



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, N.Y. 10013

RUDOLPH J. RINALDI, COMMISSIONER

312-8100

June 29, 1990

Mr. William Shuzman
Executive Director
The Ornamental Metal Institute
of New York
211 East 43rd Street
New York, New York 10017

Re: Section 27-375(e),
Building Code
Reference Standard 4-6,
Section 4.9

Dear Mr. Shuzman:

We are writing in response to your letter of May 31st, in which you request a resolution of the apparent conflict between Section 27-375(e) of the Building Code and Section 4.9 of Reference Standard 4-6. This Reference Standard sets forth construction and accessibility requirements which implement Local Law 58/87. Section 4.9 sets tread, riser and nosing dimensional criteria which differ from those of Section 27-375(e). This is undoubtedly the source of the contractor's feeling that Section 27-375(e) was amended.

As a general principal, a conflict between a Section of the Building Code and incorporated Reference Standard is resolved in favor of the Building Code. Moreover, a stair, by definition, is not part of an accessible route as defined in Local Law 58. Therefore, the provisions of Section 27-375 continue to govern stair construction.

There is one exception to this rule, however. Section 27-292.8(a)(4) permits a stair within a duplex dwelling unit to function as the accessible route between floors, as long as it is at least 3'-0" in width. Such a stair is not a means of egress governed by Section 27-375, and it must comply with the requirements of Section 4.9 of Reference Standard 4-6.

We are glad to have been able to answer your inquiry. If you have any further questions, please contact us.

Very truly yours,

Ralph S. Herman, R.A.
Acting Assistant Commissioner: 2712

*ONLY FOR PROJECTS
FILED BEFORE 12-31-14