



ADMINISTRATIVE PROVISIONS OF THE 2008 CONSTRUCTION CODES

James P. Colgate, RA, Esq.

Assistant Commissioner for Technical Affairs and Code Development
Division of Technical Affairs

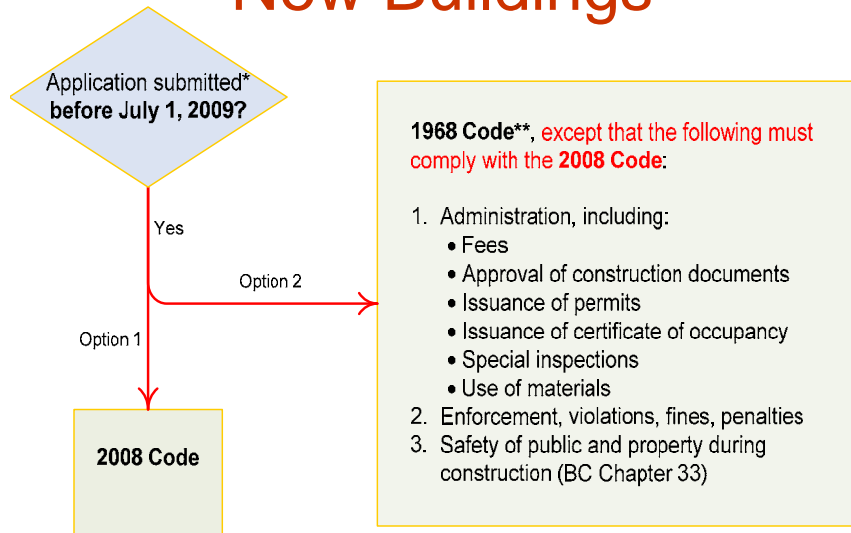


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- 1) Administrative provisions for new buildings & alterations
- 2) Proper citations for 2008 Code

New Buildings



1968 Code**, except that the following must comply with the **2008 Code**:

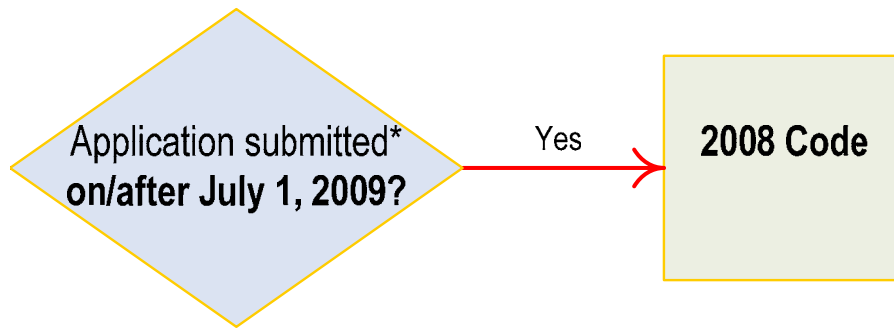
1. Administration, including:
 - Fees
 - Approval of construction documents
 - Issuance of permits
 - Issuance of certificate of occupancy
 - Special inspections
 - Use of materials
2. Enforcement, violations, fines, penalties
3. Safety of public and property during construction (BC Chapter 33)

* Submission of application for construction document approval

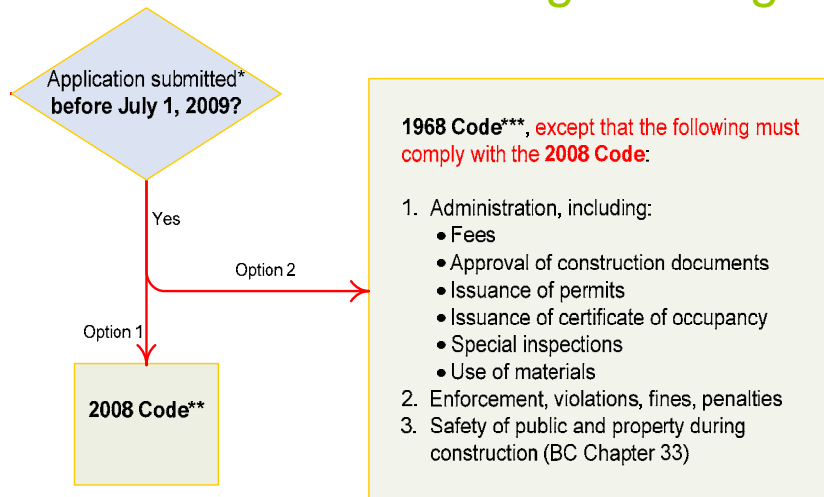
** In addition, this option remains available only if:

- (1) the application is not abandoned;
- (2) the work is commenced within 12 months of issuance of a permit, and
- (3) the work is diligently carried out to completion

New Buildings



Alterations to Existing Buildings



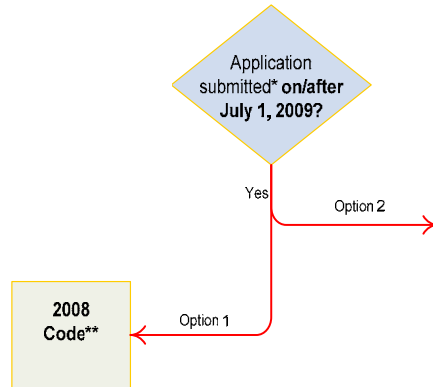
* Submission of application for construction document approval

** The 2008 Code cannot be elected where the 2008 Code provisions as applied to the particular building would result in a reduction in fire safety or structural safety. As an alternative, the entire building may be made to comply with 2008 Code

*** In addition, this option remains available only if:

- (1) the application is not abandoned;
- (2) the work is commenced within 12 months of issuance of a permit, and
- (3) the work is diligently carried out to completion

Alterations to Existing Buildings



1968 Code, including provisions that allow in certain instances the use of the 1938 Code, **except that the following must comply with the 2008 Code:**

1. Administration, including:
 - Fees
 - Approval of construction documents
 - Issuance of permits
 - Issuance of certificate of occupancy
 - Special inspections
 - Use of materials
2. Enforcement, violations, fines, penalties
3. Safety of public and property during construction (BC Chapter 33)
4. Plumbing work (PC)
5. Fuel gas work (FGC)
6. Mechanical work (MC)
7. Fire protection (sprinkler, standpipe, alarms) (BC Chapter 9)
8. Elevators, conveyors and amusement (BC Chapter 30)
9. Accessibility for the entire building as if hereafter erected when exceeding 50% of building value or when changing the main use or dominant occupancy (BC Chapter 11)
10. Encroachments into the public right of way (BC Chapter 32)

* Submission of application for construction document approval

** The 2008 Code cannot be elected where the 2008 Code provisions as applied to the particular building would result in a reduction in fire safety or structural safety. As an alternative, the entire building may be made to comply with 2008 Code

Information You Need To Know!



Interim Requirements for Alteration, D14 and Professionally-Certified Applications

Michael R. Bloomberg
Mayor

Robert D. Lichtenberg
Acting Commissioner

With the implementation of the New NYC Construction Codes, applicants may now choose to use the 1968 Building Code or the New NYC Construction Codes for new construction. Between July 1, 2009 and December 31, 2009, applicants submitting alteration, professionally-certified and D14 applications under the New Codes must comply with certain interim requirements.

Alteration Types 1 and 2

Applicants may not use the 2008 Building Code for Alteration Type 1 and Type 2 applications unless they provide a fire safety and structural systems analysis (including means of egress). This analysis must demonstrate either: 1) the entire building complies with the 2008 Building Code; or 2) the scope of work performed under the application does not lower the building's fire and structural safety below the applicable standards when the building was lawfully constructed.

Please note that this analysis is not required for the following alteration work:

- a. Plumbing systems;
- b. Automatic sprinkler systems;
- c. Standpipe systems;
- d. Fire alarm systems;
- e. Mechanical systems;
- f. Elevators; and
- g. Work related to accessibility that does not affect fire resistance related construction.

Professionally-Certified Applications

New Building Applications. The Department will perform additional reviews of professionally-certified New Building applications submitted under the New NYC Construction Codes. In addition to confirming zoning resolution compliance, the Department will check that applications have the required means of egress and fire protection systems.

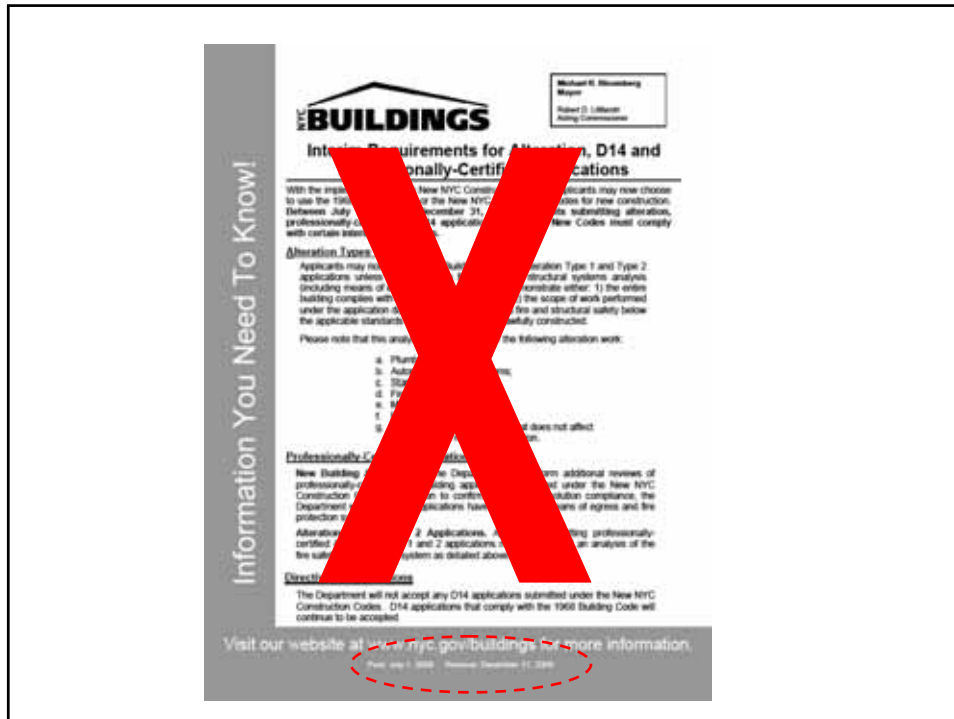
Alteration Types 1 and 2 Applications. Applicants submitting professionally-certified Alteration Types 1 and 2 applications must also submit an analysis of the fire safety and structural system as detailed above.

Directive 14 Applications

The Department will not accept any D14 applications submitted under the New NYC Construction Codes. D14 applications that comply with the 1968 Building Code will continue to be accepted.

Visit our website at www.nyc.gov/buildings for more information.

First Issued: 2009 | Revision: December 11, 2009



Reduction in Fire/Structural Safety

§28-101.4.4 Alterations that reduce the fire safety or structural safety of existing buildings. Notwithstanding any other provision of this code, where the alteration of any existing building in accordance with a provision of this code would result in a reduction of the fire safety or structural safety of such building, relevant provisions of the 1968 building code shall apply to such alteration unless there is full compliance with those provisions of this code that would mitigate or offset such reduction of fire protection or structural safety.

Sample Objection

28-101.4.4	Provide analysis showing that the 1-hour rating of the proposed new partition to enclose the boiler room would not reduce fire safety below what would be required by the 1968 code.
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Schedule A requires 2008 designations

Existing Legal Use						
Floor	Maximum Number of Persons	Live Load (psf)	2008 Code Designations?	Building Code Occupancy Group(s)	Dwelling/ Rooming Units (BC)	Zoning Use Group(s)
			<input type="checkbox"/> Yes <input type="checkbox"/> No			
	Description					

Proposed Use						
Floor	Maximum Number of Persons	Live Load (psf)	2008 Code Designations only*	Building Code Occupancy Group(s)	Dwelling/ Rooming Units (BC)	Zoning Use Group(s)
			<input checked="" type="checkbox"/> Yes			
	Description					

*Use 2008 Code equivalents only even for older Codes.

CERTIFICATE OF OCCUPANCY AMENDED

BOROUGH [REDACTED] DATE: **OCT 29 1988** NO. [REDACTED]
 This certificate supersedes C.O. NO. [REDACTED] ZONING DISTRICT [REDACTED]
 THIS CERTIFIES that the [REDACTED] building—premises located at [REDACTED]
 Block [REDACTED] Lot [REDACTED]

CONFORMS SUBSTANTIALLY TO THE APPROVED PLANS AND SPECIFICATIONS AND TO THE REQUIREMENTS OF ALL APPLICABLE LAWS,
 RULES, AND REGULATIONS FOR THE USES AND OCCUPANCIES SPECIFIED HEREIN.

PERMISSIBLE USE AND OCCUPANCY

AREA	SQ. FT. AREA PER SQ. FT.	NUMBER OF FLOOR PLACES	NUMBER OF SEATING PLACES	NUMBER OF STANDS OR BOOTH SEATS	NUMBER OF STANDS OR BOOTH SEATS	PERMISSIBLE USE	REMARKS OR USE
SUB-BASEMENT	O. G.	540				669	OFFICES, SCHOOLS, BEAUTY SCHOOL, MECHANICAL PLANT, SHOWROOMS
BASEMENT	100	1274				6610	RESTAURANT, STORES & SHOWROOMS
		66				8	F1 THEATER
1ST FLOOR	75	500				6	STORES
2ND FLOOR	75	500				6	STORES
						9	F1b MUSIC & THEATRICAL F-3 STUDIOS FOR TOURISTS
3RD TO 5TH FLOORS	75	400				6	STORES EACH FLOOR
6TH TO 17TH FLOORS	50	320				6	OFFICES EACH FLOOR
18TH FLOOR	50	314				669	OFFICES & TRADE ROOM 1814 SCHOOL
	50	6					
19TH FLOOR	50	220				6	OFFICES & BANK
20TH FLOOR	50	320				6	OFFICES & BANK
21ST FLOOR	50	200				6	COHM OFFICES
22ND TO 24TH FLOORS	50	220				6	OFFICES EACH FLOOR

Why not continue 1968 code designations?

Sample C of O:

- First floor: F-2 (1968) (assembly)
- Second Floor: F-2 (2008) (industrial)
- Third Floor: Pub. (prior to 1968)
- Forth floor: Res. (prior to 1968)
- Fifth Floor: R-2 (2008)
- Sixth Floor: J-2 (1968)

- These fields shows up on C of O:

1 Location Information *Required for all applications.*

House No(s) Street Name

Borough Block Lot BIN C.B. No.

Work on Floor(s) Apt. / Condo No(s)

3 Filing Representative *Complete only if different from Section 2. Fax, mobile phone, and e-mail are optional info.*

Last Name Middle Initial

Business Name Business Telephone

Business Address Business Fax

City State Mobile Telephone

E-Mail Registration Number

4 Filing Status *Required for all applications. Choose one and provide specified associated information.*

Initial Filing 5, 7, 11, 12A, 25-26 Prior to Approval Actions 25-26 Reinstatement 24-26

Amend Existing Filing 4A Withdrawal 25-26

Subsequent Filing 6-7, 8A (Alt-2 only), 11 Specified in 4A and 6

Post Approval Amendment (PAA) 4A, 6, 24-25 Entire Job

Will PAA affect filing fees? Yes No 4A Indicate existing document number affected by filing:

Standard Plan Examination or Review Professional Certification PC1, POC1 Self Certification of Objections A11 New Applicant 4A, 25-26

This question populates the "This building is subject to this Building Code" on Page 1, Section A of the CO for New Buildings ONLY.

- These fields shows up on C of O:

13 Building Characteristics *Main use/dominant occupancy per AC §26-101.5. *Use 2008 Code equivalents only.*

13A Primary structural system, choose one: Masonry Concrete (CIP) Concrete (Precast) Wood Steel (Structural) Steel (Cold-Formed) Steel (Encased in Concrete)

13B Structural Occupancy Category Existing Proposed 2008 Code Designation: 2008 Code Designation:

13C Occupancy Classification* Yes No Yes** No

Construction Classification Yes No Yes No

Multiple Dwelling Classification

13D Building Type: 1, 2, or 3 Family Other

Mixed use building? Yes No

13E Building Height Existing Proposed ft. ft.

Building Stories Existing Proposed

Dwelling Units

13F Building was originally erected pursuant to which Building Code: 2008 1968 Prior to 1968

The earliest Code with which this building or any part of it is required to comply. 2008 1968 Prior to 1968

14 Fill Choose one: Not Applicable On-Site Off-Site Under 300 cubic yards

15 Construction Equipment

Chute Sidewalk Shed Construction Material: _____ ft.

Fence Size: _____ linear ft. BSA/MEA Approval No. _____ ft.

Supported Scaffold Other: _____

This question populates the "This building is subject to this Building Code" on Page 1, Section A of the CO for Alteration is ONLY.

- These fields shows up on C of O:

17 Tax Lot Characteristics						18 Fire Protection Equipment			
Original tax lots being merged or reapportioned (if applicable):						Existing			
Tentative tax lot numbers (new tax lots only):						Proposed			
						Yes No Yes No			
						Fire Alarm <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
						Fire Suppression <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
						Sprinkler <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
						Standpipe <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
19 Open Spaces						20 Site Characteristics			
Existing		Proposed		Existing		Proposed		Yes No	
Plaza Area	sq. ft.	sq. ft.	sq. ft.	Arcade Area	sq. ft.	sq. ft.	sq. ft.	<input type="checkbox"/>	<input type="checkbox"/>
Parking Area	sq. ft.	sq. ft.	sq. ft.	Parking Spaces				<input type="checkbox"/>	<input type="checkbox"/>
Loading Berths	sq. ft.	sq. ft.	sq. ft.	Loading Berths				<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>

MHC BUILDINGS *Certificate of Occupancy*

CO Number: [REDACTED]

This certifies that the premises described herein conforms substantially to the approved plans and specifications and to the requirements of all applicable laws, rules and regulations for the uses and occupancies specified. No change of use or occupancy shall be made unless a new Certificate of Occupancy is issued. This document or a copy shall be available for inspection at the building at all reasonable times.

A.	Borough: Staten Island	Block Number: [REDACTED]	Certificate Type: Final
	Address: [REDACTED] RICHMOND AVE	Lot Number(s): [REDACTED]	Effective Date: 08/22/2008
	Building Identification Number (BIN): [REDACTED]	Building Type: Altered	Expiration Date: 09/15/2012
This building is subject to this Building Code: 1968 Code			
For zoning lot metes & bounds, please see BISWeb.			
B.	Construction classification:	1-D	(1968 Code designation)
	Building Occupancy Group classification:	E	(2008 Code)
	Multiple Dwelling Law Classification:	None	
	No. of stories: 1	Height in feet: 18	No. of dwelling units: 0
C.	Fire Protection Equipment: None associated with this filing.		
D.	Type and number of open spaces: None associated with this filing.		
E.	This Certificate is issued with the following legal limitations: None		



1) Administrative provisions for new buildings & alterations

2) Proper citations for 2008 Code

2008 Codes Organization

28-100s	Administration
28-200s	Enforcement
28-300s	Maintenance of Buildings
28-400s	Licensing and Registration of Businesses, Trades and Occupations Engaged in Building Work
28-500s	Miscellaneous Provisions
28-600s	Plumbing Code (Includes Chapters 1 through 13 of the PC)
28-700s	Building Code (Includes Chapters 1 through 35 of the BC)
28-800s	Mechanical Code (Includes Chapters 1 through 15 of the MC)
28-900s	Fuel Gas Code (Includes Chapters 1 through 13 of the FGC)

NYC ADMINISTRATIVE CODE
ARTICLE 701
ENACTMENT AND UPDATE OF THE NEW YORK CITY
BUILDING CODE

§28-701.1 Update. No later than the third year after the effective date of this section 701.1 and every third year thereafter, the commissioner shall submit to the city council proposed amendments that he or she determines should be made to this code to bring it up to date with the latest edition of the International Building Code or otherwise modify the provisions thereof. In addition, prior to the submission of such proposal to the city council, such proposal shall be submitted to an advisory committee established by the commissioner pursuant to this title for review and comment.

§28-701.2 Enactment of the New York city building code. The New York city building code based on the 2003 edition of the International Building Code published by the International Code Council, with changes that reflect the unique character of the city, is hereby adopted to read as follows:

CHAPTER 1
ADMINISTRATION
SECTION BC 101
GENERAL

101.1 Title. This code shall be known and may be cited as the “New York City Building Code,” “NYCBC” or “BC”. All section numbers in this code shall be deemed to be preceded by the designation “BC”.

101.2

Good Citation	Bad Citation
28-101.4	AC 101.4 28.101.4

Administration

§28-101.4.4 Alterations that reduce the fire safety or structural safety of existing buildings. Notwithstanding any other provision of this code, where the alteration of any existing building in accordance with a provision of this code would result in a reduction of the fire safety or structural safety of such building, relevant provisions of the 1968 building code shall apply to such alteration unless there is full compliance with those provisions of this code that would mitigate or offset such reduction of fire protection or structural safety.

Good Citation	Bad Citation
BC 1107.3	28-1107.3 1107.3

Building Code

1107.3 Accessible spaces. Rooms and spaces available to the general public or available for use by residents of Accessible units or Type B units shall be accessible. Accessible spaces shall include, but not be limited to, spaces for residents' use, such as laundry rooms, refuse disposal and storage locations, mailbox areas, recreational facilities, assembly and tenants' meeting rooms, storage rooms, parking areas, toilet and bathing rooms, kitchen, living and dining areas, any exterior spaces, including patios, terraces and balconies, management offices, and stores.

Good Citation	Bad Citation
PC 1101.2.1	Plumbing 1101.2.1

Plumbing Code

1101.2.1 Increases in existing impervious surfaces. Whenever an alteration increases impervious surfaces on the lot to greater than 20 percent of the impervious surfaces existing when the structure was constructed, such impervious surfaces shall drain into a storm sewer system, or a combined sewer system, or to an approved place of disposal.

Exception: Where the total area of impervious surfaces proposed to be increased by an alteration after the effective date of this code is less than or equal to 1,000 square feet (93 m2).

Good Citation	Bad Citation
BC G106.2 (Appendix G)	G106.2

Building Code

G106.2 Spaces subject to flooding in A-Zones. The certificate of occupancy shall describe all non-dryfloodproofed spaces below the design flood elevation as “subject to flooding,” including but not limited to wet floodproofed spaces usable solely for parking, storage, building access or crawl spaces.

Good Citation	Bad Citation
BC 1024.8, Exception 1	BC 1024.8.1
BC 1024.8, Exception #1	BC 1024.8(#1)
BCC 1024.8 (Exception 1)	BC 1024.8 E1

Building Code

1024.8 Common path of travel. The common path of travel shall not exceed 30 feet (9144 mm) from any seat to a point where a person has a choice of two paths of egress travel to two exits.

Exceptions:

1. For areas, such as box seats, galleries or balconies, serving not more than 50 occupants, the common path of travel shall not exceed 75 feet (22 860 mm).
2. For smoke-protected assembly seating, the common path of travel shall not exceed 50 feet (15 240 mm).

Good Citation	Bad Citation
FGC 404.1, Item 5	FGC 404.1.5
FGC 404.1 (Item 5)	FGC 404.1(5)

Fuel Gas Code

404.1 Prohibited locations. Piping shall not be installed in or through a circulating air duct, trash or clothes chute, chimney or gas vent, ventilating duct, dumbwaiter or elevator shaft. Piping, fixtures, or equipment shall be located so as not to interfere with the normal operation of windows or doors and other exit openings. The following installation limitations shall apply:

1. **Stair enclosures.** Gas piping shall not be installed within a stair enclosure or required exit or exit way.
2. **Fire standpipe riser.** Gas piping shall not be installed in any shaft containing standpipe risers.
3. **Fire pump.** Gas piping or gas consumption devices or any other gas equipment shall not be installed within any space housing a fire pump.
4. **Fire-rated construction.** Gas piping shall not be installed within concealed spaces of fire-rated construction.
5. **Public corridor.** Gas piping shall not be installed in public corridors providing access to required exits.

Good Citation	Very Bad Citation
28-104.7.1	27-157

Administration

§28-104.7.1 Scope. Construction documents shall be complete and of sufficient clarity to indicate the location and entire nature and extent of the work proposed, and shall show in detail that they conform to the provisions of this code and other applicable laws and rules; if there exist practical difficulties in the way of carrying out the strict letter of the code, laws or rules, the applicant shall set forth the nature of such difficulties.

§[C26-110.2] 27-157 Plans required.- All such applications shall be accompanied by architectural, structural, and mechanical plans, which shall be complete and of sufficient clarity to indicate the entire nature and extent of the proposed construction work and its compliance with the provisions of this code and other applicable laws and regulations. Composite plans

Excerpts from LL 33/07

- §7. Sections 27-118.1, 27-124, 27-125, 27-126, 27-127, 27-128, 27-129, 27-130, 27-131, 27-132, 27-133, 27-134, 27-135, 27-136 and 27-137 of the administrative code of the city of New York are **REPEALED**.
- §8. Articles 9, 10, 11, 12, 13, 14,15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 27 of subchapter 1 of chapter 1 of title 27 of the administrative code of the city of New York are **REPEALED**.
- §9. Subchapter 19 of chapter 1 of title 27 of the administrative code of the city of New York is **REPEALED**.

~~(b) Buildings or building sections classified in occupancy group II or I-1 which are two or more stories in height and contain sleeping accommodations for thirty or more persons.~~

~~(c) Buildings or building sections classified in occupancy group I-2 which contain thirty or more dwelling units and over ten thousand gross square feet of floor area used for mercantile, assembly, educational or institutional purposes.~~

~~(f) Alterations to a building or building section listed in subdivisions (a) through (c) of this section, if the cost of the alterations, computed in accordance with section 27-110, exceeds one million dollars or involves a change of use.~~

~~§[C26-124.2] 27-228.2 Scope—~~

~~(a) The plan shall include the following information, where applicable:~~

~~(1) Building description, address, block and lot numbers, number of stories, height in feet, occupancy group, construction classification, occupancy load and department of buildings application number.~~

~~(2) Key plans showing all floors, exits, corridors, partitions serving as fire separations or fire divisions, locations and ratings or required enclosures, stairs with pressurization, roof access, exit dischargers, locations of frontage space.~~

~~(3) Descriptions in narrative form of safety systems and features, including:~~

- ~~a. Communications systems~~
- ~~b. Alarm systems~~
- ~~c. Smoke detection equipment~~
- ~~d. Location of fire command station~~
- ~~e. Elevator recall~~
- ~~f. Emergency lighting and power~~
- ~~g. Standpipes~~
- ~~h. Sprinklers~~
- ~~i. Compartmentation~~
- ~~j. Mechanical ventilation and air conditioning~~

~~**§[C26-125.1] 27-228.5 General Requirements.—~~

~~(a) Owners of all existing buildings which are required to comply with the provisions of subdivision (a) of section 27-353.1 (elevator vestibules), section 27-381 and subdivision (b) of section 27-382 (exit lighting), subdivision (b) of section 27-384 (exit signs), section 27-396.3 (signs in sleeping rooms), section 27-777.2 (ventilation in I-1 buildings), subdivision (b) of section 27-929 (sprinklers, fire alarm systems, fire command and communication systems), paragraph two of subdivision (c) of section 27-989 (elevators in readiness), section 27-996.1 (locks on hoistway doors) and section 27-996.2 (firemen's service) shall file with the department a report on or before April first, nineteen hundred eighty-seven certifying to the installation of the required fire protection systems in accordance with approved plans and appropriate permits prior to such date. Owners of all existing buildings not already subject to the requirements of article nine of subchapter six of this chapter as of January eighth, nineteen hundred seventy-three shall file with the department a report on or before October first, nineteen hundred eighty-five certifying to the installation of stair and elevator signs meeting the requirements of article nine of subchapter six of this chapter prior to such date. Owners of all existing buildings that are required to comply with the provisions of subdivision (c) of section 27-384 (power source of exit signs) shall file with the department, on or before July 1, 2007, a report of an architect or engineer certifying that all required exit and/or directional signs are connected to an emergency power source or to storage battery equipment in compliance with such subdivision except that no such report shall be required to be filed if an owner of a building submits an affidavit to the department, within~~

revision: July 1, 2008

Strikethrough indicates repeal of text as per Local Law 33-2007
(See Title 28 of Administrative Code for new provisions)

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QUESTIONS?