

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 amend the Energy Code compliance review fee in section 101-03 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York.

Due to the current health emergency, the public hearing for this rule is being scheduled as a virtual hearing, which may be accessed according to the information given below in this Notice.

- **When and where is the hearing?** DOB will hold a public hearing on the proposed rule online. The public hearing will take place at 11am on 9/13/21.
- Join through Internet:

To join the hearing via your browser either click on the following URL link or copy and paste it into your browser's address bar. Then follow the prompts.
<https://buildings.webex.com/buildings/j.php?MTID=mecb3e7da31ca4a4648a240a9458006bf>

When prompted, enter the following meeting password: 10007

When joining the meeting choose either **“Use computer for audio”** or **“Call in”** for the audio portion of the public hearing. If you choose the “Call in” option, the information needed to connect (**phone number, Access Code and Attendee ID**) will automatically be presented to you immediately **after** you join the Webex meeting.

If you have low bandwidth or inconsistent Internet connection, we suggest you use the “Call-in” option for the hearing. This will reduce the possibility of dropped audio and stutters.

- Join via phone only:

To join the meeting only by phone, use the following information to connect:

Phone: 1-646-992-2010
Access code: 180 497 6285
Password (if requested): 10007

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

- **Website.** You can submit comments to the DOB through the NYC rules website 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 by emailing dobrules@buildings.nyc.gov by 9/6/21 and including your name and affiliation. While you will be given the opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign up in advance. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit comments by 9/13/21.

What if I need assistance to participate in the hearing? You must tell the Office of the General Counsel if you need a reasonable accommodation of a disability at the hearing. You can tell us by email at dobrules@buildings.nyc.gov. Advance notice is requested to allow sufficient time to arrange the accommodation. You must tell us by 8/30/21.

This location has the following accessibility option(s) available: Simultaneous transcription for people who are hearing impaired, and audio only access for those who are visually impaired.

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/>.

What authorizes DOB to make this rule? Sections 643 and 1043(a) of the City Charter and sections 28-208.1 and 28-208.1.1 of the Administrative Code authorize DOB to make this proposed rule. This proposed rule was not included in DOB's regulatory agenda for this Fiscal Year because it was not contemplated when DOB published the agenda.

Where can I find DOB's rules? 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

Section 103.3 of the New York City Energy Conservation Code (“Energy Code”) provides for department examination of construction documents to determine whether they are in compliance with the requirements of the Energy Code.

The proposed rule amends the existing Energy Code compliance review fee in section 101-03 from \$220 for all applications to a more equitable fee structure. Accordingly, there will now be three categories of energy code compliance review based on whether it’s a new building, alteration or 1, 2, or 3 family home. There will be a fee associated with each such category of review.

This fee has not been amended since it was adopted in 2014. The creation of separate categories and associated fees will cover the current workload and staffing needed to ensure compliance with code requirements.

The Department of Buildings’ authority for these rules is found in sections 643 and 1043 of the New York City Charter and section 103.3 of the New York City Energy Conservation Code.

Pursuant to section 1043(d)(4)(iii) of the New York City Charter, this proposed rule is not subject to review under Charter section 1043(d).

New material is underlined.
[Deleted material is in brackets.]

“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.

The fee for Energy Code compliance review in section 101-03 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

Energy Code compliance review	
• <u>One-, two- or three- family dwellings</u>	<u>\$220</u>
• <u>Alteration for other than one-, two- or three-family dwellings</u>	<u>\$525</u>
• <u>New buildings and Alteration that changes the C of O for other than one-, two- or three-family dwellings</u>	<u>\$875</u>