

1 RCNY §103-10

CHAPTER 100

Subchapter C Maintenance of Buildings

§103-10 Periodic Inspection of Gas Piping Systems.

(a) Inspection requirements.

- (1) In accordance with Article 318 of Title 28 of the Administrative Code, building gas piping systems, except for gas piping systems in buildings classified in occupancy group R-3 in Section 310.1.3 of the Building Code, must be periodically inspected as set forth in this section.
- (2) This requirement for periodic inspections does not apply to buildings that contain no gas piping system, provided that the owner of such a building submits to the Department, in a form and manner determined by the commissioner, along with a filing fee as specified in the rules of the Department, a certification from a utility company, a registered design professional, or a licensed master plumber or an individual under the direct and continuing supervision of a licensed master plumber, stating that the building contains no gas piping system. Such statements need only be submitted once. The due date for submitting such a certification pursuant to this paragraph shall be as follows:
 - (i) June 30, 2021, as extended by local law 12 for the year 2021, no later than December 31 in calendar year 2024, and every fourth calendar year thereafter, for buildings in community districts 1, 3, and 10 in all boroughs.
 - (ii) June 30, 2022 as extended by local law 137 for the year 2021, and no later than December 31 in calendar year 2025, and every fourth calendar year thereafter, for buildings in community districts 2, 5, 7, 13, and 18 in all boroughs.
 - (iii) December 31, 2022, and no later than December 31 within every fourth calendar year thereafter, for buildings in community districts 4, 6, 8, 9, and 16 in all boroughs.
 - (iv) December 31, 2023, and no later than December 31 within every fourth calendar year thereafter, for buildings in community districts 11, 12, 14, 15, and 17 in all boroughs.
- (3) A building that contains gas piping but is not currently supplied with gas, that does not contain any appliance connected to any gas piping, and that complies with section 28-318.3.5 of the Administrative Code is not required to undergo a gas piping inspection otherwise required under this section. The due date for submitting the statements required by section 28-318.3.5, along with a filing fee as specified in section 101-03 of the rules of the Department, is the same as the due dates set forth in paragraph (2) of this subdivision. Where the owner seeks to resume gas service, the owner must comply with the provisions of section 28-318.3.6.

- (4) Inspections of building gas piping systems required under this section must be conducted at least once every four (4) years and in accordance with the following periodic inspection schedule:
- (i) Between January 1, 2020 and June 30, 2021 (inclusive), as extended by local law 12 for the year 2021, no later than December 31 in calendar year 2024, and every fourth calendar year thereafter, building gas piping systems shall be inspected in community districts 1, 3, and 10 in all boroughs.
 - (ii) Between January 1, 2021 and June 30, 2022, and in calendar year 2025, and every fourth calendar year thereafter, building gas piping systems shall be inspected in community districts 2, 5, 7, 13, and 18 in all boroughs.
 - (iii) In calendar year 2022, and within every fourth calendar year thereafter, building gas piping systems shall be inspected in community districts 4, 6, 8, 9, and 16 in all boroughs.
 - (iv) In calendar year 2023, and within every fourth calendar year thereafter, building gas piping systems shall be inspected in community districts 11, 12, 14, 15, and 17 and in any community district not specified in this paragraph in all boroughs.
- (5) The initial inspection for a new building with a gas piping system must be performed during the tenth year after the Department has issued a certificate of occupancy for such building. Following such initial inspection, a new building's subsequent periodic inspection must be conducted in accordance with the periodic inspection schedule set forth in paragraph (4) of this subdivision. For the purposes of this section, the term "new building" means a building, or any portion thereof, for which the Department has issued a temporary, interim or final certificate of occupancy on or after December 6, 2016.
- (6) An inspection entity qualified to conduct inspections of gas piping systems pursuant to subdivision (b) of this section must notify the Department of the performance of a gas piping system inspection. Such notice must be submitted to the Department in a form and manner as determined by the Department at least two (2) days prior to the performance of such gas piping system inspection.

(b) Inspection Entity Qualifications.

- (1) Inspections of gas piping systems required pursuant to Article 318 of Title 28 of the Administrative Code and this section must be conducted by a qualified gas piping system inspector on behalf of the building owner.
- (2) Persons qualified to perform such gas piping system inspections shall be either:
 - (i) Licensed master plumbers; or
 - (ii) Individuals, working under the direct and continuing supervision of a licensed master plumber, with at least five (5) years of full-time experience working under the direct

and continuing supervision of a licensed master plumber and who has successfully completed a training program acceptable to the Department. Such training program must be no less than seven (7) classroom hours and must include the following course content:

- (A) Regulations on piping safety;
- (B) Properties of natural gas;
- (C) Combustible gas indicators and leak detection;
- (D) Atmospheric corrosion inspection;
- (E) Interior piping leak survey;
- (F) Hands-on gas indicator instruction;
- (G) Jurisdictional/non-jurisdictional piping connections;
- (H) Purging gas piping into/out of service;
- (I) Recognizing illegal connections and substandard conditions;
- (J) Reporting and documenting inspections; and
- (K) Atmospheric corrosion and leak survey inspection procedure.

(c) Inspection scope. Inspections of a building's gas piping system pursuant to this section must be completed in accordance with requirements in Section 28-318.3.2 of the Administrative Code and any other requirements prescribed by the Department.

(d) Report and certification requirements.

- (1) The inspection entity that performs an inspection of a building's gas piping system pursuant to this section must submit, in a form and manner determined by the commissioner, an inspection report and a certification of inspection to the building owner no later than thirty (30) days following the date of such inspection.
 - (i) The certification of inspection must be completed by the licensed master plumber who performed or exercised direct and continuing supervision over such inspection, must state that an inspection pursuant to Article 318 of Title 28 of the Administrative Code has been completed for the building, must indicate the date such inspection was performed, and must indicate whether any conditions requiring correction were identified in the inspection report.
 - (ii) The inspection report must be certified by the licensed master plumber who performed or exercised direct and continuing supervision over the inspection and, if

applicable, by any individual who performed the inspection under such supervision. Such inspection report shall include, for each gas piping system inspected, the following information:

- (A) A list of conditions requiring correction, including instances where one or more parts of such system is worn to an extent that the safe and reliable operation of the system may be affected;
 - (B) Gas leaks;
 - (C) Observed non-code compliant installations or illegal connections;
 - (D) Observed conditions described in Section 28-318.3.4 of the Administrative Code; and,
 - (E) Any additional information required by the Department.
- (iii) The Department will not consider for review an inspection report or a certification of inspection if such report or certification is in a pre-filing or Quality Assurance failed status.
- (2) No later than sixty (60) days following a building's inspection date, the building owner must submit to the Department, in a form and manner determined by the commissioner, a certification of inspection as described in paragraph (1) of this subdivision, along with a filing fee as specified in the rules of the Department. Such certification must indicate the date the inspection was performed and whether there are conditions requiring correction. Certifications of inspections submitted more than sixty (60) days after a building's inspection date will not satisfy the requirement of this paragraph. Failure to file a certification of inspection within sixty (60) days of the building's inspection date will require a new inspection.
- (3) No later than one hundred twenty (120) days following the building's inspection date, the building owner must submit to the Department, in a form and manner determined by the commissioner, along with a filing fee as specified in the rules of the Department, a certification from a licensed master plumber stating that all conditions identified in the inspection report described in paragraph (1) of this subdivision have been corrected. Such certification may indicate that correction of one (1) or more conditions will take additional time. If such certification of inspection pursuant to paragraph (2) of this subdivision indicates that no conditions requiring correction were identified in the inspection report, then no certification pursuant to this paragraph shall be required. Notwithstanding the foregoing provisions of this paragraph, for building gas piping systems in community districts 1, 3 and 10 in each borough that are inspected between September 1, 2020 and December 31, 2020 (inclusive), such building owners may submit such certification and fee to the Department on or before June 30, 2021. Notwithstanding the foregoing provisions of this paragraph, for building gas piping systems in community districts 2, 5, 7, 13, and 18 in each borough that are inspected between January 1, 2021 and December 31, 2021 (inclusive), and that contain one or more conditions requiring correction, such

building owners may submit such certification and fee to the Department on or before June 30, 2022.

- (4) If additional time to correct the condition(s) was indicated in the certification submitted pursuant to paragraph (3) of this subdivision, the building owner must submit to the Department, no later than one hundred eighty (180) days following the building's inspection date, in a form and manner determined by the commissioner, a certification from a licensed master plumber that all conditions identified in the building's inspection report have been corrected, along with a filing fee as specified in the rules of the Department. Notwithstanding the foregoing provisions of this paragraph, for building gas piping systems in community districts 1, 3 and 10 in each borough that are inspected between September 1, 2020 and December 31, 2020 (inclusive), such building owners may submit such certification and fee to the Department on or before June 30, 2021. Notwithstanding the foregoing provisions of this paragraph, for building gas piping systems in community districts 2, 5, 7, 13, and 18 in each borough that are inspected between January 1, 2021 and December 31, 2021 (inclusive), and that contain one or more conditions requiring correction, such building owners may submit such certification and fee to the Department on or before June 30, 2022.
 - (5) The building owner and inspection entity must keep on file, for ten (10) years following the date of inspection, all reports and certifications required by Section 28-318.3.3 of the Administrative Code and make them available to the Department upon request.
 - (6) Owners who are unable to obtain an inspection of a building's gas piping systems pursuant to this section by the date set forth in paragraph (4) of subdivision (a) of this section may receive a 180-day extension of the due date for such inspection and the filing of any certification required to be filed after such inspection, upon notification to the Department in a form and manner determined by the commissioner and submission of a filing fee as specified in section 101-03 of the rules of the Department .
- (e) **Unsafe or hazardous conditions.** If an inspection reveals any conditions set forth in Section 28-318.3.4 of the Administrative Code, the inspection entity performing such inspection must immediately notify the building owner, the utility providing gas service to such building, and the Department. The building owner must take immediate action to correct such conditions in compliance with the New York City Construction Codes.
- (f) **Civil penalties for failure to file certification.** A building owner who fails to submit a certification required to be submitted pursuant to this section on or before the filing due date specified in paragraph (4) of subdivision (a) of this section will be liable for a civil penalty of:
- (1) One thousand five hundred dollars (\$1,500.00) for a 3-family building; or
 - (2) five thousand dollars (\$5,000.00) for all other buildings.

To resolve a violation for failure to file certification of a gas piping system periodic inspection, an owner must submit payment of the civil penalty and file a certification of the gas piping system periodic inspection, certification of no gas piping system in the building, or

documentation regarding no gas service in the building. Payment of the civil penalty and certification of the gas piping system periodic inspection, certification of no gas piping system in the building, or documentation regarding no gas service in the building may be submitted separately.

A certification is not considered filed if it is in pre-filing or Quality Assurance failed status.

(g) Challenge of a civil penalty. A building owner may challenge the imposition of any civil penalty authorized to be imposed pursuant to this section by submitting satisfactory proof of a timely and acceptable filing to the Department. Challenges must be made in writing, in a form and manner determined by the Department, within thirty (30) days from the date of violation.

(h) Penalty waivers; eligibility and evidentiary requirements. An owner may request a waiver of penalties assessed for violation of Article 318 of Title 28 of the Administrative Code, the New York City Building Code and/or related rules enforced by the Department. Requests must be made through the Department's website and must meet eligibility and evidentiary requirements as follows:

(1) Owner Status

- (i) New owner. A new owner may be granted a waiver of penalties contingent upon the Department's acceptance of the owner's proof that transfer of ownership to the new owner occurred after penalties were incurred. Proof includes a recorded deed evidencing a bona fide transfer of ownership to the current owner after penalties were incurred, as well as any other documentation requested by the Department.
- (ii) Government ownership. A new owner of a property previously owned by a government entity requesting a waiver due to change in ownership must submit official documentation from the government entity affirming that the premises was entirely owned by the government entity during the period for which a waiver is requested.
- (iii) Bankruptcy. An owner may be granted a waiver of penalties upon submission of a copy of an order signed by a bankruptcy court judge reflecting the owner's bankruptcy.
- (iv) State of emergency. If a state of emergency is declared that prevents an owner from conducting an inspection or filing a certification, an owner may be granted a waiver of penalties.

(2) Building Status

- (i) Building conversion or misclassification. An owner requesting a waiver because the building was converted to an R3 occupancy, or misclassified as other than an R3 occupancy when it is an R3 occupancy, must submit city or departmental records evidencing the R3 occupancy of the building prior to the filing deadline.

- (ii) Demolished building. An owner may be granted a waiver if the full demolition of the building occurred prior to the inspection cycle for which the report was due, and such demolition was signed off by the Department, or a new building permit has been issued for the property.
 - (iii) Sealed or vacated building. An owner requesting a waiver because the entire building was ordered to be sealed or vacated by a government agency, including but not limited to the Department, the Department of Housing Preservation and Development, the Fire Department or the Office of Emergency Management, or by court order prior to the expiration of the inspection cycle for which the report was due, must provide city, court, or departmental records evidencing the order to seal or vacate the entire building.
- (3) Building has no gas piping system. An owner may be granted a waiver of penalties contingent upon the Department's acceptance of proof that there was work in progress for the removal of the gas piping which had a projected date of completion prior to the deadline in paragraph (2) of subdivision (a) of this rule, but was unable to be completed in time to file the certification by the due date because of some unforeseen circumstance, which must be explained in the request. An owner must also submit the certification of no gas piping system that resulted from such work.
 - (4) Building has no active gas service. An owner requesting a waiver because the building has no active gas service must file the required documentation showing that the building was not supplied with gas and no appliance was connected to any gas piping on the day of the deadline set out in paragraph (3) of subdivision (a) of this rule.
 - (5) Gas work in progress. An owner may be granted a waiver of the civil penalty imposed for failing to file a certification of correction because there is permitted gas work in progress for the replacement or installation of a gas piping system or a major renovation to correct a defect. An owner must provide the job number for such gas work, proof of compliance with paragraphs (2) and (3) of subdivision (d), and any other documentation requested by the Department.