

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 to add fees for boiler and elevator inspection reports and site safety plan review.

When and where is the hearing? DOB will hold a public hearing on the proposed rule online. The public hearing will take place at 12pm on 4/13/23.

- **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/Buildings202304Boiler>

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/Buildings202304Boiler>

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: 212 238 798 521

Passcode: wRUMcB (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: 173 270 732#

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 4/6/23 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 4/13/23.

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 3/30/23.

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 sections 28-112.1 and 28-112.7.2 and Article 110 of Title 28 of the Administrative Code, and Chapter 33 of the Building Code authorize DOB to make this proposed rule. This proposed rule was included in DOB's regulatory agenda for this Fiscal Year.

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

Section 101-03 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended by:

- Adding the fees for filing of boiler and elevator inspection reports that were in Section 28-112.7.2 of the Administrative Code. That section was amended by Local Law 126 of 2021 to remove those fees from the Administrative Code and authorize the Department to set the fees by rule. This change was made so that the language of the boiler and elevator fees would match the similar report filing fees for facades, potentially compromised buildings, and retaining walls, which already state that the fees will be provided by rule.
- Adding fees for initial and amended filings for review of site safety plans required by Article 110 of Title 28 of the Administrative Code and Chapter 33 of the Building Code. Currently the Department does not charge a fee for these reviews. These proposed fees will help address the increasing workload created by the volume and technical complexity of these required site safety plan submissions.

Pursuant to section 1043(d)(4)(iii) of the New York City Charter, certification of this proposed rule pursuant to Local Law 46 of 2010 is not required.

The Department's authority for these rules is found in sections 643 and 1043 of the New York City Charter, sections 28-112.1 and 28-112.7.2 and Article 110 of Title 28 of the Administrative Code, and Chapter 33 of the Building Code.

New material is underlined.

Section 101-03 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding the following entries at the end of the table set forth in that section:

<u>Filing fee for periodic boiler inspection report.</u>	<u>\$30 for each boiler.</u>
<u>Filing fee for report of periodic inspections and category tests of elevator and other devices.</u>	<u>\$30 for each device.</u>
<u>Site safety plan review</u>	
• <u>Initial filing</u>	<u>\$610</u>
• <u>Amended filing</u>	<u>\$545</u>