



New York City Makes Sweeping Changes to Its Building Code

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On October 7, 2021, the New York City Council passed sweeping updates to the City's building codes. The comprehensive revision to the Codes contains 600 major updates and thousands of smaller changes, intended to improve safety and incorporate the latest in building technologies.

The code revisions are the first holistic update to the entire set of NYC Administrative, Plumbing, Building, Mechanical and Fuel Gas Codes since 2014. The revisions were drafted by technical committees comprised of engineers, architects, attorneys, planners, tradespeople, representatives of the construction industry, labor, real estate industry, utility companies, as well as DOB and interagency stakeholders.

The code requirements will go into effect next year. To support the implementation of the code updates, DOB will be conducting training and outreach regarding the new requirements.

With the enactment of the new legislation and the comprehensive updates to the construction codes, there will be an increase in the obligations placed upon professionals within the industry and an inevitable impact on the industry as a whole.

CONSTRUCTION CODE REVISIONS

Emergency Response Enhancements

The code revision increases the minimum required dimensions of the elevator emergency hatch. It further permits the use of batteries as the required secondary power source for the Fire Department of New York's (the "FDNY") endorsed Auxiliary Radio Communication System. The number of high-rise residential buildings that require emergency voice communication systems has been increased.

Fire Protection Enhancements

The code revision mandates that whenever an exit discharges directly outside and not through a protected area or vestibule, that the FDNY be provided access to the exit stairway either from the protected area or within a minimum distance of it.

Vertical Transportation and Accessibility Enhancements

The code revision establishes clear compliance criteria for elevator systems to ensure greater accessibility and usability for building occupants with physical, intellectual, and/or developmental disabilities. It requires door locking monitoring in all Limited Use/Limited Application lifts (LULA), to minimize the risk of people and objects becoming caught.

Elevator and Boiler Safety Enhancements

The code revision requires the same elevator-in-readiness to serve all floors to reduce building evacuation times in the event of an emergency. It further amends inspection timeframes for elevators and boilers to bring them back into service faster.

Protecting Tenants, Streamlining Building Occupancy, and Promoting Increased Affordable Housing

The code revision requires a new special inspection for buildings that are undergoing construction to ensure the protection of tenants. The revision clarifies what construction documentation is required to receive a new Certificate of Occupancy. Further, it reduces the required basement clearance height, which is currently eight feet for two-family homes, to seven feet to increase affordable housing opportunities.

Construction Safety Enhancements

The code revision permits the use of netting, low barriers, and chain link fencing in lieu of requiring solid fencing which creates blind tunnels for pedestrians. Further, the revision would create a new license type for advanced crane technology, such as articulating boom cranes and roto-telehandlers, to ensure that these cranes are being operated safely. Further, the revision improves the safety and consistency of the underpinning of existing buildings.

Building System Construction and Inspection Enhancements

The code revision requires smoke tests for special gas vents to ensure the safety of building occupants. The revision further requires all pipes, tubings, and fittings in the mechanical system to comply with the applicable referenced safety standard. The revision codifies maintenance, condition assessment, and reporting requirements for parking structures.

Sustainability and Resiliency Enhancements

The Code expands the applicability of flood zone requirements of the 100-year flood hazard area to all critical facilities (including fire, rescue, ambulance, police stations, and designated emergency shelters) that are presently located in the 500-year flood zone. Further, the revision mandates annual visual inspections of dry floodproofing systems and triennial full-scale deployment of dry floodproofing in the presence of a special inspection agency. The revision also permits and supports the use of alternative energy production processes, including hydrogen fuel cells. Further, the revision increases the material choices available to builders by expanding the use of sustainable building materials such as cross-laminated timber and structural composite lumber.

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