

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 its rules regarding natural gas alarms.

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 11/20/23.

- Join through Internet – Desktop app:

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 to either continue using the browser or download/open the Teams desktop app.

<https://tinyurl.com/naturalgasalarms>

Enter your name when prompted and click the **“Join now”** button. If you don't have computer audio or prefer to phone in for audio, select **“Phone audio”** under **“Other join options”** then click the **“Join now”** button. You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins. If you are using phone audio then follow the dial-in instructions when prompted.

If you have low bandwidth or inconsistent Internet connection, we suggest you use the Phone audio option for the hearing. This will reduce the possibility of dropped audio and stutters.

- Join through Internet - Smartphone app:

To join using the Microsoft Teams app on your smartphone, click on the following URL link from your phone to automatically open the Teams app. Note that the Microsoft Teams app must already be installed on your smartphone. It is available for free both in the Apple Store and Google Play.

<https://tinyurl.com/naturalgasalarms>

When prompted select “Join meeting”. Type your name and then select “Join meeting” again. You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins.

Alternatively, open the Teams app and select “Join a meeting”. Signing in with an account is not required. Type your name, the following Meeting ID and Passcode, then select “Join meeting”.

Meeting ID: 269 202 312 134

Passcode: 9kx8kA (Code is case sensitive)

- Join via phone only:

To join the meeting only by phone, use the following information to connect:

Phone: 646-893-7101

Phone Conference ID: 880 783 267#

You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins.

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 11/13/23 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 11/20/23.

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 11/6/23.

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 Local Law 157 of 2016 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

Local Law 157 of 2016 amended the New York City Housing Maintenance Code and the New York City Building Code to require the installation of natural gas detecting devices in residential buildings. It required the Department to promulgate a rule regarding the installation and location of natural gas alarms after an industry standard had been established.

National Fire Protection Association ("NFPA") standard 715 went into effect April 9, 2022. Proposed section 908-02 of this rule clarifies the installation and location requirements of the standard. Proposed section 3616-06 amends some provisions of NFPA 715 to refer to compliance with the Administrative Code and the Electrical Code and to add a cut-off date for existing buildings.

In addition, section 20-01 relating to witnessing tests of gas piping systems and section 20-02 relating to high pressure steam piping systems are being repealed, as the requirements of those sections are now covered by Chapter 4 of the Fuel Gas Code and Chapter 12 of the Mechanical Code, respectively.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter.

New material is underlined.

Section 1. Sections 20-01 and 20-02 of Title 1 of the Rules of the City of New York relating to relating to witnessing tests of gas piping systems and high pressure steam piping systems are REPEALED.

§2. Chapter 900 of Title 1 of the Rules of the City of New York is amended by adding a new Section 908-02 to read as follows:

§908-02 Standards for Installation and Location of Natural Gas Alarms.

(a) Adoption of National Standard. In accordance with Local Law 157 of 2016, the Department of Buildings adopts the 2023 edition of National Fire Protection Association ("NFPA") 715 *Standard for the Installation of Fuel Gases Detection and Warning Equipment* as it pertains to the installation and location of natural gas alarms.

(b) Installation required. Natural gas alarms must be installed in private dwellings, class A multiple dwellings, and class B multiple dwellings as defined in the Housing Maintenance Code, in accordance with the requirements of this section and local law 157 of 2016.

Exception: The requirements of this section do not apply to buildings that do not have gas piping or gas service.

(c) Private dwellings. One or more natural gas alarms must be installed in each dwelling in accordance with this section on or before May 1, 2025.

(d) Class A multiple dwellings. One or more natural gas alarms must be installed in each dwelling in accordance with this section on or before May 1, 2025.

(e) Class B multiple dwellings. On or before May 1, 2025, class B multiple dwellings must be protected by either:

(1) One or more natural gas alarms installed in each dwelling in accordance with this section; or

(2) A line-operated zoned natural gas detecting system, designed in accordance with NFPA 715-2023 by a registered design professional, and installed in all public corridors and public spaces.

(f) Requirements. Each single- or multiple-station alarm, as defined in NFPA 715, must meet all of the following requirements:

(1) The alarm must be manufactured, in accordance with NFPA 715-2023, Standard for the Installation of Fuel Gases Detection and Warning Equipment;

(2) Where a fuel-gas-burning appliance is installed within a dwelling, the gas alarm must be installed in the same room as the appliance. The alarm must be located at least 3 feet, but not more than 10 feet from the appliance, measured horizontally. The gas alarm must be installed on either the ceiling, or a wall. Where installed on a wall, the alarm must be located not more than 12 inches from the ceiling.

Exception: When the manufacturer's instructions or NFPA 715-2023 require installation in a different location, alarm installations must be placed in accordance with the manufacturer's or the NFPA 715 location requirements.

(3) The alarm must be labeled with the name of the manufacturer;

(4) The alarm must be listed and labeled with either UL 1484 or UL 2075, as applicable; and

(5) The alarm must be kept in good working order.

(g) Installer qualifications. Natural gas alarms must be installed by a New York City Licensed electrical contractor, who obtains all required permits.

Exception. Natural gas alarms that are powered either by battery or by plug-in AC receptacle may be installed by the building owner, building maintenance personnel, or by the dwelling unit occupant.

§3. Chapter 3600 of Title 1 of the Rules of the City of New York is amended by adding a new section 3616-06 relating to the installation of fuel gases detection and warning equipment to read as follows:

§3616-06 National Fire Protection Association (“NFPA”) 715 amendment relating to the installation and location of natural gas alarms.

Pursuant to Section 28-103.19 of the New York City Administrative Code, NFPA 715 (2023 edition) is hereby amended as follows:

4.14.1 and 4.14.1.1 through 4.14.1.5 Delete and replace with the following: **Approval and Acceptance.** The design and installation of natural gas detecting systems and components must be subject to the applicable permit requirements established in the Administrative Code and the *New York City Electrical Code*.

9.5.1.2 Delete and replace with the following: Electrically powered fuel gas warning equipment must be provided with a primary ac power source in accordance with 9.5.2.1 and a secondary power source in accordance with 9.5.4, unless otherwise permitted by the following:

(1) Detectors must be permitted to be powered by a monitored dc circuit of a control unit where power for the control unit meets the requirements of Section 9.5 and the circuit remains operable upon loss of primary ac power.

(2) A detector and a wireless transmitter that serves only that detector must be permitted to be powered from a monitored battery primary source where part of a listed, monitored, low-power radio wireless system.

(3) A monitored battery primary power source in accordance with 9.5.3 must be permitted in existing buildings, as defined in section 28-101.5 of the Administrative Code, that were constructed before January 1, 2024.

§4. This rule takes effect on January 1, 2024.

**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: Rules Relating to Installation and Location of Natural Gas Alarms

REFERENCE NUMBER: 2023 RG 082

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
Senior Counsel

Date: October 3, 2023

**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: Rules Relating to Installation and Location of Natural Gas Alarms

REFERENCE NUMBER: DOB-172

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

October 3, 2023
Date