

**CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT**

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Housing Preservation and Development (HPD) is proposing new rules to implement recently enacted legislation regarding providing stove knob covers to occupants of multiple dwelling units.

When and where is the hearing? HPD will hold a public hearing on the proposed rule. The public hearing will take place from 10:00 AM to 11:00 AM on October 29, 2018. The hearing will be in the HPD hearing room at 100 Gold Street, Room 5R1, fifth floor, New York, N.Y. 10038.

This location has the following accessibility option(s) available: The building and hearing room are wheelchair accessible.

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

- **Website.** You can submit comments to HPD through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to rules@hpd.nyc.gov.
- **Mail.** You can mail comments to HPD, Attention: Assistant Commissioner Mario Ferrigno, 100 Gold Street, Room 5Z7, New York, N.Y. 10038.
- **Fax.** You can fax comments to Assistant Commissioner Mario Ferrigno at 212 863-8617.
- **By 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 before the hearing by calling 212 863-8602. You can also sign up in the hearing room before the hearing begins on October 29, 2018. You can speak for up to three minutes.

Is there a deadline to submit comments? The deadline for submission of comments is October 29, 2018.

Do you need assistance to participate in the hearing? You must tell HPD if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212 863-8602. You must tell us by October 16, 2018.

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/>. After the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public at HPD, Office of Legal Affairs, 100 Gold Street, 5th Floor, New York, N.Y. 10038.

What authorizes HPD to make this rule? Sections 1043 and 1802 of the City Charter and Administrative Code sections 27-2090 and 27-2046.4. This proposed rule was not included in

HPD's regulatory agenda for this Fiscal Year because it was not contemplated when HPD published the agenda.

Where can I find the HPD's rules? HPD's rules are in Title 28 of the Rules of the City of New York.

What rules govern the rulemaking process? HPD 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 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

Local Law No. 117 of 2018 amended the Housing Maintenance Code to require, with certain exceptions, that owners of multiple dwellings provide stove knob covers for gas-powered stoves to tenants of units where the owner knows or reasonably should know that a child under six years of age resides. The owner is required to:

- 1) provide an annual notice to tenants regarding the owner's obligation to provide the stove knob covers,
- 2) keep the following records:
 - a) tenant responses to the stove knob cover notice,
 - b) a list of units where the knob covers have been made available, and
 - c) documentation of the owner's attempts to make the covers available.

The proposed rule implements the legislation by detailing recordkeeping requirements, and by providing a form of annual notice that may be used by owners to comply with the new law.

New material is underlined.

Section 1. Title 28 of the Rules of the City of New York is amended by adding a new Chapter 55 to read as follows:

§55-01. Records. An owner must keep a record of the following documents for five years, and produce such documents upon request of the Department:

- (1) written notification of refusal of stove knob covers by tenants;
- (2) documentation of attempts by the owner to make stove knob covers available for apartments where a child under age six resides for which the tenant did not return the annual notice to the owner;
- (3) a list of units for which stove knob covers were made available;
- (4) a list of tenants who requested stove knob covers.
- (5) a list of units where stove knob covers could not be made available for the particular stove in the unit, with documented proof that compatible knob covers for such stove are unavailable or that the stove was not a gas-powered stove.

§55-02. Annual Notice. On or prior to January 5, 2019, an owner of a unit in a multiple dwelling, other than a dwelling unit in a multiple dwelling owned as a condominium or cooperative and

used as the primary residence of such owner, must provide an annual notice to each tenant of a unit with a gas-powered stove regarding the owner's obligation to provide stove knob covers pursuant to New York City Administrative Code section 27-2046.4(a). Such notice may be combined with other annual notices required to be provided to tenants. Such notice must provide the following information:

ENGLISH VERSION: ANNUAL NOTICE REGARDING INSTALLATION OF STOVE KNOB COVERS

The owner of this building is required, by Administrative Code §27-2046.4(a), to provide stove knob covers for each knob located on the front of each gas-powered stove to tenants in each dwelling unit in which a child under six years of age resides, unless there is no available stove knob cover that is compatible with the knobs on the stove. Tenants may refuse stove knob covers by marking the appropriate box on this form. Tenants may also request stove knob covers even if they do not have a child under age six residing with them, by marking the appropriate box on this form. The owner must make the stove knob covers available within 30 days of this notice. Please also note that an owner is only required to provide replacement stove knob covers twice within any one-year period. You may request or refuse stove knob covers by checking the appropriate box on the form below, and by returning it to the owner at the address provided. If you do not refuse stove knob covers in writing, the owner will attempt to make them available to you.

Please complete this form by checking the appropriate box, filling out the information requested, and signing. Please return the form to the owner at the address provided by (INSERT DATE):

- Yes, I want stove knob covers or replacement stove knob covers for my stove, and I have a child under age six residing in my apartment.
- Yes, I want stove knob covers or replacement stove knob covers for my stove, even though I do not have a child under age six residing in my apartment.
- No, I DO NOT want stove knob covers for my stove, even though I have a child under age six residing in my apartment.
- No, I DO NOT want stove knob covers for my stove. There is no child under age six residing in my apartment.

_____ (Tenant Signature) _____ (DATE)

Print Name, Address, and Apartment Number:

Return this form to: (Owner address):

SPANISH VERSION: AVISO ANUAL RESPECTO A LA INSTALACIÓN DE PROTECTORES PARA PERILLAS DE COCINA

Según la sección 27-2046.4(a) del Código Administrativo, el dueño de este edificio debe proporcionar a cada inquilino/a protectores para todas las perillas frontales de cada cocina a gas que haya en las unidades de vivienda donde residen niños menores de seis años, salvo que no haya protectores que sean compatibles con las perillas de la cocina. Si desean rechazar los protectores para perillas de cocina, los inquilinos deben tildar la opción correspondiente en este formulario. Los inquilinos también pueden solicitar los protectores aunque no residan con niños menores de seis años, para lo cual deberán tildar la opción correspondiente. **El propietario tiene un plazo de 30 días a partir de este aviso para poner los protectores para perillas de cocina a disposición de los inquilinos.**

Cabe señalar que el propietario tiene la obligación de reemplazar los protectores solo dos veces en el período de un año. Para solicitar o rechazar los protectores, marque la casilla correspondiente más adelante en este formulario y envíeselo al propietario a la dirección proporcionada. Si usted no rechaza los protectores por escrito, el propietario tratará de ponerlos a su disposición.

Para completar este formulario, marque la casilla correspondiente, escriba la información solicitada y firme. Envíe el formulario al propietario, a la dirección proporcionada, antes del (INDICAR FECHA):

- Sí, quiero los protectores para perillas de cocina o el reemplazo de estos para mi cocina, y tengo un niño menor de seis años que reside en mi apartamento.
- Sí, quiero los protectores para perillas de cocina o el reemplazo de estos para mi cocina a pesar de que no residen niños menores de seis años en mi apartamento.
- No, NO quiero los protectores para perillas de cocina a pesar de que un niño de seis años reside en mi apartamento.
- No, NO quiero los protectores para perillas de cocina para mi cocina. En mi apartamento, no residen niños menores de seis años.

_____ (Firma del inquilino) _____ (FECHA)

Nombre en letra de imprenta, dirección y número de apartamento:

Devolver este formulario a (dirección del propietario): _____

§ 2. Local Law No. 117 of 2018 takes effect on December 5, 2018; provided, however, that owners must provide the annual notice specified in section 55-02 of Chapter 55 of Title 28 of the Rules of the City of New York, as added by section one of this rule, no later than January 5, 2019.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Stove Knob Covers for Occupants of Multiple Dwelling Units

REFERENCE NUMBER: 2018 RG 069

RULEMAKING AGENCY: Housing Preservation and Development

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: August 8, 2018

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Stove Knob Covers for Occupants of Multiple Dwelling Units

REFERENCE NUMBER: HPD-57

RULEMAKING AGENCY: Housing Preservation and Development

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Fiona Peach
Mayor's Office of Operations

August 8, 2018
Date