

# FREQUENTLY ASKED QUESTIONS

## PRESENTATION: NYC TR8 Inspections & Reporting

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### Administrative/Forms

- Q1. How should work that is subject to a prior version of the Energy Code approach TR8 inspections?**
- A1. To see which Code, rule and associated forms, including the TR8 form, is required for an application required to conform to a previous Code, please refer to the [What Applies When](#).
- Q2. Are the energy audits performed by the Department required to be addressed by the design applicant or the progress inspectors?**
- A2. If a job is put into energy code audit for TR8 reports, the work product of the TR8 inspector is what is being reviewed. Sometimes TR8 reports are audited as part of a review to resolve a violation and so coordination is needed between the TR8 inspector and the design applicant who may be amending the drawings and energy analysis. The amended documents must reflect what conditions are found by the TR8 inspector.

### Changes During Construction – PAAs/EN2 Form

- Q1. How should as-built changes during construction be submitted to the Department? Are PAAs always required with the EN2 Form?**
- A1. The EN-2 form allows the RDP who prepared the original previously submitted and approved analysis to submit a revised energy analysis with the EN2 Form. Any construction documentation changes are required to be revised either by an AI-1 or a PAA.
- Q2. If there is a discrepancy between what the inspector sees and reports on site and what the as-built construction documents indicate, how does the EN2 get filed?**
- A2. The progress inspection agency is required to sign off on the EN2 Form and indicate that the as-built construction documents align with the field conditions.
- Q3. If the approved energy analysis indicates specific Code minimum values for fenestration and equipment efficiencies, is it required that the energy analysis be updated if the installed values are more efficient?**
- A3. If the values installed in completed building are more efficient than the approved energy analysis, it is not necessary to submit a revised energy analysis for approval. However, if any of the improved efficiencies are utilized in a trade-off that was not recognized in the approved energy analysis, then a revised energy analysis is required to be submitted to the Department.

**Q4. Who is responsible for signing off on the EN2 Form?**

- A4. The registered design professional (RDP) who either performed or supervised the TR8 progress inspections is required to sign and seal the EN2 form. The RDP responsible for the TR8 inspections is also required to identify that the As Built conditions of the completed building conform to one of the following conditions:
- the originally approved energy analysis
  - an attached, revised energy analysis prepared, signed and sealed by the RDP who prepared the previously submitted and approved energy analysis
  - a post approval amendment (PAA) that was submitted and approved on the specified.

**TR8 Form and Reports****Q1. Is there a Department rule that requires a professional stamp on the inspection reports?**

- A1. The Approved Agency Rule, [RCNY 101-07 Section\(c\)\(3\)\(v\)\(C\)\(1\)\(vi\)](#), requires that the progress inspection report is signed and sealed by the Progress Inspection Agency.

**Q2. How long are Progress Inspection Agencies required to keep inspection documentation?**

- A2. The Approved Agency Rule, [RCNY 101-07 Section\(b\)\(3\)](#) requires that the Approved Agency maintain records of inspections and tests documentation, including field logs, test results, lab reports, notes, photographs and other information necessary to establish the sufficiency of the inspection for at least six (6) years.

**Q3. Which DOB rule covers conflict of interest regarding who can perform TR8 progress inspections?**

- A3. The Approved Agency Rule, [RCNY 101-07 \(c\)\(3\)\(ii\)](#), says the following: *Obligation to avoid conflict of interest. A progress inspector and/or a progress inspection agency shall not engage in any activities that may conflict with their objection judgment and integrity, including, but not limited to, having a financial and/or other interest in the construction, installation, manufacture or maintenance of structures or components that they inspect.*

If the TR8 inspector has a financial interest in the company that is constructing the building, such as the contractor, or manufacturer of a product, that would be a conflict of interest

**Q4. If the Applicant of Record of a project is also the contractor, can the AOR perform and sign off on the progress inspections?**

- A4. The Applicant of Record (AOR) cannot perform or sign off on the progress inspections of a job where they are also the contractor or have a financial interest in the construction of the building. The AOR can perform and sign off on the progress inspections of a job that they have designed but are not the contractor.

**Q5. For HUB Self-serve, and HUB Full-service jobs, the electronic TR8 has not been updated, when will this be done?**

A5. We are currently working on including Energy as a work type in DOB NOW. Please be patient while we work to update this. Ensure that the BIS application includes all the applicable TR8 inspections, including those work types that are currently in DOB NOW.

**Q6. What happens if a project does not provide a signed TR8 form? Does that impact the Certificate of Occupancy?**

A6. The Certificate of Occupancy cannot be obtained until each of the required TR8 inspections are signed off on the TR8 Form and the EN2 Form is signed and sealed by the progress inspector. The detailed inspection reports are not required to be submitted with the TR8 Form and the EN2 Form, however, the department has the authority to request the records of inspection at any time during construction and up to six (6) years after construction is completed.

**Q7. Are the TR8 inspection reports required to be submitted with the TR8 form?**

A7. TR8 inspection reports are not uploaded with the TR8 Form Statement of Responsibility Certificate of Completion. They may be uploaded in the e-Submit system if they are requested by the Department during an audit.

**Q8. Can the TR8 progress inspector rely on commissioning reports for verification?**

A8. There may be some overlap between the TR8 inspections and the commissioning report functional testing. The TR8 inspector and commissioning agent shall coordinate the overlapping inspections. If the commissioning agent performs the inspections also required by the TR8 agent, the TR8 inspector shall be present to witness the inspection or the commissioning agent shall sign off those inspection on the TR8 Form. But, in general, it is the responsibility of the TR8 inspector to verify and report that all equipment is installed as called for on the approved drawings and it is the responsibility of the commissioning agent to verify that the equipment functions as intended by the system design and the Energy Code.

**Q9. What action should the TR8 inspector take when non-compliant conditions are noticed, and the contractor does not make changes to make them compliant?**

A9. The TR8 progress inspector is responsible for confirming that the as-built conditions align with the approved plans. The TR8 inspector should not sign and seal inspections that do not conform to approved compliant plans. There may be instances when non-compliant conditions can be traded-off with other above-code conditions, in which case, the approved plans would need to be updated with an energy analysis of the as-built conditions.

The design applicant is responsible for submitting compliant plans or post-approval amendments to previously approved plans and the TR8 progress inspector is responsible for ensuring the as-built conditions comply with the plans.

If the non-compliant conditions are not amended as requested by the TR8 inspector, the Inspection Applicant of Record has the right to refrain from certifying the inspection required item or the EN2.

**Q10. Can there be more than one TR8 progress inspector for the same TR8 item for a single job application?**

A10. Each application may have only one approved progress inspection agency for each TR8 inspection that signs and seals the inspection. The progress inspection agency may have several supplemental inspectors under the direct supervision of the primary inspector that is signing and sealing the reports. The job application may have more than one approved progress inspection agency for different TR8 inspections – for example, one progress inspection agency may perform the envelope inspections and another progress inspection agency may perform the HVAC inspections.

However, when lighting and mechanical inspections are performed by different inspection agencies, IID1 Maintenance Information may be listed and certified on both TR8 Statements of Responsibility.

## **Air Leakage Testing**

**Q1. Is air leakage and air barrier testing required for an alteration where the building's thermal envelope is not being affected or changed?**

A1. The Energy Code inspections are limited to the scope of work of construction. If the scope of work of an alteration does not include the thermal envelope of a building, then the inspections related to the building envelope are not required. Please refer to the [Supporting Documentation How-To Guide](#) (pages BE-7 and BE-8) for more information on when air leakage and air barrier testing is required for new construction, additions and alterations.

**Q2. Do air sealing tests only apply to new buildings of over 25,000 gross square feet?**

A2. No. All buildings subject to the residential provisions of the NYCECC are required to perform whole building air leakage testing. R-3 buildings that are subject to the commercial provisions (i.e. greater than 3 stories in height) are required to perform whole building air leakage testing. For buildings subject to the commercial provisions, buildings greater than or equal to 10,000 square feet and less than 50,000 square feet and less than 75 feet in height, are required to perform whole building air leakage testing. For buildings greater than or equal to 10,000 square feet and less than 50,000 square feet and greater than 75 feet in height, have the option of performing whole building air leakage testing or developing and carrying out an air barrier continuity plan. Buildings greater than or equal to 50,000 square feet, regardless of height, have the option of performing whole building air leakage testing or developing and carrying out an air barrier continuity plan.

Please refer to the [Supporting Documentation How-To Guide](#) (pages BE-7 and BE-8) for more information on when air leakage and air barrier testing is required for new construction, additions and alterations.

**Q3. Is it acceptable for the third-party door blower testing contractor to submit the air leakage testing report with the TR8 Approved Agency in attendance?**

A3. Yes, the air leakage testing report may be written by the testing contractor provided that the TR8 inspector was present at the testing and verified that the test was conducted according to the code and related standards

**Q4. Would an enlargement that involve some rebuild of exterior walls and reconfiguration of roofs, new windows etc. trigger the air barrier continuity plan requirements?**

A4. The Air Barrier Continuity Plan is only required for New Buildings and additions greater than the thresholds specified in the 2020 NYCECC Section C402.5.1.3. If the area of the enlargement of this building is greater than 50,000 sq. ft. or is between 10,000 sq. ft. and 50,000 sq. ft. in a building greater than 75 feet in height, then the air barrier continuity plan would be required.

Please refer to the [Supporting Documentation How-To Guide](#) (pages BE-7 and BE-8) for more information on when air leakage and air barrier testing is required for new construction, additions and alterations.