

**NEW YORK CITY DEPARTMENT OF BUILDINGS**

**NOTICE OF ADOPTION OF RULE**

**NOTICE IS HEREBY GIVEN**, pursuant to the authority vested in the Commissioner of the Department 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 amendments to Section 103-05 of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding high-pressure boiler inspection and filing requirements, penalties and waivers.

This rule was first published on September 10, 2015, and a public hearing thereon was held on October 14, 2015.

Dated: 11.19.15  
New York, New York

  
Rick D. Chandler, P.E.  
Commissioner

### Statement of Basis and Purpose of Rule

The rule removes language referencing high-pressure boiler inspections conducted by the Department of Buildings because the 2014 Administrative Code amendments transferred this responsibility to the building owner.

The Department of Buildings' authority for this rule is found in sections 643 and 1043 of the New York City Charter and section 28-303.2 of the New York City Administrative Code.

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.

Subdivision (e) of section 103-05 of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (e) Inspections, tests and filing requirements. [Upon the department's mailing of a notification to an owner stating that the department will not be conducting high-pressure boiler annual inspections for the upcoming inspection cycle, the] The owner shall be responsible for hiring a qualified boiler inspector to conduct such inspections during such upcoming inspection cycle. Such inspections shall comply with Article 303 of Title 28 of the Administrative Code, applicable provisions of the New York State Labor Law and the following:
  - (1) Internal and external high-pressure boiler annual inspection reports along with the appropriate filing fee(s) shall be submitted for each inspection cycle on such forms and in such manner as required by the department. The reports shall include:
    - (i) An inspection report for each boiler identifying the qualified boiler inspector; and
    - (ii) An affirmation of correction from the owner along with the filing fee stating that identified defects have been corrected, if applicable.
  - (2) The reports shall be filed by the filing deadline. Any required part of the report not filed by the filing deadline shall be deemed late and shall subject the owner to penalties as set forth in subdivision (j) of this section.
  - (3) High-pressure boiler annual inspections shall be conducted twelve (12) months from the preceding annual inspection of the same inspection type.

- (4) Internal and external high-pressure boiler annual inspections shall be performed approximately six (6) months from each other during the inspection cycle.
- (5) The inspector must verify that a valid department-issued boiler number is affixed to the boiler, and this number must be used in all correspondence between the inspector and the department. If an inspection reveals any dangerous condition in a boiler that threatens life or safety and that requires an immediate shutdown of the boiler, or reveals an unregistered boiler, the inspector must immediately notify the department's boiler division of the condition via fax or email at the number or address provided on the department's website, <http://www.nyc.gov/buildings>.

