



Promulgation Details for 1 RCNY 103-11

This rule became effective on November, 14, 2021.

**NOTICE OF ADOPTION OF RULE**

**NOTICE IS HEREBY GIVEN**, pursuant to the authority vested in the Commissioner of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the addition of Section 103-11 to Chapter 100 of Title 1 of the Rules of the City of New York, regarding penalties for failing to file required sprinkler reports.

This rule was first published on September 3, 2021 and a public hearing thereon was held on October 5, 2021.

Dated: 10/04/2021  
New York, New York

  
\_\_\_\_\_  
Melanie E. La Rocca  
Commissioner

## Statement of Basis and Purpose

Section 28-315.1 of the New York City Administrative Code states that buildings must comply with the retroactive requirements of the 1968 building code and that failure to comply with a retroactive requirement of the 1968 building code by the date specified for such compliance is a violation.

Section 27-929.1 of the New York City Administrative Code (the 1968 Code) requires certain buildings to have installed an automatic sprinkler system, and section 27-228.5(b) requires owners of such buildings to have submitted a report certifying such installation by July 1, 2019. Not all buildings have submitted such a report that was found acceptable by the Department. This rule sets out penalties for failure to file such report by 2022 and beyond, along with provisions for requesting a waiver of penalties.

The Department of Buildings' authority for this rule is found in sections 643 and 1043 of the New York City Charter and sections 27-228.5, 27-929.1 and 28-202.1 of the Administrative Code.

New material is underlined.

"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.

Subchapter C of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new section 103-11 to read as follows:

### §103-11 Sprinkler reports.

(a) Sprinkler report required. Owners of buildings required to comply with the provisions of section 27-929.1 of the Administrative Code must file with the department a report prepared by an architect or an engineer, certifying the installation of the required sprinklers as required by subdivision (b) of section 27-228.5.

### (b) Civil Penalties.

(1) Failure to file. An owner who fails to file an acceptable sprinkler report, indicating that sprinklers were installed as required by subdivision (b) of section 27-228.5 and section 27-929.1 of the Administrative Code, shall be liable for a civil penalty of five thousand dollars (\$5,000) per year beginning January 1, 2022 and ending on the filing date of an acceptable report.

(2) Late filing. In addition to the penalty for failure to file, an owner who submits a late filing shall be liable for a civil penalty of one thousand dollars (\$1,000.00) per month, beginning February 1, 2022 and ending on the filing date of an acceptable report.

(3) Challenge of civil penalty.

(i) An owner may challenge the imposition of any civil penalty authorized to be imposed pursuant to this subdivision by providing proof of compliance. Examples of such proof include, but are not limited to, a copy of an acceptable report, or a certificate of occupancy indicating the building does not need to comply with the requirement to install sprinklers in accordance with section 27-929.1.

(ii) Challenges must be submitted in writing to the office/unit of the Department that issued the violation within thirty (30) days from the date of service of the violation. The decision to dismiss or uphold the penalty shall be at the sole discretion of the Department.

(c) Full or partial penalty waivers; eligibility and evidentiary requirements. Owners may request a full or partial waiver of penalties assessed for violation of subdivision (b) of section 27-228.5 and section 27-929.1 of the Administrative Code. Requests must be made in writing and must meet eligibility and evidentiary requirements as follows:

(1) Owner status.

(i) A new owner requesting a waiver due to change in ownership must submit proof of a recorded deed evidencing transfer of ownership to the current owner after penalties were incurred, as well as any other documentation requested by the Department, and only in one of the following circumstances:

(A) 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.

(B) A new owner who receives a notice of violation for failure to comply with the requirements of subdivision (b) of section 27-228.5 and section 27-929.1 of the Administrative Code that was issued to the property after the transfer of ownership for a violation that occurred before the transfer must submit a recorded deed showing the date that the property was acquired or transferred. The waiver period shall extend from the date of the deed transfer to the date of the violation issuance.

(ii) An owner may be granted a waiver of penalties upon submission of a copy of an order signed by a bankruptcy court judge.

(iii) If a state of emergency is declared that prevents an owner from conducting an inspection, filing a report or correcting unsafe conditions, an owner may be granted a waiver of penalties.

(2) Building status. An owner requesting a waiver because the building was demolished must submit city or departmental records evidencing the demolition of the building prior to the filing deadline.