



Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York and the fuel gas code in relation to periodic inspections of gas piping systems, ordinary plumbing work, reestablishing the plumbing and fire suppression piping contractor license board, piping systems, emergency work, fire suppression piping work, and seizure

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Indexes: Agency Rule-making Required, Other Appointment Required

Attachments: 1. Summary of Int. No. 429, 2. Int. No. 429, 3. February 28, 2024 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 2-28-24, 5. Minutes of the Stated Meeting - February 28, 2024

Date	Ver.	Action By	Action	Result
2/28/2024	*	City Council	Introduced by Council	
2/28/2024	*	City Council	Referred to Comm by Council	

Int. No. 429

By Council Members Sanchez, Brannan, Won, Restler, Farías, Cabán, Ayala, Hanks, Louis, Schulman, Bottcher, Salaam, Brewer, Narcisse, Gutiérrez, Feliz, Gennaro, Salamanca, De La Rosa, Ossé, Powers, Rivera, Banks, Dinowitz, Holden, Krishnan, Moya, Hudson, Menin, Brooks-Powers, Zhuang, Marte, Lee, Avilés, Abreu, Ariola, Paladino, Marmorato, Vernikov and Carr

A Local Law to amend the administrative code of the city of New York and the fuel gas code in relation to periodic inspections of gas piping systems, ordinary plumbing work, reestablishing the plumbing and fire suppression piping contractor license board, piping systems, emergency work, fire suppression piping work, and seizure

Be it enacted by the Council as follows:

Section 1. Section 28-105.4.1 of the administrative code of the city of New York, as amended by local law number 77 for the year 2023, is amended to read as follows:

§ 28-105.4.1 Emergency work. Work that would otherwise require a permit may be performed without a permit to the extent necessary to relieve an emergency condition and to restore the system to a good working condition. An application for a permit shall be submitted within 2 business days after the commencement of the emergency work and shall include written description of the emergency condition and the measures undertaken to mitigate the hazard. Emergency work may include but shall not be limited to:

1. Erection of sidewalk sheds, fences, or other similar structures to protect the public from an unsafe condition.
2. Stabilization of unsafe structural conditions.
3. Repair of gas leaks.
4. Repair or replacement of heating appliances or [hot water] equipment [servicing education or residential occupancies] from October 1 through May 31.
5. Replacement of parts required for the operation of a [combined] standpipe or sprinkler system.

§ 2. Section 28-105.4.4 of the administrative code of the city of New York, as amended by local law number 77 for the year 2023, is amended to read as follows:

§ 28-105.4.4 Ordinary plumbing work. The following ordinary plumbing work may be performed without a permit, provided that the licensed plumber performing such work: (i) provides a monthly report listing completed work and work in progress during the preceding month, including the block, lot and address of each job, a description of the work performed or in progress at each address, and the location in each building where the work was performed or is in progress; (ii) pays the fees for such work in accordance with this code; and (iii) submits to the department a certification that the work was performed in accordance with this code and all applicable laws and rules. Ordinary plumbing work shall include:

1. The removal of a domestic plumbing system not connected to a fire suppression or fire protection system, or the removal of a portion of such system.
2. The relocation of up to two plumbing fixtures within the same room to a maximum of 10 feet (3048 mm) distant from the original location, except in health care facilities.
3. The installation, replacement or repair of a food waste grinder (food waste disposal), dishwasher, instant hot water dispenser, icemaker, coffee machine, or secondary back flow preventer and the replacement or repair of a sump pump.
4. The [replacement of closet bends] repair components of a plumbing appliance or plumbing appurtenance or the replacement of a plumbing appurtenance.
5. In buildings classified as residential occupancy groups occupied by five families or fewer [~~in occupancy group R-2 occupied by fewer than six families or in buildings in occupancy group R-3~~], the replacement of a gas water heater or a gas-fired boiler with a capacity of 350,000 BTU (103 kW) or less where the existing appliance [gas cock] shutoff valve is not moved, provided that the plumber has inspected the chimney and found it to be in good operational condition. In buildings classified as residential occupancy groups occupied by three families or fewer, the replacement of a gas furnace with a capacity of 350,000 BTU (103 kW) or less where the existing appliance shutoff valve is not moved, provided that the plumber has inspected the chimney and found it to be in good operational condition.
6. The repair or replacement of any non-gas, non-fire suppression piping not longer than [40] 25 feet ([3048] 7620 mm) inside a building, or connected piping previously repaired or replaced under

this provision.

7. The repair or replacement of any non-gas, non-fire suppression branch piping after the riser shutoff valve, including the replacement of fixtures~~[, limited to two bathrooms and one kitchen per building per monthly reporting period].~~
8. The replacement of ~~[flexible gas tubing no greater than 4 feet (1219 mm) in length located downstream of the existing gas cock to an appliance, provided such gas tubing does not penetrate a wall]~~ an appliance connector serving the following domestic gas appliances: ranges, ovens, stoves, barbecues, and clothes dryers where the existing appliance shutoff valve remains and replacement shall be in accordance with this code and the *New York City Fuel Gas Code*. The existing appliance shutoff valve shall be accessible and in good working condition with no noticeable corrosion or deterioration.
9. The replacement of the following domestic gas appliances: ranges, ovens, stoves, barbecues, and clothes dryers where the existing appliance shutoff valve remains and when such appliance replacement is in accordance with this code and the *New York City Fuel Gas Code*. The existing appliance shutoff valve shall be accessible and in good working condition with no noticeable corrosion or deterioration.

§ 3. Section 28-318.1 of the administrative code of the city of New York, as amended by local law number 138 for the year 2021, is amended to read as follows:

§ 28-318.1 General. Commencing January 1, 2019, building gas piping systems, other than gas piping systems of buildings classified in occupancy group R-3, shall be periodically inspected in accordance with this article.

Exceptions:

1. As part of the inspection, if it is determined that a [A] building [that] contains no gas piping and is not currently serviced by a utility for gas, [for which the owner of such building has submitted to the commissioner, in a form and manner determined by the commissioner, a certificate of] a registered design professional, a licensed master plumber, or an individual under the direct and continuing supervision of a licensed master plumber with appropriate qualifications under section 28-318.3.1, [or a person satisfying other qualifications that the commissioner may establish,] shall submit, in a form and manner determined by the commissioner, certification that such building contains no gas piping.
2. As part of the inspection, if it is determined that a [A] building [that] contains gas piping but [that] is not currently supplied with gas, a registered design professional, a licensed master plumber, or an individual under the direct and continuing supervision of a licensed master plumber with appropriate qualifications under section 28-318.3.1, shall submit, in a form and manner determined by the commissioner, certification that such building 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.]

§ 4. Section 28-318.2 of the administrative code of the city of New York, as added by local law number 152 for the year 2016, is amended to read as follows:

§ 28-318.2 Frequency of inspection. An inspection of a building's gas piping system shall be conducted at periodic intervals as set forth by rule of the commissioner, but such inspection shall be conducted at least once every five years.

Exceptions:

1. If the New York state public service commission adopts a revised rule or other requirement for periodic inspections of service lines, as defined in section 255.3 of title 16 of the New York codes, rules and regulations, with a frequency other than five years, the commissioner may, by rule, require that the periodic inspections required by this article be conducted with such frequency.
2. The initial inspection for a new building shall be conducted in the tenth year after the earlier of (i) the issuance by the department of a letter of completion or, if applicable, a temporary or final certificate of occupancy for such building or (ii) the date such building was completed as determined by department rule.

§ 5. Section 28-318.3.1 of the administrative code of the city of New York, as added by local law

number 152 for the year 2016, is amended to read as follows:

§ 28-318.3.1 Inspection entity. Inspections of gas piping systems shall be conducted on behalf of the building owner by a licensed master plumber or by an individual holding a journeyman plumber registration issued in accordance with article 409 of chapter 4 of title 28 and working under the direct and continuing supervision of a licensed master plumber, with appropriate qualifications as prescribed by department rule but shall include successful completion of a training program acceptable to the department. The department shall require proof of such qualifications on any report and certification as required under section 28-318.3.3.

§ 6. Section 28-318.3.2 of the administrative code of the city of New York, as added by local law

number 152 for the year 2016, is amended to read as follows:

§ 28-318.3.2 Scope. At each inspection, in addition to the requirements prescribed by this article or by the commissioner, all ~~[exposed]~~ visually accessible gas lines from point of entry of gas piping into a building, ~~including building service meters, up to individual tenant spaces]~~ through the point of connection to any appliance that uses gas supplied by such piping, shall be inspected for evidence of [excessive atmospheric corrosion or piping deterioration] abnormal operating conditions that represent [has resulted in a dangerous condition, illegal connections, and non-code compliant installations] immediately hazardous conditions, illegal connections, or non-code compliant installations. The inspection entity shall also ~~[test]~~ conduct a leak survey of all visually accessible gas lines from the point of entry of gas piping into a building through the point of connection to any appliance that uses gas supplied by such piping to determine if there is any indication of a gas leak. Public [public] spaces, hallways, and corridors [and mechanical and boiler rooms with a portable combustible gas detector] on floors that contain gas piping or gas utilization equipment shall also be leak surveyed. [to determine if there is any gas leak, provided that such testing need only include public spaces, hallways and corridors on floors that contain gas piping or gas utilization equipment.] The leak survey shall be conducted utilizing an instrument approved for leak surveys by the New York state department of public service. The scope of the inspection shall be in compliance with part 255 of title 16 of the New York state codes, rules and regulations.

Exception: Other than as required to provide access to a point of entry location, gas piping or gas utilization equipment located inside of a dwelling unit, as defined by section 202 of the New York city building code, shall not be required to be inspected.

§ 7. Section 28-318.3.4 of the administrative code of the city of New York, as added by local law

number 152 for the year 2016, is amended to read as follows:

§ 28-318.3.4 Reporting and correction of ~~[unsafe or hazardous condition.] abnormal operating conditions that present an immediately hazardous condition.~~ If an inspection reveals [any of the following conditions,] an abnormal operating condition presenting an immediate hazard, the inspection entity shall immediately take safety actions to protect life or property. T[~~t~~]he inspection entity shall notify the building owner, the utility and the department immediately and the building owner shall immediately take action to correct such condition in compliance with the New York city construction codes.

1. A gas leak;
2. Evidence of illegal connections or non-code compliant installations; or
3. Any other condition which (i) if verified by a utility company or utility corporation, would constitute a class A condition as described in part 261 of title 16 of the New York codes, rules and regulations or (ii) constitutes an imminently dangerous condition]

§ 8. Article 318 of chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-318.3.4.1 to read as follows:

§ 28-318.3.4.1 Reporting and correction of abnormal operating conditions that do not present an immediate hazard. If an inspection reveals an abnormal operating condition that does not present an immediate hazard, the inspection entity shall:

1. For abnormal operating conditions occurring on service piping, the inspection entity shall follow the requirements under part 261 of title 16 of the New York state codes, rules, and regulations, and follow the applicable utility procedures. The conditions shall be noted on the inspection form submitted to the department.
2. For abnormal operating conditions occurring downstream of the point of delivery, the inspection entity shall notify the department in a manner prescribed by the department as well as the utility in a manner prescribed by the utility. The inspection entity shall note the conditions on the report form. For abnormal operating conditions that do not pose an immediate hazard, where the remediation of which could potentially increase risk of a piping system failure or would require a shutdown of the gas piping system, the department shall notify the building owner of the abnormal operating condition while allowing for it to remain in service. The department shall determine by rule the corrective work that will be required to remediate the conditions. Gas service shall only be interrupted when necessary to eliminate an immediate hazard to life or property. The department shall notify the local gas utility company and the building owner of the decision prior to taking such action. The building owner shall take action to correct such conditions in compliance with the New York city construction codes. For conditions that are classified as non-hazardous and are permitted to remain in service, the owner shall remediate those conditions in accordance with department rule. If the department determines that no remedial work is required, that information shall be noted on the report form by the inspection entity.

§9. Section 28-318.3.5 of the administrative code of the city of New York is REPEALED.

§ 10. Section 28-318.3.6 of the administrative code of the city of New York is REPEALED.

§ 11. The definition of “FIRE SUPPRESSION PIPING WORK” set forth in section 28-401.3 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is amended to read

as follows:

FIRE SUPPRESSION PIPING WORK. The installation, maintenance, repair, modification, extension, or alteration or testing of a fire suppression piping system in any building in the city of New York. [~~Fire suppression piping work shall not include plumbing work.~~]

§ 12. Chapter 4 of title 28 of the administrative code of the city of New York is amended by adding a new article 417 as follows:

ARTICLE 417
BOARDS

§ 28-417.1 Plumbing and fire suppression piping contractor license board. The commissioner shall appoint annually and may remove in his or her discretion each member of a plumbing a fire suppression piping contractor license board that shall have as its purpose the following:

1. To advise the commissioner regarding the character and fitness of applicants for certificates of competence and licenses who have passed the required examination.
2. To advise the commissioner regarding allegations of illegal practices on the part of licensed master plumbers, licensed master fire suppression piping contractors, master plumber businesses or master fire suppression piping businesses.
3. To advise the commissioner regarding plumbing and fire suppression piping practices, code applications, regulations and legislation.
4. To perform such other responsibilities as may be requested by the commissioner and as set forth in rules promulgated by the department.

§ 28-417.1.1 Removal. The commissioner may remove any member of the license board and shall fill any vacancy therein.

§ 28-417.1.2 Membership. Membership of the board shall consist of:

1. Two officers or employees of the department;
2. Five licensed master plumbers, three of whom shall be selected from nominees of the New York city contracting plumbing association whose members perform the largest dollar value of work within the city and one of whom shall be the holder of a class A or class B master fire suppression piping contractor license. The two remaining licensed master plumber board member positions shall be from the next largest plumbing association in the city of New York.
3. Two licensed master fire suppression piping contractors, both of whom shall hold a class A license and shall be selected from nominees of the New York city sprinkler/fire suppression piping contractors association whose members perform the largest dollar value of work within the city;
4. A registered journeyman plumber from the organization representing the largest number of registered journeyman plumbers;
5. A registered journeyman fire suppression piping installer from the organization representing the largest number of registered journeyman fire suppression piping installers;

6. An engineer having at least five years experience in the planning or design, and installation, of plumbing systems;
7. An architect;
8. An engineer who is a full member of the society of fire protection engineers;
9. Two officers or employees of the fire department representing the fire commissioner; and
10. A real estate owner or manager or representative thereof.

§ 28-417.1.3 Organization of the board. A member of the board who is an officer or employee of the department representing the commissioner shall serve as chairperson and all members shall serve without compensation. Nine members including the chairperson, who shall be entitled to vote, shall constitute a quorum of the board for the transaction of business. In the absence of a member or in the event of a vacancy, an alternate member of the board, may vote in the place and stead of the member for whom he or she is the alternate or on account of whom the vacancy exists. Alternate members shall be appointed and removed at the commissioner's discretion. All actions shall be conducted by majority vote except as otherwise provided, and the board shall keep minutes of its proceedings and records of its investigations. Except as otherwise determined by the chairperson, the board shall meet at least once a month.

§ 28-417.1.4 Advisory and support personnel. The board may request the commissioner to appoint duly authorized representatives to conduct investigations and other activities incidental to the functions of the license board. Such appointees shall be non-voting members of the committee to which they are appointed, and may include personnel who are not department employees who shall serve without compensation. In addition the commissioner may designate such employees of the department as the commissioner deems necessary to the service and support of the license board.

§ 13. Section 28-419.1 of the administrative code of the city of New York, as amended by 126 of 2021, is amended to read as follows:

§ 28-419.1. General. The vehicles and tools used in connection with unlicensed or unregistered activity at ~~[the]~~ any work site [of a new residential structure containing no more than three dwelling units] shall be subject to seizure and forfeiture.

§ 14. Section 101.2.2 of the New York city fuel gas code, as amended by local law number 141 for the year 2013, is amended to read as follows:

§ 101.2.2 Piping systems. These regulations cover piping systems for natural gas. High pressure natural gas installations at pressures of 15 psig (103.4 kPa gauge) or above shall also comply with the requirements of Appendix G of this code. Coverage shall extend to the ~~[outlet of the appliance shutoff valves]~~ connections with the appliances. Piping system requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspection, operation and maintenance.

§ 15. This local law takes effect 120 days after it becomes law.

Session 12

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10/17/23