

THE VOICE OF THE LICENSED MASTER PLUMBER

JANUARY 2021



The Plumber Protects the Health of the Nation.

The Master Plumbers Council informs, educates, and takes action, so you can do your job.

MPC DONATES \$5,000 TO TOYS FOR TOTS

On Friday, December 11th, MPC President Richard Bonelli had the honor of attending a Toys for Tots event at the Town of Hempstead Town Hall. A longtime supporter of Toys for Tots, the MPC usually collects over 100 toy donations from members at its annual holiday party. This year, when holding a holiday party was not possible, the MPC chose to make a donation of \$5,000 to Toys for Tots.

We are proud to learn that Toys for Tots will be using our donation to purchase toys for participants of the Town of Hempstead's Camp ANCHOR Program, a comprehensive year-round program serving 1,200 children and adults with special needs.

Thank you to Toys for Tots and the ANCHOR Program for all that you do to help our community!



MESSAGE FROM THE MPC EXECUTIVE BOARD:

Happy New Year to everyone!

While most of us were anxious to see 2020 go away, it looks like 2021 may be off to a rocky start. 2021 will be a very important year for our industry. The Code revision process should be finalized, and MPC committee members are privileged to be participating on the creation of a brand new NYC Existing Building Code. This Code has been promised since 2008 and it is critical that we get it right. Most of the issues plumbers and inspectors encounter are trying to fit a new Code standard into an existing building situation. This is especially true with gas pipe replacements and installations. From what we understand once this Code is enacted, references to existing buildings will be removed from the Construction Codes.

Thanks to actions by the NYC Council, Local Law 152 compliance requirements have been extended. By the end of 2021, over 160,000 inspections must be completed. The MPC will continue to work on clarification of the inspection process.

2021 will see the first renewals for DOT Task 86/87 Operator Qualification. The Gas working group is working on the final details for this and as well as the creation of a refresher course. 2021 may also see an increase in the instances where Operator Qualification will be required.

During the pandemic, the MPC has done our best to provide members with the most up to date information. Between providing weekly updates and access to our committees, we were able to help more than 100 members this past year. We would like to thank all of the members who have and continue to make us aware of potential industry issues. We couldn't do this without your participation and support.

Another group that is always there to support us both financially and in other ways is our Affiliate Members. Our complete list of Affiliate Members has been included in this newsletter. In addition to being a great source of information for the products and/or services they represent, their continued support allows us to continue to grow and be effective in representing membership. We ask that you continue to support them by reaching out to them for information, allowing them to recommend products for your projects and, when it works for you, purchase their products.

Happy New Year! Stay safe! Let's all hope that better days are ahead of us!

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Welcome New MPC Members!

Jay Friedman, Irwin Friedman & Son
William Johnston, XCEL Plumbing & Heating of NY
John Mulligan, J & M Plumbing of Westchester
Gregory Yavaldakis, NYCO Plumbing & Heating Corp.
Peter Yavaldakis, NYCO Plumbing & Heating Corp.

Paul Traktman, Paul Traktman Licensed Plumber Inc.
Louis Abramo, Orbit Plumbing & Heating
Richard Corcoran, RJC Mechanical Corp
Stephen Shishko, New Age Engineering PLLC

Visit www.nycmpc.org/JoinMPC to become a member of the Master Plumbers Council!

NYSIF PPE CREDIT

Current Policyholders Up to \$500 Credit - NYSIF's new program gives workers' compensation policyholders credit for their PPE purchases. At NYSIF, they are here to help make it safer and more affordable for policyholders to get back to business. Their Personal Protective Equipment (PPE) Premium Credit Program rewards you with a credit of up to 5% of your annual premium (capped at \$500) for the purchase of PPE and other eligible items. It's an easy way to save money while protecting your employees and taking steps toward a safe reopening. [Click here for more information about the NYSIF PPE Credit.](#)

OSHA'S FATALITY AND SEVERE INJURY REPORTING REQUIREMENTS

All employers are required to notify OSHA when an employee is killed on the job or suffers a work-related hospitalization, amputation, or loss of an eye. This is in addition to the recordkeeping requirement that some employers are required to maintain. [For more information click here for OSHA FAQs: Reporting Serious Injuries.](#)

DEP CHECKLIST TO AVOID TAPPING GAS MAINS

New protocol and requirements have been implemented to the Pre-Tapping/ Cutting/ Wet Connection Checklist. Please [click here](#) for the updated checklist that will be effective 10/14/2020.

SUNY Empire State College/CTLTC 7-hour License Renewal Course - VIRTUAL Wednesday, January 27, 2021 | 8:00 AM - 4:00 PM

The Construction Trades License Training Corporation is hosting a virtual, one-day, license renewal course on January 27th at 8 AM. This course must be taken within one year prior to renewal date. **Please visit www.nyconstructiontrades.org to register.**

Rules to Follow When Renewing Your License:

- Submit your complete renewal application 60 days in advance of your expiration date.
- If there are any changes on your LIC-2 form, you are no longer doing a renewal.

Follow the business change checklist.

- All reviews for all transactions should be allowed 15 calendar days for review. After 15 days contact the licensing unit at licensingdob@buildings.nyc.gov
- For MPC members who do not receive a response, or need more information, please use the Licensing Committee email address. A list of Committee email addresses can be found here: www.nycmpc.org/staff (members only page)

IMPORTANT CHANGE TO NATIONAL GRID'S EWN PROCEDURE

Effective Immediately:

Please be advised that the NATIONAL GRID EWN procedure has changed. All Call Center Representatives can now access external websites; therefore, the email step is no longer required. The EWN filings and DOB authorizations are checked at the time of the customer call.

A Word About EWNs:

Every EWN must be followed up with an LAA application within 2 business days after issuance. We strongly recommend that you do not try to "renew" a EWN; this can lead to complications and possibly violations. Section 28-105.4.1 of the NYC Administrative Code requires that you submit an application within 2 days of commencement of the work. The Department does not have the statutory authority to extend this time frame. When an EWN "renewal" is allowed, it may be done so arbitrarily and, while it may work for some, it does not always work for all.

Recommendation: We recommend that you consider obtaining a EWN for all emergency work. Members often ask us if this is required for work that is strictly to be performed on DOT jurisdictional gas piping. By Code you can perform work on this pipe without any notice or a permit; however, we have had several members who were issued work without a permit violations when performing this type of work. DOB Enforcement Inspectors will respond to Local Law 154 of 2016* complaints and can issue a fine at their discretion. Even if you are 100% in the right, you will need to retain a lawyer and attend one or more ECB Hearings. Filing an EWN will require an LAA filing and a Gas Finish inspection. You can pay the minimum fee for the permit.

***Local Law 154 of 2016** (Int. No. 1093-A) A **Local Law** to amend the administrative code of the city of New York, in relation to requiring gas service providers and owners to notify the department of buildings within twenty-four hours when gas service is shut-off or not restored due to safety concerns.

How to Submit an EWN when DOB NOW BUILD LAA is Out of Service:

To file an Emergency Work Notification (EWN) during system outage or the experience of any technical issues in the DOBNOW Build system, please send your Emergency request to the following email: DOBEWN@buildings.nyc.gov. You will receive an auto-reply email response from the Department that must be posted at the site and then you can proceed with emergency work. An LAA permit or a new EWN request must be filed in DOB NOW Build within 2 business days.

*LAA Unit, NYC Department of Buildings
280 Broadway, 1st Floor, New York, NY 10007
P: (212) 393-2406*

What to do if you need to submit an LAA application and DOB NOW BUILD LAA is out of service:

If the system is out of service, you should receive an error message. Be sure to take a screenshot of the error message and You should take a screen shot of that error message and email it to the LAA unit at LAA-PR (Buildings) laa-pr@buildings.nyc.gov. In your email explain that you are trying to submit an LAA application and the system is down. You should also submit an inquiry through the Online Help for Department of Buildings Self Service Tools (<https://a810-e filing.nyc.gov/eRenewal/dobNowHelp.jsp>).

Using a LAA for a Work Scope that Exceeds LAA Limitations

If you have an emergency job, such as a boiler or water heater replacement, you may file an LAA and state that an ALT-2 application will follow within **30** days. In the past, 60 days were permitted, which has now been changed.

If you have a circumstance where you want to start work ahead of obtaining an Alt-2 permit, you **must** obtain permission prior to filing for an LAA. Contact laa-pr@buildings.nyc.gov

DEP UPDATES

The DEP has proposed changes to Rule 20. [Click here](#) to read the document. The MPC did not become aware of these proposed changes until December 22, 2020. Comments were due December 31, 2020. Due to the holiday season it was difficult to round up members to provide comments. Thank you to all members who took the time to send us your comments.

There were many changes being proposed. In one, the DEP would have the ability to deny or rescind a permit if the owner, general contractor, or licensed master plumber owed any fines to any NYC agency. Other changes were relating to the submission of initial and annual Gen 215-b forms.

In our research, it appears that the DEP may not have provided proper legal notice of these changes. Despite that, we have provided written comments and requested that these changes not be implemented until we can have an industry meeting. At this meeting we would like to discuss the proposed changes and some additional changes that would help to streamline the process. [Click here](#) to read the MPC comments.

What are the Benefits of MPC Membership?

The MPC exists to help its members. We provide weekly, and sometimes daily, updates containing vital information for running a licensed plumbing business.

For example, the DOB NOW: Build system has been operating sporadically for the last week. Our members were informed of this service outage immediately and provided with workaround solutions for filing their EWNs, LAA applications, responses to audits as well as annual boiler inspections.

Our members also gain access to our committees who can assist with Code questions or reviewing issues that occurred on the job. We typically review and respond to these inquiries within one business day. For instance, if you believe that a Utility or DOB inspection was failed in error, the committee will review the job, and help rectify the situation if needed. We utilize our connections with NYC government agencies to expedite the handling of member issues.

As you may have read in our article regarding license renewals, the MPC automatically contacts all members to inform them that their license is due to expire and to serve as a resource throughout the renewal process.

Our industry is dynamic and constantly changing. This very newsletter underwent multiple revision processes to keep the information within it current. It is nearly impossible to obtain all this information on one's own and also operate a successful plumbing business. Office staff may lack the specific industry knowledge to interpret Code changes. We believe that it is more effective for business owners to be told about vital industry developments, rather than have to search for them. This leaves more time to analyze the information and make an informed business decision. Additionally, business owners can be more proactive and can avoid costly cleanup work and violations.

We are frequently asked about membership pricing and being able to afford membership. MPC membership is a worthwhile investment into your business; we provide detailed, up-to-the-minute industry information and help our members avoid violations and other unexpected costs in the process.

[CLICK HERE TO JOIN THE MPC!](#)

NYC CODE REVISION MEDIATIONS

During the Code revision process if a committee fails to meet consensus on a specific issue that issue may go to mediation. The mediation is conducted by the Managing Committee. The committee hears the position of the DOB and then other members who are in opposition or favor of a proposed change are permitted to make their points. Recently two very important issues were taken up and the next two articles discuss each issue and the outcomes.

NYC DOB CODE Mediation Determination Memorandum Managing Committee Review of AC 408.1 and AC 28-410.1

All licensed master plumbers are created equal. Shouldn't they all be regulated equally?

Affected Sections: The following sections are included in this mediation:

- **AC Chapter 4:** §28-408.1 and §28-410.1

Background:

On May 29, 2020, the Managing Committee requested mediation for §28-408. This followed review by the Plumbing Technical Committee, as an overlap section, and by the Administrative and Enforcement Advisory Committee, the primary committee.

During the process of mediating §28-408.1, mediation participants requested that §28-410.1 be bundled into the mediation process despite being approved by the Managing Committee at the same May 29 meeting. In August the Managing Committee was polled by email, and at the September 8, 2020 Managing Committee Meeting Section §28-410.1 was officially bundled with §28-408.1 in the mediation process.

The issue that precipitated mediation was the removal of constraints placed on Licensed Master Plumbers (§28-408.1) and Licensed Master Fire Suppression Piping Contractors (§28-410.1) employed by The City of New York. The 2014 New York City Building Code limited city employees holding such licenses to perform only replacement, maintenance, and repair work on existing buildings in the course of his or her employment. The mediation discussion focused on the nature of the license and what if any distinctions exist between licensees employed in the private sector and those employed by The City of New York, including the nature of the supervisory relationship in each employment setting. The discussion sought to determine if there was any risk associated with the proposed expansion of the scope of permissible work for licensees employed by the City of New York, which would make it appropriate to continue to constrain the exercise of a license because of the licensee's employer.



Proposed Text:

As a result of the mediation process the following text will be incorporated into the Department's submission to the City Council of proposed revisions to Construction Codes:

ARTICLE 408 MASTER PLUMBER LICENSE

§28-408.1 Master plumber license required. It shall be unlawful for any person:

1. To perform plumbing work unless such person is a licensed master plumber or working under the direct and continuing supervision of a licensed master plumber, except that a city employee who holds a master plumber license may only perform ~~(replacement, maintenance and repair)~~ plumbing work on existing buildings in the course of his or her employment.
2. To use the title licensed master plumber, master plumber or any other title in such manner as to convey the impression that such person is a licensed master plumber, unless such person is licensed as such in accordance with the provisions of this article.

What does this mean?

When this issue first came up two years ago during the Administrative Code Committee Meetings, there was strong industry opposition to the DOB proposal. The DOB supported the change and, since there was no consensus at the committee level, it ended up in mediation.

Prior to the 2008 Code, persons employed as Licensed Master Plumbers by city agencies were limited to perform only maintenance work that did not require a permit. With the introduction of the 2008 Code, their abilities were extended to allow them to perform replacement and repair work in addition to maintenance work. Working at a city agency would also allow persons to claim that experience if they decided to become a Licensed Master Plumber. The DOB made the argument that a licensed master plumber should have no such restrictions placed upon the license. To that point, the MPC was in agreement with the DOB but was strongly opposed to making this change for other very important reasons. This is not set in stone yet as it must be passed by City Council and signed into law by the Mayor.

One Code, Two Standards?

While the MPC agrees that a Licensed Master Plumber should not have any limitations imposed on them, we continue to object to the change that is being proposed. During our research, we found that the Agency-employed Licensed Master Plumbers are not held to the same standards as private sector Licensed Master Plumbers. As of July 2020, only 2 Agency-employed licensed plumbers were submitting OP-128 reports to the DOB. What work are the Agency employed plumbers doing?

We propose that the Agency plumbers do not use the DOB Development inspectors to conduct inspections. If a private sector Licensed Master Plumber works in an agency building, they must utilize Department inspectors. Under what provisions of the Code is this permitted? Do the persons inspecting gas piping systems and witnessing gas tests have the required experience? Does every Agency employing persons

classified as plumbers also employ a Licensed Master Plumber? We know for a fact that persons not classified as plumbers and not possessing a gas work qualification were stopped from working on a gas project. Was the Licensed Master Plumber investigated or disciplined by BSIU? These potential public safety issues have been brought to the attention of the DOB during meetings and in our comments. Have they taken any actions to investigate?

The MPC participated in the mediation for this issue and submitted comments on July 26, 2020. To read our comments please [click here](#).

What do you think?

Should agency licensed master plumbers be allowed to not adhere to the requirements of the Code? We want to know what you think. [Click here to complete a short survey.](#)

NYC DOB CODE Mediation Determination Memorandum Managing Committee Review of AC 28-105.4.4 and AC 28-105.4.7 Update

The installation, testing, repair and maintenance of gas piping systems is potentially hazardous and requires qualified persons to do all facets of the work... unless.....

The basis for this mediation was a DOB proposal would have modified the NYC Administrative to allow unlicensed and unqualified persons to replace specific residential gas appliances without a permit or report.

This all started on September 16, 2020 when representatives for the MPC and the Plumbing Foundation were invited to attend a conference call with the DOB regarding "plumbing proposals". The Committee assumed it had to do with the proposal to modify section 408.1 of the NYC Administrative Code.

At the start of the meeting the DOB made a statement that COVID-19 has been a hardship for all NYC residents and that the DOB was studying ways to lessen the regulatory burden on NYC residents. The DOB believed that it may be a good idea to allow unlicensed and unqualified persons to replace gas appliances. The MPC stated that, without reviewing a written proposal, it was not possible to provide comments. The Committee did mention that this proposed change was contrary to the Code, Local Law 150 of 2016 and could threaten public safety. The meeting yielded no further details and the MPC

and Foundation were both asked to provide written comments.

The MPC never received any further correspondence from the Department. On September 24, 2020, the MPC submitted comments stating that it was not a good idea to allow unlicensed and unqualified persons to do this work. We offered to have another meeting to discuss the proposal our Committee members had made to modify section 28-105.4.4 of the NYC Administrative Code. Our proposal would have provided that a LMP could do this work as part of the Ordinary Plumbing Work. The MPC further modified the proposal and sent another email to the DOB on October 20, 2020.

On October 14, 2020, the Department finally provided a written proposal for the work scope they had discussed. [Click here](#) to read the DOB proposed Code change. This proposal, if enacted, would have allowed anyone, at any time, to replace any residential gas stove, range, oven, dryer, or BBQ without being qualified in any way or requiring a work permit. However, it would still have required a licensed plumber to file a report to replace a flexible appliance connector. On October 20, 2020, the MPC and its industry partners submitted the following written comments to the DOB regarding this proposed change.



Master Plumbers Council of the City of New York, Inc.

Aka

Licensed Plumbing Association of New York City, Inc.

240-21 Braddock Avenue, Bellerose, NY 11426

Phone: (718) 793-6300 • Fax: (516) 677-5374 Website: www.nycmpc.org

October 20, 2020

Constadino (Gus) Sirakis, PE
First Deputy Commissioner
NYC Department of Buildings
280 Broadway, 7th Floor
New York, NY 10007

Dear First Deputy Commissioner Sirakis:

The Licensed Plumbing Association of New York City, Inc. dba Master Plumbers Council of the City of New York (MPC), was founded in 1892 and is a non-profit organization of small and large, union and non-union plumbing contractors, and affiliates whose primary mission is to protect the public safety of New York City residents through the enforcement of plumbing codes.

One of the most important issues for our industry and the general public is gas safety. The Master Plumbers Council works to provide gas safety training and education on safe gas work practices. We also attempt to combat unlicensed plumbing work, especially gas work.

On October 14, 2020, we received an email from the DOB regarding their proposed revisions to Sections 28-105.4.7 and 28-105.4.4, Item 8 of the Administrative Code. The Department's proposal would permit unlicensed and unqualified persons to operate a gas appliance valve and replace an appliance connector and domestic appliance without any notice or report to the Department. Their proposal would still allow for a licensed Master Plumber to replace an appliance connector alone, where they would have to submit a report to the Department pursuant to Section 28-105.4.4 of the New York City Administrative Code.

Our Code committee subject matter experts have reviewed these proposed changes. The MPC is adamantly opposed to any changes that would permit unlicensed and/or unqualified persons to conduct any gas work operations. As the primary regulator of the construction and real estate market, the DOB has a mission to promote safety on construction sites and in the city's nearly 1.1 million existing buildings. To further this mission, the Department is tasked with aggressively enforcing the city's laws to protect the public while also promoting development. The proposed Code changes, which are contrary to the Department's stated mission, would pose a direct threat to public safety.

The Department is proposing these changes to address issues resulting from the Covid-19 pandemic. However, the DOB has yet to specify the exact issues faced by consumers due to Covid-19 and how the proposed changes would alleviate these problems. Were these inconveniences caused by the pandemic or did they exist before? Why is this change being proposed under a Code revision process that will take many months to be enacted? How would allowing unlicensed and unqualified persons to complete this work not pose a threat to public safety?

In their efforts to promote construction site safety, the Department has enacted more than 25 new laws. In that process, they embarked on an Experience is Not Enough campaign. This campaign's main message is that no matter how long one has worked, he or she still requires specific training that meets a standard. As a result of multiple preventable gas incidents within NYC, the NYC Council passed a series of ten gas safety related laws in 2016. Local Law 150 of 2016 requires anyone working on a gas system to either be a NYC licensed Master Plumber or hold

a department issued gas work qualification. This law requires both experience and the passage of a written exam measuring the applicant's knowledge. Passing the exam makes the person qualified. This law makes NYC safer by only allowing qualified persons to work on gas systems. It is important to note that the vast majority of the work these operators do is on systems where the gas is deactivated. The Council also passed Local Law 152 of 2016, which requires the periodic inspection of gas piping systems within NYC buildings. The person qualified to conduct these inspections must have prerequisite experience and attend a seven-hour training program. Recent changes to federal law have also required that both licensed Master Plumbers and their employees obtain qualifications to work on utility piping. In addition to training, applicants must pass three written tests and a practical exam to obtain the qualification. They must also agree to participate in a random drug and alcohol monitoring program. The goal of the MPC is to have everyone involved in the gas work process view gas safety through the same lens.

If these proposed changes are enacted, NYC residents will be faced with the possibility of unlicensed persons working on live gas systems with no qualifications. The industry and the utilities are united in the belief of just how dangerous this could be. We have attached ([click here](#)) a letter from the Northeast Gas Association (NGA) in opposition to this proposed change. A leader in gas safety training, NGA created the Periodic Gas Inspection Training program.

The next step in the approval process is to approach the Managing Committee, from whom the Department will seek consensus. How will the Department persuade the committee to accept this change? Perhaps it will argue that when faced with a simple appliance connection, little danger is present and there is no need to use a licensed master plumber firm. What is the worst possible outcome? Two incidents immediately come to mind. The first occurred on March 26, 2015, when two unlicensed and unqualified persons failed to make a simple connection properly before they illegally restored gas to this Second Avenue building. The second occurred on September 27, 2016, when the FDNY responded to a complaint of a gas odor at a private residence in

the Bronx. In both incidents, there were explosions and loss of life. In the latter incident, Battalion Chief Michael Fahy, a seventeen-year FDNY veteran who served through 911 and a father of three, was killed when the structure exploded.

The Department is soliciting comments on a proposal without providing any substantive reasons for the proposed change. Based on what has been presented, should we infer that the existing Code process is too cumbersome and adds costs to the replacement of these appliances? Do these logistical "barriers" dissuade NYC residents from utilizing licensed and qualified persons to do the work? If so, we are in complete agreement with the Department that the process needs to be changed. The process to replace a domestic gas stove appliance could have been included in the 2008 Code revision (NYC Administrative Code section 28-1.5.4.4.8). Generally, both the appliance connector and the gas stove are replaced at the same time. Under the current process, if a gas stove is to be replaced, a licensed Master Plumber must first obtain a permit and then conduct an inspection after the unit is installed. If the building has any open violations, these may have to be settled before a permit can be issued. However, NYC residents wait for no one. If the process is too cumbersome, some people may ignore it or seek ways to circumvent it, which directly threatens public safety. The Commissioner believes that by streamlining the development process, improving the Department's operations, and building a culture of safety on construction sites, that the Department would further Mayor de Blasio's vision to build a more fair and more sustainable City. We agree that a clear, concise process for replacing these appliances is long overdue. The easier the process is to comply with, the more people will. The good news is that we can provide immediate relief for NYC residents and increase compliance, all without compromising public safety.

Until this point, the Department has not engaged in a dialogue about this matter. It is likely that the Managing Committee will not reach consensus and that this proposal will be passed onto the City Council as part of the Code revision. We believe that this outcome would be a giant step backwards for public

safety. The MPC has a policy whereby if we bring an issue to the Department, it is always accompanied by a proposed solution. We have modified our original draft proposal to include all the items that were contained within the Department's proposed changes. Our proposal is simply an expansion of Ordinary Plumbing Work. Under our proposal, licensed plumbing contractors employing gas work qualified personnel could complete residential gas appliance replacements without having to obtain a permit or conduct an inspection. Please find attached the MPC's drafted proposal which would provide immediate relief to residents while also maintaining the highest level of public safety.

We believe that the choices here are simple. Do we want unlicensed and unqualified persons to replace existing domestic gas appliances without any notification to the Department? This process will be impossible to audit and enforce. The alternative is utilizing licensed Master Plumbers and their qualified employees to perform the work and then to submit a monthly report to the Department. This process

would continue to promote the highest level of public safety. It also affords the Department with the ability to track and audit the work. If the DOB agrees to eliminate the added cost of a permit and inspection, consumers would be more likely to use a licensed firm, as research shows the major retailers charge a similar installation cost, but may not utilize licensed Master Plumbers because of the cumbersome permitting process.

We strongly urge the Department to review our proposed draft language and maintain the requirement for licensed Master Plumbers and their gas qualified employees to perform the work.

Thank you for your time.

Regards,

John F. DeLillo, Jr.

Executive Director

The Master Plumbers Council of the City of New York

On October 26, 2020, the Managing Committee met to discuss this issue. Other than the DOB, there was only opposition offered against this proposed change. The Fuel Gas Code Revision Committee was also in opposition to this proposed change. At this point, one would assume that the issue would die at this stage. However, that is not how the approval process works. If consensus could not be achieved at the Managing Committee meeting, the Department would have the right to make the final determination and incorporate the text into the proposed Construction Codes amendment.

The industry prepared for the next steps to oppose this proposed change. On December 09, 2020, the industry was notified that the DOB had reconsidered this proposed change and would no longer seek to have it enacted. We believe that this reversal was due in large part to the almost unanimous opposition. We would like to thank our Committee members and industry partners whose hard work and persistence were crucial to blocking the proposed change. We would also like to offer special thanks to Mr. Arthur Klock, Jr. of Plumbers Local 1, who was invited to speak at the Managing Committee meeting. Mr. Klock is the Director of Trade Education for the Local and made a compelling argument against the proposed change.

What does this mean?

This proposal, if enacted, would have allowed anyone, at any time, to replace a residential gas stove, range, oven, dryer, or BBQ. On December 09, 2020, the DOB sent an email stating that ...Consensus was not achieved by the Managing Committee on the proposed changes at that meeting. After consideration, the Department has made the determination ***not to amend the previously approved managing committee sections at this time.***

Many people feel that this is a victory. But is this really over? The intent was to provide relief for NYC residents during COVID-19, a time when and we need all the relief we can get. The MPC will continue to pursue trying to get the Code modified to provide streamlined and less expensive installation costs for NYC residents. Please join us to support our efforts.

MPC LICENSING COMMITTEE MEETS WITH DOB

On December 01, 2020, the MPC Licensing Committee participated in a virtual meeting with the DOB in regard to all licensing issues, with an emphasis on renewals. Attending for the DOB was Patrick Wehle, the Assistant Commissioner for Strategic Planning & Industry Relations and William Hinckley, the Director of Licensing. Other industry associations also participated.

Much of the meeting was spent going over the reason why so many licensees are not having their applications approved in time and are ultimately expiring. Since the system went online in July 2020, the MPC has assisted more than a dozen members with renewal issues. In some cases, we have been able to help members get renewed in time. In the other cases, we were able to shorten the time for which they were expired.

The MPC is working on a complete summary of the meeting and is preparing a handout for members. We will also publish information in the next newsletter. The main takeaway from these newsletter will be that it is no longer feasible, or even possible, to renew one's license on short notice. MPC has

started contacting members 120 days ahead of their expiration date to remind them to renew. The majority of the time that a member was not renewed on time was due to **their** inability to properly complete and submit the required forms. We are in the process of putting together a presentation on renewal and the DOB has stated they are also doing an internal review and will be updating their website. It is incumbent on **you**, the licensee, to verify that the application is completed properly.

On a positive note, the DOB is going to consider some of our suggestions that may simplify the renewal process.

Rules to Follow:

- Submit complete renewal application 60 days in advance of your expiration date.
- If there are any changes on your LIC-2 form, you are no longer doing a renewal. Follow the business change checklist.
- All reviews for all transactions should be allowed 15 calendar days for review. After 15 days contact the licensing unit at licensingdob@buildings.nyc.gov

HOUSING MAINTENANCE CODE - HOW TO PASS BOILER INSPECTIONS

[Chapter 2 of the Housing Maintenance Code](#) states that the area in which the boiler is located must be readily accessible to inspectors. If it is under lock and key, the key must be kept on premises, and the building owner must post a notice naming the person who has the key and their location ([click here for an example of this notice](#)). Failure to place this notice could result in a \$650 fine.

We anticipate that when members read the section above, they are looking for guidance as to how to pass a NYC DOB Boiler inspection. We are pleased to announce that the MPC Mechanical Code Committee Members have prepared a fillable checklist that members can use prior to submission of an inspection request. That list will be made available to membership within the next few weeks.

DOB DEVELOPMENT CONTACT LIST

All inquiries are to be sent to the plumbingIR@buildings.nyc.gov email address.

- For Staten Island inquiries: SlplumbingIR@buildings.nyc.gov
- For Queens inquiries: QNplumbingIR@buildings.nyc.gov
- For Brooklyn inquiries: BKplumbingIR@buildings.nyc.gov
- For Bronx inquiries: BXplumbingIR@buildings.nyc.gov
- For Manhattan inquiries: MNplumbingIR@buildings.nyc.gov
- For Highrise inquiries: highriseIR@buildings.nyc.gov

Plumbing Development Inspections CONTACT:

- Staten Island: (718) 420-5418
- Queens: (718) 286-8350

- Brooklyn: (718) 802-3723
- Bronx: (718) 960-4720
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LOCAL LAW 152 UPDATE

This bill would extend the December 31, 2020 inspection deadline for buildings in CD 1, 3 and 10 in all boroughs to June 30, 2021. The bill provides that for such buildings inspected between September 1, 2020 and December 31, 2020, the certification of correction may be submitted later than 120 days or later than 180 days following the inspection date, as applicable, but no later than June 30, 2021.

This bill would also require the DOB to conduct targeted outreach regarding the requirements of Local Law 152 of 2016, submit a report describing the methods of targeted outreach employed by the agency, and solicit public comments related to the implementation of Local Law 152 of 2016. [Click here to read the law.](#)

On December 29, 2020, the DOB published a Service Notice in regard to the extension of time approved for Community Board Districts 1, 3 and 10. [Click here](#) to read the Service Notice.

The MPC Code Committee was in full swing earlier this year in finalizing the entire process for submission to the DOB for approval, then COVID-19 arrived. Despite all of the obstacles, we have been successful in developing a complete list of AOCs and assisting the DOB with the first FAQ list ([click here](#)), which was published to the DOB website.

As this is written, we are working with the DOB on clarifying the definition of tenant space. When the law was passed, it simply said that tenant spaces were exempt. Members of the MPC Code Committee negotiated the law back in 2016 and it was clear the intent was only to exclude residential tenant spaces (i.e., room set gas meters). This fact was also reflected in the FAQ paper that the DOB published back in October of 2020.

Since that time, the DOB has had a change of opinion and is now excluding **all** tenant spaces from inspection. In response to this determination, we have sent follow-up questions to the DOB for clarification. We are also pursuing this issue with the City Council.

In the interim, what should you do if you have a building with a commercial tenant space you need to inspect? For the time being you **should not inspect it** unless the building owner allows you to do so. We anticipate this issue being worked out in early February 2021. For now, you may choose to delay inspections for a month until we have a clearer picture.

Inspection of Point of Entry (POE):

Recently, there was scientific study of over 70,000 buildings that revealed that most instances of corrosion, migration, substandard conditions and leaks occur at the POE. For this reason, Federal requirements for gas piping safety inspections require access to and inspections of all POE into a building. If the utilities cannot gain access to this area, the owner will be subject to a fine and after several attempts, may face having the gas to the building shut down. While conducting LL152 inspections, you may be faced with a situation where a POE is located within a commercial tenant space. What should you do? What does the training program say about this? What does the DOB say? How should you complete the report? The DOB has stated that you cannot submit a certification for an incomplete inspection. Therefore, what should you do? What if an owner allows you into a tenant space to access the POE? You are not allowed to ignore any substandard conditions encountered. Would you be civilly liable for reporting an AOC in an area that is not presently supposed to be inspected?

The MPC and its industry partners are working on a resolution to this major issue. We will publish the information as soon as it becomes available.

If you would like immediate information, please join the MPC by [clicking here](#).

IMPORTANT GPS-1 FACTS:

- The GPS-1 should be completed as soon as possible after the inspection is completed.
- You **must** list all AOCs you find on this list, regardless of whether they are reported from the field or not.
- You **must** deliver the form to the owner within 30 days of the initial inspection. This is mandatory whether you are paid or not.
- If you correct the defects listed on the GPS-1 prior to delivery to the owner, the GPS-1 must still reflect the AOCs you found during the inspection.
- Box 5 (additional comments) may be used for recommendations or things encountered that are not reportable.

Message from the LL152 Committee:

We have received a lot of questions from members regarding LL152. While being a Licensed Master Plumber legally permits you to conduct these inspections, you really need to know and understand exactly what is required. There is no more important inspection than a LL152 inspection. For all other gas-related items you are testing and inspecting piping that is inert. The system is tested at least three times by qualified persons before gas is introduced. That being said, if you conduct an inspection improperly, we expect that the disciplinary actions taken against you will be severe. This is not written to scare anyone, but to make you aware. Persons that have attended the NGA training program and read the updates should have no issues if they apply the information that has been provided. We are aware of at least one BSIU investigation into a licensee who has not conducted an inspection properly. In the new year, we will be conducting training classes for members. These classes will be for conducting LL152 inspections, reporting from the field and completion of the GPS-1 and GPS-2 forms. The Committee is working on the forms now and is almost done with their first draft.

Reporting AOCs:

One of the most common complaints we get is about trying to report AOCs from the field. Often, when calling Con Edison to report a minor item, they send the FDNY, whose presence is not necessary for the issue at hand. National Grid can be hard to get a hold of and calling the DOB can lead to frustration. So, what is the MPC doing to streamline this process? Well, we are glad you asked.

We are working to change the law so that only immediately hazardous items need to be reported from the field. That would include, but not be limited to, gas leaks, theft of service and levels 3 & 4 corrosion. Immediately hazardous AOCs mean immediate response is required. Everything else that is nonhazardous can be reported and the appropriate response can be taken up by the utilities and/or DOB at a later date.

In addition to seeking to change the law, we are working with the Utilities on their phone apps. Con Edison introduced their app a few months ago. Members of the Committee have been working with them to tweak it. National Grid is working on their app now.

The app is phone based, so it is not tied into any one specific GMI. The benefit of using the apps is that you can take a picture of any AOC, or possible AOC, and send it directly to the Utility before you leave the site. Submitting that report will mean that you have complied with the Law, Rule, and the training program. At this point, there is nothing more to do, as immediately hazardous issues will still be resolved in the field. The job of the inspector is to **report** AOCs encountered and then it is up to **other qualified persons to decide** if they are hazardous.

Reporting Immediately Hazardous AOCs:

All immediately hazardous AOCs must be reported from the field. The inspector is required to take appropriate actions and wait on site to provide access. We have heard the stories in which an inspector finds a leak or level 4 corrosion only to have the Utility operator respond and say, "no leak here" and "I'm calling it a level 2". As we have stated, the inspector is there to conduct a leak survey and visual inspection. The inspector's job is to **report**. The Utility operator has the qualification to do a leak investigation and determine if there is a leak. That is how the process was designed to work. The same principle applies to corrosion.

THANK YOU TO OUR AFFILIATE MEMBERS FOR YOUR CONTINUED SUPPORT!

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