

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 the deadline for allowing installation of a monitored battery primary power source for a natural gas alarm in existing buildings.

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 12/4/24.

- 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://events.gcc.teams.microsoft.com/event/9424d3c8-d61b-483a-b1ae-4d7060cb0971@32f56fc7-5f81-4e22-a95b-15da66513bef>

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://events.gcc.teams.microsoft.com/event/9424d3c8-d61b-483a-b1ae-4d7060cb0971@32f56fc7-5f81-4e22-a95b-15da66513bef>

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: 298 669 931 841

Passcode: aUd4q2 (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: 795 494 91#

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.
- **By 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 11/27/24 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. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit comments? Yes, you must submit comments by 12/4/24.

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 11/20/24.

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, Section 28-103.19 of the New York City Administrative Code 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

The Department of Buildings is amending section 9.5.1.2 of National Fire Protection Association (“NFPA”) standard 715, as amended by section 3616-06 of chapter 3600 of Title 1 of the Rules of the City of New York, to extend the deadline for allowing installation of a monitored battery primary power source for natural gas alarms in existing buildings.

The proposed rule amendment would allow any building completed by January 1, 2025 to install a monitored battery primary power source for their natural gas alarm. When the rule was originally promulgated, it allowed battery units to be installed in existing buildings constructed by January 1, 2024 in accordance with the provisions of Local Law 157 of 2016. However, there were many buildings that were not completed by January 1, 2024 but had not been designed for wired units and were too far into the construction process to accommodate them at that point. Extending the cutoff date to January 1, 2025 would allow those buildings currently under construction to be deemed “existing” and therefore be able to choose to install the battery-powered units. Other buildings still in the early stages of construction should be able to accommodate the hardwired units and are required to do so.

In addition, the hard-wired units that meet the required listing criteria may currently be difficult to obtain. Therefore, the allowance for battery powered systems is being extended from January 1, 2024 to January 1, 2025.

The language of paragraphs (1) and (2) of NFPA section 9.5.1.2 in section 3616-06 is being amended to match the changes to the language made in paragraph (3) of that section.

The Department of Buildings’ authority for this rule is found in sections 643 and 1043 of the New York City Charter and Local Law 157 of 2016.

New material 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 3616-06 of chapter 3600 of Title 1 of the Rules of the City of New York is amended 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, Section 9.5.1.2 of NFPA 715 (2023 edition) is hereby amended to read as follows:

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] may 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] may 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] may be installed in existing buildings, as defined in section 28-101.5 of the Administrative Code, that were [constructed] completed before January 1, [2024] 2025.

**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 Deadline for Installation of Monitored Battery Primary Power Source for Natural Gas Alarm in Existing Buildings

REFERENCE NUMBER: 2024 RG 090

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: October 23, 2024

**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 Deadline for Installation of Monitored Battery Primary Power Source for Natural Gas Alarm in Existing Buildings

REFERENCE NUMBER: DOB-189

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 23, 2024
Date