

MPC proposed §28-101.5 Definitions.

What is the Department proposing?

§28-101.5 Definitions.

The DOB is proposing several changes to this section.

Limited Alteration Application *new definition*

Category One work *monetary cap*

Limited Plumbing Alterations

Category 2 *new requirement*

What is a Limited Alteration Permit?

This is a permit that is limited in work scope and, for new work, limited in cost. It provides owners with the options to utilize a licensed master plumber to obtain a work permit rather than having to retain a registered design professional.

Why are we proposing to change this?

The Department added a definition for Limited Alteration that may prohibit the use of this permit in conjunction with alteration permits. We have requested clarification from the Department but have yet to receive a response.

Having a monetary cap has been a point of contention for many years. When the earlier versions of an LAA existed, the work scopes were very limited and the cap was generally never an issue. Today, the permitted work scopes have been expanded. It is possible that you may hire a licensed master plumber to do some permitted work scopes and they will not be able to utilize a Limited Alteration permit because the total cost exceeds the monetary cap. The cap is per building and, while it may not be an issue in a five family building, it may prohibit work from being done in a three hundred unit building or commercial space. In addition, it is extremely difficult to know what the remaining monetary threshold is for a specific building. The DOB NOW: *Build* system will not prevent permit issuance if a building's cap has been exceeded, which may lead to the issuance of a violation from the Department.

The Department added verbiage to one existing Category 2 work scope. This section has been modified to add the verbiage that the existing system piping has been legally installed. This verbiage should be removed, as it is not consistent with the same language used in the Limited Sprinkler Alterations. The Code makes the assumption that existing work has been legally installed. If the Department has any concerns about a particular installation, the Code provides the means for which they can address them.

What changes are we proposing?

We are proposing:

1. To clarify the definition of Limited Alteration Application.
2. To eliminate the monetary cap.
3. To remove language that was added that may reduce the ability of an owner to take advantage of utilizing a Limited Alteration Application.

Why are we proposing this now?

A Limited Alteration Application should only be limited by the permitted work scopes. The fees for the permitted work, along with the installation and inspection process, are the same as for any other permit. There is no potential for public safety to be negatively affected in any way. It also allows for the licensee to make any required post approval amendments to allow for changes to a project.

If a work scope is permitted, should it be limited by a monetary cap? What purpose does that serve?

Removing the verbiage added, limiting a work scope and requiring an owner to prove the legality of an existing installation is not consistent with the intent of the Code. The language did not exist in the 2014 Code and should be removed upon the adoption of the Existing Building Code in the future.

How would our proposed change be beneficial to your members?

Our proposed changes provide your licensed master plumber with the ability to utilize the Limited Alteration Application for all work that is done within the permitted work scopes, regardless of other permitted work and without the burden of a monetary cap.

If you agree with us what should you do?

Please provide testimony to City Council in support of the MPC's proposed changes to **§28-101.5 Definitions**.

MPC proposed §28-101.5 Definitions.

LIMITED ALTERATION APPLICATION. Application for limited oil-burning appliance alterations, limited plumbing alterations, limited sprinkler alterations, and limited standpipe alterations submitted pursuant to section 28-104.6, ~~Exception 1. Such work shall not include any a) Associated work that would otherwise require an alteration permit~~ including, but not limited to, any construction of fire rated partitions and enclosures shall be filed under a separate alteration permit .

Reasons for requested change.

- This proposed change clarifies that an LAA permit may be used for a plumbing work when the work is done in conjunction with an alteration permit. The permit fees, work and inspection process are the same for a Limited Alteration Application. Utilizing an LAA permit may provide a more cost effective solution for owners. There is nothing that would prohibit an owner using a registered design professional to file a separate DOB NOW: Build application for the plumbing scope of work.
- Example: An owner must undertake a project that has an extensive structural work scope that may require the installation of a small water line. This verbiage would ensure the owner's ability to utilize a Limited Alteration Application to complete the plumbing work. Depending on the interpretation of the text as proposed, the owner may potentially have to incur the additional expense of retaining a registered design professional to file an additional alteration permit.

LIMITED PLUMBING ALTERATIONS. An installation, replacement, repair or alteration to a plumbing or fuel gas piping system, including fixtures and appliances, that is limited in scope, falling into one of the following categories:

Category 1. An ~~[alteration]~~ addition to ~~[a]~~ an existing plumbing or fuel gas piping system or service ~~[where the total cost of the proposed Category 1 work in the building does not exceed [thirty five] fifty thousand dollars in any 12 month period and]~~ where the proposed work is limited to the following:

Reasons for requested change.

- The monetary cap is a random amount. The fees for the permitted work scopes, along with the installation and inspection process, are the same as an alteration permit. If a work scope can be completed on a LAA permit, why should there be a monetary cap to limit the use of this permit type? There are work scopes permitted to be undertaken that could require an alteration permit because the total cost will exceed the monetary cap. This is proving to be a problem now with the inflationary costs of the commodities needed to install plumbing systems.
- While not impossible, it is extremely difficult to track the filings for each building in DOB NOW: Build LAA.
- The monetary cap is per building. Is it equitable to apply the same cap amount to different sized buildings? Is it fair to limit a permitted work scope in a building based on a monetary cap?

Example: Category 1 plumbing work is done in Unit 11J under a LAA permit. When a plumber attempts to apply to do the same work in Unit 6C, they realize that the work would exceed the monetary cap. They inform the owner that they must retain a registered design professional to file an alteration application.

Category 2. ~~[An]~~ The repair, replacement of or alteration to ~~[a]~~ an existing plumbing or fuel gas piping system that is not subject to cost or duration limitations and that is limited to the following:

12. Rearrangement of not more than 20 sprinkler heads in areas classified in light hazard occupancy, as such term is defined in NFPA 13 as amended by appendix Q of the New York city building code, provided such areas are already sprinklered and such areas will remain in such occupancy, ~~and provided further that all such sprinkler heads were legally installed off of a domestic water system;~~
13. Rearrangement of not more than 20 sprinkler heads in restaurant service areas classified in Group 1 ordinary hazard occupancy, as such term is defined by NFPA 13 as amended by appendix Q of the New York city building code, provided such areas are already sprinklered and such areas will remain in such occupancy, ~~and provided further that all such sprinkler heads were legally installed off of a domestic water system; and~~

14. Rearrangement of not more than 20 sprinkler heads in mercantile areas classified in Group 2 ordinary hazard occupancy, as such term is defined by NFPA 13 as amended by appendix Q of the New York city building code, provided such areas are already sprinklered and such areas will remain in such occupancy, ~~and provided further that all such sprinkler heads were legally installed off of a domestic water system.~~

Reason for requested change.

- *As written, it appears that there may be an extra requirement to prove the legality of an existing installation. If a current owner is required to prove the “legality” of a system, they may not have access to any records and the Department may not be able to produce them. Section 102.2 of the NYC Plumbing Code states: Except as otherwise specifically provided; plumbing systems lawfully in existence at the time of the adoption or a subsequent amendment to the Code shall be permitted to have their use and maintenance continued if the use maintenance or repairs is in accordance with the original design and no hazard to life, health or property is created by such plumbing system. It is generally assumed that existing work was legally installed.*

Please see the answer provided in the Department published Service Notice FAQ for Local Law 152 inspections.

Why your existing fire suppression system should be treated any differently?

Q2. Is it required to prove the legality of an existing gas installation?

A2. While the licensee is not required to prove legality of an existing gas installation, the licensee is responsible for identifying illegal connections or any non-Code compliant conditions.