

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 adds a new Section 103-10 to Title 1 of the Rules of the City of New York, regarding periodic inspections of gas piping systems.

This rule was first published on November 26, 2018 and a public hearing thereon was held on January 2, 2019. Comments on the rule were submitted prior to and during the hearing.

Dated: 9/13/19
New York, New York

/s/
Melanie E. La Rocca
Commissioner

Statement of Basis and Purpose

The rule adds a new Section 103-10 to Title 1 of the Rules of the City of New York (RCNY) regarding periodic inspections of gas piping systems. This rule is intended to promote public safety by requiring the periodic inspection of gas piping systems in buildings and the correction of conditions identified by such inspection.

This rule includes provisions related to the following that are intended to give effect to Local Law 152 of 2016:

- Periodic inspection schedule and inspection requirements.
- Inspector qualifications for performing periodic inspections of gas piping systems.
- The required scope of inspection.
- Inspection report and certification requirements.
- Requirements for reporting unsafe or hazardous conditions.
- Civil penalties for failure to file required certifications.

DOB has made changes to the rule following the public comment period and public hearing. These changes include:

- Changing the submission due dates specified in paragraph (a)(2) and cycle start dates of the periodic inspection schedule in paragraph (a)(3) so that there is sufficient time for compliance before the rule's anticipated effective date.
- Reconfiguring the submission due dates in paragraph (a)(2) and periodic inspection schedule in paragraph (a)(3) based on community district, rather than borough. This change is intended to enable utility companies to more effectively allocate resources among service areas in response to reports of unsafe or hazardous conditions following inspections.
- Reconfiguring the submission due dates in paragraph (a)(2) and periodic inspection schedule in paragraph (a)(3) to recur every fourth calendar year, instead of every fifth year. This change was made in order to better align the frequency of periodic inspection cycles with the requirement that inspections occur at least once every five years.
- Reconfiguring the submission due dates in paragraph (a)(2) and periodic inspection schedule in paragraph (a)(3) to consist of four cycles, rather than five. This change was made in order to better align the frequency of periodic inspection cycles with the requirement that inspections occur at least once every five years.
- Specifying that the term "new building" in paragraph (a)(4) means a building, or any portion thereof, approved for occupancy by the Department after December 31, 2019—

instead of 2018. This change was made in light of the anticipated effective date of the rule.

- Adding, in paragraph (d)(1)(ii), certain conditions and information required to be included in the inspection report. This addition was made to provide clarity with respect to inspection reporting requirements.

The rule also makes a technical correction to Section 101-06(a) of Title 1 of the RCNY.

The Department of Buildings' authority for this rule is found in sections 643 and 1043 of the New York City Charter, Article 318 of Title 28 of the New York City Administrative Code and Local Law 152 of 2016.

New material is underlined.

[Deleted material is in brackets.]

“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. The opening paragraph of Subdivision (a) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

Definitions. For the purposes of this [chapter] section, the following terms will have the following meanings:

§ 2. Subchapter C of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new Section 103-10 to read as follows:

§ 103-10 Periodic Inspection of Gas Piping Systems.

(a) Inspection requirements.

(1) In accordance with Article 318 of Title 28 of the Administrative Code, building gas piping systems, except for gas piping systems in buildings classified in occupancy group R-3 in Section 310.1.3 of the Building Code, must be periodically inspected as set forth in this section.

(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 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) December 31, 2020, and no later than December 31 within every fourth calendar year thereafter, for buildings in community districts 1, 3, and 10 in all boroughs.
 - (ii) December 31, 2021, and no later than December 31 within 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.
- (3) 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 December 31, 2020 (inclusive), and within every fourth calendar year thereafter, building gas piping systems shall be inspected in community districts 1, 3, and 10 in all boroughs.
 - (ii) Between January 1, 2021 and December 31, 2021 (inclusive), and within 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) Between January 1, 2022 and December 31, 2022 (inclusive), 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) Between January 1, 2023 and December 31, 2023 (inclusive), and within every fourth calendar year thereafter, building gas piping systems shall be inspected in community districts 11, 12, 14, 15, and 17 in all boroughs.
- (4) The initial inspection for a new building with a gas piping system shall be performed during the tenth year after the Department has issued a certificate of occupancy for such building. Following such initial inspection, a new building's subsequent periodic inspection must be conducted in accordance with the periodic inspection schedule set forth in paragraph (3) of this subdivision. For the purposes of this section, the term "new building" means a building, or any portion thereof, approved for occupancy by the Department after December 31, 2019.

(b) Inspection Entity Qualifications.

- (1) Inspections of gas piping systems required pursuant to Article 318 of Title 28 of the Administrative Code and this section must be conducted by a qualified gas piping system inspector on behalf of the building owner.
- (2) Persons qualified to perform such gas piping system inspections shall be either:
 - (i) Licensed master plumbers; or
 - (ii) Individuals, working under the direct and continuing supervision of a licensed master plumber, with at least five (5) years of full-time experience working under the direct and continuing supervision of a licensed master plumber and who has successfully completed a training program acceptable to the Department. Such training program must be no less than seven (7) classroom hours and must include the following course content:
 - (A) Regulations on piping safety;
 - (B) Properties of natural gas;
 - (C) Combustible gas indicators and leak detection;
 - (D) Atmospheric corrosion inspection;
 - (E) Interior piping leak survey;
 - (F) Hands-on gas indicator instruction;
 - (G) Jurisdictional/non-jurisdictional piping connections;
 - (H) Purging gas piping into/out of service;
 - (I) Recognizing illegal connections and substandard conditions;
 - (J) Reporting and documenting inspections; and
 - (K) Atmospheric corrosion and leak survey inspection procedure.
- (c) Inspection scope. Inspections of a building's gas piping system pursuant to this section must be completed in accordance with requirements in Section 28-318.3.2 of the Administrative Code and any other requirements prescribed by the Department.
- (d) Report and certification requirements.
 - (1) The inspection entity that performs an inspection of a building's gas piping system pursuant to this section must submit, in a form and manner determined by

the commissioner, an inspection report and a certification of inspection to the building owner no later than thirty (30) days following the date of such inspection.

(i) The certification of inspection must be completed by the licensed master plumber who performed or exercised direct and continuing supervision over such inspection, must state that an inspection pursuant to Article 318 of Title 28 of the Administrative Code has been completed for the building, must indicate the date such inspection was performed, and must indicate whether any conditions requiring correction were identified in the inspection report.

(ii) The inspection report must be certified by the licensed master plumber who performed or exercised direct and continuing supervision over the inspection and, if applicable, by any individual who performed the inspection under such supervision. Such inspection report shall include, for each gas piping system inspected, the following information:

(A) A list of conditions requiring correction, including instances where one or more parts of such system is worn to an extent that the safe and reliable operation of the system may be affected;

(B) Gas leaks;

(C) Observed non-code compliant installations or illegal connections;

(D) Observed conditions described in Section 28-318.3.4 of the Administrative Code; and,

(E) Any additional information required by the Department.

(2) No later than sixty (60) days following a building's inspection date, and no more than sixty (60) days prior to such building's inspection due date, the building owner must submit to the Department, in a form and manner determined by the commissioner, a certification of inspection as described in paragraph (1) of this subdivision, along with a filing fee as specified in the rules of the Department. Such certification must indicate the date the inspection was performed and whether there are conditions requiring correction. Certifications of inspections submitted more than sixty (60) days after a building's inspection date will not satisfy the requirement of this paragraph. Failure to file a certification of inspection within sixty (60) days of the building's inspection date will require a new inspection.

(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.

- (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.
- (5) The building owner and inspection entity must keep on file, for ten (10) years following the date of inspection, all reports and certifications required by Section 28-318.3.3 of the Administrative Code and make them available to the Department upon request.
- (e) Unsafe or hazardous conditions. If an inspection reveals any conditions set forth in Section 28-318.3.4 of the Administrative Code, the inspection entity performing such inspection must immediately notify the building owner, the utility providing gas service to such building, and the Department. The building owner must take immediate action to correct such conditions in compliance with the New York City Construction Codes.
- (f) Civil penalties for failure to file certification. A building owner who fails to submit a certification required to be submitted pursuant to this section on or before the filing due date specified in such paragraph will be liable for a civil penalty of ten thousand dollars (\$10,000.00), payable to the Department.
- (g) Challenge of a civil penalty. A building owner may challenge the imposition of any civil penalty authorized to be imposed pursuant to this section by submitting satisfactory proof of a timely and acceptable filing to the Department. Challenges must be made in writing, in a form and manner determined by the Department, within thirty (30) days from the date of violation.