# Legislation Details (With Text)

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| **File #:** | Int 1482-2019 **Version:** B | **Name:** | Bird friendly materials. |
| **Type:** | Introduction | **Status:** | Enacted |
| | | **In control:** | Committee on Housing and Buildings |
| **On agenda:** | 3/28/2019 | | |
| **Enactment date:** | 1/10/2020 | **Enactment #:** | 2020/015 |

**Title:** A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to bird friendly materials

**Sponsors:** Rafael L. Espinal, Jr., Corey D. Johnson, Helen K. Rosenthal, Justin L. Brannan, Karen Koslowitz, Stephen T. Levin, Bill Perkins, Daniel Dromm, Costa G. Constantinides, Barry S. Grodenchik, Carlina Rivera, Keith Powers, Mark Levine, James G. Van Bramer, Antonio Reynoso, Brad S. Lander, Diana I. Ayala, Ben Kallos, Margaret S. Chin, Farah N. Louis, Carlos Menchaca, Francisco P. Moya, Public Advocate Jumaane Williams

**Indexes:**

**Attachments:** 1. Summary of Int. No. 1482-B, 2. Summary of Int. No. 1482-A, 3. Summary of Int. No. 1482, 4. Int. No. 1482, 5. March 28, 2019 - Stated Meeting Agenda with Links to Files, 6. Hearing Transcript - Stated Meeting 3-28-19, 7. Minutes of the Stated Meeting - March 28, 2019, 8. Committee Report 9/10/19, 9. Hearing Testimony 9/10/19, 10. Hearing Transcript 9/10/19, 11. Proposed Int. No. 1482-A - 11/18/19, 12. Proposed Int. No. 1482-B - 12/3/19, 13. Committee Report 12/9/19, 14. Hearing Transcript 12/9/19, 15. Committee Report - Stated Meeting, 16. December 10, 2019 - Stated Meeting Agenda with Links to Files, 17. Hearing Transcript - Stated Meeting 12-10-19, 18. Minutes of the Stated Meeting - December 10, 2019, 19. Int. No. 1482-B (FINAL), 20. Fiscal Impact Statement, 21. Legislative Documents - Letter to the Mayor, 22. Local Law 15

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 3/28/2019 | * | City Council | Introduced by Council | |
| 3/28/2019 | * | City Council | Referred to Comm by Council | |
| 9/10/2019 | * | Committee on Housing and Buildings | Hearing Held by Committee | |
| 9/10/2019 | * | Committee on Housing and Buildings | Amendment Proposed by Comm | |
| 9/10/2019 | * | Committee on Housing and Buildings | Laid Over by Committee | |
| 12/9/2019 | * | Committee on Housing and Buildings | Hearing Held by Committee | |
| 12/9/2019 | * | Committee on Housing and Buildings | Amendment Proposed by Comm | |
| 12/9/2019 | * | Committee on Housing and Buildings | Amended by Committee | |
| 12/9/2019 | B | Committee on Housing and Buildings | Approved by Committee | Pass |
| 12/10/2019 | B | City Council | Approved by Council | Pass |
| 12/10/2019 | B | City Council | Sent to Mayor by Council | |
| 1/10/2020 | B | Administration | City Charter Rule Adopted | |
| 1/10/2020 | B | City Council | Returned Unsigned by Mayor | |

Int. No. 1482-B



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By Council Members Espinal, the Speaker (Council Member Johnson), Rosenthal, Brannan, Koslowitz, Levin, Perkins, Dromm, Constantinides, Grodenchik, Rivera, Powers, Levine, Van Bramer, Reynoso, Lander, Ayala, Kallos, Chin, Louis, Menchaca, Moya and the Public Advocate (Mr. Williams)

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to bird friendly materials

Be it enacted by the Council as follows:

Section 1. Section 28-101.4.3 of the administrative code of the city of New York is amended by adding a new exception 20 to read as follows:

20. Where the alteration of a building includes the replacement of all exterior glazing, such alteration shall comply with section 1403.8 of the New York city building code.

§ 2. Article 103 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-103.36 to read as follows:

**§ 28-103.36. Bird friendly design and construction requirements.** The department shall issue, and update as necessary, bird friendly building design and construction requirements. No later than October 1, 2020, the department shall post on its website such requirements and information about compliance with section 1403.8 of the New York city building code.

§ 3. Section 1402.1 of the New York city building code is amended by adding new definitions of "BIRD FRIENDLY MATERIAL", "BIRD HAZARD INSTALLATIONS" and "FLY-THROUGH CONDITIONS" in appropriate alphabetical order to read as follows:

**BIRD FRIENDLY MATERIAL.** A material or assembly that has, or has been treated to have a maximum threat factor of 25 in accordance with the American Bird Conservancy Bird Collision Deterrence Material Threat Factor Reference Standard, or with the American Bird Conservancy Bird-friendly Materials Evaluation Program at Carnegie Museum's Avian Research Center test protocol, or with a relevant ASTM standard.

**BIRD HAZARD INSTALLATIONS.** Monolithic glazing installations that provide a clear line of sight on the exterior of buildings, including, but not limited to, glass awnings, glass handrails and guards, glass wind break panels, or glass acoustic barriers.

**FLY-THROUGH CONDITIONS.** One or more panels of glass that provide a clear line of sight through such elements creating the illusion of a void leading to the other side, including parallel glass elements, at a distance of 17 feet (5182 mm) or less, or a convergence of glass sides creating a perpendicular, acute or obtuse corner.

§ 4. Section BC 1403 of the New York city building code is amended by adding a new section 1403.8 to read as follows:


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**1403.8 Bird friendly materials.** Bird friendly materials shall be required in accordance with sections 1403.8.1 through 1403.8.4.

**1403.8.1 Exterior wall envelope.** The exterior wall envelope, and any associated openings, shall be constructed with bird friendly materials up to 75 feet (22 860 mm) above grade. Materials other than bird friendly materials shall not exceed an aggregate of 10 square feet (0.93 $m^2$) within any 10 feet (3048 mm) by 10 feet (3048 mm) square area of exterior wall below 75 feet (22 860 mm) above grade.

**Exceptions:**

1. Where ground floor transparency is required by the *New York City Zoning Resolution*, transparent bird friendly material with a UV-reflective pattern and a maximum threat factor of 27 shall be provided.

2. In areas of special flood hazard and shaded X-Zones where flood resistant glazing is proposed and ground floor transparency is required by the *New York City Zoning Resolution*, transparent bird friendly material with a UV-reflective pattern and a maximum threat factor of 36 shall be provided.

**1403.8.2 Bird hazard installations.** Bird hazard installations shall be constructed of bird friendly materials regardless of their height above grade.

**1403.8.3 Fly-through conditions.** Fly-through conditions located 75 feet (22 860 mm) or less above grade shall be constructed with bird friendly materials.

**1403.8.4 Adjacency to green roofs.** The exterior wall envelope, and any associated openings, installed adjacent to a green roof system on the same building shall be constructed with bird friendly materials up to 12 feet (3658 mm) above the walking surface.

§ 5. This local law takes effect one year after it becomes law and shall not apply to applications for construction document approval filed prior to such effective date, except that the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

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