

TESTIMONY OF STEWART O'BRIEN BEFORE THE HOUSING
AND BUILDINGS COMMITTEE OF THE NEW YORK CITY
COUNCIL ON JANUARY 28, 2008 ON INTRO. 659

My name is Stewart O'Brien. For the past 10 years I have served as Executive Director of the Plumbing Foundation of the City of New York, Inc. which is a clearinghouse and educational forum for the plumbing industry. I am also Executive Vice President of the Association of Contracting Plumbers of the City of New York, Inc. which represents signatory contractors. Also, between 1984 and 1994, I served in various capacities at the Department of Buildings, as its Inspector General, Deputy Commissioner for Operations, Executive Deputy Commissioner and as Acting Commissioner. In my capacity as a former official I was drafted by the Department, along with other former DOB officials, to serve on the Administrative/Enforcement and Managing Committees overseeing the Code revision process.

Revising the New York City Building Code was, and is, a massive and highly complex undertaking. Commissioner Lancaster and her staff

should be commended for their hard work and quality of the new code. Notwithstanding all that hard work, following the passage of the “Completion Bill” DOB identified some errors and therefore drafted Intro. 659 as a “Technical Correction” bill. At DOB’s request the Foundation reviewed the bill and identified a few changes that need to be made. I understand from DOB that they have agreed and an “A” version of the bill has been drafted.

One example of the need to amend Intro. 659 is found in Section 107.1.2 of the Plumbing Code. Intro. 659 substituted a new provision in that section for the one enacted as part of Local Law 99 of 2005 making the “permit holder” (i.e. the licensed plumber) financially responsible for “any expense entailed in the removal or replacement of any material required to allow an inspection.” In the real world, the plumbing contractor does not have unilateral control whether walls are closed prior to inspections. Other contractors sometimes close up walls while the plumbing contractor is waiting for an inspection. Although the plumbing contractor cannot receive a sign off from the City unless the City inspector can properly inspect the work, the financial responsibility

for opening the walls is a matter worked out between the contractors.

Indeed, Local Law 99 recognized that. DOB now understands this and has agreed to revert to the previous language in the section.

In addition, there were other issues identified (e.g. omission of “ordinary plumbing” from the list of items in Section 107.3.1 not requiring an inspection, omission of “backflow devices” from list of items in Section 105.6 (1), omission of language in 28-419.1 that would allow the City to seize the tools of unlicensed contractors, etc.) that DOB agrees have to be added for clarity and consistency.

We are pleased that DOB, the plumbing industry and the City Council are working together to make these last few changes to a massive and complex Code revision process.

**Construction Codes
Clean-up Bill
Breakdown of Items**

Type of Change	Number	%
Typographical errors	74	22%
Omissions	64	19%
Clarification for ease of use	37	11%
Clarification for ease of use & Correct Cross Reference	4	1%
Correct Cross References	52	16%
Reconcile LL99 with LL33	27	8%
Subsequent legislation	9	3%
Conversion errors	15	4%
Changes term: "Importance Factor" to "Structural Occupancy" Category	17	5%
Required by Previous Legislation	11	3%
Re-number	4	1%
Other	20	6%
TOTAL	334	100%

**Construction Codes
Clean-up Bill**

	A	B	C	D	E	F
1	Code	Section	Change	Reason	CEQR effect	Explanations
2	Housing Maint. Code	27-2004(a)(4)	Modify	Other: Reconcile LL33 with HMC	No Impact	Changes Housing Maintenance Code definition of family to harmonize with LL 33.
3	Title 28	28- CH 05	Modify	Other	No Impact	Rename title of Chapter 5 as "Miscellaneous Provisions" to provide flexibility for council to add additional Articles in the future.
4	Title 28	28-101.05	Add	Clarification for ease of use	No Impact	Adds definition of main use/ dominant occupancy
5	Title 28	28-103.03	Add	Omission	No Impact	Adds formatting language for enforcement purposes.
6	Title 28	28-102.07	Add	Clarification for ease of use	No Impact	Clarifies that references throughout Title 28 to the Building Code are deemed to refer to the 1968 Building Code or the NYC Construction Codes, as appropriate.
7	Title 28	28-103.04	Modify	Correct Cross References	No Impact	Corrects cross-references (25-205 to 25-204)
8	Title 28	28-103.20	Add	Clarification for ease of use	No Impact	Clarifies that, to the extent existing rules are not re-promulgated, they shall continue.
9	Title 28	28-104.02.01.03.02.02	Modify	Omission	No Impact	Adds a permanent revocation section.
10	Title 28	28-104.02.01.03.02.03	Modify	Re-number	No Impact	Renumbering due to the modification of section 28-104.2.1.3.2.2
11	Title 28	28-104.02.01.04	Modify	Omission	No Impact	Adds internal requirements for the department regarding public information requests.
12	Title 28	28-104.06.01	Add	Subsequent legislation	No Impact	Adds standards regarding filing application by PE/RA pursuant to Chapter 542 of the Laws of 2007.
13	Title 28	28-104.07.10	Modify	Typographical error	No Impact	Clarifies that the license number, and not the registration, of the PE/RA goes on the plans.
14	Title 28	28-105.01.01	Add	Required by Previous Legislation	No Impact	LL 33 did not include provisions of FDNY notification of permit issuances per LL 24/07.
15	Title 28	28-105.12.07.01	Add	Subsequent legislation	No Impact	Adds a requirement that insurance must be provided for construction or demolition operations per Chapter 664 of the Laws of 2007.
16	Title 28	28-112.02 (Table)	Add	Omission	No Impact	Adds fee for post approval amendments per 1RCNY 14-04(e) and OPPN 4/99. Adds fee for scaffold permits.
17	Title 28	28-112.08 (Table)	Add	Omission	No Impact	Adds fee for after hours work permit per 1RCNY 14-03(c)(1).
18	Title 28	28-112.08 (Table)	Add	Omission	No Impact	Adds fee for letter of No Objection per 1RCNY 14-04(d).
19	Title 28	28-112.08 (Table)	Add	Required by Previous Legislation	No Impact	Adds \$35 fee for notification of scaffolds that was included in LL 17/2007 into fee schedules.

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1	Code	Section	Change	Reason	CEQR effect	Explanations
20	Title 28	28-112.08 (Table)	Add	Omission	No Impact	Adds fee for issuance of core certificate of completion per 1RCNY 14-04(a) and TPPN 12/88.
21	Title 28	28-112.08 (Table)	Add	Omission	No Impact	Adds fee for inspection of temporary amusement device per 1RCNY 14-04(c).
22	Title 28	28-112.08 (Table)	Modify	Clarification for ease of use	Minor Modification	Deletes term "additional copies" from tables.
23	Title 28	28-116.02.03	Add	Omission	No Impact	Adds notification requirement as per 27-195. See also same change to BC 1704.1.1.1.
24	Title 28	28-117.04 (117.4.1 - 117.4.4)	Add	Required by Previous Legislation	No Impact	Adds requirements of LL 35/06 regarding security personnel in cabarets.
25	Title 28	28-112.07.02	Add	Omission	No Impact	Corrects a citation.
26	Title 28	28-201-02.01 & 28-201.02.02 & 28-207.02.04	Add	Required by Previous Legislation	No Impact	Adds language for enhanced penalties for the misuse of scaffolds as per LL 16/17/18 of 2007.
27	Title 28	28-211.01.02	Add	Subsequent legislation	No Impact	Adds new penalties for false filings by PE/RA pursuant to Chapter 542 of the Laws of 2007.
28	Title 28	28-304.02	Modify	Typographical error	No Impact	Adds missing term "material hoist" to the list of conveying systems. Also replaces word "test" to "inspections" to conform to Appendix K.
29	Title 28	28-401.03	Modify	Omission	No Impact	Adds definition of general contractor
30	Building	28-401.04	Add	Omission	No Impact	Adds language to clarify that it is unlawful for unlicensed individuals to engage in authorized work.
31	Title 28	28-401.15 (Table)	Add	Omission	No Impact	Include fees for SSM + SSC certificates.
32	Title 28	28-401.15 (Table)	Modify	Other	No Impact	Changes term "contractor" to "installer" to reconcile the table with 28-411.
33	Title 28	28-401.19	Add	Subsequent legislation	No Impact	Add provisions from Intro 33-A of 2007 relating to licensing of general contractors.
34	Title 28	28-401.19.04 - 28-401.19.04.02	Add	Subsequent legislation	No Impact	Add provisions from Intro 33-A of 2007 relating to licensing of general contractors.
35	Title 28	28-418	Add	Subsequent legislation	No Impact	Add provisions from Intro 33-A of 2007 relating to licensing of general contractors.
36	Title 28	28-419	Add	Subsequent legislation	No Impact	Add provisions from Intro 33-A of 2007 relating to licensing of general contractors.

**Construction Codes
Clean-up Bill**

	A	B	C	D	E	F
1	Code	Section	Change	Reason	CEQR effect	Explanations
37	Plumbing	0101.02	Modify	Reconcile LL99 with LL33	No Impact	Removes reference to Residential Code and defers to existing building provisions provided in LL 33.
38	Plumbing	0102.01	Modify	Clarification for ease of use	No Impact	Makes clear that the plumbing code applies not only to structures but also to premises that are not structures, such as parking lot drainage, etc.
39	Plumbing	0102.05	Modify	Reconcile LL99 with LL33	No Impact	Provides cross-reference to Title 28.
40	Plumbing	0102.08	Modify	Reconcile LL99 with LL33	No Impact	Provides cross-reference to Title 28.
41	Plumbing	0103.01	Modify	Reconcile LL99 with LL33	No Impact	Provides cross-reference to Title 28.
42	Plumbing	0104.01	Modify	Reconcile LL99 with LL33	No Impact	Provides cross-reference to Title 28.
43	Plumbing	0104.02	Add	Omission	No Impact	Adds authorization to commissioner to order that non-functioning storm water system be repaired, or for drywells, etc., be installed, including an authorization to get BSA to seek revocation of a C of O, per RS 16 P 110.2(m).
44	Plumbing	0105.01 - 0105.04	Modify	Correct Cross References	No Impact	Provides cross-reference to Title 28 and harmonizes with FGC section 105..
45	Plumbing	0105.05	Add	Clarification for ease of use	No Impact	Provides cross reference to BC 105.9 to PC 105 for mandatory catch basin work.
46	Plumbing	0105.06 (Item 1)	Add	Omission	No Impact	Makes it a requirement of the building code that a permit from DEP be obtained for connections to the public water main and that installations up to the meter shall be subject to inspection and approval by DEP, per RS 16 P 107.1(a).
47	Plumbing	0105.06 (Item 2)	Add	Omission	No Impact	Makes it a requirement of the Building Code that a permit from DEP be obtained for work from the street line to the public sewer, except that DOB can issue a permit if all work is performed within the curb line per 27-909.
48	Plumbing	0105.06 (Item 3)	Add	Omission	No Impact	Makes it a requirement of the Building Code that a permit from DOT be obtained for street openings, per 27-909, RS 16 P101.2(b)(3), RS P107.1(b) and reconciling with 28-401.19 item 8.
49	Plumbing	0106.01	Modify	Reconcile LL99 with LL33	No Impact	Provides cross-reference to Title 28.
50	Plumbing	0106.02	Add	Omission	No Impact	For plumbing work, adds a requirement for applications for construction document approval to ensure that plans are drawn to conform to the architectural drawings to be consistent with FGC 106.2 and MC 106.2 as per 27-157(c)(1)

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1	Code	Section	Change	Reason	CEQR effect	Explanations
51	Plumbing	0106.03	Add	Reconcile LL99 with LL33	No Impact	Adds standard construction document submission requirements harmonizing with FGC section 106.
52	Plumbing	0106.04	Add	Reconcile LL99 with LL33	No Impact	Adds standard construction document submission requirements harmonizing with FGC section 106.
53	Plumbing	0106.05	Add	Clarification for ease of use	No Impact	Relocates BC 106.15 to PC 106.5.
54	Plumbing	0106.06	Modify	Omission	No Impact	For plumbing work, adds a requirement that where a public sewer is not available, plumbing plans to show alternate provisions for disposal of storm and sewer, per 27-157(c)(3) and (c)(4).
55	Plumbing	0106.06.01	Add	Clarification for ease of use	No Impact	Copies provisions from BC 106.11 to PC 106.6.1 and adds the omitted word "evaluation."
56	Plumbing	0106.07	Modify	Omission	No Impact	For new private sewers, adds a requirement that applications for construction document approval include a copy of DEP's sewer plans per 27-157(c)(4)
57	Plumbing	0106.08	Modify	Omission	No Impact	For new private sewage treatment plants, adds a requirement that applications for construction document approval include plans of the plant as approved by DEP and DOH per 27-157(c)(4) and 27-139.2.
58	Plumbing	0106.09	Modify	Reconcile LL99 with LL33	No Impact	Provides cross reference to BC 1704.20.1 for percolation test per 27-157 (c)(4).
59	Plumbing	0106.10	Add	Reconcile LL99 with LL33	No Impact	Adds standard construction document submission requirements harmonizing with FGC section 106.
60	Plumbing	0107.01	Modify	Reconcile LL99 with LL33	No Impact	Provides cross reference to Title 28 and harmonizes structure with FGC.
61	Plumbing	0107.01.01	Add	Reconcile LL99 with LL33	No Impact	Provides cross-reference to 28-114 and 28-115 for approved agencies (similar to FGC).
62	Plumbing	0107.01.02	Add	Omission	No Impact	Adds a requirement that when plumbing work is covered up prior to inspection and test, it must be uncovered upon direction of the commissioner per 27-921(c).
63	Plumbing	0107.02	Modify	Clarification for ease of use	No Impact	Clarifies that this section applies only to engineered systems and not all special inspections.
64	Plumbing	0107.03.01	Modify	Omission	No Impact	Adds the exception to required testing so that minor alterations and ordinary repairs do not need new pressure tests, and an exception to required testing so that ordinary plumbing work shall be governed by the certification of code compliance requirements of 28-105.4.4.
65	Plumbing	0107.04	Modify	Reconcile LL99 with LL33	No Impact	Provides cross-reference to Title 28.

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1	Code	Section	Change	Reason	CEQR effect	Explanations
66	Plumbing	0108	Modify	Reconcile LL99 with LL33	No Impact	Provides cross-reference to Title 28.
67	Plumbing	0202	Modify	Other	No Impact	Corrects definition of flush tank by replacing "fill valve"
68	Plumbing	0202	Modify	Typographical error	No Impact	Adds missing space in title.
69	Plumbing	0202	Modify	Reconcile LL99 with LL33	No Impact	Reconciles the following definitions: approved, approved agency, base flood elevation, bed pan washer hose, building, commissioner, construction document, design flood elevation, flood hazard area, flush tank, occupancy, plumbing, registered design professional, structure.
70	Plumbing	0301.03	Modify	Correct Cross References	No Impact	Corrects reference to Appendix C/Wastewater Recycling
71	Plumbing	0301.04	Modify	Omission	No Impact	Adds requirement that every building intended for human habitation be provided with potable water per 27-901(a).
72	Plumbing	0303.02	Modify	Reconcile LL99 with LL33	No Impact	Reconciles use of term "accepted" and "approved"
73	Plumbing	0308.05	Modify	Reconcile LL99 with LL33	No Impact	Corrects cross reference from 28-105 to 28-113.2.2.
74	Plumbing	0308.05 (Table)	Modify	Typographical error	No Impact	Adds a missing footnote reference.
75	Plumbing	0309.01	Modify	Reconcile LL99 with LL33	No Impact	Provides cross-reference to BC Appendix G.
76	Plumbing	0309.02	Modify	Reconcile LL99 with LL33	No Impact	Provides cross-reference to BC Appendix G.
77	Plumbing	0312.01.02	Add	Omission	No Impact	Adds a requirement that DOB be present at tests, except that DOB may authorize architects, engineers, plumbers, or utility companies, when acceptable to the commissioner, to witness the tests. Standards for acceptable persons include having 5 years experience inspecting gas piping or have a plumbing license. When DOB is not present, statements and test reports must be filed with DOB within one working day of the test. This is as per 27-921(b) and mirrors LL 33 from FGC 406.4.5.
78	Plumbing	0312.05.01	Add	Omission	No Impact	Adds a requirement for a test of the water service pipe from the street main, adds standards, requires the test to be performed in presence of DEP, requires piping to remain uncovered until test is passed, and provides for an internal hydrostatic test when questions arise as to installation, subject to DEP approval. All as per RS 16 P107.2(b)(11).

**Construction Codes
Clean-up Bill**

	A	B	C	D	E	F
1	Code	Section	Change	Reason	CEQR effect	Explanations
79	Plumbing	0403.01 (Table)	Modify	Correct Cross References	No Impact	Corrects missing footnote "a"
80	Plumbing	0403.01 (Table)	Modify	Reconcile LL99 with LL33	No Impact	Harmonizes minimum number of required plumbing fixtures for B occupancies to the same as enacted in LL33; Harmonizes occupancy group classifications to the same as enacted in LL33.
81	Plumbing	0403.01.01	Add	Reconcile LL99 with LL33	No Impact	Relocates BC section 2902.1.1 to PC section 403.1.1.
82	Plumbing	0417.01	Modify	Correct Cross References	No Impact	Corrects internal cross-reference to the wrong section.
83	Plumbing	0425.04	Modify	Correct Cross References	No Impact	Corrects a numbering error in the section number.
84	Plumbing	0425.04	Delete	Typographical error	No Impact	Reserves a section that does not say anything.
85	Plumbing	0504.06.02	Modify	Correct Cross References	No Impact	Corrects internal cross-reference to the wrong section.
86	Plumbing	0601.05	Modify	Omission	No Impact	Clarifies that connection to the public water main shall be made when such main is available, and establishes how to determine whether such supply is available, per 27-901(e)(1) a & b; 27-901(e)(2).
87	Plumbing	0601.05.01 0601.05.02	Add	Omission	No Impact	Adds a provision that water mains shall comply with DEP requirements as per 27-901(e)(1)(c)
88	Plumbing	0601.06	Add	Omission	No Impact	Adds requirement the abandonment of connections to the street mains to be performed by prescribed methods and the costs be chargeable to the owner, per RS 16 P 107.2(c)(3).
89	Plumbing	0602.03	Modify	Omission	No Impact	Adds requirement that water that is obtained from a well requires approval of DOH and DEP, per 27-901(f) and 27-907.
90	Plumbing	0603.03	Add	Omission	No Impact	Adds requirement piping from the street main to be in a straight line and at right-angles to the main, unless approved by DEP, per RS 16 P 107.2(b)(7).
91	Plumbing	0603.04	Add	Omission	No Impact	Adds standards for meter locations (i.e. within 3 feet of building wall if in building, in a frost-protected box if outside, etc.) as per RS 16 P 107.3(b).
92	Plumbing	0605.05	Add	Omission	No Impact	Adds a requirement that wet connections to street water mains shall be made by DEP and that separate taps shall be provided for each building as per RS 16 P107.2(a)(1) and (2).

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1	Code	Section	Change	Reason	CEQR effect	Explanations
93	Plumbing	0603.05.01	Add	Omission	No Impact	Adds a requirement that a separate tap and service be installed for each building, and prohibiting one consumer from providing water to another premises (with exception for single ownership), per RS 16 P107.2(a)(1).
94	Plumbing	0603.05.02	Add	Omission	No Impact	Adds a requirement that connections to the street main be performed by DEP, and that the cost be borne by the owner, per RS 16 P107.2(a)(2).
95	Plumbing	0608.13.03	Modify	Correct Cross References	No Impact	Corrects citation to wrong referenced standard.
96	Plumbing	0701.02	Modify	Clarification for ease of use	No Impact	Clarifies that connection to the public sewer shall be made when such main is available, and establishes how to determine whether such supply is available, and whether such connection to an available sewer is feasible, per 27-901(e)(1) a & b; 27-901 (e)(2)
97	Plumbing	0701.02.01 - 0701.02.04	Add	Omission	No Impact	Adds requirements for determining availability of public sewers and standards for the feasibility of connecting thereto as per 27-901(e)(1)
98	Plumbing	0701.02.05	Add	Omission	No Impact	Adds a requirement that building owner to connect to the new public sewer within 6 months of when a public sewer is made available to a building and requires owner to abandon the private disposal system per 27-910.
99	Plumbing	0701.02.06	Add	Omission	No Impact	Adds a requirement that abandoned building sewers be securely sealed as close to the curb line as practical, per RS 16 P 108.3.
100	Plumbing	0701.04	Modify	Omission	No Impact	Adds requirement that any sewage disposed of into ground surface or subsurface water receive approval from DOH and DEP per 27-901(v).
101	Plumbing	0701.08	Modify	Reconcile LL99 with LL33	No Impact	Corrects cross reference from 28-105 to 28-113.2.2.
102	Plumbing	0702.04 (Table)	Add	Typographical error	No Impact	Corrects typo to read "Stainless Steel Drainage Systems"
103	Plumbing	0904.05 (0904.05.01 and 0904.05.02)	Add	Omission	No Impact	Adds requirement that builder of new, taller building to locate its window 10 feet away from existing vent terminals of an existing adjacent building. Also includes provisions for extending or offsetting the existing stacks on the adjacent existing building. All as per 27-917.
104	Plumbing	0916.05.01 (Table)	Modify	Typographical error	No Impact	Corrects typo from 2270 gallons to 270 gallons
105	Plumbing	0918.01	Modify	Reconcile LL99 with LL33	No Impact	Corrects cross reference from 28-105 to 28-113.2.2.

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1	Code	Section	Change	Reason	CEQR effect	Explanations
106	Plumbing	1101.02.01	Modify	Clarification for ease of use	No Impact	Clarifies that the requirement to dispose of all storm water from new buildings shall also include enlargements per 29-901(k) & RS 16 P 110.2.
107	Plumbing	1101.05	Modify	Typographical error	No Impact	Corrects the title of section so that now the title has something to do with the text.
108	Plumbing	1101.11	Add	Omission	No Impact	Adds a prohibition to the grading of land in a manner that causes runoff onto adjoining properties or sidewalks, per 27-901 (k) and 19-137.
109	Plumbing	1110.01	Modify	Reconcile LL99 with LL33	No Impact	Corrects cross reference from 28-105 to 28-113.2.2.
110	Plumbing	1202.01	Add	Omission	No Impact	Adds reference to NFPA 99 for coordination with NYC Fire Prevention Code.
111	Plumbing	1204	Add	Correct Cross References	No Impact	Add a new section that references to fire code any provisions for cryogenic systems.
112	Plumbing	1204.01	Modify	Correct Cross References	No Impact	Add a new section that references to fire code any provisions for cryogenic systems.
113	Plumbing	13 (ASSE)	Modify	Typographical error	No Impact	Corrects typos in the titles and years of various ASSE referenced standards.
114	Plumbing	13 (ASTM)	Modify	Typographical error	No Impact	Corrects typos in the year of one of the ASTM referenced standards and in some sectional cross references.
115	Plumbing	13 (NSF)	Modify	Typographical error	No Impact	Corrects typo in the year of one of the NSF referenced standards and in some sectional cross references.
116	Plumbing	13 (CSA)	Modify	Correct Cross References	No Impact	Corrects cross references for two CSA standards.
117	Plumbing	13 (NFPA)	Modify	Correct Cross References	No Impact	Adds NFPA 99 to correlate with section PC 1201.1.
118	Plumbing	C (Appendix)	Modify	Reconcile LL99 with LL33	No Impact	Corrects reference from Appendix C to Plumbing Code Section 301.03
119	Building	0302.04	Delete	Clarification for ease of use	No Impact	Relocated to 508 for clarity and ease of use.
120	Building	0302.05	Delete	Clarification for ease of use	No Impact	Relocated to 509 for clarity and ease of use.
121	Building	0306.04	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
122	Building	0307.07 (1) Table	Modify	Typographical error	No Impact	Corrects typo "IIA" to IIIA"
123	Building	0406.02.01	Modify	Correct Cross References	No Impact	Reflects renumbering of Section 0508 and 0509.
124	Building	0406.02.03 .06	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
125	Building	0406.03.04	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
126	Building	0406.03.05	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.

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1	Code	Section	Change	Reason	CEQR effect	Explanations
127	Building	0406.06.02	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
128	Building	0407.02.01	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
129	Building	0407.02.03	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
130	Building	0407.02.04	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
131	Building	0407.03.01	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
132	Building	0410.03.01	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
133	Building	0414.02.04 (Table)	Modify	Typographical error	No Impact	Adds the missing word "area"
134	Building	0415.07.02 .01	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
135	Building	0419.05	Modify	Typographical error	No Impact	Subject-verb agreement
136	Building	0500 (CH 5)	Modify	Clarification for ease of use	No Impact	Modifies title of Chap. 5 to reflect relocation of occupancy separations to Chap. 5.
137	Building	0501.01	Modify	Clarification for ease of use	No Impact	Modifies scoping section for Chap. 5 to include relocated occupancy separations.
138	Building	0501.03.02 .02	Modify	Typographical error	No Impact	Sentence changed because it did not make sense.
139	Building	0503 (Table)	Add	Correct Cross References	No Impact	Cross references added to the Table for ease of use.
140	Building	0503 (Table)	Modify	Typographical error	No Impact	Table 503 height-limit for F-2 was incorrectly typed as UL; other typos included area limits for various occupancies.
141	Building	0503 (Table)	Modify	Typographical error	No Impact	Corrects missing footnote in Table 503 regarding unlimited height of class 1B sprinklered buildings.
142	Building	0506.01	Modify	Clarification for ease of use	No Impact	Formula was clarified using 2006 IBC Edition.
143	Building	0506.02	Modify	Clarification for ease of use	No Impact	Formula was clarified using 2006 IBC Edition.
144	Building	0506.02.01	Modify	Clarification for ease of use	No Impact	Text was clarified using text from 2006 IBC Edition
145	Building	0506.03	Modify	Clarification for ease of use	No Impact	Text was clarified using text from 2006 IBC Edition
146	Building	0506.04	Modify	Clarification for ease of use	No Impact	Text was clarified using text from 2006 IBC Edition
147	Building	0506.04.01	Modify	Clarification for ease of use	No Impact	Text was clarified using text from 2006 IBC Edition
148	Building	0507.02	Modify	Clarification for ease of use	No Impact	The buildings mentioned in this section that are of Type I construction are already addressed in Table 503. Therefore, Type I is deleted.

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Clean-up Bill**

	A	B	C	D	E	F
1	Code	Section	Change	Reason	CEQR effect	Explanations
149	Building	0507.06	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
150	Building	0507.08	Modify	Clarification for ease of use	No Impact	Removes redundancy in 2nd sentence.
151	Building	0507.10	Add	Clarification for ease of use and correct cross-reference	No Impact	Added cross-reference for clarity.
152	Building	0507.11	Add	Clarification for ease of use and correct cross-reference	No Impact	Added cross-reference for clarity.
153	Building	0507.12	Add	Clarification for ease of use and correct cross-reference	No Impact	Added cross-reference for clarity.
154	Building	0507.13	Add	Typographical error	No Impact	Added missing hyphen between "R" and "1".
155	Building	0507.14	Add	Clarification for ease of use and correct cross-reference	No Impact	Added cross-reference for clarity.
156	Building	0508	Add	Clarification for ease of use	No Impact	Text relocated from 302.1.1, 302.2, 302.3, and 302.4.
157	Building	0508	Modify	Re-number	No Impact	Re-number 508 to 509.
158	Building	0508.02 (Table)	Modify	Omission	No Impact	Makes a cross reference to an existing provision of the Multiple Dwelling Law.
159	Building	0508.07.01	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
160	Building	0509.04	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
161	Building	0509.09	Modify	Clarification for ease of use	No Impact	Text relocated from 302.5
162	Building	0601 (Table)	Add	Correct Cross References	No Impact	Added cross reference to Appendix D for clarity.
163	Building	0705.06	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
164	Building	0706.03.05	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
165	Building	0706.03.06	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
166	Building	0706.04	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
167	Building	0706.8.1	Modify	Correct Cross References	No Impact	Corrects improper internal cross reference.
168	Building	0707.02	Modify	Correct Cross References	No Impact	Corrects cross-reference from 907.11 to 907.10
169	Building	0707.13.04	Modify	Typographical error	No Impact	Corrects hour rating of doors from 3 hours to 1 1/2 hours

**Construction Codes
Clean-up Bill**

	A	B	C	D	E	F
1	Code	Section	Change	Reason	CEQR effect	Explanations
170	Building	0707.13.05	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
171	Building	0711.3	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
172	Building	0715.03.07 .03	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
173	Building	0715.04	Modify	Correct Cross References	No Impact	Corrects cross-reference from 717.4.7 to 715.4.8
174	Building	0716.05.03	Modify	Correct Cross References	No Impact	Corrects cross-reference from 1020.5 to 1019.1.2
175	Building	0719.03	Modify	Typographical error	No Impact	Corrects "that" to "than"
176	Building	0720.01(2) (Table)	Modify	Typographical error	No Impact	Corrects improper methods of construction of fire rated assemblies.
177	Building	0720.01(3) (Table)	Modify	Typographical error	No Impact	Replaces table of fire-rated assemblies to correct typographical errors.
178	Building	0721.02.03 (2) (Table)	Modify	Typographical error	No Impact	Replaces "reinforced" with "prestressed"
179	Building	0721.03.05	Add	Omission	No Impact	Section was inadvertently left out of LL33.
180	Building	0803.07	Modify	Correct Cross References	No Impact	Corrects cross-reference from 803.5 to 803.6
181	Building	0803.07	Modify	Correct Cross References	No Impact	Corrects cross-reference from Exception 803.5 to 803.6
182	Building	0903.02.01 .05	Modify	Clarification for ease of use	No Impact	Coordinates with changes to Chapters 3 and 5.
183	Building	0904.11.04	Delete	Typographical error	No Impact	Reconciles internal textual inconsistencies that occurred in drafting.
184	Building	0904.11.04 .01	Delete	Typographical error	No Impact	Reconciles internal textual inconsistencies that occurred in drafting.
185	Building	0905.03.01	Modify	Typographical error	No Impact	Corrects indentation of exception which would have changed the meaning of the text.
186	Building	0907.02.01	Modify	Omission	No Impact	Modifies exception to address A-2 occupancies in regards to cabarets, etc.
187	Building	0907.02.13	Modify	Correct Cross References	No Impact	Corrects cross-reference from 907.7 to 907.6
188	Building	0909.05.01	Modify	Typographical error	No Impact	Corrects typo "monitored" to "multiplied"
189	Building	1014.03	Modify	Other	No Impact	Reconciles LL33 with NYS Labor Law Rule 4-6.8(b) by changing trigger for 2 exits for boiler rooms from 500 to 300 sq. ft.
190	Building	1021.03	Modify	Correct Cross References	No Impact	Corrects cross-reference from 907.11 to 907.10
191	Building	1107.02.02	Modify	Clarification for ease of use	No Impact	Clarifies turning circle requirement for accessible bathrooms
192	Building	1203.04.01 .02	Modify	Typographical error	No Impact	Removes an extraneous comma.

**Construction Codes
Clean-up Bill**

	A	B	C	D	E	F
1	Code	Section	Change	Reason	CEQR effect	Explanations
193	Building	1207.02	Modify	Typographical error	No Impact	Corrects subject-verb agreement so that provision makes sense.
194	Building	1213.02	Modify	Omission	No Impact	Adds a requirement that trash compactor rooms in multiple dwellings have cleanable floors and be provided with a hose outlet and floor drain, as per 1 RCNY 24-01(e) and (f).
195	Building	1402	Modify	Typographical error	No Impact	Adds missing comma (important comma)
196	Building	1405.18.03 .05	Modify	Clarification for ease of use	No Impact	Separates one sentence into two and removes extraneous words to make clear the testing requirements for EIFS.
197	Building	1507.02 (Table)	Modify	Conversion error	No Impact	Corrects conversion from gage into inches.
198	Building	1507.16.03	Modify	Typographical error	No Impact	Corrects typo from "controlled inspection" to "special inspection"
199	Building	1603.01.04	Modify	Changes term: Importance Factor to Structural Occupancy Category	No Impact	Changes the term "Importance Factor Category," etc. to "Structural Occupancy Category" throughout the code to be consistent with national standards.
200	Building	1604.05	Modify	Changes term: Importance Factor to Structural Occupancy Category	No Impact	Changes the term "Importance Factor Category," etc. to "Structural Occupancy Category" throughout the code to be consistent with national standards.
201	Building	1604.05 (Table)	Modify	Changes term: Importance Factor to Structural Occupancy Category	No Impact	Changes the term "Importance Factor Category," etc. to "Structural Occupancy Category" throughout the code to be consistent with national standards.
202	Building	1604.05.01	Modify	Clarification for ease of use	No Impact	Relocated from Section BC 1626.3 for ease of use.
203	Building	1605.06	Modify	Changes term: Importance Factor to Structural Occupancy Category	No Impact	Changes the term "Importance Factor Category," etc. to "Structural Occupancy Category" throughout the code to be consistent with national standards.
204	Building	1608.03.03	Modify	Changes term: Importance Factor to Structural Occupancy Category	No Impact	Changes the term "Importance Factor Category," etc. to "Structural Occupancy Category" throughout the code to be consistent with national standards.
205	Building	1609.06.02 .02	Modify	Typographical error	No Impact	Adds legend to figure that was omitted.
206	Building	1617.06.02 (Table)	Modify	Clarification for ease of use	No Impact	Adds clarity to table.
207	Building	1620.03.01	Modify	Typographical error	No Impact	Corrects "all" to "wall"
208	Building	1625.01	Modify	Changes term: Importance Factor to Structural Occupancy Category	No Impact	Changes the term "Importance Factor Category," etc. to "Structural Occupancy Category" throughout the code to be consistent with national standards.

**Construction Codes
Clean-up Bill**

	A	B	C	D	E	F
1	Code	Section	Change	Reason	CEQR effect	Explanations
209	Building	1626.01	Modify	Changes term: Importance Factor to Structural Occupancy Category	No Impact	Changes the term "Importance Factor Category," etc. to "Structural Occupancy Category" throughout the code to be consistent with national standards.
210	Building	1626.03	Modify	Changes term: Importance Factor to Structural Occupancy Category	No Impact	Changes the term "Importance Factor Category," etc. to "Structural Occupancy Category" throughout the code to be consistent with national standards.
211	Building	1627.02	Modify	Changes term: Importance Factor to Structural Occupancy Category	No Impact	Changes the term "Importance Factor Category," etc. to "Structural Occupancy Category" throughout the code to be consistent with national standards.
212	Building	1627.07.02	Modify	Correct Cross References	No Impact	Corrects internal cross reference (Section 1630.06.01 does not exist).
213	Building	1702.01	Modify	Other	No Impact	Harmonizes definition of "approved fabricator" in Section 1702.01 with the definition in Title 28.
214	Building	1704.01.01.01	Modify	Omission	No Impact	Adds notification requirement as per 27-195. See also same change to 28-116.2.3
215	Building	1704.01.01.02	Modify	Re-number	No Impact	Renumbers 1704.1.1.1 as 1704.1.1.2
216	Building	1704.03.04	Add	Omission	No Impact	Adds provisions for special inspections for structural cold-formed rolled steel, as per current code/ TPPN 2/00.
217	Building	1704.04 (Table)	Modify	Typographical error	No Impact	Removes footnote reference to a note that does not exist.
218	Building	1704.05	Modify	Changes term: Importance Factor to Structural Occupancy Category	No Impact	Changes the term "Importance Factor Category," etc. to "Structural Occupancy Category" throughout the code to be consistent with national standards.
219	Building	1704.06.03	Add	Omission	No Impact	Adds provisions for special inspections for metal plate-connected wood trusses per current code/ TPPN 2/00.
220	Building	1704.06.04	Add	Omission	No Impact	Adds provisions for special inspections for structural wood I-joists as per current code/ TPPN 2/00.
221	Building	1704.09.01	Modify	Correct Cross References	No Impact	Corrects cross-references to Sections 1704.19 and 1814.
222	Building	1704.15.02	Modify	Correct Cross References	No Impact	Corrects cross-references from section 109.3.8.2.1 to 28-116.4.1
223	Building	1704.16	Modify	Correct Cross References	No Impact	Corrects cross-references to section 109.3.8.2.3 to 28-116.4.1
224	Building	1711.01	Modify	Correct Cross References	No Impact	Corrects "Building Code Section 113" to "Article 113 of Chapter 1 of Title 28"
225	Building	1803.03	Modify	Correct Cross References	No Impact	Provides cross reference to PC 1101.11 for site grading regarding storm water runoff.

**Construction Codes
Clean-up Bill**

	A	B	C	D	E	F
1	Code	Section	Change	Reason	CEQR effect	Explanations
226	Building	1805.02.01	Modify	Changes term: Importance Factor to Structural Occupancy Category	No Impact	Changes the term "Importance Factor Category," etc. to "Structural Occupancy Category" throughout the code to be consistent with national standards.
227	Building	1805.04.02.01	Modify	Typographical error	No Impact	Corrects subscript
228	Building	1810.03.01	Modify	Typographical error	No Impact	Corrects subscript
229	Building	1813.01	Modify	Changes term: Importance Factor to Structural Occupancy Category	No Impact	Changes the term "Importance Factor Category," etc. to "Structural Occupancy Category" throughout the code to be consistent with national standards.
230	Building	1813.03	Modify	Changes term: Importance Factor to Structural Occupancy Category	No Impact	Changes the term "Importance Factor Category," etc. to "Structural Occupancy Category" throughout the code to be consistent with national standards.
231	Building	1907.05.02.01 (Table)	Modify	Typographical error	No Impact	Corrects typo "less than" to "less than or equal to"
232	Building	2106.05.01	Modify	Typographical error	No Impact	Inserts a missing word "seismic"
233	Building	2110.01.01	Modify	Typographical error	No Impact	Changes "barriers" to "fire barriers"
234	Building	2206.03	Modify	Other	No Impact	Reconciles internal textual inconsistencies that occurred between sections 403.18 and 2206.03.
235	Building	2209.01.04	Add	Omission	No Impact	Adds reference to provisions for special inspections for structural cold-formed rolled steel, as per current code/ TPPN 2/00.
236	Building	2211.03 (Table)	Modify	Typographical error	No Impact	Corrects footnote reference
237	Building	2213.01	Modify	Typographical error	No Impact	Replaces "occupancy category" with "occupancy group"
238	Building	2213.03	Modify	Typographical error	No Impact	Removes an extraneous "a"
239	Building	2303.01.02	Add	Omission	No Impact	Adds reference to provisions for special inspections for structural wood I-joists as per current code/ TPPN 2/00.
240	Building	2303.04	Add	Omission	No Impact	Adds reference to provisions for special inspections for structural metal plate-connected wood trusses as per current code/ TPPN 2/00.
241	Building	2305.03.03 (Table)	Modify	Typographical error	No Impact	Changes "allowable" to "factored"
242	Building	2306.03.02 (Table)	Modify	Typographical error	No Impact	Corrects formula
243	Building	2306.04.05 (Table)	Modify	Typographical error	No Impact	Removes reference to seismic design category A, to reconcile with Section 1617.6.

**Construction Codes
Clean-up Bill**

	A	B	C	D	E	F
1	Code	Section	Change	Reason	CEQR effect	Explanations
244	Building	2308.12.04 (Table)	Modify	Typographical error	No Impact	Changes "less than or equal" to "less than"
245	Building	2308.12.06 (1)	Modify	Typographical error	No Impact	Replaces figure to correlate with corresponding text.
246	Building	2406.02	Modify	Correct Cross References	No Impact	Corrects cross-reference from 2406.1.2 to 2406.2.1
247	Building	2901.01	Modify	Reconcile LL99 with LL33	No Impact	Clarifies that substantive plumbing provisions are in the Plumbing Code and not Building Code.
248	Building	2902.01	Delete	Reconcile LL99 with LL33	No Impact	Plumbing fixture requirements deleted from Building Code and placed in Plumbing Code.
249	Building	3001.09	Modify	Typographical error	No Impact	Remove initials "PA" that were mistakenly left in the text.
250	Building	3001.10	Modify	Typographical error	No Impact	Changes "rupe" to "buffer"
251	Building	3301.09.04	Modify	Other	No Impact	Removes the requirement that DOB promulgate a rule to determine a correct telephone number for contractors' contact.
252	Building	3303.11.01	Modify	Other	No Impact	Reconciles inconsistency between sections 3303.11.1 and 3306.9.9. regarding temporary stairways.
253	Building	3303.11.01 .01	Modify	Other	No Impact	Reconciles inconsistency between sections 3303.11.1 and 3306.9.9. regarding temporary stairways.
254	Building	3303.12	Modify	Typographical error	No Impact	Corrects 13,716 mm to 22,860 mm.
255	Building	3306.05	Modify	Other	No Impact	Provides accurate terminology of "signed and sealed" for submittal documents that require departmental approval.
256	Building	3310.05	Modify	Other	No Impact	Clarify requirements for site safety manager and site safety coordinator
257	Building	3314.01.01	Add	Required by Previous Legislation	No Impact	Adds a requirement that was included in LL 17/2007 that was mistakenly left out of LL33: the requirement to notify the department prior to using scaffolds.
258	Building	3314.01.02	Modify	Re-number	No Impact	Re-numbers 3314.1.1 as 3314.1.2.
259	Building	3314.02	Modify	Correct Cross References	No Impact	Corrects cross reference to Section 3314.1.1
260	Building	3314.04.05	Modify	Omission	No Impact	Adds a refresher program or course requirement.
261	Building	3314.04.06	Modify	Omission	No Impact	Adds a refresher program or course requirement.
262	Building	D102.02.0 4	Modify	Clarification for ease of use	No Impact	This section is modified to clarify the intended requirements.
263	Building	G201.02	Modify	Changes term: Importance Factor to Structural Occupancy Category	No Impact	Changes the term "Importance Factor Category," etc. to "Structural Occupancy Category" throughout the code to be consistent with national standards.

**Construction Codes
Clean-up Bill**

	A	B	C	D	E	F
1	Code	Section	Change	Reason	CEQR effect	Explanations
264	Building	G402	Modify	Other	No Impact	Update reference to new flood maps issued by FEMA 09/05/07
265	Building	G501	Modify	Changes term: Importance Factor to Structural Occupancy Category	No Impact	Changes the term "Importance Factor Category," etc. to "Structural Occupancy Category" throughout the code to be consistent with national standards.
266	Building	K101.01	Modify	Typographical error	No Impact	Corrects various typos in table 8.11.3 of ASME A17 that specifies periodic test requirements for conveying systems.
267	Mechanical	0106.04	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
268	Mechanical	0106.04	Modify	Changes term: Importance Factor to Structural Occupancy Category	No Impact	Changes the term "Importance Factor Category," etc. to "Structural Occupancy Category" throughout the code to be consistent with national standards.
269	Mechanical	0202	Modify	Typographical error	No Impact	Corrects unit of measure for definition of "steam-heating boiler"
270	Mechanical	0403.03 (Table)	Modify	Typographical error	No Impact	Replaces missing footnotes "b" and "g" for correctional facility ventilation and corrects designation of gas stations.
271	Mechanical	0502.07.03.02	Modify	Typographical error	No Impact	Corrects the term "flammable"
272	Mechanical	0509.01	Modify	Other	No Impact	Corrects improper term "food heat-processing" with proper term "cooking"
273	Mechanical	0510.08.02 (Table)	Modify	Typographical error	No Impact	Corrects formula in notes to table.
274	Mechanical	0513.05.01	Modify	Clarification for ease of use	No Impact	Clarifies what is included in calculating the allowable leakage air ratio.
275	Mechanical	0609.01	Modify	Other	No Impact	Changes the term "Churches" with "Houses of worship"
276	Mechanical	0801.01.01.01	Modify	Typographical error	No Impact	Corrects numbering of paragraphs
277	Mechanical	0804.01	Modify	Other	No Impact	Reconciles inconsistent provisions of MC 804.1, MC 804.3.4 and FGC 503.8 (Item1, exception) regarding requirement for commissioner's approval for direct vent termination locations.
278	Mechanical	0804.03.04	Modify	Other	No Impact	Reconciles inconsistent provisions of MC 804.1, MC 804.3.4 and FGC 503.8 (Item1, exception) regarding requirement for commissioner's approval for direct vent termination locations.
279	Mechanical	1011.01	Modify	Typographical error	No Impact	Adds a missing "H-2" and "P-2" to the list of acceptable manufacturer's data reports that may be filed for field-assembled boilers.
280	Mechanical	1210.02.02	Modify	Typographical error	No Impact	Corrects typo from "controlled inspection" to "special inspection"
281	Fuel Gas	0102.02.01	Modify	Typographical error	No Impact	Corrects capitalization error

**Construction Codes
Clean-up Bill**

	A	B	C	D	E	F
1	Code	Section	Change	Reason	CEQR effect	Explanations
282	Fuel Gas	0105.05	Add	Omission	No Impact	Makes it a requirement of the Building Code that a permit from DOT be obtained for street openings, per 27-909, RS 16 P101.2(b)(3), RS P107.1(b) and reconciling with 28-401.19 item 8.
283	Fuel Gas	0106.04	Modify	Changes term: Importance Factor to Structural Occupancy Category	No Impact	Changes the term "Importance Factor Category," etc. to "Structural Occupancy Category" throughout the code to be consistent with national standards.
284	Fuel Gas	0106.04	Modify	Correct Cross References	No Impact	Separated occupancies are now in BC Chap. 5 instead of Chap. 3.
285	Fuel Gas	0106.06	Modify	Conversion error	No Impact	Metric Conversion
286	Fuel Gas	0106.07	Modify	Conversion error	No Impact	Metric Conversion
287	Fuel Gas	0107.01.03	Add	Omission	No Impact	When plumbing work is covered up prior to inspection and test, it must be uncovered upon direction of the commissioner per 27-921(c) and 28-116.1
288	Fuel Gas	0202- Definition of BTU	Modify	Conversion error	No Impact	Metric Conversion
289	Fuel Gas	0202- Definition of Demand	Modify	Conversion error	No Impact	Metric Conversion
290	Fuel Gas	0304.10	Modify	Clarification for ease of use	No Impact	Clarifies text by inserting the word "screens"
291	Fuel Gas	0402.02 (Table)	Modify	Typographical error	No Impact	Corrects improper values in Table
292	Fuel Gas	0403.01.01	Modify	Conversion error	No Impact	Metric Conversion
293	Fuel Gas	0403.01.01	Modify	Typographical error	No Impact	Corrects typo from "controlled inspection" to "special inspection"
294	Fuel Gas	0406.04.01	Modify	Typographical error	No Impact	Corrects improper unit of measurement
295	Fuel Gas	0406.04.03	Modify	Conversion error	No Impact	Metric Conversion
296	Fuel Gas	0406.04.04	Modify	Conversion error	No Impact	Metric Conversion
297	Fuel Gas	0406.04.05	Modify	Omission	No Impact	Adds requirement that when tests are performed not in the presence of DOB, that the test reports be filed with DOB within one working day of the test, per 27-921(b).
298	Fuel Gas	0410.03	Modify	Conversion error	No Impact	Metric Conversion
299	Fuel Gas	0501.01.01 .01	Modify	Typographical error	No Impact	Corrects numbering of paragraphs

**Construction Codes
Clean-up Bill**

	A	B	C	D	E	F
1	Code	Section	Change	Reason	CEQR effect	Explanations
300	Fuel Gas	0503.05.06 .05.01	Modify	Conversion error	No Impact	Metric Conversion
301	Fuel Gas	0503.06.10 .02	Modify	Typographical error	No Impact	Corrects a cross-reference to a non-existent figure
302	Fuel Gas	0503.07.05	Modify	Typographical error	No Impact	Changes "jacket" to "jack"
303	Fuel Gas	0504.02(4) (Table)	Delete	Typographical error	No Impact	Removes duplicate table
304	Fuel Gas	0504.02(4) (Table)	Modify	Typographical error	No Impact	Corrects improper title of table
305	Fuel Gas	0504.02(5) (Table)	Modify	Typographical error	No Impact	Corrects improper appliance designation on table.
306	Fuel Gas	0504.03.02	Modify	Conversion error	No Impact	Metric Conversion
307	Fuel Gas	0504.03.04	Modify	Conversion error	No Impact	Metric Conversion
308	Fuel Gas	0504.03.05	Modify	Conversion error	No Impact	Metric Conversion
309	Fuel Gas	0504.03.14	Modify	Typographical error	No Impact	Corrects improper title of section
310	Fuel Gas	0504.03.15	Modify	Conversion error	No Impact	Metric Conversion
311	Fuel Gas	0609.08	Modify	Conversion error	No Impact	Metric Conversion
312	Various	Sections		Other		Underlining tables from LL 33 and LL 99.



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City Council: Housing/Building Committee Hearing

January 28, 2008

Topic: Intro. 659 (Technical Corrections of the NYC construction codes)

Good morning Speaker, Chairperson and Council members. My name is Janene Jaeger, Executive Director for the Master Plumbers Council of the City of New York, Inc. While we are in favor of the concept of a clean-up bill to revise various sections of the previously approved International Building code, we do have some concerns over specific sections of Intro. 659.

Section 107.1.2 as written in Intro. 659 states, "*Exposure of work. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. The permit holder shall be liable for any expense entailed in the removal or replacement of any material required to allow inspection.*"

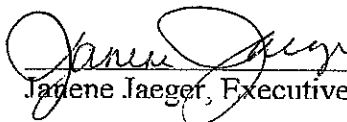
This language is unacceptable to members of the MPC and is most likely unacceptable to any permit holder as conditions in the field occur outside of the control of the permit holder. For example, a Licensed Master Plumber completes piping work in a bathroom. They leave the jobsite and in some instances a general contractor closes the walls. In this specific situation, which does occur, the plumber should not be financially held accountable for the action of someone else.

It is my understanding, however, that there is a more recent Introduction that has been proposed by the Department of Buildings, Intro. 659-A. Based on the copy I received of Intro. 659-A, this language has been amended to an acceptable format.

In addition, the same text as listed under section 107.1.2 is repeated in § 192. Section.FGC 107 of chapter 7 of the New York city fuel gas code of chapter 9 of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, was amended in Intro. 659 under section 107.1.3. This text has also been amended to an acceptable form in Intro. 659A.

I appreciate the opportunity to speak before you today. Unfortunately, there was not ample time to thoroughly research and prepare for this hearing. For this reason and the reasons stated above, I would encourage you to further review Intro. 659-A. In addition, we respectfully request that another hearing be held at a later date that would allow for proper review of the proposed language.

Thank you for the opportunity to comment.


Janene Jaeger, Executive Director



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International Code Council Statement in Support of Int. No. 659

Thank you Chairman Dilan and Members of the City Council Committee on Housing and Buildings for providing me the opportunity to testify today on behalf of Intro 659 in relation to technical corrections to the construction code of the City of New York.

My name is Dorothy Harris, Vice President of State and Local Government Relations North for the International Code Council. The Code Council is a non-profit membership association dedicated to building safety and fire prevention. Today, the International Codes are adopted in all 50 states, the District of Columbia, Puerto Rico, and the US Virgin Islands and in over 21,000 local jurisdictions in the United States with the authority to adopt and implement building construction codes. Several Federal Agencies, including the Department of Defense, the Department of State, the General Services Administration, the National Park Service, the US Forest Service and the Federal Bureau of Prisons reference the International Building Code and additional International Codes to provide state of the art building and fire safety for their employees and visitors to their facilities. The International Codes are a comprehensive and fully coordinated family of codes which encourage the use of new materials, products and systems that can address the issues important to New York City, including economic growth, energy conservation, housing preservation and affordability.

I commend Chairman Dilan and the entire Committee for passing Intro. 578 last year, the new building and construction codes based upon the International Building, Mechanical, Plumbing and Fuel Gas Codes. I was there to witness the historic day that Mayor Bloomberg signed the bill into law on July 3, 2007. Today, you are reviewing the final changes that must be incorporated into the building construction codes so that the code can be enforced on July 1, 2008.

The Code Council is producing the new construction codes for the City. In order for the new codes to be available to the public in advance of the code implementation date of July 1, the Code Council must receive the final text of the code. As you recall, Intro. 578, the new code, was a voluminous piece of legislation. Consequently, the Code Council publication staff is eagerly awaiting this final piece so that they can incorporate the technical clarifications and typographical corrections outlined in this legislation.

The Code Council is pleased to partner with the City of New York and we look forward to continuing to serve its needs. The Code Council has developed several training courses targeted for members of the construction industry and organizations to assist in preparation of the code implementation effective date of July 1. Additionally, the Code Council has several certification programs for inspectors, contractors and the construction trades to enhance expertise and professionalism.

Thank you for the opportunity to present testimony to you today. I am pleased to answer any questions or provide additional documentation.



FOR THE RECORD

January 28, 2008

The Honorable Erik Martin Dilan
Chairman, Committee on Housing & Buildings
250 Broadway, 18th Floor
New York, New York 10007

Dear Chairman Dilan:

I am writing on behalf of the American Chemistry Council to thank you and the members of the Housing and Buildings Committee for your leadership in shaping the proposed revisions to the NYC Building Code, which are the subject of today's public hearing. We also wish to thank Speaker Quinn for her leadership on this very important project.

As you know, the American Chemistry Council is a national trade association that represents leading companies engaged in the business of chemistry and plastics. Some of our member companies produce the plastic resin used to manufacture plastic-based building materials, including the External Insulation Finishing Systems (EIFS), referenced in the Building Code, that are used in certain buildings in the city.

We appreciate having had the opportunity to share our information on the safety of EIFS with you, the staff members of the Housing & Buildings Committee, and the staff at the NYC Buildings Department, and to work together to preserve the benefits of plastics-based building materials in the Building Code revisions.

Accordingly, we support the proposed Building Code revisions because not only do they modernize the City's approach to building code issues but it also preserves the vital health, safety and well-being of the City's residents. We are confident that the proposed revisions will serve the public as intended, and continue to set the stage for future improvements.

Once again, please accept our thanks for your leadership in bringing the proposed revisions to the Building Code to fruition.

Sincerely,

A handwritten signature in black ink that reads "Stephen Rosario".

Stephen M. Rosario
Director, Northeast Region

Dennis R. Boyd
New York Lawyers for the Public Interest
151 West 30th Street
New York, NY 10001

Statement concerning Intro 659—
A bill to “clean up” Local Law 33 of 2007

I would like to thank Chairman Erik Martin Dilan and the other members of the Committee on Housing and Buildings for inviting me to testify today. I am Dennis Boyd, a Senior Staff Attorney at New York Lawyers for the Public Interest. I was a member of the technical committee of the Department of Buildings on accessibility that was involved in drafting LL33 of 2007, so I have a few years' experience in looking at these issues.

The concerns I address in my testimony here today are few. None of these issues were brought up during the discussions about accessibility in the technical committee. They all arose in the subsequent processes in finalizing the bill language that ultimately got passed by the Council.

The first issue is:

The Existing Buildings Loophole

A major oversight in LL33 of 2007 that should be addressed in the current bill relates to the loophole it creates with regard to accessibility standards to be applied to alterations of “existing buildings.” The committee was advised that the issue of existing buildings would be addressed at a later date and that the relevant technical committees would be convened for this purpose, including the accessibility committee, of which I am a member. In the meantime, a patch was created regarding “existing buildings” in LL33 that was never addressed by the accessibility committee and seems to bring about unintended and potentially very deleterious consequences.

One would expect that “existing buildings” would cover, broadly speaking, all buildings in existence on or before July 1, 2008 (the date when LL33 takes effect). Unfortunately this may not be the case.

As a result of language that made its way into LL33, compliance with the “1968 building code” is permitted with respect to “existing buildings.” In the drafting of this language, not only might provisions developed in the period since 1968 that were intended to improve disability access (such as LL58 of 1987) not be applicable to alterations of pre-July 2008 buildings, but it may be that many thousands of buildings in existence when LL33 takes effect will not even be covered by the newly adopted definition of “existing buildings” at all. This will mean that, until there can be a later legislative fix, alterations of those buildings will not be subject even to the limited accessibility requirements of the 1968 Code.

How this has come about is that the "1968 building code" is defined in new Sec. 28-101.5 as "Chapter 1 of title 27 of the administrative code as hereafter in effect" and that the phrase "as hereafter in effect" incorporates the new Sec. 27-123.3's limited definition of "existing building." That definition is as follows: "For the purposes of this article, the term 'existing building' means a building in existence prior to December 6th, 1968 or a building constructed in accordance with the building laws and regulations in force prior to such date" Thus, the adoption of Chapter 1 has the apparent unintended consequence of excluding 40 years of construction (1968-2008) from having to comply with accessibility Secs. 27-123.1 and 27-292.1-27-292.20 in their alterations, since once a building falls within the broad definition of Sec. 28-101.5 in order to qualify for the 1968 code option, it could, quixotically fall outside of the concurrently incorporated definition of "existing building" in Sec. 27-123.3.

Even if this were the case, some provisions of the 1968 building code might still be applicable to these buildings (such as Secs. 27-357(d) (accessibility of at least one primary entrance), Sec. 28-101.4.3(6) (current provisions regarding ramps (Secs. 27-308 and 27-377(c)(7)); 27-371(e)(7) (door openings); 27-459.1, 27-472.1, and 27-483 (parking spaces); 27-493.1(safety precautions at swimming pools); and 27-531(a)(1)(h) (performance viewing positions)) because these provisions regarding ramps (Secs. 27-308 and 27-377(c)(7)) are excluded from the option to rely on the 1968 Code provided by Sec. 28-101.4.3(6). However, it is not even clear that all of these listed provisions of the 1968 building code would be interpreted as applying to alterations anyway because of the exclusionary definition of "existing building" in the new Sec. 27-123.3, as discussed above.

Beyond permitting avoidance of virtually any accessibility requirement and elimination of any accessibility feature now in place (with the inapplicability of Sec. 27-292.4(c)) the Sec. 101.1.4.3 option (use of the 1968 building code to govern alterations) is most likely to be used by owners of pre-1968 building code buildings to seek waivers of accessibility requirements under Sec. 27-292.6 and/or to avoid the few items in a project that, under the newly adopted Chapter 11, may require greater cost, or allow less architectural or construction discretion, than under LL58. If this interpretation remains in LL33, not only will this be an additional administrative burden for the Department of Buildings and the Mayor's Office for People's with Disabilities because of increased requests for waivers, but it will lead to reduced accessibility features that were not intended by the deliberative process within the Department of Buildings' technical committees that went into the drafting of LL33 of 2007.

The second issue is Ramps Encroaching on the Public Way

The new Administrative Code Sec. 28-101.4.3, requires that encroachments onto the public right of way (e.g., ramps) must comply with Chapter 32 of the new Building Code. Section 3202.2.2.1 (see below) reproduces the language of

current Sec. 27-308 (except for reference to Chapter 11, rather than to the higher standard of RS4-6, added to Sec. 27-308 in LL58), allowing ramps to extend up to 44 inches beyond the building line (rather than the 18 inches otherwise permitted by Sec. 3202.2.1.1). However, unlike prior to this most recent enactment, such encroachments now "shall be constructed so that they may be removed at any time without endangering the structural safety or fire safety of the building." Sec. 3201.1.1. This restriction unnecessarily limits access and should be removed so that, in the City's discretion, ramp access in altered buildings can extend up to 44 inches into the public way and be built in a permanent fashion both so that they are more reliable and so that there is a maintenance of access once provided.

Finally, I wanted to quickly address one more issue. That is the issue of so-called...

Destination Oriented Elevators

Sec. 101.4.3.3, requires compliance with new elevator standards. It permits destination oriented elevators which severely diminish accessibility for people who are blind or visually impaired. The way the way they work is that they eliminate control buttons in elevator cars. Instead, patrons choose from a panel in the lobby area the floor they wish to go to and are assigned an elevator among a bank (or more) of elevators that will take them there. The only place I've seen them thus far is at the Marriot Marquis Times Square in midtown.

The problem arises in that destination elevators do not adequately inform sight impaired people of their location. They often do not allow enough time for unsighted patrons to find them before they take off, and they do not routinely announce the floor they are arriving at. Destination elevators should not be allowed under the code without additional mandated features that will ensure equal access for patrons who are blind or visually impaired, such as audio announcements that direct users to the elevator they will use, delays that allow patrons who are blind time to find these elevators and announcements at every floor that inform people adequately of where they are.

Thank you for your time and attention to these matters, and please contact me if I can be of any assistance to the Committee in resolving these issues.

Dennis R. Boyd
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**PHYLLIS ARNOLD and FATMA AMER
DEPUTY COMMISSIONERS
NEW YORK CITY DEPARTMENT OF BUILDINGS**

**HEARING BEFORE THE CITY COUNCIL
COMMITTEE ON HOUSING AND BUILDINGS
ON INTRO 659, THE CLEAN-UP BILL FOR THE NEW YORK CITY
CONSTRUCTION CODES**

JANUARY 28, 2008

Good morning, Chairperson Dilan and members of the Committee on Housing and Buildings. I am Phyllis Arnold, Deputy Commissioner of the Department of Buildings and Chief Code Counsel. I am joined today by Fatma Amer, the Department's Deputy Commissioner for Technical Affairs. Thank you for this opportunity to testify in support of Intro 659, the clean-up bill for the NYC Construction Codes. We are delighted to be before you again on this significant project.

Intro 659 is strictly non-substantive but necessary to insure that the Codes are correct when submitted to the publisher for printing and distributed to users. As you know, the New York City Construction Codes are comprised of both Local Law 99 of 2005 and Local Law 33 of 2007. In bill form, the Codes consisted of about 3000 pages. Since enactment of the Codes, the Department has been engaged in the process of planning their implementation. In the course of that work, we have identified the inevitable: typographical errors, the use of unclear language in critical spots, and the omission of certain items that are either in the current code and were not carried forward or that had been enacted shortly before the Council passed the Construction Codes and were not included in the previous legislation, but should have been. This bill addresses those errata. It proposes to make changes that are editorial or technical in nature – things like correcting cross-references and fixing definitions, grammar and spelling. The

clarifications, in both language and organization, are necessary in the instances included to ensure consistency and ease of use in such important areas as occupancies, fire protection, structure, and required inspections, and to reconcile Local Laws 99 and 33. The omissions include a number of local and state laws enacted shortly before passage of Local Law 33, such as professional certification sanctions, excavation precautions, regulation of security guards in places of assembly, and enhanced scaffolding and rigging requirements. As you can see from the summary document provided, 38% of the items before you are typographical or cross-reference corrections; another 42% are inadvertent omissions, clarifications, and reconciliations of the two laws, and the remaining items reflect such things as conversion errors, re-numbering, and subsequent legislation. Intro 659 is thus necessary to address these errata and is not intended to make any substantive change in the enacted legislation.

As you may remember, our code process is inclusive and involves multiple reviews by many stakeholders. We circulated the bill to interested constituencies and received a number of comments following its introduction, including proposed modifications to the plumbing provisions. We look forward to the opportunity to work with you to address any further changes made necessary by these points.

We are grateful for the Council's leadership in this historic effort. Once implemented this July and thereafter, our work together will make this City a safer, more sustainable, and better place to live, work and build. We ask that you consider and pass Intro 659 expeditiously so we can begin the publication process and put this legislation in final form into the hands of its ultimate users.

Thank you. We are happy to take questions.