

2011 Construction Codes Revision

Handbook

Version 1.1
July 2011

1. Background.

A. Purpose. The New York City Department of Buildings is mandated to keep the New York City Construction Codes up to date with the latest version of the International Code Council I-Codes. To this end, the Department is organizing a series of committees to help draft revisions to the New York City Construction Codes.

B. New York City Construction Codes. The New York City Construction Codes consist of five technical volumes – the New York City Building Code (BC), Plumbing Code (PC), Mechanical Code (MC), the Fuel Gas Code (FGC), and the Energy Conservation Code (ECC) – and one administrative volume – the Administrative Code (Title 28), which contains permitting, licensing, fees, and other provisions that apply universally to the five technical volumes.

The Construction Codes protect public health, safety, general welfare, and the environment by establishing minimum standards for the design, construction, and occupancy of buildings. Builders and owners may exceed the requirements of the code, but cannot construct to a standard below that mandated by the code.

Separate from the Construction Codes, the New York City Department of Buildings (DOB) enforces the New York City Electrical Code and the New York City Zoning Resolution. These are not part of the Construction Codes and will not be reviewed as part of the Construction Code three-year update cycle.

Although part of the Construction Codes, the New York City Energy Code was recently updated by Local Law 66 of 2010 and Local Law 1 of 2011, and will not be reviewed as part of the Construction Code three-year update cycle.

C. Model Codes. Due to the evolving nature of engineering and technology, local governments rely on model codes promulgated by independent organizations to form the basis of their building and construction codes.

The first model codes were written in the early 20th century. By mid century, three regional associations were generating codes for the northern, southern, and western United States. To bring uniformity to the process, these groups consolidated in 1994, forming the International Code Council (ICC) as a non-profit organization dedicated to developing a single set of comprehensive and coordinated model construction codes for the United States (the I-Codes). Today, the I-Codes are used at the state or local level in each of the fifty states, as well as Puerto Rico, the U.S. Virgin Islands, and the District of Columbia.

The 2008 New York City Construction Codes are based on the 2003 version of the I-Codes, with New York City specific amendments made throughout to tailor them to New York City's high density urban environment.

D. History of New York City Construction Regulations. New York City has one of the longest histories of building safety regulation in the United States.

The first regulations came in 1647, when Dutch colonial officials established the post "Surveyor of Buildings," and required that no construction proceed without the examination and consent of the surveyor. Following the English takeover of New York in 1664, a block-and-lot plan for the city was adopted, and land owners were required to receive a certificate of approval from the government prior to construction.

To limit the spread of fire between buildings, fire districts – an area in which the construction of buildings out of flammable materials is prohibited – began to take shape in 1766, when the colonial legislature mandated all new buildings constructed south of present day Foley Square be built with exterior walls of brick or stone and roofs of tile or slate.

Following a series of deadly tenement fires in 1860, fireproof stairs or a fire escape were mandated in all newly constructed tenement buildings. In 1862, fire escapes were required to be retroactively installed on all existing tenements. In 1871, the requirement for fire escapes expanded to include hotels, boarding houses, office buildings, and factories.

The late 19th century and early 20th century witnessed tremendous advancement – with electricity, elevators, plumbing, steel, and concrete pushing buildings to heights never before dreamed possible. Building laws accommodated the new technology. Plumbers were licensed in 1881. Rules for elevators were promulgated in 1885. In 1889, regulations governing outdoor wiring were issued. In 1913, New York City published the first set of rules and regulations for all electrical installations, and by 1915 these evolved into the city's first Electrical Code.

The first document to be called a "Building Code" was published in 1899, and significantly updated in 1916. Following the Stock Market Crash of 1929, efforts were made to remove costly, outdated provisions, resulting in the 1938 Building Code. 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 Building Code. Praised when it was enacted, the 1968 Code similarly came to be criticized by the early 21st century as burdensome and outdated, prompting the Department of Buildings to

organize over 400 industry stakeholders to develop a new set of Construction Codes for New York City. The effort culminated in 2007 when Mayor Bloomberg signed Local Law 33 of 2007, adopting a new set of Construction Codes for New York City based on the 2003 version of the International Code Council (ICC) family of codes (I-Codes), with New York City specific amendments. The Construction Codes took effect a year later on July 1, 2008.

E. Three Year Revision Cycle. To ensure the city's construction regulations never again fall out of date, Local Law 33 of 2007 mandated that the city develop revisions every three years to keep the code in line with the latest version of the I-Codes.

2. Goals.

A. Submit revisions to the City Council. All revisions to the Construction Codes must be approved by the New York City Council and signed into law by Mayor Michael R. Bloomberg. The department anticipates that it will begin to submit proposed revisions to the City Council for their consideration beginning in the autumn of 2011.

B. Revisions. This New York City Construction Code revision cycle is primarily intended to clarify the existing text, incorporate the latest I-Codes, and introduce the recommendations of the city's High Risk Construction Oversight Study. Areas where cost savings can be identified should also be incorporated. Please see items i through iv below for further detail. Proposed revisions covering other significant matters that fall outside one of these areas may be introduced as separate legislation.

It should also be noted that issues mediated as part of the development of the 2008 Construction Codes will not be revisited nor will the resulting text be revised in this revision effort. Please see Section 5 for the complete list of mediated items.

i. Clarity. Errors, typos, inconsistencies, and confusing language identified by the department in the years since the adoption of the 2008 Construction Codes will be corrected and/or clarified.

ii. Latest I-Codes. Changes made by the International Code Council (ICC) to the International Building Code (IBC), International Plumbing Code (IPC), International Mechanical Code (IMC), and International Fuel Gas Code (IFGC) between the 2003 and 2009 versions and found acceptable for the city will be incorporated into the code. Such changes may be modified as appropriate for the city's high density urban environment.

iii. Public Safety. Since the New York City Construction Codes were enacted, a series of major construction accidents have occurred within New York City. Lessons learned from these accidents will be incorporated into the code. Recommendations developed by the city's High Risk Construction Oversight (HRCO) study will be reviewed and incorporated into the code where applicable.

iv. Cost Savings. Efforts will be made to reduce, streamline, or eliminate costly, out of date, or inefficient code provisions, provided public safety is not compromised.

C. Consensus. Achieving consensus on all proposed revisions is vital to ensuring a code that is balanced and will meet the needs of the diverse built environment of New York City.

A consensus-based approach is a process in which committee members work together to find a mutually acceptable solution. This definition does not mean unanimity of thought or abandonment of values. Indeed, one of the characteristics of a well-constructed agreement is that it represents diverse values and interests. "Agreement" is an acknowledgment that things can move forward, that participants support a decision even if it may not be exactly as initially envisioned. Given the variety of issues under consideration, the resulting agreement often garners varying levels of enthusiasm and support, but on balance, is one that each stakeholder can accept.

The consensus processes used to develop revisions for the Construction Code revision cycle will be bound by the following principles:

- **Consensus Decision Making.** All committees will make decisions by unanimous agreement rather than by majority vote.
- **Inclusiveness.** All necessary interests will be represented on all committees.
- **Accountability.** Participants will represent stakeholder groups or interests. They will be accountable both to their constituents and to the process.

3. Code Revision Cycle Structure. To facilitate, develop, review, and accept Construction Code revisions, the Department is dedicating staff to the effort and organizing a series of industry stakeholder committees.

A. Assistant Commissioner of Technical Affairs and Code Development. The Assistant Commissioner of Technical Affairs and Code Development (the Assistant Commissioner) is responsible for overseeing the

Construction Codes revision cycle. As necessary, the Assistant Commissioner will assign staff, provide resources, and designate directors and deputy directors to manage specific aspects of the code revision process.

B. Managing Committee. The Managing Committee is responsible for reviewing and accepting Technical Committee and Advisory Committee proposals regarding the technical and administrative provisions of the New York City Construction Codes.

i. Managing Committee Membership. The Managing Committee will be comprised of Technical Committee and Advisory Committee Chairpersons/Co-Chairs, along with construction, labor, real estate, government, professional, and other stakeholders.

Members of the Managing Committee will be volunteers, nominated by their stakeholder organization to represent the viewpoint of such organization on the Managing Committee. Individuals on the Managing Committee may not represent more than one organization, and no organization may have more than one representative on the Managing Committee.

All members of the Managing Committee are subject to a background check performed by the city, and approval of the department.

ii. Managing Committee Chair. The Assistant Commissioner will serve as the chair of the Managing Committee.

iii. Managing Committee Time Commitment. Members of the Managing Committee must be available to attend all Managing Committee meetings.

iv. Managing Committee Alternates. Managing committee members are expected to attend all meetings. However, per the approval of the chair, a committee member may send a substitute to attend a meeting in their place due to illness, urgent personal business, an unavoidable scheduling conflict, or other similar reason.

Committee members may be removed or replaced at the discretion of the Assistant Commissioner for repeatedly missing meetings.

v. Managing Committee Guest Experts. As needed, the chair may invite a guest expert(s) to participate in a limited number of committee meetings to provide guidance to the committee on a specific subject(s). Such guest expert(s) will not be considered a member of the

committee, and their opinion will not be binding on the consensus process.

vi. Managing Committee Working Panels. Working Panels are groups within the committee, formed at the direction of the chair, to review and provide guidance to the committee on specific issues. Working panels may consist of members of the Managing Committee, and/or guest experts, as needed. A Panel Leader will be designated by the chair to oversee the progress of the working panel, prepare findings, and present them to the Managing Committee. Working panels are not required to achieve consensus, and their findings or recommendations will be non binding upon the Managing Committee.

vii. Managing Committee Status under Local Law 33 of 2007. For the purposes of Title 28 of the Administrative Code of the City of New York, which requires "*prior to the submission of such proposal (three year code updates) to the city council, such proposal will be submitted to an advisory committee established by the commissioner pursuant to this title for review and comment,*" the Managing Committee is considered to be such advisory committee.

C. Technical Committees. Technical committees will be responsible for reviewing specific chapters of the New York City Construction Codes and developing revisions for the code revision cycle.

i. Technical Committee Membership. Technical committees will be comprised of construction, labor, real estate, government, and professional stakeholders.

Members of a Technical Committee will be volunteers who are technical experts in the subject matter considered by the committee and may represent either a specific organization, or be appointed to act on their own behalf due to their personal expertise in the subject matter. At the approval of the Assistant Commissioner, an organization may have more than one individual from such organization serving on a Technical Committee.

All members of a Technical Committee are subject to a background check performed by the city, and approval of the Assistant Commissioner.

Organizations whose interest is primarily in the areas of real estate, labor, policy, or economics, and who wish to have representation on a Technical Committee, must provide a technical expert to represent their organization. Individuals who do not possess technical

proficiency in regards to the content reviewed by the committee will not be appointed a Technical Committee.

ii. Technical Committee Size. Technical committees will generally be limited to 20 - 25 members, depending upon the nature and complexity of the material to be considered. The Assistant Commissioner will work to ensure the membership of the committee reflects a broad range of stakeholders who are knowledgeable in the code provisions considered by the committee.

iii. Technical Committee Chair. Each Technical Committee will have a chair. The chair will be approved by the Assistant Commissioner. At the approval of the Assistant Commissioner, a committee may also have a co-chair. All committee chairs, and co-chairs, will also be a member of the Managing Committee.

With the assistance of the coordinator, the chair will be responsible for:

- Setting committee meeting dates;
- Establishing agenda items;
- Maintaining focus and control of committee meetings;
- Identifying issues that require the formation of working panels or Advisory Committees;
- Determining the need for technical experts; and
- Identifying, documenting, and requesting mediation items.

iv. Technical Committee Advisors. The Assistant Commissioner will assign to each committee one or more department staff member(s) to serve as technical advisors to the committee. Technical advisors will be responsible for providing technical guidance to the committee and chair, as well as serving as the liaison between the committee and the Assistant Commissioner.

v. Technical Committee Coordinator. The Assistant Commissioner will assign to each committee a department staff member who will serve as the technical committee coordinator.

The coordinator will be responsible for:

- Documenting committee determinations;
- Preparing committee meeting summaries; and
- Compiling code revisions developed by the committee.

vi. Technical Committee Guest Experts. As needed, and per the approval of the Assistant Commissioner, the chair may invite a guest expert(s) to participate in a limited number of committee meetings to provide guidance to the committee on a specific subject(s). Such

guest expert(s) will not be considered a member of the committee, and their opinion will not be binding on the consensus process.

vii. Technical Committee Time Commitment. Members of Technical Committees must be available to attend all Technical Committee meetings.

viii. Technical Committee Alternates. Technical committee members are expected to attend all meetings. However, per the approval of the chair, a committee member may send a substitute to attend a meeting in their place due to illness, urgent personal business, unavoidable scheduling conflict, or other similar reason.

Committee members may be removed or replaced at the discretion of the Assistant Commissioner for repeatedly missing meetings.

ix. Technical Committee Working Panels. Working Panels are groups within committees, formed at the direction of the chair, to review and provide guidance to the committee on specific issues. Working panels may consist of members of the Technical Committee, and/or guest experts, as needed. A Panel Leader will be designated by the chair to oversee the progress of the working panel, prepare findings, and present them to the Technical Committee. Working panels are not required to achieve consensus, and their findings or recommendations will be non binding upon the Technical Committee.

D. Advisory Committees. Advisory committees may be formed at the discretion of the Assistant Commissioner to consider issues that fall outside of the normal review of a Technical Committee, overlap the jurisdiction of Technical Committees, or require a deeper level of analysis.

Advisory committees are not required to achieve consensus, and their findings or recommendations will be non binding upon the Managing Committee and Technical Committees.

i. Advisory Committee Membership. Members of an Advisory Committee will be experts in the subject matter under consideration by the Advisory Committee.

Members will be volunteers. All members of an Advisory Committee are subject to a background check performed by the city, and approval of the Assistant Commissioner.

ii. Advisory Committee Chair. Each Advisory Committee will have a chair. The chair will be approved by the Assistant Commissioner. At the approval of the Assistant Commissioner, a committee may also

have a co-chair. All committee chairs, and co-chairs, will also be a member of the Managing Committee.

With the assistance of the coordinator, the chair will be responsible for:

- Setting committee meeting dates;
- Establishing agenda items;
- Maintaining focus and control of committee meetings;
- Identifying issues that require the formation of working panels; and
- Determining the need for technical experts.

iii. Advisory Committee Coordinator. The Assistant Commissioner will assign to each committee a department staff member who will serve as the advisory committee coordinator.

The coordinator will be responsible for:

- Documenting committee determinations;
- Preparing committee meeting summaries; and
- Compiling recommendations of the committee.

iv. Advisory Committee Guest Experts. As needed, and per the approval of the Assistant Commissioner, the chair may invite a guest expert(s) to participate in a limited number of committee meetings to provide guidance to the committee on a specific subject(s). Such guest expert(s) will not be considered a member of the committee, and their opinion will not be binding on the consensus process.

v. Advisory Committee Time Commitment. Members of Advisory Committees must be available to attend all Advisory Committee meetings.

vi. Advisory Committee Alternates. Advisory committee members are expected to attend all meetings. However, per the discretion of the chair, a committee member may send a substitute to attend a meeting in their place due to sickness, urgent personal business, unavoidable scheduling conflict, or other similar reason.

Committee members may be removed or replaced at the discretion of the Assistant Commissioner for repeatedly missing meetings.

vii. Advisory Committee Working Panels. Working Panels are groups within committees, formed at the direction of the chair, to review and provide guidance to the committee on specific issues. Working panels may consist of members of the Advisory Committee, and/or guest experts, as needed. A Panel Leader will be designated by the chair to oversee the progress of the working panel, prepare findings, and

present them to the Advisory Committee. Working panels are not required to achieve consensus, and their findings or recommendations will be non binding upon the Advisory Committee.

E. Ad-hoc Working Meetings. Where, in the determination of the Assistant Commissioner, outside interests need to be advised of particular issues, the department may organize an ad-hoc working meeting. The meeting will consist of stakeholders and experts invited by the department. Ad-hoc Working Meetings are not required to achieve consensus, and their findings or recommendations will be non binding.

4. Code Revision Cycle Process. To facilitate a speedy review and development of revisions, the following process will be utilized.

A. Department Review. The Department of Buildings will review the existing New York City Construction Codes and the 2009 I-Codes to propose potential updates for the committees to consider making.

B. Presentation of Potential Revisions. Based on their review, the department will present to the Technical Committees proposed revision language, along with questions or issues for committee consideration.

C. Committee Recommendations. At any point during the committee review process, committee members may recommend areas of the New York City Construction Codes to be revised. Recommendations will be in the form of specific language revising the section(s) of code in question.

Members will forward their suggested revision(s) to both the chair of their committee and the coordinator of their committee. If the chair and coordinator determine the revision falls outside the scope of the committee, it will be forwarded to the appropriate committee for consideration.

Committee members are strongly encouraged to propose revisions early in the process so that committees can devote a proper amount of time to the recommendation.

D. Review of proposed revisions. After a revision has been proposed, the Technical Committee will review and discuss both the specific language contained in the revision and any broader issues the revision addresses.

The chair of the Technical Committee will work to achieve consensus on the wording of proposed code revision(s).

After consensus has been achieved on the wording of a specific revision, the language will be recorded by the coordinator and forwarded to the Managing Committee for their review.

- E. Managing Committee Review.** After consensus is achieved by the Technical Committee, the revision will be forwarded to the Managing Committee.

After receiving the proposed revision, members of the Managing Committee will have two weeks to comment, accept, or reject all proposals referred for their review. Proposals accepted by the Managing Committee will be forwarded to the Assistant Commissioner for inclusion in a bill to be submitted to the City Council. Proposals rejected by the Managing Committee will, at the discretion of the Assistant Commissioner, be sent back to the Technical Committee for additional work, or will be sent to the Mediation Process.

- F. Mediation.** When a Technical Committee cannot achieve consensus on an issue, or when, following the rejection of a Technical Committee recommendation by the Managing Committee and per the request of the Assistant Commissioner, such issue will be subject to mediation.

As described below in Section 5, issues that were mediated as part of the development of the 2008 Construction Codes will not be revisited or mediated in the 2011 revision effort.

- i. Notification from Chair.** When a Technical Committee cannot reach consensus on a specific issue, the chair will request mediation by e-mailing the Assistant Commissioner, or a designated member of the department staff. The e-mail will contain a summary of the unresolved issue(s), note those who object, their reason(s) for objection, and potential areas of compromise.
- ii. Mediation Participation.** Meetings on a particular mediation subject will be open only to members of the Technical Committee which discussed the matter in question, and any member of the Managing Committee. Individuals who wish to attend a mediation meeting must indicate such via e-mail to the Assistant Commissioner, or a designated member of the department staff.

At least one week prior to the first mediation meeting on the subject, all parties taking part in the meeting must submit a position paper on the subject to be mediated. The paper must clearly outline the matter in dispute, the party's position, and provide as many supporting facts, data, analysis, etc, as possible. The department will provide all

involved parties with all position papers received prior to the start of mediation.

- iii. Mediation Meeting(s).** Mediation meetings will be run by the Assistant Commissioner. All meetings will be scheduled in coordination with the various participants.

At the first meeting for an issue, the parties will present their opinions to the Assistant Commissioner. The Assistant Commissioner will work to facilitate consensus and discuss potential alternatives to be considered.

Second and subsequent meetings may be scheduled if determined necessary by the Assistant Commissioner.

- iv. Reaching Consensus.** If mediation produces consensus, the department will draft code language based on the consensus achieved and provide a copy for approval by the participants of the mediation session. If agreed to by the participants of the mediation session, such language will be final, and will not be subject to further review by any Technical Committee or the Managing Committee.

- v. No Consensus.** If mediation fails to bring about consensus, the matter in question will be forwarded to the First Deputy Commissioner of the Department of Buildings for a determination. The First Deputy Commissioner will draft code language for the section in question. Such code language will be final, not subject to further review by any Technical Committee or the Managing Committee.

G. Advisory Committee Work. Advisory Committees will provide reports, recommendations, or other materials as requested by the Assistant Commissioner.

H. Working Panels Meetings. Working panels will be tasked and run in accordance with specifications determined by the chair of the committee that created the working panel.

I. Ad-hoc Working Meetings. Ad-hoc Working Meetings will be tasked and run in accordance with specifications determined by the Assistant Commissioner.

5. Mediation Issues from 2008. The following issues were mediated during the code process leading to the passage of the 2008 Construction Codes. These issues will not be revisited or revised in the 2011 code revision effort. The text of the 2008 Construction Code resulting from mediation will be retained.

A. Automatic fire detection and communication systems

- BC 403.5 Automatic fire detection
- BC 403.6 Emergency voice/alarm communication systems
- BC 403.7 Fire Department communications system
- BC 403.8 Fire command
- BC 907.2.12 High-rise buildings
- BC 911 Fire command center

Mediation Determination: High-rise residential buildings exceeding 125 ft. in height will be required to provide a one-way voice communication system between the control panel at building lobby and apartments (with the option to utilize the building intercom system) and within the stairs.

B. Impact resistance stairs & elevators in R-2 hi-rise buildings

- BC 403.9 Impact resistance
- BC 403.15 Impact resistance

Note: This issue was subject to mediation, and was successfully resolved. The code language reflects the resolution.

C. Emergency power requirements

- BC 403.10 Standby power
- BC 403.11 Emergency power systems
- BC 2702 Emergency power systems

Mediation Determination: High-rise residential buildings above 125 feet in height will be provided with an emergency generator supporting the following loads in an emergency:

- At least one elevator serving all floors, or one elevator per bank where different banks serve different portions of the building;
- Required voice communication system;
- Emergency and exit lighting; and
- A fire pump, unless electrical power to the motor is taken ahead of the main from the street side of the house service switch.

D. Smokeproof elevator vestibule

- BC 707.14.1 Elevator lobby in high rise buildings

Mediation Determination: All non-residential high-rise buildings will be provided with smokeproof elevator vestibules as currently required for high-rise office buildings pursuant to LL26/04.

High-rise residential buildings will not be required to provide smokeproof elevator vestibules.

E. Door Assemblies

- BC 715.3.3 Door assemblies in corridors and smoke barriers

Note: This issue was subject to mediation, but was resolved before the commissioner issued a determination.

F. Black iron

- BC 803.9.1.1 Suspended acoustical ceilings
- BC 2506.2.1 Other materials

Mediation Determination: The proposed codes will not carry over the current code provisions regarding acoustical tile suspended ceilings in residential buildings. However, the proposed codes will maintain the requirements from the current code governing acoustical tile suspended ceilings in all other buildings. The national standards will be modified to maintain the current practice for acoustical tile ceiling installation in non-residential buildings.

G. Standpipe systems (including manual fire pumps)

- BC 905.3 Required installations

Note: This issue was subject to mediation, and was successfully resolved. The code language reflects the resolution.

H. Acceptance testing of smoke control systems

- BC 909.18 Acceptance testing.

Note: This issue was subject to mediation, and was successfully resolved. The code language reflects the resolution.

I. Smokeproof stair enclosures/stair pressurization

- BC 909.20 Smokeproof enclosures
- BC 1019.1.8 Smokeproof enclosures

Mediation Determination: Smokeproof stair enclosures will be required for all high-rise non-residential buildings by means of:

- A stair accessible via an exterior balcony (fire tower); or
- A stair accessible via a ventilated (naturally or mechanically), enclosed vestibule; or
- Stair pressurization.

High-rise residential buildings will not be required to provide smokeproof stair enclosure provided they comply with the provisions for post-fire smoke purge.

J. Post-fire smoke purge system

- BC 912 Post fire smoke purge system
- MC 515 Post fire smoke purge system

Mediation Determination: Non-residential buildings that are either greater than 75 feet in height or that have more than 50,000 square feet on any story will be required to provide a post-fire smoke purge system capable of exhausting 6 air changes per hour or 1 cfm per square foot, whichever is greater, based on the largest floor served.

Residential buildings that are either high-rise or that have more than 50,000 square feet on any story may select one of the two options below:

- Mechanical means as required for non-residential buildings with the option of utilizing the corridor ventilation system or exhausting through the stair; or
- Openable windows used for required natural ventilation for habitable rooms may be utilized for post-fire smoke purge when they meet the following conditions:
 - The windows must be higher than 30 inches above the floor;
 - Operability must not be limited or restricted by any means; and
 - The window areas must be not less than 6 square feet and not less than 5 percent of the floor area of the room.

However, where a smokeproof stair enclosure is provided, residential buildings or portions thereof need not provide means for post-fire smoke purge.

K. Delayed egress locks

- BC 1008.1.8.3 Locks and latches
- BC 1008.1.8.5 Unlatching
- BC 1008.1.8.6 Delayed egress locks

Note: This issue was subject to mediation, and was successfully resolved. The code language reflects the resolution.

L. Minimum required stair width

- BC 1009.1 Stairway width

Mediation Determination: In buildings of 125 feet or less, stairways that provide egress to the exit discharge solely for the use of residential occupancy (R-2) will have a width of not less than 36 inches where the stair is not serving more than 30 occupants per floor.

Note: Where an R-2 building is greater than 125 feet or the stair load is more than 30 occupants per floor, a stair at least 44 inches wide is required.

M. Handrails

- BC 1009.11 Handrails

Note: This issue was subject to mediation, and was successfully resolved. The code language reflects the resolution.

N. Scissor stairs & dead end corridors

- BC 1013.3 Common path of egress travel
- BC 1014.2 Exit or exit access doorway arrangement
- BC 1016.3 Dead ends

Mediation Determination: In residential occupancy (R-2), scissor stairs will be counted as two exit stairways provided:

- The scissor stairs are enclosed in and separated from each other by masonry or masonry equivalent construction having at least a 2 hour fire-resistance rating; and
- The exit doors will be not less than 15 feet distant from each other

The length of a dead end corridor will not exceed 40 ft. However, where the corridors are completely enclosed in construction having a 2 hour fire-resistance rating with all corridor doors being self-closing and having a fire-resistance rating of 1 ½ hours, the length of dead-end corridor will not exceed 80 feet.

O. Residential buildings with one exit

- BC 1018.2 Buildings with one exit

Mediation Determination: One exit will be permitted, without an intervening public hall, in residential (R-2) buildings where:

- The building does not exceed 4 stories;
- The building contains not more than 3 units per story;
- The building is of noncombustible construction and is fully sprinklered;
- The building does not exceed 2,500 square feet per story;
- Each apartment will have at least one window facing the street or facing a lawful yard with direct access to the street
- The stair is enclosed in two hour fire rated walls with doors opening onto it that are 1 ½ hour rated self closing doors.
- The stair enclosure will be extended to the roof with a bulkhead. Such access to the roof will afford the building occupants with the option to exit directly to the street or to continue to the roof

where they can be picked up by the Fire Department fire fighting personnel. In lieu of the bulkhead, the stair may be constructed against the street wall with one window facing the street at the stair landings so that fire fighting personnel may enter the stair directly from the street, and access to the roof will be provided via a scuttle with a ladder.

P. Exit discharge through street floor lobby

- BC 1023.1 General

Mediation Determination: In residential buildings (R-2), up to 100 percent of the number and capacity of the exit enclosures will be permitted to egress through a protected area (street floor lobby) on the level of discharge, if all of the following conditions are met:

- Egress is provided in two different directions from the discharge points of all exit enclosures to the exterior of the building that are remote from each other; and
- The exit discharges are arranged and constructed so as to minimize the possibility that all exit discharges will be compromised by smoke, fire or other emergency condition.

Q. Fuel oil storage inside buildings

- MC 1305.11.1 Inside of buildings
- MC 1305.12.2 Above ground
- MC 1305.13.2 Above ground; on the lowest floor inside a building
- MC 1305.13.3 Above ground; above the lowest floor inside a building

Mediation Determination: Fuel oil storage inside of buildings will be governed by the following requirements:

- No more than 330 gallons may be stored on any floor above the lowest level;
- Tanks on the lowest level will not be larger than 25,000 gallons each;
- Total fuel storage of a building will be limited to 100,000 gallons;
- Stringent fire safety and spill-containment requirements will be met, including requiring automatic sprinklers, heat and smoke detectors, containment barriers, leak detection systems, and automatic shut-offs; and
- Engineers will have a choice of using the current NYC fuel storage tanks or tanks that meet national standards (UL Listed) depending on the design pressure.

R. Sprinklers in one- and two-family residences

- BC 903.2.7 Group R

Mediation Determination: Sprinklers will be required in the following types of new one- and two- family residences:

- One-family residences, attached or detached, exceeding three stories in height,
- Detached two-family residences exceeding three stories in height,
- Attached two-family residences of any height.

S. Definition of a townhouse

- Tied to sprinklers in one and two family residences. No townhouse definition added.

Mediation Determination: The International Residential Code (IRC) will not be adopted for use in New York City at this time. Provisions relevant to 1- and 2-family houses (attached or detached) have been incorporated into the building code occupancy Group R-3.

T. Plastic pipes

- PC 605.4 Water distribution pipe
- PC 701.10 Plastic pipe
- PC 804.1 General
- PC 902.1 Vents
- PC 1004.1 General
- PC 1101.10 Plastic pipe

Mediation Determination: Plastic pipes may be utilized for drainage, waste, and vents in residential buildings five stories or less in height.