

## **REGULATORY AGENDA OF THE DEPARTMENT OF BUILDINGS PURSUANT TO SECTION 1042 OF THE CITY ADMINISTRATIVE PROCEDURE ACT**

The Rules and Regulations of the New York City Department of Buildings are authorized pursuant to Section 643 of the New York City Charter and are found in Title 1 of the **Rules of the City of New York**. The Rules and Regulations are supplementary and include interpretive technical rulings as well as administrative procedure necessary to carry out the law.

Promulgation of the following rules and regulations of the Department of Buildings is anticipated by the first day of July 2012:

### **1. Approved fabricators, including concrete producers.**

This rule will set out registration requirements, qualifications and duties of approved fabricators, including concrete producers.

**Persons Affected** – Approved fabricators including manufactured housing fabricators not requiring special inspection, registered design professionals and contractors, property owners, special inspectors, engineers and architects, concrete testing labs and other construction stakeholders.

**Relevant Laws** – BC chapters 16, 17, 18 and 19, BC §1704.2.2, AC §28-116.7 and §28-406.2

**Anticipated Schedule** – First half of FY ‘12

**Contact** – Alan Price, Director of OTCR, (212) 566-3282

### **2. Rule regarding renewal of electrical licenses.**

This rule would allow the Department to deny renewal of an electrician’s license when the licensee has failed to clear open violations in a timely manner.

**Persons Affected** – Licensed electricians

**Relevant Laws** – A.C. §27-3015(a)

**Anticipated Schedule** – Second half FY ‘12

**Contact** – Chantal Senatus, Assistant General Counsel (212) 566-3330

### **3. Audits, retro-commissioning and retrofits of building systems.**

Rule will establish procedures and criteria for the implementation of the law, including for energy modeling and bill analysis, energy audits, energy retro-commissioning, cost estimates, estimates of operational savings, construction documents, inspections during construction, energy efficiency reports and Department review of energy efficiency reports.

**Persons Affected** – Owners, managers and tenants of buildings exceeding 50,000 square feet; energy professionals, registered design professionals, energy modelers, energy inspectors, construction cost estimators, real estate finance professionals.

**Relevant Laws** – A.C. Title 28, Article 308, ASHRAE 90.1/2004, ECCCNY or NYC Energy Conservation Code

**Anticipated Schedule** – First half of FY ‘12  
**Contact** – John Lee, Senior Architect (212) 566-3169

**4. Required upgrade of lighting systems.**

Rule will establish the procedures and plan review parameters to implement the law.

**Persons Affected** – Owners and managers of buildings greater than 50,000 square feet; business or mercantile tenant applicants for renovations valued at more than \$50,000 in such buildings; registered design professionals, lighting designers, licensed master electricians.

**Relevant Laws** – A.C. Article 28, Article 310, ASHRAE 90.1/2004, ECCCNY or NYC Energy Conservation Code

**Anticipated Schedule** – First half of FY ‘12

**Contact** – Deborah Taylor, Chief Sustainability Officer, (212) 566-3255

**5. Amusement rides rule.**

To regulate the inspection and testing design and construction, safety precautions, buildings and structures of permanent and temporary amusement rides.

**Persons Affected** – Private amusement owners and operators licensed by DCA and the public.

**Relevant Laws** – RS 18-10

**Anticipated Schedule** – First half of FY ‘12

**Contact Person** – Laura V. Osorio, Acting Assistant Commissioner, Central Inspections, (212) 566-3394

**6. Industrial Rope Access**

This rule will specify the processes through which the department will regulate industrial rope access. Industrial rope access is a combination of techniques used to gain access to a building by means of rope suspended from such building for the purposes of performing inspections and/or limited stabilization work on such buildings.

**Persons affected** - Industrial rope access companies (approximately 5 operating in NYC), building owners, special/master riggers

**Relevant Laws** – AC§ 28-404.1

**Anticipated schedule** - Second half of FY ‘12

**Contact person** - Charles Shelhamer, Code Analyst, (212) 566-3234

**7. Place of filing**

A rule to allow for applications to be filed in a borough other than the one where the work or equipment is located.

**Persons affected** - Anyone who files applications

**Relevant Laws** -28-104.4

**Anticipated schedule** - Second half of FY '12

**Contact person** – Kanda Gordon, Associate Commissioner, Borough Operations, (212) 566-3444

**8. Department approval of course providers**

The Department approves courses to fulfill license qualification, training and continuing education requirements required under our provisions. This rule will:

- Articulate requirements for Department approval of Courses (requirement that provider be approved by an ANSI certified organization)
- State Course provider obligations including obligation to meet DOB technical guidelines for courses
- Provide for revocation of Department approval after notice and an opportunity to be heard
- State timeframe within which current course providers must meet the new requirements

**Persons affected** – course providers

**Relevant Laws** -

**Anticipated schedule** - Second half of FY '12

**Contact person** – Debra Palmieri-Russo, Director, BU, (212) 566-4818

**9. Alt/demo filing**

Sets forth criteria for determining when work permit should be filed as a new building application (instead of an alteration application) when building reuses or incorporates any component of an existing structure and sets forth fees for these permits

**Persons affected** – Applicants for alterations to existing buildings

**Relevant Laws** – AC §28-105.2

**Anticipated schedule** - Second half of FY '12

**Contact person** – James Colgate, Assistant Commissioner, Technical Affairs, (212) 566-3204

**10. Civil penalties**

Current rule 33 regarding civil penalties for work without a permit will be repealed. Rule will clarify when civil penalties for work without a permit and violation of a stop work order should be imposed and when they would not apply pursuant to Code. The proposed rule will set forth procedures for appealing the imposition of civil penalties.

**Persons affected** - Persons receiving violations for work without a permit and violation of a stop work order.

**Relevant Laws** – AC §§28-213.1 and 28-207.2.5

**Anticipated schedule** - Second half of FY '12

**Contact person** – Kanda Gordon, Associate Commissioner, Borough Operations, (212) 566-3444

**11. Façade inspections. (77)**

This rule will clean up an issue regarding inspections and filing and clarify condition reporting language.

**Persons Affected** – Building owners and registered design professionals

**Relevant Laws** – A.C. §§28-302.2, 28-302.3 and 28-302.4

**Anticipated Schedule** – First half of FY '12

**Contact** –Kathy Davis, Director of Local Law, (212) 566-4886