.
- G. Approximate schedule: First Quarter of FY '23.

**Contact person**: Stephan Clarke, Deputy General Counsel, Loft Board (212) 393-2029

### **2. Rule relating to approved fabricators.**

- A. Reason: The Department currently has a process in place for the temporary approval of fabricators and requirements for the design, fabrication, inspection and installation of fabricated items. The proposed rule will formalize the process and establish comprehensive requirements.

- B. Anticipated contents: Create new rule to, among other things, establish registration requirements and duties and responsibilities of fabricators, quality assurance agencies and quality assurance certification agencies.
- C. Objectives: To establish uniform requirements for the approval of fabricators, quality assurance agencies and quality assurance certification agencies.
- D. Legal basis: Section 643 of the New York City Charter; BC 1704.2.2.
- E. Types of individuals and entities likely to be affected: Existing approved fabricators who were issued temporary approvals.
- F. Other relevant laws: None
- G. Approximate schedule: Second Half of FY'23

**Contact person**: Alan Price, Director, Office of Technical Certification and Research  
(212) 393-2626

### **3. Rule relating to lighting system upgrades, and the installation of sub-meters.**

- A. Reason: Local Law 88/09, which was subsequently amended by Local Laws 132/16 and 134/16, mandates lighting systems in covered buildings to be upgraded, and electrical sub-meters to be installed in covered tenant spaces within a covered building by January 1, 2025.
- B. Anticipated contents: Create new rule(s) to clarify methodologies for demonstrating compliance, establish technical requirements, and address enforcement measures.
- C. Objectives: To establish procedures and plan criteria.
- D. Legal basis: Section 643 of the New York City Charter; Section 28-310 and 28-311 of the New York City Administrative Code.
- E. Types of individuals and entities likely to be affected: Building owners, registered design professionals, licensed plumbers, and licensed master and special electricians.
- F. Other relevant laws: New York City Energy Conservation Code.
- G. Approximate schedule: Second Half of FY'23

**Contact person**: Holly Savoia, Director, Sustainability Enforcement (212) 323-7911

### **4. Rule relating to the design and maintenance of wind turbines.**

- A. Reason: Local Law 105/18 (small wind turbines) and Local Law 98/19 (large wind turbines) require the promulgation of rules regarding the design and maintenance
- B. Anticipated contents: Acceptance criteria for wind turbine installation, maintenance requirements, current and retroactive registration requirements

- C. Objectives: Create a new rule to include acceptance criteria, and maintenance and requirements and registration for wind turbines.
- D. Legal basis: Section 643 of the New York City Charter; Sections 28-113.2, 28-319.1 and 28-322.1 of the New York City Administrative Code.
- E. Types of individuals and entities likely to be affected: Building owners and wind turbine manufacturers.
- F. Other relevant laws: None
- G. Approximate schedule: Second Half of FY'23

**Contact person**: Alan Price, Director, Office of Technical Certification and Research  
(212) 393-2626

## **5. Rules relating to greenhouse gas emissions.**

- A. Reason: Local Law 97/19, which was subsequently amended by Local Law 147/19, mandates certain reductions in greenhouse gas emissions by 2050. As such, the Department must establish various requirements, calculation methodology and other criteria.
- B. Anticipated contents: Create rules to provide methodology for calculating annual building emissions limits and authorized deductions, establish criteria for greenhouse gas offsets, establish fees, and address reporting and other requirements.
- C. Objectives: Establish criteria, and procedures for compliance with mandates for greenhouse gas emissions reduction.
- D. Legal basis: Section 643 of the New York City Charter; Section 28-320 of the New York City Administrative Code.
- E. Types of individuals and entities likely to be affected: Building owners, registered design professionals, licensed plumbers, and licensed master and special electricians.
- F. Other relevant laws: New York City Energy Conservation Code.
- G. Approximate schedule: Throughout FY'23.

**Contact person**: Gina Bocra, Chief Sustainability Officer, Sustainability/Energy Code  
(212) 393-2086

## **6. Rule relating to energy storage systems.**

- A. Reason: To establish requirements to address the installation of outdoor installations of Energy Storage Systems (ESS).
- B. Anticipated contents: Acceptance criteria, and maintenance and registration requirements.

- C. Objectives: Provide members of the Energy Storage System (ESS) industry with requirements for design, installation, inspection, and maintenance of energy storage systems.
- D. Legal basis: Section 643 of the New York City Charter; Section 28-113.2 of the New York City Administrative Code.
- E. Types of individuals and entities likely to be affected: ESS manufacturers, ESS integrators, fire protection engineers, utility providers, and the Fire Department of the City of New York.
- F. Other relevant laws: None
- G. Approximate schedule: Second Half of FY'23

**Contact person**: Alan Price, Director, Office of Technical Certification and Research  
(212) 393-2626

**7. Rule(s) necessary to add or amend penalties and violation classifications.**

- A. Reason: Various local laws adopted by the City Council may require adding violation classifications and penalties or amending existing ones.
- B. Anticipated contents: Amend 1 RCNY § 102-01 to add or amend penalties and violation classifications for violations of code and rules as needed.
- C. Objectives: To be able to impose penalties for violation of new local laws.
- D. Legal basis: Section 643 of the New York City Charter; Article 201 of the NYC Administrative Code.
- E. Types of individuals and entities likely to be affected: Building owners; registered design professionals, licensees, contractors.
- F. Other relevant laws: NYC Administrative and Construction Codes, as amended.
- G. Approximate schedule: Throughout FY'23.

**Contact person**: Shamonda Graham, Executive Director, Administrative Enforcement  
(212) 393-2783

**8. Rule(s) necessary to add or amend fees.** Amendments to various department fees identified through internal review and necessary to align with changes to processes and procedures related to the DOB NOW electronic filing platform.

- A. Reason: As part of its efforts to modernize processes and improve customer service, the department has been systematically launching electronic filing processes on a new platform called DOB NOW. As part of this modernization, the department is performing internal reviews of processes and procedures to identify areas where the current fee structure does not adequately reflect the department's level of effort. As such the department will be amending those fees accordingly.

- B. Anticipated contents: Amend existing fees and add new fees.
- C. Objectives: Update department fees.
- D. Legal basis: Article 112 of Title 28 of the NYC Admin Code.
- E. Types of individuals and entities likely to be affected: Building owners, registered design professionals, licensees, and contractors.
- F. Other relevant laws: NYC Administrative Code, NYC Construction Codes, 1968 NYC Building Code.
- G. Approximate schedule: Throughout FY'23.

**Contact person:** Joseph Ackroyd, Assistant Commissioner, Technical Affairs and Code Development (212) 393-2031

**9. Rules necessary to implement revisions to the Construction Codes.** Revisions to the Construction Codes necessitate amendments to existing rules and the adoption of new rules to implement the new requirements.

- A. Reason: To align the department's rules with the new code requirements.
- B. Anticipated contents: Requirements necessary to implement revisions to the construction codes, including but not limited to requirements for filing, permitting, inspection, testing, reporting, and safety compliance.
- C. Objectives: Amend existing rules and adopt new rules necessary to implement the requirements of the revised construction codes.
- D. Legal basis: Section 643 of the New York City Charter
- E. Types of individuals and entities likely to be affected: Building owners, tenants, registered design professionals, licensees, and contractors.
- F. Other relevant laws:
- G. Approximate schedule: Throughout FY'23.

**Contact person:** Joseph Ackroyd, Assistant Commissioner, Technical Affairs and Code Development (212) 393-2031

**10. Rule relating to the prohibition on the combustion of substances with certain emissions profiles.**

- A. Reason: Local Law 154/21, among other things, prohibits the combustion of substances with certain emissions profiles. The law also establishes exceptions for buildings meeting certain requirements some of which must be established by rule.
- B. Anticipated contents: Create a new rule to establish requirements for demonstrating that a building qualifies for the exceptions for buildings where 50 or more of the

dwelling units are subject to a regulatory or similar agreement with a federal, state, or local governmental entity or instrumentality regarding affordable housing.

- C. Objectives: Establish the criteria by which an owner can demonstrate they qualify for the affordable housing exceptions set forth in the law.
- H. Legal basis: Section 643 of the New York City Charter; Article 506 of the New York City Administrative Code.
- D. Types of individuals and entities likely to be affected: Building owners, developers, contractors, registered design professionals, and licensees.
- E. Other relevant laws: Sections 24-177.7 and 28-178 of Title 24 of the New York City Administrative Code.
- F. Approximate schedule: Second Half of FY'23

**Contact person**: Gina Bocra, Chief Sustainability Officer, Sustainability/Energy Code (212) 393-2086

#### **11. Rule relating to the display of artwork on temporary protective structures.**

- A. Reason: Local Law 163/21 requires the Department of Cultural Affairs to establish a program to solicit artwork for display on temporary protective structures at construction sites. It also requires the Department of Buildings to establish requirements for, among other things, the installation/display of such artwork.
- B. Anticipated contents: Establish criteria necessary to implement the law, including notification and installation requirements.
- C. Objectives: Create a new rule to establish notification requirements for alternative artwork, as well as installation requirements for approved and alternative artwork to be displayed on temporary structures.
- D. Legal basis: Section 643 of the New York City Charter; Section 3307.11 of the New York City Building Code.
- E. Types of individuals and entities likely to be affected: Building owners, developers, contractors and registered design professionals.
- F. Other relevant laws: Section 2508 of Chapter 67 of the New York City Charter.
- G. Approximate schedule: First half of FY'23

**Contact person**: Dorecia A. Phillip, Executive Director, Regulatory Matters/General Counsel's Office (212) 393-2734.