



Issuance #107

DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES  
60 HUDSON STREET, NEW YORK, NY 10013

CHARLES M. SMITH, Jr., R.A., Commissioner

GEORGE E. BERGER, P.E.  
Assistant Commissioner  
Building Construction

TECHNICAL  
POLICY AND PROCEDURE NOTICE # 9/88

TO: BOROUGH SUPERINTENDENTS

FROM: GEORGE E. BERGER, P.E. *GEB*  
ASSISTANT COMMISSIONER

DATE: May 23, 1988

SUBJECT: WAIVERS TO LOCAL LAW 58/87 - Existing Buildings

WINDOWS - OPENING/CLOSING FORCE REQUIREMENTS -  
RS 4-6, Section 4.12.2

CLEAR DOOR WIDTHS -  
RS 4-6, Section 4.13.5

Section 27-292.6 of Local Law 58 permits the Commissioner of Buildings to waive certain requirements of the code. The following items have been discussed with the Mayor's Office For the Handicapped and due to current building industry state of the art the following waivers to Local Law 58 are being granted at this time:

- (1) Windows - Opening/Closing Force Requirement - RS 4-6, Section 4.12.2.

The construction and configuration of many existing buildings do not permit installation of windows which meet the maximum force requirement of the Building Code Accessibility Amendments of 1987 (Local Law 58/87). Reference Standard 4-6, Section 4.12.2 mandates that no more than 5 lbf be required to open or close a window located in a space which is required to be accessible to people with physical disabilities. The only types

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of windows currently designed and manufactured for such buildings which comply with all pre-existing laws typically necessitate up to 45 lbf.

The Buildings Commissioner therefore waives under Section 27-292.6 of Local Law 58 the aforementioned 5 lbf opening/closing requirement where it would otherwise be applicable. This waiver is applicable to all alterations filed prior to January 1, 1990.

(2) Clear Door Widths in Multiple Dwellings - RS 4-6, Section 4.13.5

Reference Standard 4-6, Section 4.13.5, of the Building Code Accessibility Amendments of 1987 (Local Law 58/87) mandates a 32 inch minimum clear opening measured between the face of the door and the door stop. In the case of door openings in existing masonry bearing walls of multiple dwellings, widening can be prohibitively expensive and risks are created while the opening is being braced and reconstructed.

The Building Commissioner therefore waives under Section 27-292.6 of Local Law 58/87 the requirement of RS 4-6, Section 4.13.5 for a 32 inch clear width for door openings where the existing opening in a bearing wall of a multiple dwelling provides at least a 30 inch clear door opening which is not otherwise being enlarged and where the requirements of RS 4-6, Section 4.13.6 (Maneuvering Clearances at Doors) are met.