Staff: Committee on Housing & Buildings

 Audrey Son, Counsel

 Genan Zilkha, Counsel

Jose Conde, Senior Policy Analyst

Charles Kim, Policy Analyst

Luke Zangerle, Financial Analyst



**The Council of the City of New York**

**COMMITTEE REPORT OF THE INFRASTRUCTURE DIVISION**

Jeffrey Baker, Legislative Director

Terzah Nasser, Deputy Director for the Infrastructure Division

**COMMITTEE ON HOUSING & BUILDINGS**

Hon. Robert E. Cornegy, Jr., Chair

**June 14, 2021**

**Int. No. 2261:** By Council Member Cornegy (by request of the Mayor)

**Title:** A Local Law to amend the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, in relation to bringing such codes and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, with differences that reflect the unique character of the city, clarifying and updating administration and enforcement of such codes and the 1968 code and repealing chapters 2 and 35, appendices K and M, section N102 of appendix N, appendices P and Q, and section R103.3 figures 1A and 1B of appendix R of the New York city building code, chapter 15 and appendix A of the New York city mechanical code and chapter 8 of the New York city fuel gas code in relation thereto

**Administrative Code:** **­­**Amends chapters 1 through 5 of Title 28

**Plumbing Code:** Amends chapter 6 of Title 28

**Building Code:** Amends Chapter 7 of Title 28

**Mechanical Code:** Amends Chapter 8 of Title 28

**Fuel Gas Code:** Amends Chapter 9 of Title 28

**Introduction**

On June 14, 2021 the Committee on Housing and Buildings, chaired by Council Member Robert E. Cornegy, Jr., will conduct a hearing on Int. No. 2261, “A Local Law to amend the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, in relation to bringing such codes and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, with differences that reflect the unique character of the city, clarifying and updating administration and enforcement of such codes and the 1968 code and repealing chapters 2 and 35, appendices K and M, section N102 of appendix N, appendices P and Q, and section R103.3 figures 1A and 1B of appendix R of the New York city building code, chapter 15 and appendix A of the New York city mechanical code and chapter 8 of the New York city fuel gas code in relation thereto.” The Committee expects to receive testimony from representatives of the New York City Department of Buildings, the construction industry, the real estate industry, architects, engineers, trade organizations and other interested members of the public.

**Background**

*New York City’s Construction Codes*

 The purpose of the New York City Construction Codes is “to provide reasonable minimum requirements and standards, based upon current scientific and engineering knowledge, experience and techniques, and the utilization of modern machinery, equipment, materials, and forms and methods of construction, for the regulation of building construction in the city of New York in the interest of public safety, health and welfare, and with due regard for building construction and maintenance costs.”[[1]](#footnote-1) The Construction Codes consist of five technical volumes—the New York City Building Code, the New York City Plumbing Code, the New York City Mechanical Code, the New York City Fuel Gas Code, and the New York City Energy Conservation Code—and one administrative volume—the Administrative Code of the City of New York, which contains permitting, licensing, fees and other provisions that apply universally to the five technical volumes.[[2]](#footnote-2)

Local Law 33 of 2007[[3]](#footnote-3) requires that the New York City Department of Buildings (DOB) keep the New York City Construction Codes up to date with the International Code Council’s (ICC) International Codes (I-Codes).[[4]](#footnote-4) To accomplish this mandate, DOB organizes a series of committees, known as the Construction Codes Revision Committees, that review and prepare suggested revisions to the New York City Construction Codes to increase safety and cost savings and to promote innovation for buildings.[[5]](#footnote-5)

 The first document to be called a “Building Code” in New York City was published in 1899, and was significantly updated in 1916.[[6]](#footnote-6) Following the Stock Market Crash of 1929, efforts were made to remove costly, outdated provisions, resulting in the 1938 Code.[[7]](#footnote-7) By the 1950s, criticisms that the 1938 Code did not embrace the latest technology gave rise to a code revision effort, culminating in the 1968 Code.[[8]](#footnote-8) Similarly, in the early 21st Century, the 1968 code was criticized by stakeholders as being burdensome and outdated.[[9]](#footnote-9) In 2003, DOB organized over 400 industry stakeholders to develop a new set of construction codes for New York City.[[10]](#footnote-10) As a result of this effort, the Council passed Local Law 33 of 2007[[11]](#footnote-11) and New York City adopted a new set of construction codes based on the 2003 I-Codes, with New York City specific amendments. Local Law 33 became effective on July 1, 2008.[[12]](#footnote-12)

*International Code Council*

The ICC was established in 1994 as a non-profit organization dedicated to developing a single set of comprehensive and coordinated national model construction codes.[[13]](#footnote-13) Due to the evolving nature of engineering and technology, local governments rely on model codes promulgated by independent organizations, such as the ICC, to form the basis of their building and construction codes.[[14]](#footnote-14) Most model codes are updated on a regular basis by the code organization that issued the respective model code and are usually developed through a review process that encourages sound practices and the use of acceptable state-of-the-art technology.[[15]](#footnote-15) The ICC’s mission is to provide the highest quality codes, standards, products, and services for all concerned with the safety and performance of the built environment.[[16]](#footnote-16) The ICC has developed a resource of I-Codes that is listed in Table 1.

|  |
| --- |
| Table 1: ICC I-Codes[[17]](#footnote-17) |
| * International Building Code
 | * International Plumbing Code
 |
| * International Energy Conservation Code
 | * International Private Sewage Disposal Code
 |
| * International Existing Building Code
 | * International Property Maintenance Code
 |
| * International Fire Code
 | * International Residential Code
 |
| * International Fuel Gas Code
 | * International Swimming Pool and Spa Code
 |
| * International Green Construction Code
 | * International Wildland Urban Interface Code
 |
| * International Mechanical Code
 | * International Zoning Code
 |
| * ICC Performance Code for Buildings and Facilities
 |  |

 The ICC offers technical, educational and informational products and services to support the I-Codes that it produces. These services include code application assistance, educational programs and certification programs.[[18]](#footnote-18) The ICC released the 2021 version of the I-Codes in late 2020 and early 2021, and is currently developing the 2024 I-Codes.[[19]](#footnote-19)

*Construction Code Revision*

The New York City Council passed Local Law 33 of 2007,[[20]](#footnote-20) which requires revisions to the Construction Codes every three years to keep these Codes up to date with the latest versions of the I-Codes. This would ensure that New York City’s Construction Codes do not become out of date.[[21]](#footnote-21) The first mandated periodic revision resulted in the passage of Local Law 41 of 2012,[[22]](#footnote-22) Local Law 141 of 2013[[23]](#footnote-23), and Local Laws 51[[24]](#footnote-24) and 52 of 2014.[[25]](#footnote-25) DOB began the latest revision and updating process for the Construction Codes that make up Int. No. 2261 by reviewing the 2014 New York City Construction Codes and the 2015 I-Codes with New York City specific modifications.[[26]](#footnote-26) To achieve such a goal, DOB established a series of managing, technical, and advisory committees to review provisions of the codes.[[27]](#footnote-27) The Assistant Commissioner of Technical Affairs and Code Development at DOB is responsible for overseeing the Construction Codes cycle.[[28]](#footnote-28)

*Managing Committee*

The Managing Committee is responsible for reviewing and accepting proposals from the technical and advisory committees.[[29]](#footnote-29) The Managing Committee must achieve consensus on proposed revisions unless the text is mediated as part of the revision cycle.[[30]](#footnote-30) The Managing Committee is comprised of the Chairs and Vice Chairs of the Managing, Technical, and Advisory Committees along with representatives from the construction, labor, real estate, government, professional organizations and other industry stakeholders.[[31]](#footnote-31)

*Technical Committee*

 The Technical Committees are responsible for revising specific chapters in the New York City Construction Codes. DOB assigns work to each Technical Committee and appoints members based on subject matter and expertise.[[32]](#footnote-32) The Technical Committee includes representatives from the construction, labor, and real estate industries, along with government and professional stakeholders.[[33]](#footnote-33)

*Advisory Committee*

Advisory Committees may be formed by the Assistant Commissioner to consider portions of the Construction Codes that relate to administrative duties, operation, inspection, permits, fees and areas that may overlap with State and Federal jurisdictions.[[34]](#footnote-34) The Advisory Committees are not required to achieve a consensus, but their findings are taken into consideration by the Managing and Technical Committees. The Advisory Committees include representatives from the construction, labor and real estate industries, along with government and other professional stakeholders.[[35]](#footnote-35)

DOB used the following process to for revisions during the 2017 New York City Construction Codes revision cycle:

* **Department Review**:The DOB reviewed the 2014 New York City Construction Codes and the 2015 I-Codes and proposed potential updates for the committees to consider.[[36]](#footnote-36)
* **Presentation of Proposed Revisions**:Following review, DOB presented the Technical Committees with proposed revision language, along with questions and comments for Committee consideration.[[37]](#footnote-37)
* **Committee Review of Proposed Revisions**: During the committee review process, committee members were able to recommend areas of the Construction Codes to be revised.[[38]](#footnote-38)
* **Legal Review**: All proposed revisions from the Technical and Advisory Committees were reviewed by attorneys at the New York City Law Department, who then translated the provisions into local law format.[[39]](#footnote-39) Once this was completed, the language was reviewed to determine if the proposed revisions were retained during the translation to local law format.[[40]](#footnote-40) If not, reviewing attorneys were asked to develop resolutions or answer questions posed by committee members.[[41]](#footnote-41)
* **Managing Committee Review**: The finalized draft of a local law was forwarded to the Managing Committee for review. After receiving the proposed revision, members of the Managing Committee had two weeks to comment, accept, or reject all proposals referred for their review.[[42]](#footnote-42) Proposals accepted by the Managing Committee were forwarded for inclusion in a bill to be submitted to the New York City Council. Proposals rejected by the Managing Committee were, at the discretion of DOB, sent back to the Technical Committees for additional work, or were sent through the Mediation Process.[[43]](#footnote-43)
* **Mediation**: When a Technical Committee was unable to achieve consensus on an issue, or when, following the rejection of a Technical Committee recommendation by the Managing Committee and per the request of DOB, such issue was subject to mediation.[[44]](#footnote-44)

**Legislation**

 Below is a brief summary of the legislation being heard by the Committee at this hearing. This summary is intended for informational purposes only and does not substitute for legal counsel. For more detailed information, you should review the full text of the bill, a link to which is included on page 11 of this report.

**Int. No. 2261**

**Int. No. 2261, A Local Law to amend the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, in relation to bringing such codes and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, with differences that reflect the unique character of the city, clarifying and updating administration and enforcement of such codes and the 1968 code and repealing chapters 2 and 35, appendices K and M, section N102 of appendix N, appendices P and Q, and section R103.3 figures 1A and 1B of appendix R of the New York city building code, chapter 15 and appendix A of the New York city mechanical code and chapter 8 of the New York city fuel gas code in relation thereto**

Int. No. 2261 completes the most recent code revision cycle with amendments to the New York City Building, Fuel Gas, Mechanical and Plumbing Codes, based on the 2015 editions of the International Building, Fuel Gas, Mechanical and Plumbing Codes published by the International Code Council, where necessary, modifying or adding new text tailored to the unique needs and characteristics of the City’s built environment. The bill also contains provisions to modify the general administrative provisions and New York City Electrical Code. The proposed legislation improves building construction standards for new buildings and resolves issues relating to the application of some provisions of the new codes to the alteration of existing buildings. Focused on preserving the principles of safety, savings, and innovation, this code revision cycle upgrades these concepts to include additional levels of enhancements, such as promoting sustainability along with resiliency, economizing resources, including affordable housing elements, and enhancing the tenant protection plan.

Int. No. 2261

By Council Member Cornegy (by request of the Mayor)

..Title

A Local Law to amend the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, in relation to bringing such codes and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, with differences that reflect the unique character of the city, clarifying and updating administration and enforcement of such codes and the 1968 code and repealing chapters 2 and 35, appendices K and M, section N102 of appendix N, appendices P and Q, and section R103.3 figures 1A and 1B of appendix R of the New York city building code, chapter 15 and appendix A of the New York city mechanical code and chapter 8 of the New York city fuel gas code in relation thereto

..Body

The full text of this bill is available at <https://on.nyc.gov/3ijPi7s>.

1. Administrative Code of the City of New York §28-101.2. [↑](#footnote-ref-1)
2. NYC Department of Buildings, 2017 Construction Codes Revision Handbook. *available at*: <https://www1.nyc.gov/assets/buildings/pdf/2017_Revision_Cycle_Handbook.pdf>. (the “2017 Handbook”) [↑](#footnote-ref-2)
3. *See* Local law 33 for the year 2007, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=447129&GUID=2EB62F1F-8F59-4796-A309-3F0A42B7D207&Options=ID|Text|&Search>=. [↑](#footnote-ref-3)
4. 2017 Handbook, *supra* note 2. [↑](#footnote-ref-4)
5. *Id.* [↑](#footnote-ref-5)
6. *Id.* [↑](#footnote-ref-6)
7. *Id.*  [↑](#footnote-ref-7)
8. *Id.*  [↑](#footnote-ref-8)
9. *Id.*  [↑](#footnote-ref-9)
10. *Id.* [↑](#footnote-ref-10)
11. *See* Local Law 33 of 2007, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=447129&GUID=2EB62F1F-8F59-4796-A309-3F0A42B7D207&Options=ID|Text|&Search>= [↑](#footnote-ref-11)
12. 2017 Handbook, *supra* note 2. [↑](#footnote-ref-12)
13. International Code Council, About ICC. *available at:*

<http://www.iccsafe.org/AboutICC/Pages/default.aspx> [↑](#footnote-ref-13)
14. 2017 Handbook, *supra* note 2. [↑](#footnote-ref-14)
15. *See* ICC Code Development Process, *available at* <https://cdn-web.iccsafe.org/wp-content/uploads/ICC-CDP-How-It-Works.pdf> [↑](#footnote-ref-15)
16. International Code Council, About ICC. *available at:*

<http://www.iccsafe.org/AboutICC/Pages/default.aspx> [↑](#footnote-ref-16)
17. International Code Council, I-Codes, *available at*: <https://codes.iccsafe.org/codes/i-codes> [↑](#footnote-ref-17)
18. International Code Council, *About ICC. available at:*

[*http://www.iccsafe.org/AboutICC/Pages/default.aspx*](http://www.iccsafe.org/AboutICC/Pages/default.aspx) [↑](#footnote-ref-18)
19. International Code Counsel, ICC News Release, *available at:* <https://www.iccsafe.org/about/periodicals-and-newsroom/media-alert-preorder-for-international-code-councils-2021-i-codes-now-available/>. [↑](#footnote-ref-19)
20. *See* Local Law 33 for the year 2007, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=447129&GUID=2EB62F1F-8F59-4796-A309-3F0A42B7D207&Options=ID|Text|&Search>= [↑](#footnote-ref-20)
21. 2017 Handbook, *supra* note 2. [↑](#footnote-ref-21)
22. *See* Local Law 41 of 2012, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1082208&GUID=327033B9-CE60-4581-A927-665909143620&Options=ID|Text|&Search>= [↑](#footnote-ref-22)
23. *See* Local Law 141 of 2013, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1444199&GUID=B5415C20-2F03-4542-956D-7A663E7886B7&Options=ID|Text|&Search>= [↑](#footnote-ref-23)
24. *See* Local Law 51 of 2014, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1903364&GUID=B2B3D23B-FA94-413E-ABD6-CBA6FD62E054&Options=ID|Text|&Search>= [↑](#footnote-ref-24)
25. *See* Local Law 52 of 2014, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1903363&GUID=84313CE8-16A4-4507-B82C-0DDBE62B29E1&Options=ID|Text|&Search>=; *see also* 2017 Handbook, *supra* note 2. [↑](#footnote-ref-25)
26. 2017 Handbook, *supra* note 2. [↑](#footnote-ref-26)
27. *Id*. [↑](#footnote-ref-27)
28. *Id.* [↑](#footnote-ref-28)
29. *Id.* [↑](#footnote-ref-29)
30. *Id.* [↑](#footnote-ref-30)
31. *Id.* [↑](#footnote-ref-31)
32. *Id.* [↑](#footnote-ref-32)
33. *Id.* [↑](#footnote-ref-33)
34. *Id.* [↑](#footnote-ref-34)
35. *Id.* [↑](#footnote-ref-35)
36. *Id.* [↑](#footnote-ref-36)
37. *Id.* [↑](#footnote-ref-37)
38. *Id.* [↑](#footnote-ref-38)
39. *Id.* [↑](#footnote-ref-39)
40. *Id.* [↑](#footnote-ref-40)
41. *Id.* [↑](#footnote-ref-41)
42. *Id.* [↑](#footnote-ref-42)
43. *Id.* [↑](#footnote-ref-43)
44. *Id.* [↑](#footnote-ref-44)