

Brooklyn Industry Meeting – In person

February 22nd, 2024

Additional information

- Bronx borough office will open in new location March 11, 2024, see link to service notice below.

https://www.nyc.gov/assets/buildings/pdf/bbo_move_sn.pdf

- See link below for updates/release notes for DOB NOW.

https://www.nyc.gov/assets/buildings/pdf/dob_now_build_release_notes.pdf

- New Application Requirements for renewing special Inspection Agency Registration, see link to service notice below.

https://www.nyc.gov/assets/buildings/pdf/sia_ele_renew-sn.pdf

Brooklyn DOB Industry Meeting Questions (Rev. 2/29/24)

February 22, 2024

DOB Responses below:

1. What criteria requires a Certificate of Compliance for mechanical equipment?
#1 Response: Communication with FDNY is pending.
[See attached PDFs regarding Certificate of Compliance/Equipment Use Permits.]
2. TPPN #93/1993 (1) states, “Existing lot line windows with wood framing may be retained if provided with wired or tempered glass and a sprinkler head is installed from inside over each window.” This item cross-references to Sec. 277.1(b) MDL which states, “Window openings in exterior walls shall conform with the limitations of table 3-4 chapter twenty-six of the administrative code of the city of New York, unless such windows are fire protected and provided with either a minimum of one sprinkler head per window or window automatic closing devices, acceptable to the department of buildings”.

Can you please clarify if tempered or wire glass is required for aluminum windows, or is it only necessary if you are trying to retain wood frame windows?

#2 Response:

The MDL 277(1)(b) and TPPN 9/93 focus on the area of glazing in these exterior Fire Walls. The glazing must be protected with wired or tempered glass with a Sprinkler head along and must be in accordance with the area limitations of openings in exterior walls with a certain exterior separation distance from other exterior walls.

Most of these buildings were built with wood framed windows and may never have been replaced. Since these are rated fire walls, The Code only allows a certain amount of area for openings, as 1968 BC Table 3-4 shows. The Code does not talk about the frame of the openings because it states it has to be non-combustible.

Whether the openings are wood or metal, the glazing has to be wire glass or tempered glass with a sprinkler head to comply with the MDL, TPPN 9/93 and The Building Code.

3. Clarification of BC 3301.13.3 Item 3 (3.3.The alteration or demolition of more than 50 percent of the gross floor area of the building during the course of work over any 12-month period;) Is this 50% of structural alterations or of any alteration (ie if your renovating the entire store (100% of interior finishes and partitions) of a one story building but not altering or changing the building structure, use or occupancy would you answer "yes" to this question?)

***3301.13.3 Designation of primary construction superintendent.** The permit holder shall designate a primary construction superintendent who shall carry out all duties and responsibilities assigned to the construction superintendent by this chapter and rules promulgated by the commissioner, and notify the department of such designation, prior to the commencement of work, for the following types of jobs:

1. The construction of a new building;
2. The full demolition of an existing building;
3. An alteration to an existing building that involves one or more of the following:
 - 3.1. A vertical enlargement;
 - 3.2. A horizontal enlargement;
 - 3.3. The alteration or demolition of more than 50 percent of the gross floor area of the building during the course of work over any 12-month period;
 - 3.4. The removal of one or more floors during the course of work over any 12-month period;
 - 3.5. Work that requires a special inspection for underpinning; or
 - 3.6. Work that requires a special inspection for the protection of sides of excavations; or
4. Other jobs that pose an enhanced risk to the public and property, as determined by the commissioner.

Exception: A construction superintendent is not required for work that solely involves a 1-, 2-, or 3-family building, or an accessory use to such building, provided the permit holder for such work is registered as a general contractor in accordance with Article 418 of Chapter 4 of Title 28 of the *Administrative Code*.

**Section 3301.13.3 was amended by [Local Law 149 of 2021](#). This law has an effective date of November 7, 2022.*

#3 Response:

Yes, per the language of subsection 3.3 [under 3301.13.3 Part 3] a construction super would be required even if there is no structural renovation work occurring. If you feel that CS is not needed, say yes to the question and then file for a waiver with CS Super.

Members of our code revision committee have expressed a desire to revisit this CS trigger in the code. If the Brooklyn AIA wants to put pen to paper and suggest how this line should read in the (2028? Code), please direct them to email their recommendation to BC Shehata.

4. When is the New Existing Building Code expected to be issued? Can DOB issue a brief highlight of major changes?

#4 Response: The “Existing Building Code” is technically still a draft; it is too early to go into detail about the potential changes it contains. The EBC legislation will be introduced at City Council this year. Once we have a timeline for its effective date, the Department will roll out a training and outreach program.

5. Plan examiners keep providing objections per AC 28-104.7
The objections cover a wide spectrum of broad issues including construction documents, various code and zoning issues without any specific requirements. It usually relates to either lack of literacy or willingness to do the actual work by the plan examiner. This issue was brought up at the previous meeting and was discussed to be related to plan examiners as unacceptable. The situation, however, persists. Examples can be provided.

Objection	Code	Status
Q-1.0.a. Scope and related not	ALT: Residential	Open
Project Type	Work Type	Code Type
ALT - Residential	General Construction	Code
Code Year	Reference	Created Date
AC 2014	AC 28-104.7	01/22/2024
Created By	Determination Request Number	
Boris Kordonchik		
Details		
1. Provide updated architectural survey with NAVD elevations2. Provide rear yard and lot coverage analysis for commercial portion3. Clarify compliance with quality Housing Program		
Comments		

#5 RESPONSE: For objections referencing AC 28-104.7, the plan examiner should also indicate notes and the specific codes under the Comments and Details sections. We will communicate this with our ACPEs.

6. Appendix G of BC Section G102.1.10.1.1 prohibits conversion of any space below the design flood elevation from non habitable space into habitable space.
In this specific case the residential house (currently 2 family) has a basement that is erroneously being listed as a cellar on the CO from 1934. Calculations per both, 1938 and 1968 codes support the definition of the basement. The Certificate of Occupancy lists that cellar space as ordinary. Ordinary use in basement per zoning resolution includes auxiliary recreation room as a ‘customary use’.

Would it be permitted to keep such recreation room in the basement/ cellar of the existing dwelling without increasing the degree of non-compliance?

- (9) except in R1-2A, R2A, R2X, R3, R4 and R5 Districts, the lowest *story* (whether a *basement* or otherwise) of a *residential building*, provided that:
- (i) such *building* contains not more than two *stories* above such *story*;
 - (ii) such *story* and the *story* immediately above it are portions of the same *dwelling unit*;
 - (iii) such *story* is used as a furnace room, utility room, auxiliary recreation room, or for other purposes for which *basements* are customarily used; and
 - (iv) such *story* has at least one-half its height below the level of the ground along at least one side of such *building*, or such *story* contains a garage;

#6 RESPONSE:

If the scope of work for alteration exceeds 50% of building reconstruction value as per RCNY 3606 (substantial improvement), all requirements of appendix G of 2022 building code (same as 2014 code) would be applicable. As per Appendix G 304.1.1, the following standard shall apply to post-firm constructions and substantial

improvements: The lowest floor, including the basement (for flood zone purposes), shall be elevated to or above the design flood elevation specified in ASCE 24, Table 2-. Therefore, if an alteration is substantial improvement, all levels below design flood elevation must be backfilled.

For this specific scenario a determination should be submitted.

7. **SIA renewals, agencies are trying to renew but are unable to pay the fee online** for renewal and have been trying to obtain information and follow instructions from the Jan 11, 2024 Service Notice but have not been successful in renewing. These agencies are now dealing with expired registrations and are unable to identify or sign off inspections. Can you please provide a step-by-step guide for registration renewal and a contact at DOB to inquire about the status of renewals?

Response:

Here's the [link](#) for online payment for renewal. The complete renewal process is outlined [here](#). **If applicants are having problems paying online, please send screen shots of error messages to Alan Price alprice@buildings.nyc.gov.**

8. Mezzanines are permitted as per Article 7B, Sec. 277.7(d) MDL, *'No interior floor area enlargement shall be permitted except that a mezzanine with a minimum headroom of seven feet shall be allowed within individual dwelling units, provided that the gross floor area of such mezzanine does not exceed one-third of the floor area contained within such dwelling unit. No mezzanine shall be included as floor area for the purpose of calculating the minimum required size of a living room or a dwelling unit or for calculating floor area devoted to dwellings'*.

Article 7B and the Building Code do not define the term 'headroom', which differs from ceiling height and clear ceiling height. The subject section of MDL related to mezzanines specifically states that mezzanines are not considered floor area for the purpose of calculating the minimum required size of a living room, as defined in Sec. 31 MDL.

Under Sec. 277.7(d) MDL, does an occupiable mezzanine with a minimum ceiling height of 7'-0" that has a structural beam of approximately 8" x 14" intersecting a portion of the mezzanine comply, given that the vast majority of headroom at mezzanine level is 7'-0" or greater?

#8 RESPONSE: Article 7B, Sec. 277.7(d.) of the MDL states a minimum headroom of seven feet (7'-0"). In an occupiable mezzanine, no structural encroachments would be permitted below 7 feet.

Certificate of Compliance

SECTION MC 107 INSPECTIONS AND TESTING

107.1 General. Except as otherwise specified, inspections required by this code or by the department during the progress of work may be performed on behalf of the owner by approved agencies or, if applicable, by special inspectors. However, in the interest of public safety, the commissioner may direct that any of such inspections be performed by the department. All inspections shall be performed at the sole cost and expense of the owner. Refer to Article 116 of Chapter 1 of Title 28 of the *Administrative Code* for additional provisions relating to inspections.

107.2 Required inspections and testing. In addition to any inspections otherwise required by this code or applicable rules, the following inspections shall be required:

1. Progress inspections.

- 1.1. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.

Exception: Ground-source heat pump loop systems tested in accordance with Section 1208.1.1 shall be permitted to be backfilled prior to inspection.

- 1.2. Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and all ducting and other components to be concealed are complete, and prior to the installation of wall or ceiling membranes.

- 1.3. Inspections required by the *New York City Energy Conservation Code* shall be made in accordance with the rules of the department, as applicable.

2. Special inspections. Special inspections shall be performed in accordance with this code and Chapter 17 of the *New York City Building Code*.

3. Final inspection. Refer to Article 116 of Chapter 1 of Title 28 of the *Administrative Code*.

4. Issuance of certificate of compliance. Upon satisfactory inspection of service equipment and the satisfaction of all the requirements for sign-off, the department shall issue a certificate of compliance as applicable for the following service equipment:

- 4.1. Air conditioning and ventilation systems,
- 4.2. Fuel-burning and fuel-oil storage equipment, including generators,
- 4.3. Refrigeration systems,
- 4.4. Heating systems, and
- 4.5. Boilers.

The requirements of Section 107.2 shall not be considered to prohibit the operation of any heating equipment or appliances installed to replace existing heating equipment or appliances serving an occupied portion of a structure provided that a request for inspection of such heating equipment or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such equipment or appliances is concealed by any permanent portion of the structure.

The certificate of Compliance takes the place of the Equipment Use Permit [AC 1968]

See Directive 16 of 1971 [Rescinded - BB 2022-008]

The City of New York
HOUSING AND DEVELOPMENT ADMINISTRATION
Department of Buildings

DIRECTIVE NO. 16 OF 1971

To: Borough Superintendents

Date: September 27, 1971

From: Thomas V. Burke, Director of Operations

Subject: Equipment Use Permits - Section C26-117.0
Building Code.

- I It is required by section C26-117.1 that equipment use permits be obtained for the following types of service equipment:
- (a) Air conditioning and ventilating systems.
 - (b) Elevators, escalators, moving walks and stairways, dumbwaiters, etc.
 - (c) Fuel-burning and fuel-oil storage equipment.
 - (d) Refrigeration systems.
 - (e) Heating systems.
 - (f) Boilers
- II Elevators - The forms, B Form 111, Passenger Elevator Inspection Certificate, and B Form 110, Freight and Sidewalk Elevator Inspection Certificate, and the forms presently issued for escalators, moving walks and stairways, dumbwaiters and amusement devices, shall be the equipment use permits for such equipment, and the present procedure used for issuance of such forms shall continue.
- III Fuel-burning and fuel oil storage equipment - The form 16A, presently used, shall be the equipment use certificate, and the existing procedure shall be continued.
- IV Boilers - The Certificate of Boiler Inspection, form 276, presently issued by the boiler section, shall be the equipment use certificate for boilers. The present procedure for issuance of such certificates shall be continued.
- V Air conditioning, ventilating systems, refrigeration systems, heating systems - An equipment use certificate is not presently issued. A new form B25A, copy attached, shall be used as the equipment use certificate for such equipment. The procedure which follows shall be applicable.
- VI Ventilating Systems
- (a) Equipment use permits shall be necessary for required ventilating systems and for voluntary air duct systems containing smoke detection or fire protection devices required by the Building Code (except for voluntary systems exempt from work permits pursuant to section C26-116.5 Administrative Code.)
- A 25

3. Construction inspectors shall inspect chimneys, warm air ducts, ventilation of boiler rooms, boiler room enclosures, boiler foundations, breeching, and other construction not inspected by boiler inspectors and plumbing inspectors, for compliance with approved plans.

X Noise Control

- (a) Equipment for which an equipment use permit is required, when located within a multiple dwelling, shall comply with the noise control requirements of Sub-Article 1208.0 of the Building Code.
- (b) Where any equipment for which an equipment use permit is required, is located on the exterior of any type of building and one or more windows of a dwelling unit in occupancy groups J-1, J-2, or J-3 is located within a sphere of 100 ft. radius, whose center is at any part of the equipment or its housing, shall also comply with the provisions of Sub-Article 1208.0.
- (c) Requirements of Sub-Article 1208.0, when providing for construction, shall be shown on the approved plans. When such requirements relate to permitted noise levels, reports of required tests, as specified in subdivision (a) of section C26-1203.1, shall be made under the supervision of the person making controlled inspection, and reports of such tests shall be filed before issuance of an equipment use permit.

XI Temporary Equipment Use Permits

Equipment use permits shall be issued for periods of indefinite duration, except that temporary permits may be issued for periods not exceeding thirty days, provided the fees prescribed in section C26-33.0 Administrative Code are paid for such temporary permits and provided that partial use and operation may be made without endangering public health, safety or welfare. Such permits shall be marked as temporary, with the date of expiration clearly noted. Such temporary permits shall be accompanied by amendments to the work application, on which required fees shall be noted.

XII Existing Equipment

Equipment use permits shall not be required for equipment installed prior to December 6, 1969. When new equipment is installed in existing buildings constructed under the 1938 or prior codes, an equipment use permit shall not be required unless the cost of installation exceeds 30% of the value of the building. Section C26-103.3 Administrative Code.

VII Air Conditioning Equipment. See exemptions of Section C26-117.5 Administrative Code. Procedure for air conditioning systems shall be the same as for ventilating systems, except that in addition, a use permit may be required for the refrigerating system. Section C26-1301.4 Administrative Code. Note exemption for refrigeration systems in section C26-1301.4, subdivision (c) Administrative Code. The completed refrigerating system shall be tested and inspected under the requirements for controlled inspection, except that it shall not be required that the architect or engineer be employed by the owner. A signed statement of the architect or engineer shall be filed on forms 10E and 10F, that the refrigerating system complies with Reference Standard 13-6 (USASI B9.1-1964 Safety Code for Mechanical Refrigeration) and code requirements.

VIII Refrigeration System - See item VII.

IX Heating Systems

(a) Boilers having a BTU input of not more than 350,000 BTU per hour (Section C26-1401.1(a) Administrative Code) in non-residential buildings, and hot water boilers and steam boilers operating at a gauge pressure of not more than 15 lbs. per square inch, located in dwellings occupied by less than six families, do not require equipment use permits. (Section C26-117.5 Administrative Code.)

(b) A statement of an architect or engineer shall be required that the heating system was operated and functions satisfactorily and that, to the best of his knowledge and belief, the system will meet code temperature requirements. (Section C26-117.3 Administrative Code.)

(c) Controlled Inspection

Inspections and tests of heating systems are to be made and witnessed by or under the direct supervision of an architect or engineer who shall file reports of such tests and inspections on form 10E, and who shall file a statement that the heating system conforms in all respects with code requirements. (Section C26-1204.0 Administrative Code). Note: Testing of a heating system shall be required only to show that the system operates properly. Testing to show compliance with the temperature requirements of section C26-1204.1 of the Administrative Code shall not be required.

(d) Building Department Inspection

1. Boiler inspectors shall inspect boilers.
2. Plumbing inspectors shall inspect water supply piping and connections and waste lines and fuel burning equipment and fuel storage equipment. Note that separate equipment use permits are required for fuel burning equipment and fuel storage equipment. Forms presently in use for this purpose shall be continued (Form 16A).

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XIII Plan Examination

Examiners shall require applicant to list equipment requiring equipment use permits as required by section C26-117.1 Administrative Code, and shall require that equipment use permit applications be filed. They are to be filed as part of a New Building or Alteration application.

XIV Reports, Certifications, Approvals

Applications for equipment use permits shall be filed with the new building or alteration applications to which they are accessory. Examiners shall review the required reports, certifications and other data required for approval. When all information has been received and is found to be in proper order, the examiner shall recommend approval by signing the application for the equipment use permit.

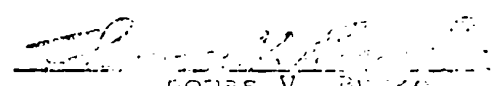
Before approving a temporary or permanent certificate of occupancy or before signing off the application as completed, the plumbing and construction inspectors shall ascertain whether the equipment meets all requirements of the code as specified in this memorandum. Where there is not compliance, the applicant is to be notified in writing of the objections. Where the equipment is ready for approval, the inspector shall sign the application for the equipment use permit, recommending approval. The application shall be returned to the new building or alteration application to which it is accessory and shall be stamped with the signature of the Borough Superintendent, as approved, by the clerk who stamps the approvals of the new building or alteration applications.

XV Applications for equipment use permits (form B25) shall be filed in quadruplicate and shall be distributed in the same manner as the applications to which they are accessory, except when filed as separate applications as noted below. Where a new type of equipment use permit is issued, form B25A shall be used as the permit.

XVI When no work is to be done other than installation of the equipment for which a use permit is required, a separate application (form B25) may be filed for a work permit and a use permit (form B25A) obtained in conformance with sections C26-116.0 and C26-117.0 of the Administrative Code. In such cases, the applications shall be processed in accordance with the foregoing procedure, except that the accessory application shall be noted as "none."

Note: Where alteration application is specified in this directive, it shall include building notice applications also.

TVE/df
Attachments


Thomas V. Burke
Director of Operations

CC: Exec. Staff
Industry
Comm. Lowery, Fire Dept.
Boiler Section; Crane & Derrick Section

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SERVICE UPDATE

Certificate of Compliance for Service Equipment: Update

In accordance with §28-116.4.1 specified service equipment shall not be operated until the Department issues a Certificate of Compliance (formerly called the Equipment Use Permit). The Certificate of Compliance may only be issued after the submission of a satisfactory report of inspection and testing of such equipment. Required inspections were performed by Department inspectors or registered design professionals for the following types of service equipment:

- Air conditioning systems*
- Ventilating systems
- Refrigeration system*
- Heating system (not including boilers).

* Including cooling towers

Beginning December 7, 2015:

- **The Department will no longer accept inspection requests or perform inspections for the service equipment referenced above.** Any inspections requests that were previously scheduled will be conducted.
- All referenced service equipment must be inspected and certified by a Special Inspection Agency (SIA) performing inspections in accordance with BC 1704.16 (*Mechanical Systems*) and BC 1704.1.2 (*Responsibilities of the SIA*).
- A TR1 Form identifying responsibility for the required special inspection and a PW4 *Application for Certificate of Compliance for Equipment Form* (signed and sealed) must be submitted at permitting.
- After inspection, the Special Inspector shall submit to the Certificate of Occupancy Unit a completed Certificate of Compliance card, and the applicable certified TR1 Form. If the equipment is properly certified, the Department will issue an approved (stamped) Certificate of Compliance card. The special inspection agency shall securely post the approved Certificate of Compliance card on or adjacent to the service equipment.

Other types of service equipment not referenced above (elevators, escalators, moving walkways and dumbwaiters; fuel burning and fuel-oil storage equipment; and boilers) will continue to be inspected in accordance with existing procedures.

For information about special inspections please see [1 RCNY 101-06](#).

POST UNTIL: December 31, 2016