

## Balcony Enclosure Definition per New York City Building Code

Balcony, Exterior. An exterior floor projecting from and supported by a structure without additional independent supports.

Balcony and terraces were constructed as exterior, open weather elements, without services as part of the common areas for buildings.

In a FISP compliance report, balcony enclosures, greenhouses, and all related items are classified as appurtenances and require permits per terms of the building code, building bulletins, and memos. This includes “sunrooms” as defined in Section 201 of the NYC Energy Conservation Code (NYCECC).

A departmental memorandum on enclosed balconies dated June 17, 1976 allowed all screened enclosures to be installed without permit, as well as enclosures with solid panels to file only building notices. This was rescinded by Buildings Bulletin 2014-024 dated December 3, 2014.

According to rule 1 RCNY §101-14, which became effective on October 2, 2011, weather-resistant balcony enclosures (such as windows or solid walls) as well as open screen balcony enclosures more than 40 feet above grade require building permit. This rule is the current requirement. However, note that before October 2, 2011 the 1976 memorandum governed.

If a screened enclosure was installed before October 2, 2011, it did not require a permit. Evidence that the screen enclosure was installed before this date will be required. If evidence cannot be provided and it is more than 40 feet above grade, the screen enclosure will either need to be removed or permitted.

If a balcony enclosure (such as windows or solid walls) has a building notice or permit, it can remain if it is being used per the requirements of the Department memorandum dated June 17, 1976. If permits cannot be documented or the enclosure is not being used per the memorandum, the QEWI shall note as such in the compliance report and notify the building owner of DOB requirements for filing compliance. The enclosure must either be permitted as an Alteration Type 1 with the necessary change in building zone due to increased floor area or removed before the next filing cycle.

Regardless of permit documentation, all balcony enclosures shall be inspected for structural stability and per requirements of ownership. If structural stability can be confirmed by the QEWI, such statement has to be included in the FISP compliance filing. In case of undocumented enclosure, SWARMP status may be given to the building with a provision to have permit approved by DOB or removal of unpermitted structure.

As per rule 1 RCNY §104-03, if any balcony enclosure is found not to be positively secured, the condition is classified as unsafe and must be made safe.

Reminder, per Administrative Code Section 28-301 & 28-302 all owners must maintain their building and all parts thereof in safe and code complaint condition.

**EXAMPLE: SCREENED BALCONY ENCLOSURE**



**EXAMPLE: SOLID PANEL BALCONY ENCLOSURE**



## REFERENCES

### 1. NYS Multiple Dwelling Law [¶4,§30 ](1929)

- a. Discussed rooms opening onto a balcony
- b. At fireproof dwellings, a balcony or a setback may be enclosed (not more than one story in height) with incombustible materials

### 2. DOB Interdepartmental Memorandum [A-28] (11/20/1961)

- a. Permitted fire retardant fiberglass dividers on exterior balconies

### 3. 1968 NYC Building Code Chapter 44

- a. §44-01 exempted “greenhouses and temporary portable freestanding sheds” from filing for alteration permits provided their area not exceed 120SF and be less than 7’-6” in height; they be not located nearer 3 feet from any lot line; they not be fixed to the land; they not be used for storage of other than household items; the greenhouse shall not be used for other than cultivating plants; there shall not be more than one shed or greenhouse on a zoning lot
- b. §44-01 also exempted “Open screen balcony enclosures” from filing permits because they were considered a “minor alteration” as per NYCBC §27-124.

### 4. HDA/DOB Departmental Memorandum [1187-1188](6/17/1976){Rescinded by Buildings Bulletin 2014-024}

- a. Lightweight balcony enclosures not considered permanent parts of the building and not counted as floor area for zoning purposes.
- b. Required secure anchoring for live loads and wind loads
- c. No permit required for “open screening” enclosures
- d. Enclosures with solid panels require Building Notice application
- e. Balconies are not to be used as a room and furniture restricted to “light ‘lawn type’ variety.”

### 5. Local Law 10 of 1980 (2/21/1980)

- a. Added new §C26-105.3 so as to require “periodic inspection of exterior walls and exterior appurtenances of buildings.” Only the street front and 25 feet back from the street front required a
- b. §C26-105.3(a)(1) mandated that initial inspection at new buildings to be conducted in the fifth year “following the erection or installation of any exterior wall and/or enclosures.”

### 6. Rules and Procedures (7/7/1980)

- a. §G.3.b did not list balcony enclosures as an appurtenance but does list balconies.
- b. §G.3.c does indicate however “Brief history of any settlements, repairs, revisions to exterior enclosures, if available.”

### 7. Rule 32-03 (1/13/1999){Enforcement of new Local Law 11 of 1998}

- a. §32-03(b)((3)(ii, G) did not list balcony enclosures as an appurtenance

**8. TPPN 1/99 (1/15/1999) {Rescinded by Buildings Bulletin 2014-024}**

- a. Balcony enclosures not listed as an Exterior Restoration Item in chart of permit requirements

**9. Buildings Bulletin 2011-017 Technical (6/27/2011)**

- a. Clarified loading requirements for balcony railings, balusters and components.

**10. Local Law 49 of 2011 (8/17/2011)**

- a. Amended Building Code §504.3 so as to include greenhouses as rooftop structures.
- b. Retained 33-1/3% floor area requirement to include roofs with structures as a story.

**11. Rule §101-14 / Table 3/IX.6&7 (8/24/2011)**

- a. No permit required for open screen balcony enclosures less than 40 feet above grade.
- b. Permits are required for weather-resistant balcony enclosures, such as windows and solid walls

**12. Amended Rule §103-04(b)(3)(iii, G) (4/10/13)**

- a. Required inspection of balcony railings and components to assure they are secured against upward movement
- b. Any balcony enclosure not positively secured must be classified as Unsafe and made safe as per §103-04(b)(5).

**13. Buildings Bulletin 2014-024 Technical (12/3/2014)**

- a. Rescinded façade-related TPPNs 1/99, 5/99 & 7/99 and Memorandum on Enclosed Balconies (6/17/1976)