

DOB's Permitting Processes for Energy Storage Systems & the New ESS Rules

presented by

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Project Manager, OAE/OTCR**

March 26, 2026

DOB's Permitting Processes for Energy Storage Systems

DOB NOW:
Applications for
Construction

Approval > Permitting > Installation > Inspection > Signoff

All ESS must file the following applications to DOB:

1. **DOB NOW** applications for construction:
 - a. 'GC' with 'EESE'
 - b. 'EL'
 - c. 'Alteration-CO' (when a new CO is required)
 - d. Other work type(s) as required
2. **OTCR2** application for alternative material site-specific evaluation.

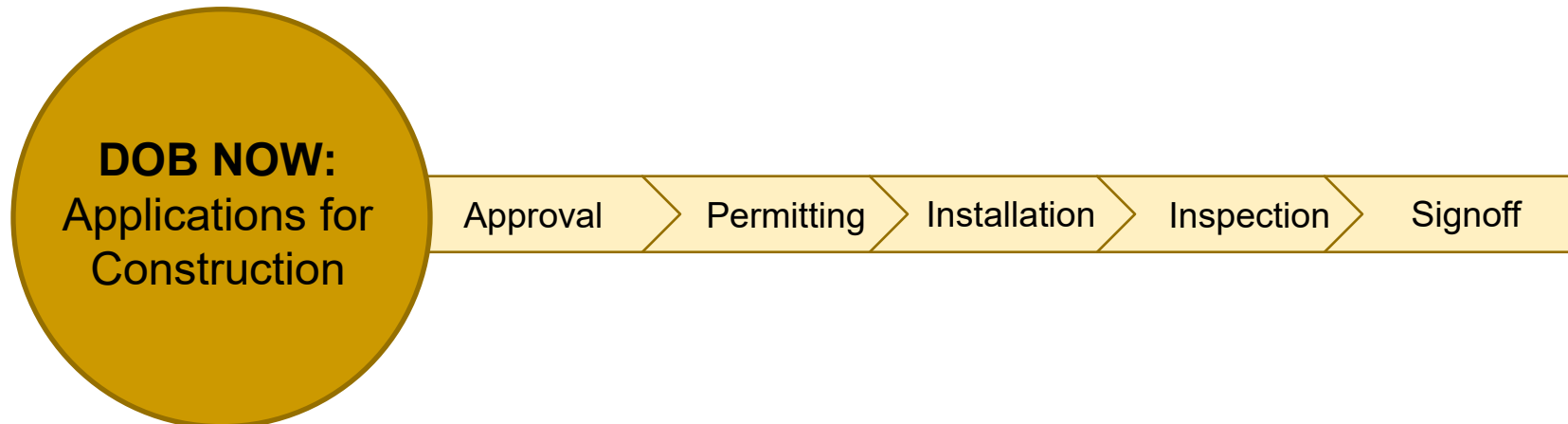
OTCR2:
Alternative
Material
Evaluation

ESS Evaluation > Conditional Approval > Certification > Final Approval

For DOB NOW applications for construction:

a. 'GC' with 'EESSE'

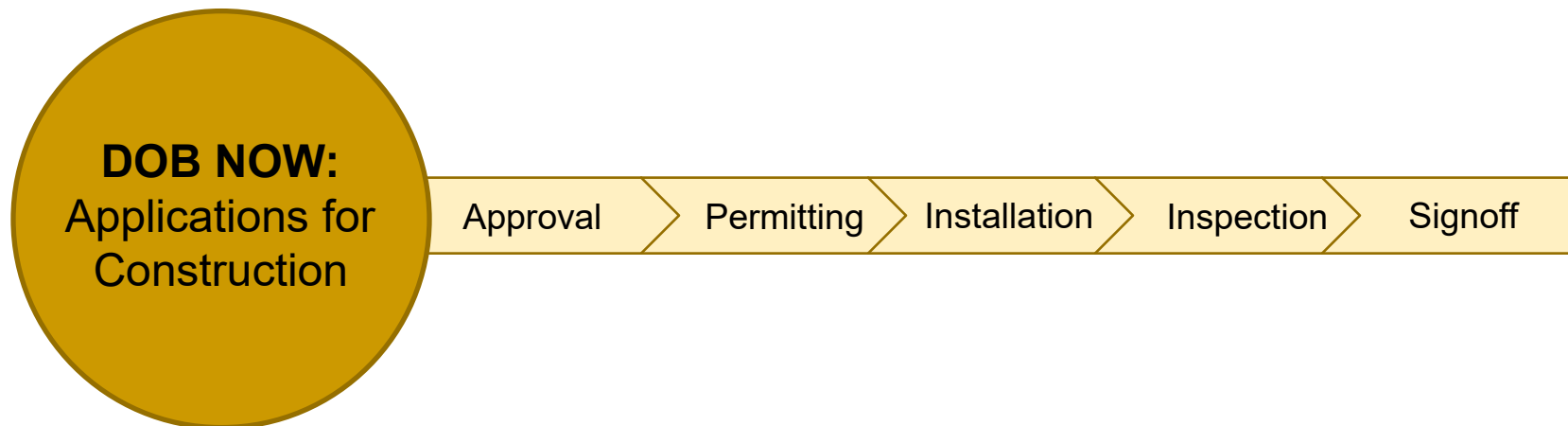
Every ESS shall file a **General Construction ('GC')** work type with **Electric Energy Storage Equipment ('EESSE')** subcategory per **10/27/2023 Service Notice**. All ESS applications will be reviewed under full plan examination by the **Central Development Programs Unit**. Filing under Professional Certification Program ('Pro-Cert') is not permitted.



For DOB NOW applications for construction (cont.):

b. 'EL'

An **Electrical Permit ('EL')** is required for every ESS installation. An Electrical Plan Review may be required per 1 RCNY 4000-01.



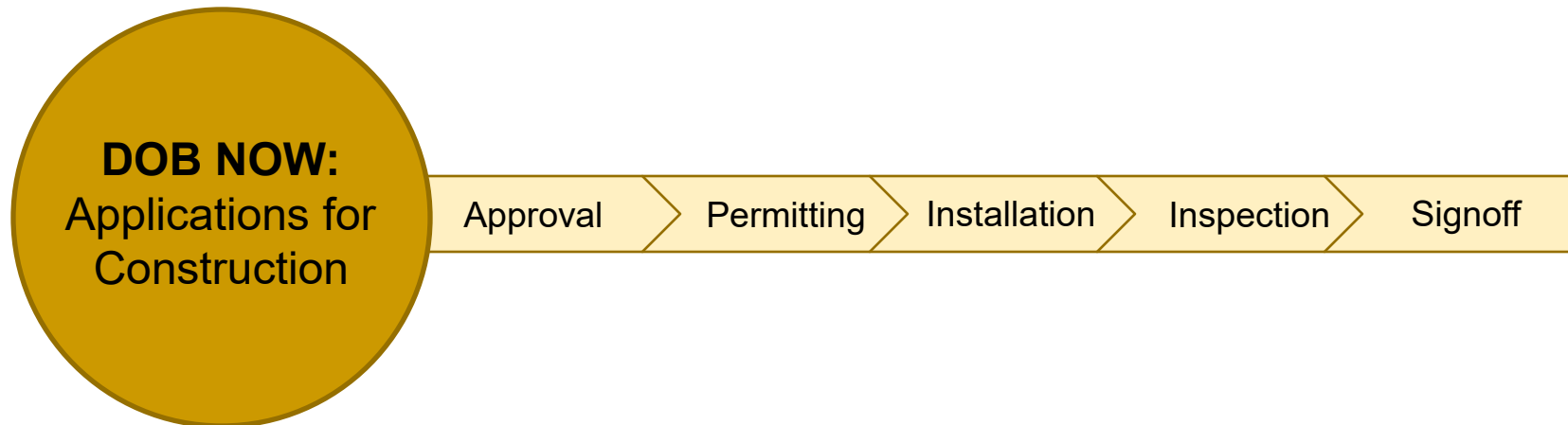
For DOB NOW applications for construction (cont.):

c. 'Alteration-CO'

For non-accessory ESS (e.g., a standalone ESS facility on a vacant lot, etc.) the applicant shall also file an '**Alteration-CO**' job type to establish a new '**Certificate of Occupancy**' ('CO') for the use.

d. Other Work Type(s)

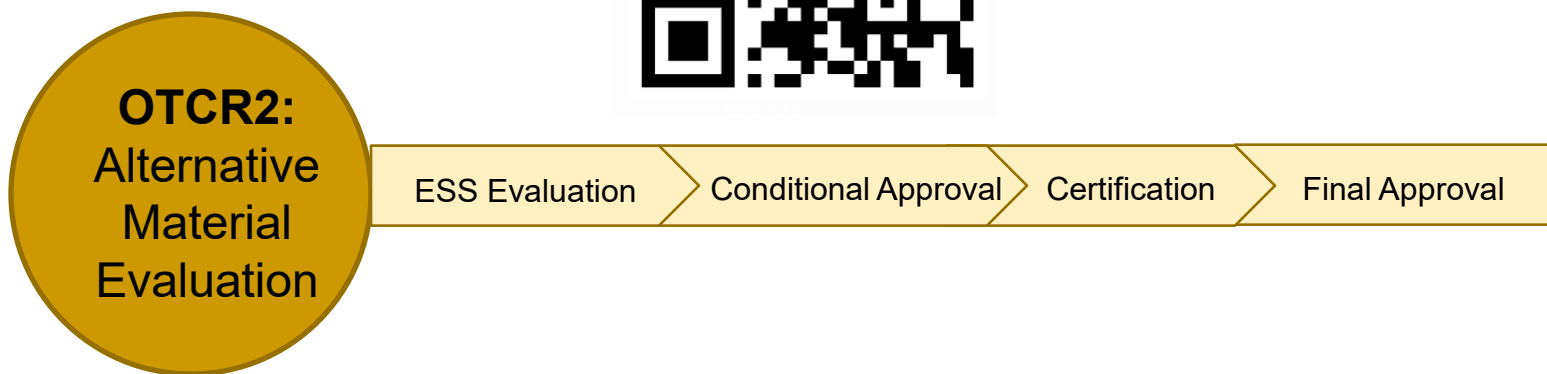
Additional application(s) may be required to cover the entire scope of work (e.g., Structural ('ST'), etc.).

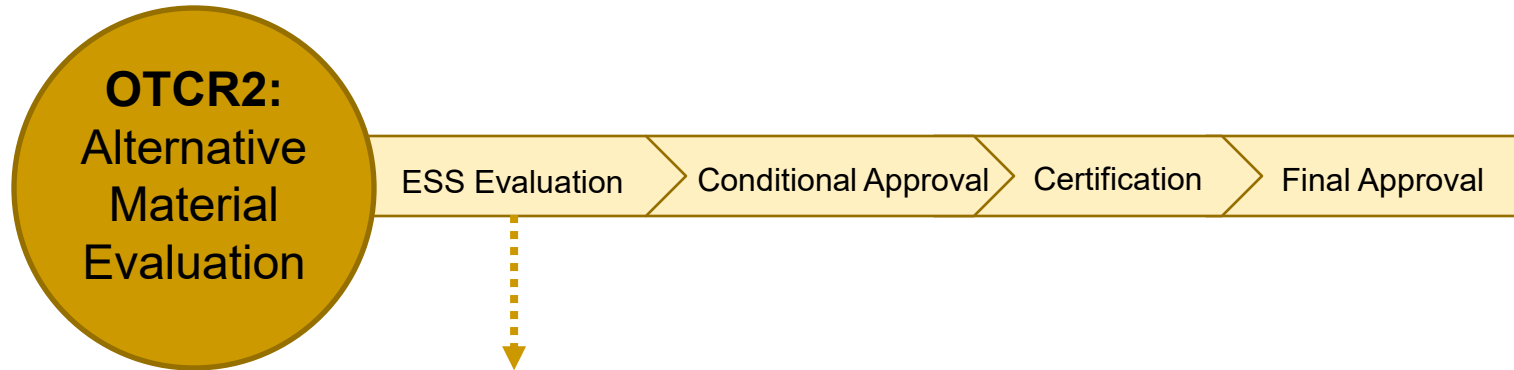


For OTCR2 application:

Documents required for the alternative material site-specific evaluation are posted on the OAE website.

(<https://www.nyc.gov/site/buildings/codes/energy-storage-system.page>)





OTCR 2 Submittal:

- a. OTCR2 Application Form with \$600 processing fee.
- b. OTCR Battery Application Checklist / Spreadsheet
- c. ESS listing
- d. ESS full-scale testing
- e. FDNY Certificate of Approval
- f. Battery Plan Set
- g. FDNY Letter of Conditional Acceptance (as required per FDNY code and rule)
- h. Commissioning Plan (as required per FDNY code and rule)

OTCR2 Submittal: OTCR Battery Application Checklist / Spreadsheet

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P																											
1																																											
2	OTCR2 Application Instructions																																										
3																																											
4	As a part of the OTCR2 application process, applicants must provide specific information and documentation outlined within this checklist.																																										
5																																											
6	This checklist document is split into three tabs, "Project Info", "Certs, Reports", and "Plans (Project Guidelines)". Guidance on how to use this checklist appropriately is found below. Additionally, a Required Documents Checklist is available below for use as a reference to understand and collate all requested documentation. When submitting the documents for review, please indicate in the file name which tab/letter they apply to. For example, "2a_UL 9540 certificate".																																										
7																																											
8																																											
9																																											
10	The "Project Info" tab contains general information that OTCR requires as a part of the approval process. Please type in the appropriate information in the "Applicant Responses" column, Column D. OTCR will then review and date when approved.																																										
11																																											
12																																											
13	The "Certs, Reports" tab requires specified documentation for OTCR review and approval. Please see the Required Documents Checklist or review the tab to understand which documents are required for review. OTCR will review and either provide objections/comments and request a resubmittal or indicate the document has been approved. You are not required to fill anything out in this tab.																																										
14																																											
15																																											
16																																											
17	The "Plans" tab contains specific plan sheets that are required for OTCR review and approval. These include the Battery Plan, Fire Protection Plan, and Zoning Plan sets. <u>Each page of the plan set must be signed and sealed.</u> Specific guidelines for what each plan sheet needs to include are outlined within the tab. This tab also contains requirements for flood zone analysis and the commissioning plan. OTCR will review the provided documents and either provide objections/comments and request a resubmittal or indicate that the document has been approved. You are not required to fill anything out in this tab.																																										
18																																											
19																																											
20	Should any questions or concerns come up throughout the process, please contact your assigned application reviewer.																																										
21																																											
22																																											
23	Required Documents Checklist																																										
24	<table border="1"> <thead> <tr> <th>Document Name</th> <th>OTCR Requirement Reference</th> <th>✓</th> </tr> </thead> <tbody> <tr> <td>UL 9540 Certificate</td> <td>2a</td> <td></td> </tr> <tr> <td>UL 9540A Test Report (cell)</td> <td>2b</td> <td></td> </tr> <tr> <td>UL 9540A Test Report (module)</td> <td>2b</td> <td></td> </tr> <tr> <td>UL 9540A Test Report (unit)</td> <td>2b</td> <td></td> </tr> <tr> <td>FDNY Certificate Of Approval (COA)</td> <td>2c</td> <td></td> </tr> <tr> <td>FDNY Letter of Conditional Acceptance (LCA) as required per the FDNY code and rule</td> <td>2d</td> <td></td> </tr> <tr> <td>Battery Plan Set</td> <td>3a</td> <td></td> </tr> <tr> <td>Commissioning Plan</td> <td>3b</td> <td></td> </tr> </tbody> </table>																Document Name	OTCR Requirement Reference	✓	UL 9540 Certificate	2a		UL 9540A Test Report (cell)	2b		UL 9540A Test Report (module)	2b		UL 9540A Test Report (unit)	2b		FDNY Certificate Of Approval (COA)	2c		FDNY Letter of Conditional Acceptance (LCA) as required per the FDNY code and rule	2d		Battery Plan Set	3a		Commissioning Plan	3b	
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Instructions
1 - Project Info
2 - Certs, Reports
3 - Plans (Project Guidelines)
+

ESS Listing:

- Provide **UL 9540** listing certificate.
- ESS must be certified to UL 9540 2nd ed.

ESS Full Scale Testing:

Provide **UL 9540A** (4th ed.) test report; including all applicable levels (cell, module, unit, and installation levels).

**Battery Plan Set shall include but not limited to the following
(see OTCR Battery Application Checklist / Spreadsheet):**

1. Design layout.
2. Distances to the exposures (ex. BESS to lot lines)
3. Security features and impact protections.
4. Manufacturer specifications, product dimensions, and pictures.
5. A general note box that provides description of the system.
6. Certifications by the Registered Design Professional of record.
7. Callouts of horizontal and vertical assemblies with fire rating when installed indoor or on the roof.
8. Signage locations.
9. Locations of ventilation and exhaust devices.
10. Application numbers of all pertinent fire protection systems filings.
11. Dunnage / structural support.

1 2 3 4 5 6 7 8 9 10

PLAN
BATTERY PLAN
1/8" = 1'-0"

BATTERY PLAN NOTES

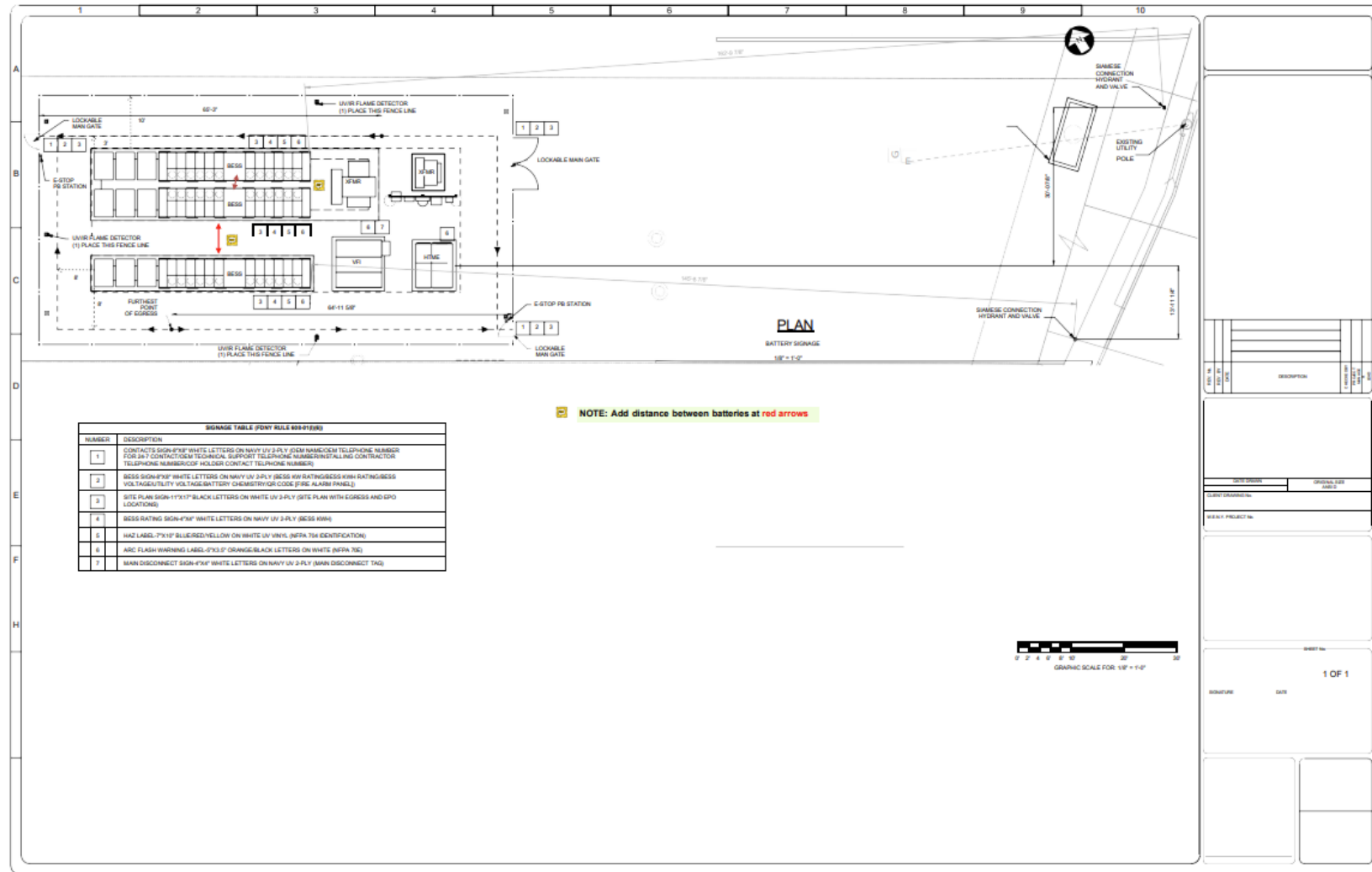
1. ESS CHEMISTRY- XXXXXX
2. BATTERY MODEL, MAKE AND SERIES (AS REFERENCED IN LISTING AND TESTING DOCUMENTS)- XXXXXX
3. NUMBER OF BATTERIES (TOTAL BATTERIES PROPOSED FOR PROJECT)-CELL/MODULE XX MODULES/CABINET X, RACKS/CONTAINER X, CONTAINER X
4. BATTERY CAPACITY (KWH TOTAL FOR PROJECT) XXXXX KWH
5. INVERTER MODEL, MAKE AND SERIES (AS REFERENCED IN LISTING AND TESTING DOCUMENTS)- XXXXXX
6. INSTALLATION LOCATION- XXXXXX
7. ENERGY SOURCE- XXXXXX
8. ENERGY OUTPUT- XXXXXX
9. IF FREE ELECTROLYTE PROVIDE: (1) TOTAL ELECTROLYTE (2) VOLUME, CONTAINER VOLUME, (3) SECONDARY CONTAINMENT VOLUME- XXXXXX

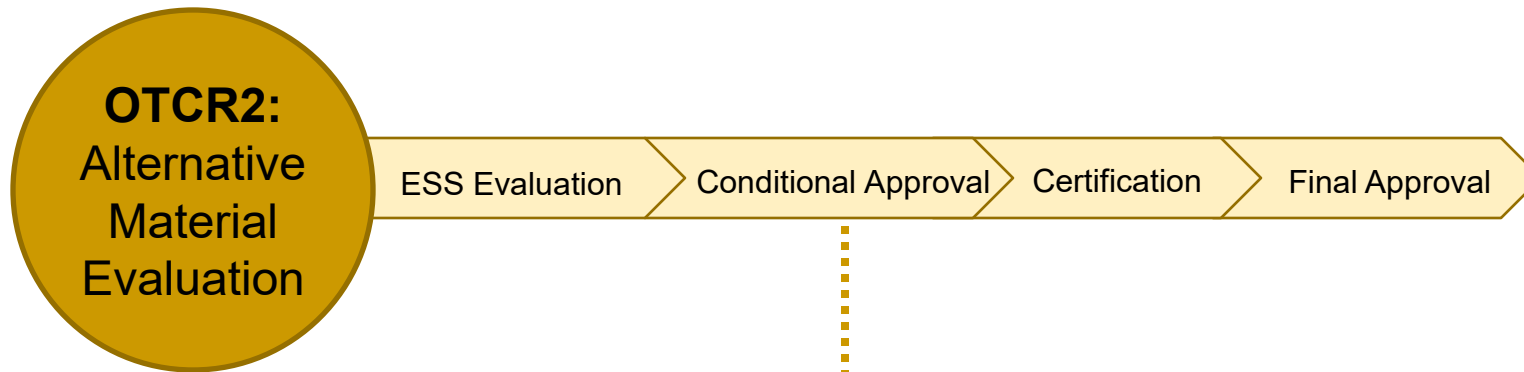
PICTURE OF BATTERY
(insert picture of battery used for project)

SECTION

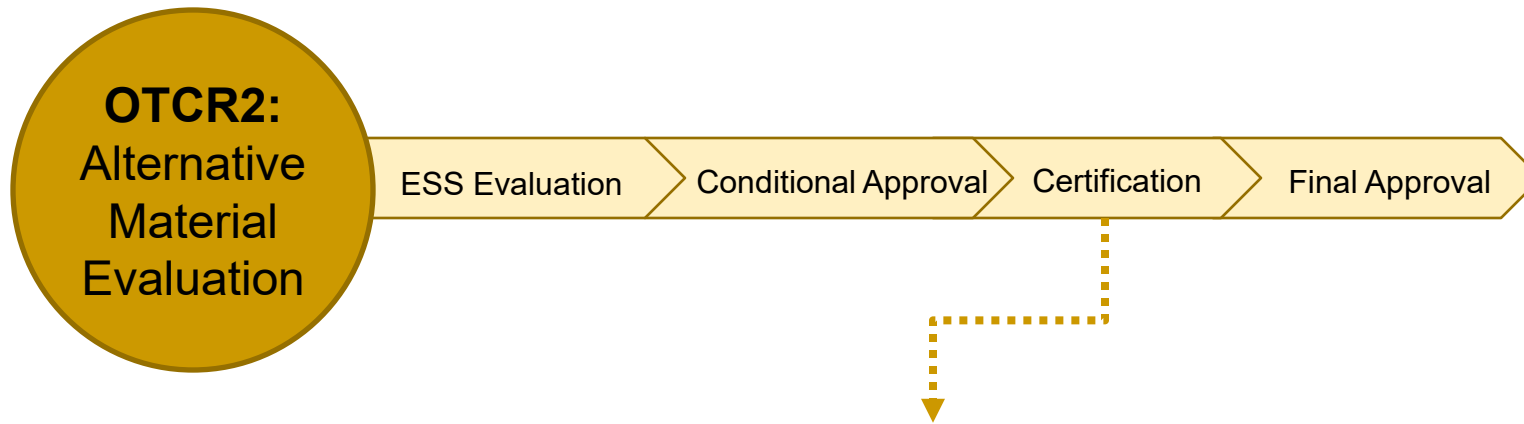
1 OF 1

OTCR2 Submittal: Battery Plan Set



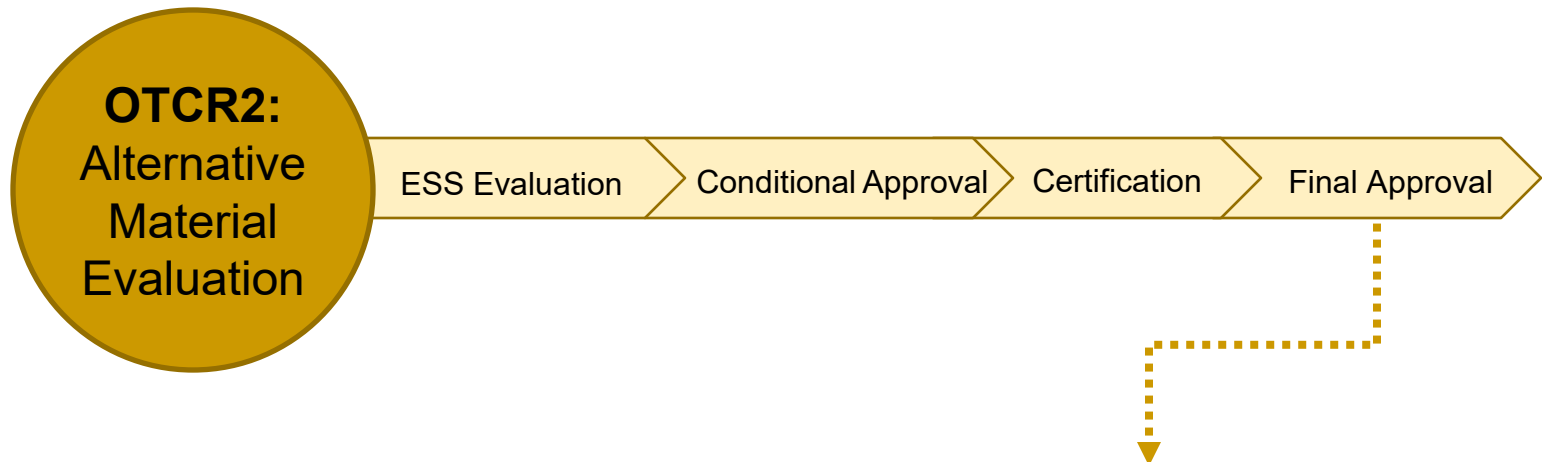


OTCR will issue a **Conditional Acceptance Letter** upon completion of the site-specific evaluation. Such document must be recorded in the DOB NOW portal as a required document prior to the construction document approval.

**RDP Final Certification:**

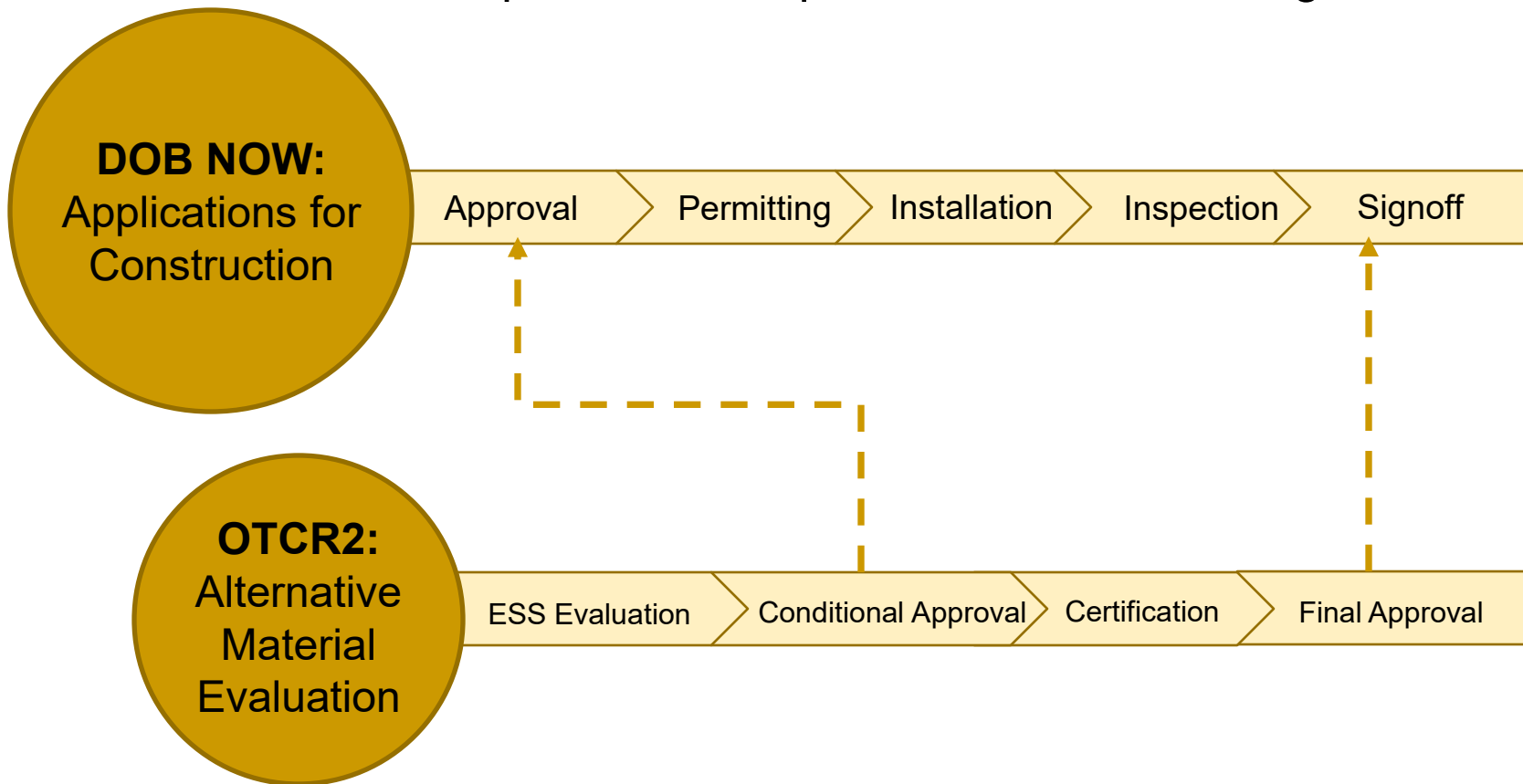
RDP shall certify the work complies with the OTCR's Conditional Acceptance Letter; and FDNY's Certificate of Approval, and Letter of Conditional Acceptance or Letter of No Objection as applicable.

For medium and large systems, a Commissioning Report shall be submitted to OTCR for review.



OTCR will issue a **Final Acceptance Letter** after review and acceptance of the RDP certification. Such document must be recorded in the DOB NOW portal as a required document prior to the construction signoff.

The applicant must obtain OTCR Conditional Acceptance Letter prior to Construction Document Approval, and OTCR Final Acceptance Letter prior to Construction Signoff.



DOB's New ESS Rules

ESS Rules became effective on October 26, 2025, and they are:

1. 1 RCNY 101-19, EnergyStorage Systems

2. 1 RCNY 3616-07, NFPA 855 Amendment Relating to the Standard for the Installation of Stationary Energy Storage Systems

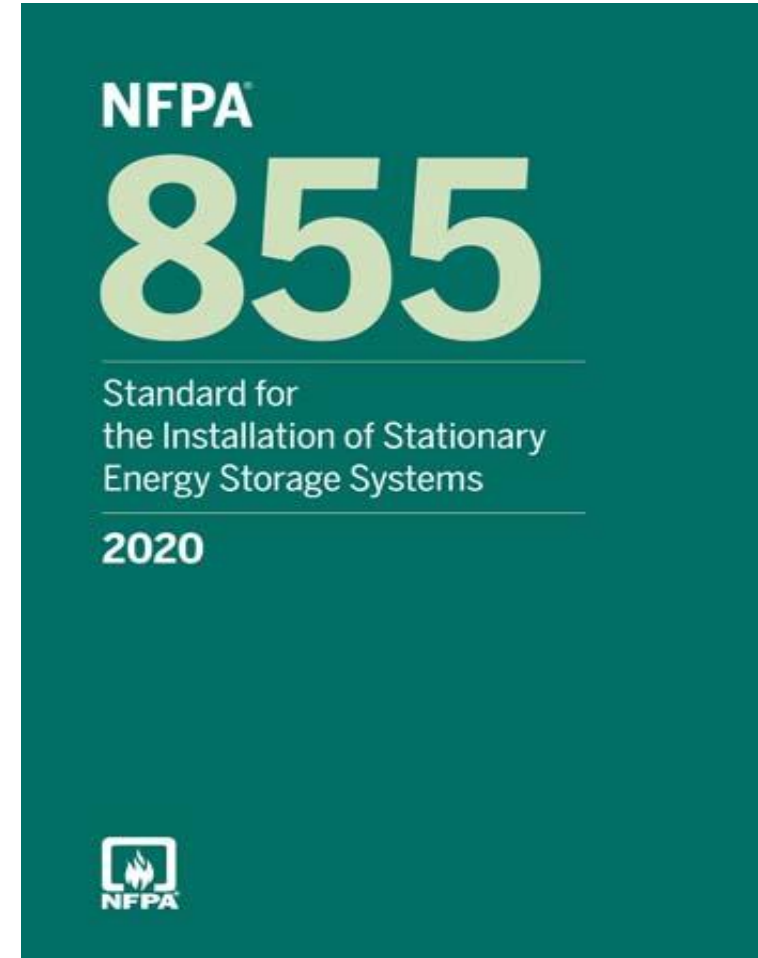
1 RCNY 101-19, Energy Storage Systems

This rule:

- Adopts various national standards (including NFPA 855, UL 9540, and UL 9540A) to be applied to the design and installation of ESS.
- Formalizes filing, submission, and equipment approval processes.
- Establishes indoor installation requirements.
- Creates an expedited approval process for small ESS installed in 1- and 2-family dwellings (R-3 occupancy).
- Establishes an allowance for certain ESS technologies that have demonstrated good safety records over the years.
- Establishes ESS registration requirements.

1 RCNY 3616-07, NFPA 855 Amendment Relating to the Standard for the Installation of Stationary Energy Storage Systems

This rule modifies NFPA 855, Standard for the Installation of Stationary Energy Storage Systems (2020 Edition), which establishes design and installation requirements for indoor ESS and small ESS for 1- and 2-family dwellings (R-3 occupancy).



Small ESS for 1- and 2-Family Dwellings (R-3 Occupancy):

- a. Small ESS unit no more than 20 kWh.
- b. ESS to be designed and installed under the requirements established in the ESS Rules.
- c. OTCR2 Site-specific Evaluation is not required.



One of the highlights from the ESS Rules:

	Regular ESS	Small ESS for 1- and 2-Family Dwellings (R-3)
DOB Permits for Construction & Electrical Work	Required	Required
OTCR Site-specific Evaluation	Required	Not Required
Registration	Required	Required
FDNY Certificate of Approval	Required	Required
ESS Listing	Required	Required
ESS Large-Scale Fire Testing	Required	Required
Sprinkler	As Required	Not Required
Fire Alarm	As Required	Not Required

Office of Technical Certification and Research (OTCR) Office of Alternative Energy (OAE)

Webpage:

<https://www.nyc.gov/site/buildings/codes/alternative-energy.page>

Address:

280 Broadway, 7th Floor
New York, NY 10007

Phone:

(212) 393-2626

Email:

OAE@Buildings.nyc.gov



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