

NEW YORK CITY DEPARTMENT OF BUILDINGS

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 published in the City Record on June 17, 2022, and a public hearing thereon was held on July 20, 2022.

Dated: 9/13/22
New York, New York

/s/
Eric A. Ulrich
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.

These rule amendments implement Local Law 137 of 2021 and Local Law 138 of 2021. Local Law 137 extends the deadlines for inspection and correction of building gas piping systems in community districts 2, 5, 7, 13 and 18 in all boroughs from December 31, 2021 to June 30, 2022. It also extended to June 30, 2022 the deadline for submission of certifications of inspection for building gas piping systems in the same community districts that were inspected on or between January 1, 2021 and December 31, 2021 if there are one or more conditions requiring correction. Local law 137 also provides that due dates for the submission of certification forms that are required under section 103-10 of the rules do not apply on or before June 30, 2022.

Local Law 138 of 2021 expands the definition of qualified professionals who may certify that a building contains no gas service. It also adds an exemption for a building that contains gas piping but is not currently supplied with gas, and that does not contain any appliance connected to gas piping. It also creates a discretionary 180-day extension for building owners to conduct gas piping inspections and file certifications for such inspections. Both Local Laws 137 and 138 are deemed to have been in effect as of January 1, 2021.

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 Laws 137 and 138 of 2021.

New matter is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

“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. 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:

(2) This requirement for periodic inspections does not apply to buildings that contain no gas piping system provided that the owner of such a building submits 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 registered design professional or a licensed master plumber or an individual under the direct and continuing supervision of a licensed master plumber, stating that the building contains no gas piping system. The due date for submitting such a certification pursuant to this paragraph shall be as follows:

- (i) June 30, 2021, 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, for buildings in community districts 1, 3, and 10 in all boroughs.
- (ii) [December 31, 2021] June 30, 2022 as extended by local law 137 for the year 2021, and no later than December 31 [within] in calendar year 2025, and every fourth calendar year thereafter, for buildings in community districts 2, 5, 7, 13, and 18 in all boroughs.
- (iii) December 31, 2022, and no later than December 31 within every fourth calendar year thereafter, for buildings in community districts 4, 6, 8, 9, and 16 in all boroughs.
- (iv) December 31, 2023, and no later than December 31 within every fourth calendar year thereafter, for buildings in community districts 11, 12, 14, 15, and 17 in all boroughs.

§ 2. Paragraphs (3) and (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 are renumbered (4) and (5) respectively; a new paragraph (3) is added; and paragraph (4), as renumbered by this section, is amended, all to read as follows:

(3) A building that contains gas piping but is not currently supplied with gas, that does not contain any appliance connected to any gas piping, and that complies with section 28-318.3.5 of the Administrative Code is not required to undergo a gas piping inspection otherwise required under this section. The due date for submitting the statements required by section 28-318.3.5 is the same as the due dates set forth in paragraph 2 of this subdivision. Such statements need only be submitted once, provided that there continues to be no gas service. Where the owner seeks to resume gas service, the owner must comply with the provisions of section 28-318.3.6.

(4) Inspections of building gas piping systems required under this section must be conducted at least once every four years and in accordance with the following periodic inspection schedule:

- (i) Between January 1, 2020 and June 30, 2021 (inclusive), 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) [In calendar year 2021] Between January 1, 2021 and June 30, 2022, and [within] in calendar year 2025, and 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) 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) 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. Paragraphs (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, and a new paragraph (6) is added, all to read as follows:

(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]Department on or before June 30, 2021. Notwithstanding the foregoing provisions of this paragraph, for building gas piping systems in community districts 2, 5, 7,13, and 18 in each borough that are inspected between January 1, 2021 and December 31, 2021 (inclusive), and that contain one or more conditions requiring correction, such building owners may submit such certification and fee to the Department on or before June 30, 2022.

(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]Department on or before June 30, 2021. Notwithstanding the foregoing provisions of this paragraph, for building gas piping systems in community districts 2, 5, 7, 13, and 18 in each borough that are inspected between January 1, 2021 and December 31, 2021 (inclusive), and that contain one or more conditions requiring correction, such building owners may submit such certification and fee to the Department on or before June 30, 2022.

(6) Owners who are unable to obtain an inspection of a building's gas piping systems pursuant to this section by the date set forth in paragraph (4) of subdivision (a) of this section may receive a 180-day extension of the due date for such inspection and the filing of any certification required to be filed after such inspection, upon notification to the Department in a form and manner determined by the commissioner.