



BUILDINGS BULLETIN 2017-017

Technical

Supersedes: None

Issuer: Gus Sirakis, PE
Assistant Commissioner for Technical Affairs and Code Development

Issuance Date: December 29, 2017

Purpose: This bulletin clarifies the reporting and extension application process to comply with the sprinkler requirements under Local Law 26 of 2004.

Related Code/Zoning Section(s):	AC 28-102.4.1	AC 27-929.1	LL 5/1973
	AC 27-228.5	LL 26/2004	LL 16/1984

Subject(s): Local Law 26 of 2004, application for extension; Interim reports; Supporting documents; Claim of undue hardship; Sprinkler; Extension of time; Office buildings one hundred feet or more; Occupancy group E; Final reports; Registered design professional; Interior landmark

I. Effective date:
Effective Immediately

II. Background:
Local Law 26 of 2004, effective October 22, 2004, added section 27-929.1 in Article 1 of Subchapter 17 of the 1968 building code to mandate retroactive requirements for a full system of automatic sprinklers to be installed in office buildings one hundred feet or more in height and buildings classified in occupancy group E one hundred feet or more in height in existence on October 22, 2004. The installation of such sprinkler systems shall be completed on or before July 1, 2019.

The local law included provisions for the application for extension where the owner of a building is unable to complete the installation on or before July 1, 2019. Paragraph (2) of subdivision (b) of section 27-228.5 states:

“(2) Where the owner of a building is unable to comply with the requirements of subdivision (a) of section 27-929.1 on or before July 1, 2019 because of undue hardship, and where such owner timely filed all interim reports as required in paragraph (1) of this subdivision and has obtained approval of all required applications, plans and permits relating to the required work, such owner may submit to the department an application for additional time to comply with such requirements.”

The local law also requires that the owner file a fourteen year report per paragraph (1) of subdivision (b) of section 27-228.5, which states:

“Unless a final report is filed on or prior to July 1, 2018, a fourteen year report shall be filed no earlier than January 1, 2018 and no later than July 1, 2018. Such fourteen year report shall contain a certification by an architect or engineer of the percentage of the building in which sprinklers have been installed as of the date of such report and an implementation plan, prepared by such architect or engineer detailing when and how the remaining portions of the building will be made fully compliant.”

All owners of office buildings shall refer to Part III of this bulletin to determine the requirement to complete and submit form Attachment A. Building owners seeking an extension shall follow the application process detailed in this bulletin.

III. **Applicability:** (See Figure 1)

- 1) **2014 / 2008 code buildings** – High-rise office buildings were required to be sprinklered.
Owners of such buildings are not required to report compliance on form [Attachment A](#).
- 2) **Pre-2008 code buildings** – High-rise office buildings constructed after the effective date of LL 16/84 were required to be sprinklered.
Owners of such buildings are not required to report compliance on form [Attachment A](#).
- 3) **Pre-1984 buildings elected to comply with LL 5/73** - High-rise office buildings 100 feet or more in height, erected prior to the effective date of LL 16/84 and in compliance with the sprinkler option per section 27-339(c)(5) (LL 5/73), and for which sprinkler work was signed-off on or before October 22, 2004, are exempt from the requirements of section 27-929.1, and filing requirements of section 27-228.5.
Owners of such buildings are required to report compliance on form [Attachment A](#).
- 4) **Pre-1984 buildings that did not elect to comply with LL 5/73**- High-rise office buildings 100 feet or more in height which did not comply with the sprinkler requirement of Local Law 5 of 1973, are subject to the requirements of sections 27-929.1 and 27-228.5. Owners of such buildings are required to comply with the reporting requirements per paragraph (1) of subdivision (b) of section 27-228.5 and eligible for an extension of time if the general requirements in Part III of this bulletin are met.
Owners of such buildings for which a final compliance report has not previously submitted to the Department are required to report compliance on form [Attachment A](#).

IV. **General Requirements:**

The provisions of section 27-228.5 apply only to existing buildings on October 22, 2004 in which a full system of automatic sprinklers was not previously installed or required to be installed pursuant to any other provision of law. A “full system of automatic sprinklers” shall mean a system of automatic sprinklers, lawfully installed and signed-off by the Department of Buildings in accordance with the then applicable code requirements. To be eligible for the extension, the applicant must:

- 1) Substantiate undue hardship; and
- 2) Have filed all interim reports as required in section 27-228.5(b)(1); and
- 3) Have approval of all required applications, plans, and permits for the required work.

Section 27-929.1 (2) includes exceptions for structural conditions, designation as an interior landmark by the New York City Landmarks Preservation Commission, and other conditions where the installation of sprinklers in a limited portion of the building is not practicable.

V. **14 Year Reporting and Extension Application Process**

Form *Attachment A: Local Law 26/04 Sprinkler Report & Application for Extension* shall be submitted on or before July 1, 2018.

- A. Owners of buildings required to comply with the sprinkler requirement per Local Law 26 of 2004 and seeking an extension shall submit the following:
 - a) Attachment A, completing sections 1-4, 5B, and 6-10 as both a 14 year report and extension request; to be signed and sealed by a registered design professional.
 - b) Cover letter containing the applicant information, address of building, brief description of hardship, list of attachments submitted.
 - c) Copies of submitted interim reports.
 - d) Drawings.
 - e) Photographs.
 - f) Other relevant supporting documents, e.g. Landmarks Preservation Commission letter, structural engineering analysis, copy of tenant leases.
- B. Owners of buildings complying with the sprinkler option per LL 5/73 shall submit the following:
 - a) Attachment A, completing sections 1-4, 5A, 6-7, and 10 as a final report; to be signed and sealed by a registered design professional.
 - b) Where a special determination has been made, supporting documentation per Attachment A.
- C. Owners of buildings required to comply with the sprinkler requirement per Local Law 26 of 2004 but who have not submitted interim reports shall be required to submit the following:
 - a) Attachment A, completing sections 1-4, 5B, 6-8, and 10 as a 14 year report; to be signed and sealed by a registered design professional.
 - b) Where a special determination has been made, supporting documentation per Attachment A.

Email completed application package to NYCDOBLL26@buildings.nyc.gov

VI. Extension Application Decision

The decision making process shall be per §27-228.5 (b) (2) as follows:

“The commissioner shall appoint a committee consisting of employees of the department and the fire department and a representative of the real estate industry to review such application. Such committee shall issue findings and recommendations relating to the application. After reviewing such findings and recommendations, if the commissioner finds that the owner has made a good faith effort to complete the required work and has substantiated his or her claim of undue hardship, the commissioner may grant an extension of time in which to complete the work and submit the final report.”

VII. Extension Details

When granted an extension, the Department shall require building owners to submit a final report of the work completion as specified in the extension approval.

Figure 1. Applicability of Requirements

