



New York City Department of Buildings
280 Broadway, New York, NY 10007
Patricia Lancaster, FAIA, Commissioner
(212) 566-5000, TTY: (212) 566-4769

Phyllis Arnold, General Counsel
Legal Affairs
Phone: (212) 566-3291
Fax: (212) 566-3843
E-mail: phyllisa@buildings.nyc.gov

June 25, 2007

Mr. Robert Kulikowski, Director
Office of Environmental Coordination
253 Broadway 14th Floor
New York, NY 10007

Re: CEQR No. 07 DOB 001 Y
Lead Agency, EAS
Negative Declaration

Dear Mr. Kulikowski:

In accordance with Executive Order No. 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review (CEQR) and Article 8 of the New York State Environmental Conservation Law, 6 NYCRR Part 617, the Council of the City of New York and the New York City Department of Buildings are assuming CEQR Co-lead agency status for the review of the action described below.

The action proposed is passage of a local law by the New York City Council to amend the New York city charter and the administrative code of the city of New York, in relation to enacting the New York City Construction Codes and repealing chapter 1 of title 26 of the administrative code, sections 27-106, 27-118.1, 27-124, 27-125, 27-126, 27-127, 27-128, 27-129, 27-130, 27-131, 27-132, 27-133, 27-134, 27-135, 27-136 and 27-137 of the administrative code, articles 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 27 of subchapter 1 of chapter 1 of title 27 of the administrative code, subchapter 19 of chapter 1 of title 27 of the administrative code and chapters 1, 2, 3, 5, 6, 7 and 8 of title 28 of the administrative code.

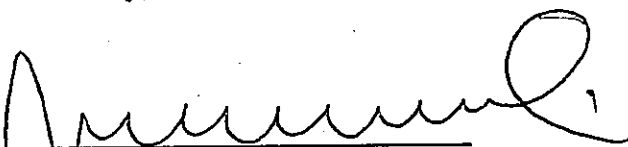
Enclosed are parts I, II and III of the Environmental Assessment Statement (EAS), and supporting documents and appendices.

Pursuant to with Executive Order No. 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review (CEQR) and Article 8 of the New York State Environmental Conservation Law, 6 NYCRR Part 617, the lead

agencies are required to determine whether a proposed action may or will not have a significant effect on the environment. In accordance with this requirement, the Council of the City of New York and the New York City Department of Buildings, as co-lead agencies, have determined that the proposed action will not have a significant adverse impact on the environment. Attached is the Negative Declaration for this action, CEQR No. 07 DOB 001 Y. that includes statements for the findings that the project will not have a significant adverse environmental impact.

If you have any questions, please feel free to contact us at 212-566-3291, or 212-788-9122, respectively.

Sincerely,



Phyllis Arnold
Deputy Commissioner, Legal Affairs and Chief Code Counsel
NYC Department of Buildings

6/24/07



Jeffrey Haberman
Deputy Director, Infrastructure Division
New York City Council

June 24, 2007

Attachments

Cc: Jahmeliah Nathan, CLA
Julian Bazel, NYFD
David Karnovsky, DCP
Mark Silberman, LPC
Helen Gitelson, DOB
Pete Grannis, DEC (Negative Declaration)
Suzanne M. Mattei, DEC (Negative Declaration)
Victor Robles (Negative Declaration)
Heidi Rubinstein, Law
Robin Levine, DEP
Matthew Shafit, HPD
Terzah Nasser, CC



New York City Department of Buildings
280 Broadway, New York, NY 10007
Patricia Lancaster, FAIA, Commissioner
(212) 566-5000, TTY: (212) 566-4769

Phyllis Arnold, General Counsel
Legal Affairs
Phone: (212) 566-3291
Fax: (212) 566-3843
E-mail: phyllisa@buildings.nyc.gov

NEGATIVE DECLARATION

CEQR No. 07 DOB001Y

Date Issued: June 25, 2007

Name: Intro 578 A
New York City Construction Codes

Location: Citywide

**SEQRA
Classification:** Unlisted

Co-Lead Agencies: The Council of the City Of New York
The New York City Department of Buildings

Description:

The action proposed is passage of a local law by the New York City Council to amend the New York city charter and the administrative code of the city of New York, in relation to enacting the New York City Construction Codes and repealing chapter 1 of title 26 of the administrative code, sections 27-106, 27-124, 27-125, 27-126, 27-127, 27-128, 27-129, 27-130, 27-131, 27-132, 27-133, 27-134, 27-135, 27-136 and 27-137 of the administrative code, articles 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 27 of subchapter 1 of chapter 1 of title 27 of the administrative code, subchapter 19 of chapter 1 of title 27 of the administrative code and chapters 1, 2, 3, 5, 6, 7 and 8 of title 28 of the administrative code.

Statement of No Significant Effect:

The Council of the City of New York and the New York City Department

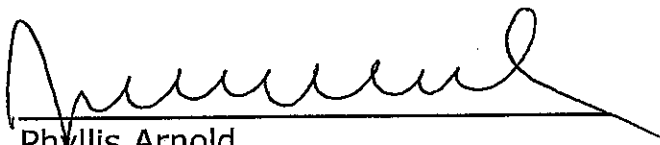
of Buildings, as CEQR Co-lead agencies, have reviewed the proposed action pursuant to Article 8 of the New York State Environmental Conservation Law, 6 NYCRR Part 617 and the City Environmental Quality Review (CEQR), including Executive Order No. 91 of 1977, as amended, and the CEQR Rules of Procedure found in Title 62, Chapter 5 of the Rules of the City of New York, and determined that the proposed action will not have a significant adverse impact on the environment.

Supporting Statements:

The above determination is based upon the Environmental Assessment Statement (EAS) and supporting documentation.

The EAS and supporting documentation find that no significant effects upon the environment, which would require the preparation of an Environmental Impact Statement, are foreseeable.

This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6 NYCRR Part 617.



Phyllis Arnold
Deputy Commissioner, Legal Affairs and Chief Code Counsel
NYC Department of Buildings

6/24/07
Date



Jeffrey Haberman
Deputy Director, Infrastructure Division
New York City Council

July 24, 2007
Date

FOR THE RECORD

Dear Chairperson Dilan and members of the Committee on Housing and Buildings, I want to thank you and your staff for your contribution and support throughout the development of the New York City Construction Codes. The Department of Buildings could not have completed this monumental undertaking without the partnership we forged with you.

With the codes being such an integral part of New Yorker's lives and with so many stakeholders involved in the process, it is inevitable that not everyone will be totally satisfied. However, we can all agree that as a package overall, these codes achieve significant advancements that will make buildings safer and better. We pride ourselves on the transparent process through which these codes were developed, incorporating the insight and feedback of over 400 individuals representing government, industry, labor, the accessibility community, real estate, and other building experts and advocates for safety.

Your passage of this legislation today will allow the Department to begin work on implementing the important changes that will strengthen

enforcement, encourage sustainability, update building technology and design, and - most importantly - enhance safety.

We are grateful to you and the rest of the City Council for considering these Codes. We look forward to working with you on future revisions as well as the Existing Building Code in order to make New York City an even better place to live, work, and build.

Housing and Buildings - Committee Room, City Hall – June 27, 2007

We are distressed that the Committee and the Council will pass Intro. 578, with exceptions to existing law that **all building elevators, all dwelling unit bathrooms, and all entrances have accessibility standards.**

Additionally, the Council has missed an opportunity for an important (and easy) legislative initiative to extend the Code to require that one and two family residences have basic accessible features: one entrance without steps, one wheelchair accessible bathroom, an accessible route throughout the unit, and access to the kitchen. To persons with disabilities and elders, it's a "visitability" issue, and it provides for aging in place. We expected a more progressive bill from the Council, not a retrograde one. We expected Council to promote public safety and welfare. Especially when most development has public financing: site preparation, subsidies, and tax exemptions.

The Mayor introduced his bill on May 3rd. He pointed out that the new codes would not substantially increase construction costs. "A lot of this stuff, you put up front and you get payback later." (*Newsday* May 4, 2007) That also applies to accessibility. Retrofitting is far more costly. While we heartily support his fire safety and environmental enhancements, we're appalled by his shortsightedness and cuts to disability access.

We were distressed to learn the Council was poised to rush to a vote without much community input, independent study, or critical changes. Again, I believe the Council has missed an opportunity for a better bill, one that also preserves and expands accessibility standards, and has a public purpose.

One piece of good news is that the strong disability provisions of the City's Human Rights Law – dealing with not only with status discrimination, and with the obligation to make modifications and accommodations to the needs of persons with disabilities – remain unchanged. I'm certain all of us in this room realize that Intro. 578 in no way intends to supercede or supplant those provisions, it would be an important measure of safety to add a sentence to the bill stating that, "Nothing in this law shall be construed to limit or restrict the rights, responsibilities, or remedies set forth in Title 8 of the Administrative Code of the City of New York"

Anne Emerman, Member of Disabled in Action, DNNYC and Gray Panthers NYC Network