

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.

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 7/20/22.

- 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=m02eef6fdac6cfef8200045d3a109a156>

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: 231 046 11890

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.
- **Mail.** You can mail comments to the New York City Department of Buildings, Office of the General Counsel, 280 Broadway, 7th floor, New York, NY 10007.

- **Fax.** You can fax comments to the New York City Department of Buildings, Office of the General Counsel, at 212-566-3843.
- **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 7/13/22 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 7/20/22.

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 7/6/22.

This location has the following accessibility option(s) available: Simultaneous transcription 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/>. Copies of all comments submitted online, copies of all written comments and a summary of oral comments concerning the proposed rule will be available to the public at the Office of the General Counsel and may be requested by email at dobrules@buildings.nyc.gov.

What authorizes DOB to make this rule? Sections 643 and 1043(a) of the City Charter and Article 318 of Chapter 3 of Title 28 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.

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 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 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.

**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 Governing Certifications of Inspection for Gas Piping Systems

REFERENCE NUMBER: 2022 RG 021

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: May 18, 2022

**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 Governing Certifications of Inspection for Gas Piping Systems

REFERENCE NUMBER: DOB-149

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

May 19, 2022
Date