

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 repeal four rules that modify national standards for automatic sprinkler, standpipe, and fire alarm systems. The specific rules to be repealed set forth National Fire Protection Association (“NFPA”) amendments relating to elevator hoistways and machine rooms, closets and pantries, hydrostatic tests, and exemption from Fire Department connection requirements in one- and two-family residential buildings. DOB is also proposing to amend the rule setting forth the NFPA amendment relating to the national fire alarm and signaling code to add language relating to occupant evacuation elevators.

When and where is the hearing? DOB will hold a public hearing on the proposed rule. The public hearing will take place at 10:00am on 8/19/15. The hearing will be in the 3rd floor conference room at 280 Broadway.

How do I comment on the proposed rule? Anyone can comment on the proposed rule by:

- **Website.** You can submit comments to the DOB through the NYC rules Web site 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 before the hearing by: (1) calling 212-393-2085; (2) emailing dobrules@buildings.nyc.gov; or (3) signing up in the hearing room before the hearing begins on 8/19/15. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by 8/19/15.

What if I need assistance to participate in the hearing? If you require a reasonable accommodation to participate in the hearing, including, but not limited to, a sign language interpreter, you must notify the Office of the General Counsel by mail or email at the addresses given above or by telephone at 212-393-2085. You must tell us by 8/12/15.

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>. A few days after the hearing, written comments and a summary of oral comments received at the hearing will be available to the public at the Office of the General Counsel.

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 section BC 3008 of the New York City Building Code (found in Chapter 7 of Title 28 of the Administrative 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 the DOB's rules? The 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 proposed rule:

- repeals rules setting forth National Fire Protection Association ("NFPA") amendments relating to elevator hoistways and machine rooms, closets and pantries, hydrostatic tests, and exemption from Fire Department connection requirements in one- and two-family residential buildings, and
- amends the rule setting forth the NFPA amendment relating to the national fire alarm and signaling code to add language relating to occupant evacuation elevators. This will update the safety requirements to the latest national standard, which will enhance public safety.

Sections one through four of the proposed rule repeal sections 3616-01, 3616-02, 3616-03, and 3616-05 of Title 1 of the Rules of the City of New York (RCNY), because sections 3616-02 and 3616-05 have been superseded by Appendix Q of the Building Code, and the amendments to the NFPA standards that had been set forth in 3616-01 and 3616-03 have been superseded by the most recent associated NFPA standards, as amended by Appendix Q.

Section five of the proposed rule amends section 3616-04 of Title 1 of the RCNY to update provisions of section 21.6 of NFPA 72 regarding occupant evacuation elevators to conform to the requirements of NFPA 72-2013.

The Department of Buildings' authority for this proposed rule is found in sections 643 and 1043 of the New York City Charter, section 28-103.19 of the New York City Administrative Code, and section BC 3008 of the New York City Building Code (found in Chapter 7 of Title 28 of the New York City Administrative Code).

Note that an asterisk (*) found within this proposed rule, following the number or letter designating a paragraph, indicates that explanatory material on the paragraph can be found in Annex A of NFPA 72.

"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.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Section 3616-01 of Subchapter Q of Chapter 3600 of Title 1 of the Rules of the City of New York, relating to fire protection standards for elevator hoistways and machine rooms, is REPEALED.

§ 2. Section 3616-02 of Subchapter Q of Chapter 3600 of Title 1 of the Rules of the City of New York, relating to fire protection standards for closets and pantries, is REPEALED.

§ 3. Section 3616-03 of Subchapter Q of Chapter 3600 of Title 1 of the Rules of the City of New York, relating to hydrostatic tests, is REPEALED.

§ 4. Section 3616-05 of Subchapter Q of Chapter 3600 of Title 1 of the Rules of the City of New York, relating to exemption from Fire Department connection requirements in one- and two-family residential buildings, is REPEALED.

§ 5. Section 3616-04 of Subchapter Q of Chapter 3600 of Title 1 of the Rules of the City of New York is amended to read as follows:

§ 3616-04 National Fire Protection Association ("NFPA") 72 Amendment Relating to the National Fire Alarm and Signaling Code.

Pursuant to Section 28-103.19 of the New York City Administrative Code, NFPA 72 (2010 edition) is hereby amended as follows:

* * *

21.4.3 Delete and replace with the following: Pressure or water flow switches shall not be used to shut down elevator power.

21.6 Delete and replace with the following:

21.6 Occupant Evacuation Elevators.

21.6.1 Elevator Status. Any elevator specifically designated and marked for use by occupants for evacuation during fires shall comply with all of the provisions of Sections 21.5 and 21.6.

21.6.2 Elevator Occupant Evacuation Operation (OEO). Outputs from the fire alarm system to the elevator controller(s) shall be provided to implement elevator occupant evacuation operation in accordance with Section 2.27 of ASME A17.1/CSA B44 as modified by Chapter K1 of Appendix K of the New York City Building Code, as required in 21.6.2.1 and 21.6.2.2.

21.6.2.1 Partial Evacuation. Where an elevator or group of elevators is designated for use by occupants for evacuation, the provisions of 21.6.2.1.1 through 21.6.2.1.4 shall apply for partial evacuation.

21.6.2.1.1 Initiation. Output signal(s) shall be provided to initiate elevator occupant evacuation operation upon automatic or manual detection of a fire on a specific floor or floors as a result of either or both of the following:

(1) Activation of any automatic fire alarm initiating device in the building, other than an initiating device used for elevator Phase I Emergency Recall Operation in accordance with Chapter K1 of Appendix K of the New York City Building Code.

(2)* Activation of manual means at the fire command center by authorized or emergency personnel.

21.6.2.1.2* Floor Identification.

(A) The output signal(s) shall identify each floor to be evacuated.

(B) The identified floors shall be a contiguous block of floors including the following:

(1) The floor with the first activated automatic initiating device.

(2) Floors with any subsequently activated automatic initiating device(s).

(3) Floors identified by manual means from the fire command center.

(4) One floor above the highest floor identified by 21.6.2.1.2(B)(1) through 21.6.2.1.2(B)(3).

(5) One floor below the lowest floor identified by 21.6.2.1.2(B)(1) through 21.6.2.1.2(B)(3).

(C) The identified floors shall be displayed on a standard emergency services interface along with the other elevator status information required by 21.6.1.

21.6.2.1.3 Manual Floor Selection.

(A) A means shall be provided at the fire command center to allow the manual selection of floors.

(B) The floors shall be selected on the basis of information from authorized or emergency personnel.

21.6.2.1.4* Occupant Notification. The in-building fire emergency voice/alarm communications system shall transmit coordinated messages throughout the building.

(A) Live voice evacuation messages shall be transmitted to the floors identified in 21.6.2.1.2 to indicate the need to evacuate and that elevator service is available.

(B) Live voice messages shall be transmitted to the floors not being evacuated to inform occupants of evacuation status and shall include an indication that elevator service is not available.

(C)* Live voice messages shall be transmitted to the floors identified in 21.6.2.1.2 to indicate that elevator service is not available when all elevators have been recalled on Phase I Emergency Recall Operation.

(D) All live voice messages shall be coordinated with the text displays provided separately by the elevator management system.

21.6.2.2 Total Evacuation. Where an elevator or group of elevators is designated for use by occupants for evacuation, the provisions of 21.6.2.2.1 through 21.6.2.2.3 shall apply for total evacuation.

21.6.2.2.1 Output(s) to signal elevator occupant evacuation operation for total evacuation shall be manually activated from the fire command center by a means labeled “ELEVATOR TOTAL BUILDING EVACUATION.”

21.6.2.2.2 The output(s) shall identify that all floors are to be evacuated.

21.6.2.2.3 A live voice evacuation message shall be transmitted from the in-building fire emergency voice/alarm communication system throughout the entire building to indicate the need to evacuate.

21.7.3* Delete and replace with the following: **Fan Shutdown and Restart.**

* * *

PROPOSED

**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: Repeal and Amendment of Certain Fire Protection Requirements

REFERENCE NUMBER: DOB-67

RULEMAKING AGENCY: DOB

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/ Elvita Dominique
Mayor's Office of Operations

July 6, 2015
Date

**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: Repeal and Amendment of Certain Fire Protection Requirements

REFERENCE NUMBER: 2015 RG 051

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: July 6, 2015