

**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 rules relating to inspections of self-closing doors in multiple dwellings. The rules provide for criteria for inspection of self-closing doors by HPD in accordance with Local Law 71 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 June 27, 2023 from 10 AM to 11 AM:

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

<https://nychpd.webex.com/nychpd/j.php?MTID=mf2ccce3b5479d829ec7c0c6a1dc77fa0>

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

Meeting number: 2338 315 8984      Password: P3KzaBQhc63

**To join from a mobile device (attendees only)**

[+1-646-992-2010](tel:+16469922010),,[23383158984###](tel:+123383158984) United States Toll (New York City)

[+1-408-418-9388](tel:+14084189388),,[23383158984###](tel:+123383158984) United States Toll

**Join by phone**

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

+1-408-418-9388 United States Toll

**Join from a video system or application**

Dial [23383158984@webex.com](tel:+123383158984)

You can also dial 173.243.2.68 and enter your meeting number.

For internal <sitename> users, dial <Pilot Number>.

Access code: **2338 315 8984**

Password if requested: P3KzaBQhc63

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](mailto: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](mailto:rifenm@hpd.nyc.gov) before 5:00 PM on June 26, 2023. 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 June 27, 2023.

**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](mailto: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 June 16, 2023. 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 27-2041.2 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 authorizing this rule was not anticipated at the time the agenda was developed.

**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 27-2041.1, which was added by Local Law 111 for the year 2018 and amended by Local Law 63 of 2022, requires owners of multiple dwellings that are required to be equipped with self-closing doors by Administrative Code section 28-315.10 to keep and maintain such self-closing doors in good repair. The rationale for this requirement is to ensure that in case of a fire in an apartment, smoke will not spread to hallways and other apartments due to a door that is left open and does not self-close. Owners are responsible for inspecting these doors and maintaining them in good repair. Required self-closing doors must close and latch on their own without having to be pulled shut manually.

In 2022, the City Council enacted Local Law 71 of 2022, which added section 27-2041.2 to the Administrative Code. Section 27-2041.2 requires HPD to periodically inspect certain self-closing doors in class A multiple dwellings. HPD must annually select 300 buildings for inspections of self-closing doors pursuant to criteria established by rule. The proposed rules provide the criteria for selection of class A multiple dwelling buildings, which include building size and recent history of violations for conditions which could create fire safety hazards. The proposed criteria are based on the connection between the conditions described in the criteria and the potential for a fire safety hazard to be created. In buildings which potentially have such hazards, a non-functioning self-closing door may result in serious harm, and repeated heat complaints may indicate conditions that may cause tenants to use heaters that could cause a fire.

The law and proposed rules also exclude buildings from selection that are under administrative or legal oversight and are therefore already monitored for potentially hazardous conditions, including non-functioning self-closing doors.

Section one. Chapter 25 of Title 28 of the rules of the city of New York is amended by adding a new subchapter P to read as follows:

SUBCHAPTER P  
SELF-CLOSING DOORS

25-181. Criteria for selection of class A multiple dwelling buildings for inspections of self-closing doors.

(a) The Department will select 300 buildings annually for inspections of self-closing doors. Each building selected by the Department must have more than six dwelling units and must meet at least one of the criteria set forth in paragraphs (1) to (4) of this subdivision:

(1) Buildings having at least one complaint on record with the Department regarding a self-closing door within the three years prior to selection;

(2) Buildings with more than five heat complaints on record with the Department in each of the three heat seasons prior to selection;

(3) Buildings with at least one fire-safety related violation issued by the Department of Buildings within the three years prior to selection; or

(4) Buildings that have failed to file an annual boiler report with the Department of Buildings, where applicable, within the three years prior to selection.

(b) The Department will prioritize selection of buildings meeting the criteria set forth in subdivision (a) of this section which were built prior to the year 1999; and

(c) The Department will further prioritize selection of buildings meeting the criteria in paragraph (a) and paragraph (b) of this section in consultation with the New York City Fire Department.

(d) The group of buildings selected for the annual self-closing door inspection program pursuant to this section shall not include any building that:

(1) is currently the subject of a court order appointing or a proceeding brought by the Department seeking the appointment of an administrator pursuant to article 7-A of the real property actions and proceedings law;

(2) has been included in the alternative enforcement program pursuant to section 27-2153 of the administrative code and has not been discharged from such program;

(3) is currently active in and is the subject of an order under the Underlying Conditions Program;

(4) has been inspected by the Department under the annual self-closing door inspection program provided in these rules within the last five years; or

(5) has had an inspection of a public part, as defined in administrative code §27-2004(20), by the Department within the three years preceding selection for inspection, including, but not limited to, such inspections conducted by specialized enforcement program units within the Department.

(e) The Department will send a notice to the registered owner or managing agent of any building selected for inspection pursuant to this section regarding the selection of the building and the requirement that self-closing doors must be maintained and kept in good repair.

**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:** Rule Governing Inspections of Self-Closing Doors

**REFERENCE NUMBER:** 2023 RG 010

**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  
Senior Counsel

Date: April 17, 2023

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS**

**253 BROADWAY, 10<sup>th</sup> FLOOR**

**NEW YORK, NY 10007**

**212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Rule Governing Inspections of Self-Closing Doors**

**REFERENCE NUMBER: HPD-88**

**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

April 18, 2023

Date