



**NEW YORK**  
STATE OF OPPORTUNITY.

**Building Standards and Codes**

**Course 9A16**  
**Introduction to Code Enforcement Practices (2016)**  
**Part 1 - Regulations, Administration and Enforcement**

**Class starts at 8:00 AM**

A Division of New York Department of State

August 26, 2016

---

---

---

---

---

---

---

---

August 26, 2016 2

You need a:

2015 International Building Code and  
2016 Uniform Code Supplement

↓

These supplements include New York State Amendments to the International Codes. A link for both of these supplements is available by going to the following site on our web page:  
<http://www.dos.ny.gov/dcea/CodeUpdate.html> (The supplements are located at the bottom of the page.)

A Division of New York Department of State  **Building Standards and Codes**

---

---

---

---

---

---

---

---

August 26, 2016 3

## Agenda and Procedures

- Course materials
  - Building Code book
  - Uniform Code Supplement
  - Appendix
- Course meeting times
- Breaks and Lunch
- Make-Up procedures
- Examination

A Division of New York Department of State  **Building Standards and Codes**

---

---

---

---

---

---

---

---

August 26, 2016 4

## Basic Training Program

### Introduction to Code Enforcement Practices

- 9A** Administration and Enforcement
- 9B** Fire Safe Design  
Balanced Protection for Fire Safety
- 9C** Inspection of Existing Buildings and Facilities  
Fire Code and Property Maintenance Code
- 9D** General Construction Principles  
Systems and Equipment, Structural Requirements
- 9E** Residential Code of New York  
One- and two- family dwelling construction
- 9F** The Building Code of New York  
Application through Plan Review

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 5

## 9A Introduction to Code Enforcement Practices

### *Administration and Enforcement*

- Overview of Local Code Enforcement
- Introduction to the Code
- The Statewide approach to Code Enforcement
- Legal Aspects of Inspections
- Managing New Construction
- Managing Existing Buildings and Operations
- Job Skills and Personal Attributes
- Records, Remedies and Liability
- CEDAR program

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 6

## Model Codes and NYS Supplements











A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 7

## Using the ICC Model Codes in New York State

**2016  
Uniform  
Code  
Supplement**

Published by New York State Department of State  
Publication Date: April 2016  
© 2016 New York Department of State

**2016  
Supplement to the  
New York State  
Energy  
Conservation  
Construction Code**

Published by the New York State Department of State  
Publication Date: March 2016  
© New York Department of State

A Division of New York Department of State 

---

---

---

---

---

---

---

---

---

---

August 26, 2016 8

## What are codes ?

“ A systematic, comprehensive collection of laws and rules. “

A Division of New York Department of State 

---

---

---

---

---

---

---

---

---

---

August 26, 2016 9

## Why do we have “Codes” ?

“... In order to provide a basic **minimum** level of protection to all people of the state from the hazards of fire and inadequate building construction “

quoted from the “Building Code Act”

A Division of New York Department of State 

---

---

---

---

---

---

---

---

---

---

August 26, 2016 10

## CEO

Code Enforcement Official

A person charged with inspection of buildings and structures or with any other aspect of enforcement and /or administration of building or fire codes.

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 11

## The Mission of Code Enforcement

Protect Lives and Property from:

- The hazards of fire.
- Structural collapse.
- Release of hazardous materials

“To establish the **minimum** requirements for providing a reasonable level of life safety and property protection in new and existing buildings, structures and premises.”

**Health, Safety, and General Welfare**

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 12

## Role of the CEO in Society

### TRADITIONAL LAW ENFORCEMENT



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

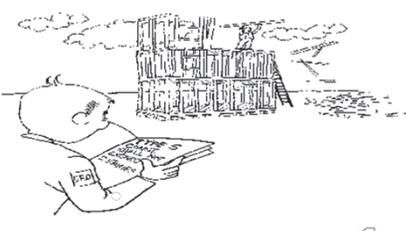
---

---

August 26, 2016 13

## Code Enforcement vs. Law Enforcement

**CODE ENFORCEMENT**



A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 14

## The Hazards of Fire



A Division of New York Department of State 

---

---

---

---

---

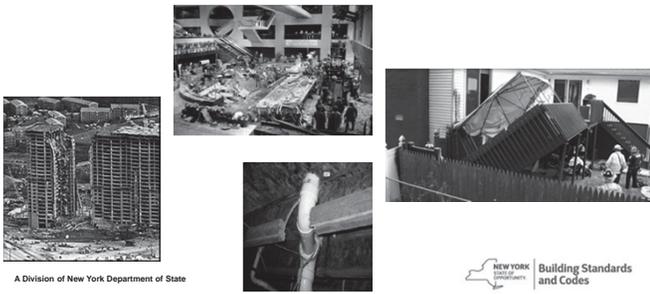
---

---

---

August 26, 2016 15

## Structural Issues



A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 16

### Environmental Impacts

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 17

### Environmental Impacts

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 18

### Earthquakes

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 19

### Inadequate Maintenance

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 20

### Hazardous Materials

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 21

### Sometimes just bad judgment .

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 22

## Unsafe Structures



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 23

## Objective of Code Enforcement



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 24

## The Approach and the Job

Construction of New Buildings  
 Changes made to Existing Buildings  
 Fire Safe Practices in Existing Buildings  
 Maintenance of Structures, Equipment  
 and Premises

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 25

## The Overall Picture

State Law mandates ...  
 NYS Uniform Fire Prevention and Building Code  
 For ALL Public and Private buildings

To be Enforced by ...  
 Local Governments, County Governments, and State Agencies

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 26

## To Implement the Law

Every City, Town, Village and County  
 Shall provide through **LOCAL LAW** and  
 Shall include the FEATURES prescribed by the Secretary

State Agencies  
 Shall follow "Minimum Standards for Administration and Enforcement by State Agencies"

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 27

## Your Local Law

It EFFECTUATES the power of Government  
 Passing authority to you or your boss

It serves as a Job Description  
 It describes the Entire Program  
 It is **Your** most Valuable Tool

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 28

### The “Traditional” Job Titles

- Building Inspector
  - New construction activities
- Fire Inspector
  - Fire safety in existing buildings
  - Maintenance of commercial properties
- Housing Inspector
  - Safe and sanitary residential premises
- Fire Marshal
  - Fire related issues for both new and existing properties

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 29

### The “OFFICIAL” Title

Your LOCAL LAW will determine the Title  
 The code text ALWAYS uses “Code Enforcement Official”  
 If your “title” is “charged with enforcement”, you are the CEO for THAT Code or Issue

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 30

### Certification Levels

Building Safety Inspector

Code Enforcement Official



A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 31

## Basic Training Certification

*Certification may be obtained by:*  
**100% attendance at the three Basic Training Programs,  
 9A, 9B , 9C AND ...  
 Passing the Three Exams**



A Division of New York Department of State

**Building  
 Safety  
 Inspector**



---

---

---

---

---

---

---

---

August 26, 2016 32

## Basic Training Certification

**Code  
 Enforcement  
 Official**



A Division of New York Department of State

*Certification may be obtained by:*  
 100% attendance at the six  
 Basic Training Programs,  
 AND ...  
 Passing the Six Exams



---

---

---

---

---

---

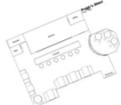
---

---

August 26, 2016 33

## SO YOU WANT TO BE A CODE ENFORCEMENT OFFICER...

Lets look at the basic  
 responsibilities of the job









A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 34

## You are a Public Official

What it means to be a public employee.



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

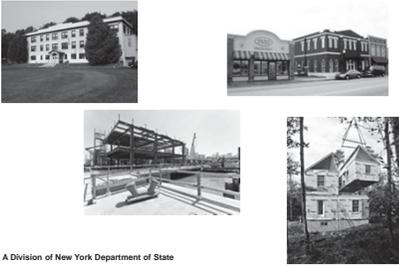
---

---

---

August 26, 2016 35

## Protecting the Public



Our Mission,  
Protect the health,  
safety and general  
welfare of the public.

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 36

## Reviewing Building Plans

You shall regulate construction activities with a Building Permit System



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016

37

### Inspecting construction activities associated with the Building Permit



- Site inspection
- Footings before the pour
- Foundation before backfill
- Framing
- Plumbing
- Heating
- Insulation
- Electrical
- Final for certificate of occupancy

A Division of New York Department of State




---

---

---

---

---

---

---

---

August 26, 2016

38

### Conduct Fire Safety Inspections in Residential Buildings.



- Safe and sanitary conditions
  - Number of occupants
  - Proper plumbing and heating
  - Structural and Non-Structural Maintenance
  - Unsafe conditions
- Just a few items you must inspect.

A Division of New York Department of State




---

---

---

---

---

---

---

---

August 26, 2016

39

### Conduct Fire Safety Inspections in Commercial Buildings



A Division of New York Department of State




---

---

---

---

---

---

---

---

August 26, 2016 40

### Complaints

- Garbage and Rubbish
- Unregistered motor vehicles
- Broken sidewalks
- Abandoned Structures







A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 41

### Maintain Public Records




A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 42

### Communication

- With the public
- With contractors
- With co-workers
- With elected officials
- With the Media

How do you communicate with others?








A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 43

## Other duties



Subdivision Regulations  
Special Use Permits  
Zoning  
Planning



A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 44

## Officials have the duty, and The authority to enact the powers of government



Inspections  
Issue permits  
Issue violation notices  
Appearance tickets  
Court appearances  
Search warrants



A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 45

## Protect the civil rights of others



Due Process of Law  
Right to Privacy

A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 46

## Conclusion

- If you need assistance ...

**Our Web Site <http://www.dos.ny.gov/>**

- Albany Central Office (518) 474-4073
  - All Training questions
  - Manufactured Housing questions and complaints
- For Technical Assistance
  - **First call is your Regional Technical Assistance Office**
- For Boards of Review
  - **First call is your Regional Technical Assistance Office**

A Division of New York Department of State



---



---



---



---



---



---



---



**NEW YORK**  
STATE OF OPPORTUNITY.

**Building Standards and Codes**

**Lesson Two**

**The History of Codes Including the New York State Building Code Act**

---

A Division of New York Department of State

August 26, 2016

---

---

---

---

---

---

---

---

August 26, 2016 2

**What prompted the development of Codes?**

**Fires, Accidents, Structural Failure, Human Error, Environmental Issues, Equipment Failure**

**Just about anything can and does happen.**

**Let's look at some causes and see if we can figure out what codes developed or what codes are involved.**

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 3

**History of Codes**

In this lesson we will discuss:

- When did building codes start.
- Where did codes start. The historical perspective.
- What prompted codes.
- The foundation for current regulations.
- Understanding why.

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 4

## Codes

Codes restrictions do not develop in a vacuum,  
They generally erupt after a disaster.  
Which really means:

**The history of things that have gone wrong.**

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 5

## Codes

People will say:

“Why do I have to do that?”

“It’s my building I can do what I want”

If we are proactive by verifying that structures are safer,  
then we may prevent or at least minimize the problems.

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 6

## Codes are not something new.

If a builder builds a house for a man and does not make its construction firm and the house which he has built collapses and causes the death of the owner of the house that builder shall be put to death.

From the Code of Laws of **HAMMURABI** King of Babylon (2200 BC)

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 7

## Codes



A Division of New York Department of State

ROME  
100 B.C.  
Stone Arch  
Engineers

*“Stand beneath when supports removed”*

NEW YORK DEPARTMENT OF STATE  
Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 8

## Codes



A Division of New York Department of State

Europe - 18th Century:

**The Code Napoleon**

“the architect and builder shall bear the loss if the building falls to ruin in the course of ten years.”

The 10 year warranty

NEW YORK DEPARTMENT OF STATE  
Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 9

## Colonial America

The Governor of Massachusetts

“We have ordered that no man shall build his chimney of wood, nor cover his house with thatch.”

A Division of New York Department of State



NEW YORK DEPARTMENT OF STATE  
Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 10

## Colonial America



Homeowners required to provide a leather bucket for first arriving volunteers to use.



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 11

## Colonial America

New Amsterdam (NYC)  
Established inspections of old houses and prohibits wood chimneys



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 12

## Colonial America



### Charleston, VA

Masonry to be used for exterior walls, tall wooden building taken down in five years.

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016

13

### Same Day

### October 8, 1871



Chicago - Started by a cow, according to legend  
 Death Toll over 250 people  
 Peshtigo, Wisconsin – Consumed 23 towns  
 Death Toll 1500 people

A Division of New York Department of State




---

---

---

---

---

---

---

---

---

---

August 26, 2016

14

### December 30, 1903



Theatre was advertised as  
**Absolutely  
 Fireproof**  
 Designed for 1600  
 occupants

Occupant Load was 2000  
 plus 400 actors, dancers  
 and stage hands

A Division of New York Department of State




---

---

---

---

---

---

---

---

---

---

August 26, 2016

15

### Iroquois Theatre



A Division of New York Department of State




---

---

---

---

---

---

---

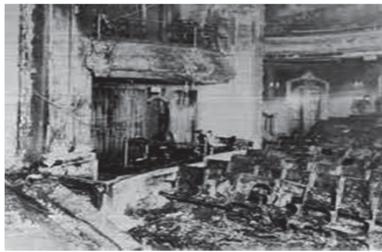
---

---

---

August 26, 2016 16

## Iroquois Theatre



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 17

## Iroquois Theatre



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 18

## Iroquois Theatre



**The results:**  
602 Dead including 212 Children.

**Developments:**  
Panic Bars on doors.  
Testing the "fireproof curtain."  
Door swing in the direction of egress

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 19

## June 15, 1904

**General Slocum Ferry Disaster**

East River heading towards the Long Island Sound  
1358 passengers plus crew



A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

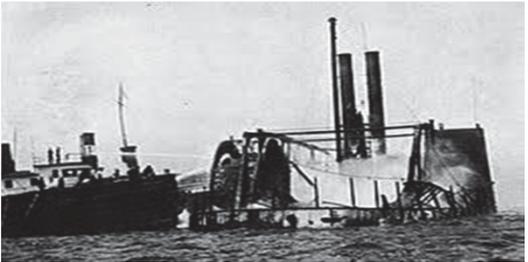
---

---

---

August 26, 2016 20

## General Slocum



A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 21

## General Slocum

**Results:**  
1,021 died

**Developments**  
Inspection of fire hoses, life vests and life boats.

Fire Emergency Training



A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 22

## March 4, 1908

**Lake View School**  
Collinwood, Ohio  
Just outside Cleveland

Approximately  
400 students attended  
this school.



NEW YORK  
STATE  
DEPARTMENT OF STATE Building Standards  
and Codes

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 23

## Collinwood School Fire



NEW YORK  
STATE  
DEPARTMENT OF STATE Building Standards  
and Codes

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 24

## Collinwood School



Adults attempted to pull  
students out but they  
were so entangled at the  
doors they couldn't be  
saved

NEW YORK  
STATE  
DEPARTMENT OF STATE Building Standards  
and Codes

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 25

## Collinwood School



**Results**  
 172 children  
 2 teachers  
 1 Rescuer

**Developments**  
 Panic Bars  
 Interior Finishes  
 Door swing

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

---

---

August 26, 2016 26

## Triangle Shirt Waist Factory

March 25, 1911



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

---

---

August 26, 2016 27

## Triangle Shirtwaist Factory



The fire started on the eighth floor at about 4:40PM on a Saturday.

First Alarm at 4:45 with smoke coming from the eighth floor

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

---

---

August 26, 2016 28

### Triangle Shirtwaist Factory



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 29

### Triangle Shirtwaist Factory



**The fire escape on the Greene Street side of the building**

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 30

### Triangle Shirtwaist Factory



**Results:**  
146 died

**Developments:**  
Access and Egress  
Fire Extinguishers  
Fire Alarms

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

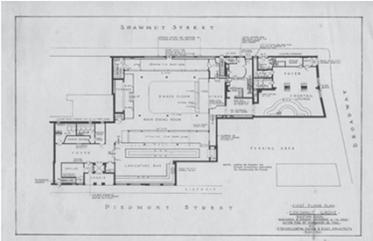
---

---

---

August 26, 2016 31

## November 28, 1942



### Cocoanut Grove, Boston Massachusetts

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 32

## Cocoanut Grove



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 33

## Cocoanut Grove





A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 34

## Cocoanut Grove



A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 35

## Cocoanut Grove

**Results**  
492 Dead

Developments  
Outward swinging Exit Doors  
Non Flammable Decorations  
No Exits Chained  
Exits signs visible  
Revolving door changes



A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 36

Cocoanut Grove fire

Boston's Cocoanut Grove night club fire. It is the world's deadliest night club fire, with 490-492 (depends on which source you use) fatalities.

To commemorate this event, NFPA has partnered with six other organizations in the Boston area to build a portal to pool our content and to invite others who have content to contribute to the project. Our partners are Boston Fire Department, Boston Public Library, Boston City Archives, Massachusetts General Hospital, the Boston Fire Museum, and the Boston Fire Historical Society.

NFPA launched the site at [www.cocoanutgrovefire.org/](http://www.cocoanutgrovefire.org/). They still have a lot of content to add and to acquire, so it is by no means a finished product. Take a look, send the link to anyone who would be interested, and let NFPA know what you think of it.

A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 37

## July 6, 1944

**Hartford Circus**

**Ringling Brothers  
And  
Barnum and Bailey**

**“Largest Circus in the  
country”**



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 38

## Hartford Circus Fire



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 39

## Hartford Circus Fire



Became known as

“The Day the Clowns Cried”

Emmett Kelly tried to fight the fire with buckets of water.

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 40

## Hartford Circus Fire

**Results:**  
 169 Dead  
 700 injured

**Developments:**  
 Non Flammable treatment,  
 Means of Egress  
 Fire Extinguishers



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 41

## April 16, 1947



Texas City  
 Galveston County, Texas

Deadliest Industrial  
 Accident in US History

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 42

## Texas City 1947



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 43

### Texas City 1947




A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 44

### Cleveland Hill School March 31, 1954



Elementary School,  
Cheektowaga ,NY  
100 foot long wooden  
school annex  
Annex was constructed  
in 1941 because of a  
large influx of new  
students

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 45

### Cleveland Hill School



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 46

## Cleveland Hill School



**Results:**  
15 children between the ages of 10-12 died.

**Developments:**

- Fire Alarms to connect to police/fire department
- Second means of egress from classrooms
- Stairways to have fire doors
- Fire Extinguishers in the hallways
- Fire Drills increased

NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 47

## December 1, 1958



**Our Lady Of Angels School**  
**Chicago, Illinois**

Elementary school  
Second Grade through Eighth Grade  
1,600 Students

NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 48

## Our Lady of Angels School



NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 49

## Our Lady of Angels School



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 50

## Our Lady of Angels School



**Results:**  
92 Children and 3 nuns died  
120 injured

**Developments:**  
Changes in school safety enacted nationwide.  
In Chicago –Fire alarm box in front of all schools

NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 51

## Hoarding




A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 52

## Crowds

Big Public Events

Occupant Load

Sanitary Facilities

Means of Egress



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 53

## Bad Construction



YouTube

Deck Collapse

Ends the Prom night very quickly

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 54

## March 2, 1973



**Skyline Tower Collapse**

**14 Dead**

**35 Injured**

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

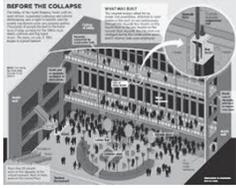
---

---

August 26, 2016 55

## July 17 1981

**Hyatt Regency**  
**114 Dead**  
**216 Injured**

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

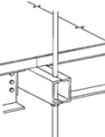
---

---

---

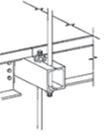
August 26, 2016 56

## Hyatt Regency



**Original Walkway Design**





**Actual Walkway Construction**

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 57

## June 29, 2003

**Balcony Collapse**  
Chicago, Illinois  
**13 Dead**  
**57 Injured**



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 58

## Chicago Balcony Collapse



**Chicago Officials Inspect balconies throughout the city**

**500 cases for Court action**

**760 Cases to Administrative Action**

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

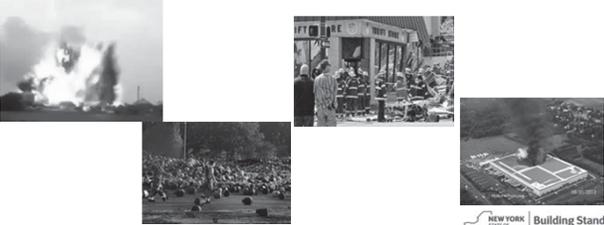
---

---

August 26, 2016 59

## 2013

**We will look at four major incidents that happened in the United States in 2013**



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 60

## April 17, 2013



**West Fertilizer Company**  
West, Texas

Ammonium Nitrate

Anhydrous Ammonia

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 61

## West Fertilizer Company



**Results:**  
 12 Dead  
 60 missing  
 200 Injured

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 62

## June 5, 2013

### Salvation Army Building Collapse Philadelphia, Pennsylvania



Neighboring building under demolition collapsed on the Salvation Army Building

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 63

## Salvation Army Building

**Results:**  
 6 Dead  
 Fourteen injured

**Developments:**  
 New Demo Rules  
 Increase Inspections  
 Contractor Expertise



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 64

**July 29, 2013**

**Blue Rhino Propane Plant  
Explosion Tavares,  
Florida**



A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 65

**September 1, 2013**



**Dietz & Watson  
Warehouse**

Roof covered with solar panels

Developments  
Access for fire services

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 66

**Pool Alarms**

**Tragedy sparks  
pool safety alert**

**Drownings**




2005-2009  
Average 10 deaths per day  
20% - Children under 14 years old

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 67



## Pool Alarms

### Property Maintenance 303.6.1

Applicability. A swimming pool or spa installed, constructed or substantially modified after December 14, 2006, shall be equipped with an approved pool alarm.





A Division of New York Department of State

---

---

---

---

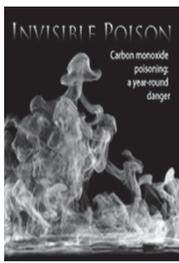
---

---

---

---

August 26, 2016 68



## Carbon Monoxide (CO)



**2007  
NEW YORK  
46 deaths**



A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 69

## Amanda's Law

**CO Alarms in all dwellings.  
2002**





A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 70

### Codes

Codes provide:  
Minimum Requirements for the protection of  
life safety  
AND  
Minimum requirements to safeguard public  
safety, health and general welfare.

A Division of New York Department of State



---

---

---

---

---

---

---

---

NEW YORK STATE OF OPPORTUNITY | Building Standards and Codes

**Lesson 3**

**Codes Timeline**

---

A Division of New York Department of State

August 26, 2016

---

---

---

---

---

---

---

---

August 26, 2016 2

**OLD New York**



1647, PETER STUYVESANT, NEW AMSTERDAM  
First Fire Prevention Code in America

A Division of New York Department of State

NEW YORK STATE OF OPPORTUNITY | Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 3

**New York City 19<sup>th</sup> Century**

1867 Tenement Housing Act  
A response to the overcrowded and shoddy tenement structures that had been erected during the 1840's, required:

- proper fire escapes
- a ventilating or transom window to a neighboring room or hall
- one water closet or privy for every twenty occupants
- a water tap on each floor
- a roof in good repair
- banisters on stairways.

**This was the first U.S. housing code**

A Division of New York Department of State

NEW YORK STATE OF OPPORTUNITY | Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 4

### First U.S. Housing Code

Legal challenges (Trinity Church)

Took ten years to implement effective legislation

Was not very effective

1901 NYS Mandated a Revised Version for NYC and Buffalo

A Division of New York Department of State Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 5

### MULTIPLE DWELLING LAW

Superseded the Tenement Housing Law in NYC in 1929

MDL was voluntary for rest of the state  
Currently enforced in New York City

#### MULTIPLE RESIDENT LAW

would apply to all NYS other than NYC and Buffalo.  
It became effective 1952.

And while the MRL was being developed.....

A Division of New York Department of State Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 6

### While developing MRL

July 1, 1952 Multiple Residence Law became effective.

Time for compliance, in some cases, was deferred

Final compliance date was July 1, 1955

A Division of New York Department of State Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 7

### New York State Codes Timeline

**4/18/1929** New York State Multiple Dwelling Law (cities with a population of 325,000 or more – mandatory and still in effect).

**11/1/1951** State Building Construction Code applicable to One- and Two-Family Dwellings (including Factory Manufactured Homes).

**7/1/1952** New York State Multiple Residence Law (cities with less than 325,000 and all towns and villages – mandatory and still in effect).

**12/15/1953** State Building Construction Code applicable to Multiple Dwellings (including Factory Manufactured Homes). <sup>1</sup>

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 8

### NYS BUILDING CONSTRUCTION CODE.

Model code to regulate new construction  
Local option to adopt (not mandated)  
Published Dates  
One and two family – 1951 (A Code)  
Multiple Residence – 1953 (B Code)  
General Construction – 1956 (C Code)  
Plumbing – 1958 (P Code)  
Code Manual (guide to compliance)  
One and two family - 1954  
All construction - 1959  
Revised - 1977, NOT CURRENT WITH UNIFORM CODE

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 9

### New York State Codes Timeline

**2/20/1956** State Building Construction Code applicable to General Building Construction.

**8/15/1958** State Building Construction Code applicable to Plumbing (including Factory Manufactured Homes).

**1974** State Model Housing Code (optional for municipalities, date to be established by the municipality). Met the housing regulation requirements for Federal and State urban renewal and housing programs, including mobile homes and migrant housing. To be used with the State Construction Codes for 1-2 Family Dwellings and Multiple Dwellings.

**6/10/1976** State Fire Prevention Code.

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 10

### New York State Codes Timeline

**1/1/1979** Energy Conservation Construction Code of New York State – first statewide mandatory code for energy.

**1/1/1984** New York State Uniform Fire Prevention and Building Code - first **statewide mandatory construction code** including all state buildings. New York City was exempted from state codes.

**7/3/2002** 2002 Energy Conservation Construction Code of New York State based on 2000 IECC.

**1/1/2003** New York State Uniform Fire Prevention and Building Code based on 2000 ICC: transition period 7/2/2002 – 1/1/2003.

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 11

### New York State Codes Timeline

**1/1/2003** New York State Uniform Fire Prevention and Building Code based on 2000 ICC: transition period 7/2/2002 – 1/1/2003.<sup>3</sup>

**1/1/2008** 2007 Energy Conservation Construction Code of New York State - Residential based on 2003 IECC with 2004 IECC supplement; Commercial based on 2003 IECC & ASHRAE 90.1-2001; as of 4/9/2008 Commercial based on ASHRAE 90.1-2004.

**2007** New York State Uniform Fire Prevention and Building Code based on the 2003 ICC: transition period: 10/3/2007 – 1/1/2008.<sup>3</sup>

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 12

### New York State Codes Timeline

**12/28/2010** 2010 Energy Conservation Construction Code of New York State: Residential based on 2009 IECC, Commercial based on 2009 IECC & ASHRAE 90.1- 2007.

**2010 New York State Uniform Fire Prevention and Building Code** based on 2006 ICC: transition period: 9/29/2010 – 12/28/2010.

**2015- NYS Energy Code – Commercial Energy Code based upon** 2010 NYS Energy Conservation Construction Code, the 2012 International Energy Conservation Code and ASHRAE 90.1

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 13

October 3, 2016- 2016 Uniform Code based on the 2015 International Codes and the New York State Uniform Code Supplement and the 2016 Supplement to the Energy Conservation Construction Code

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 14

**NYS Codes**

1974 State Model Housing Code  
 1976 NYS Fire Prevention Code  
 1979 NYS Energy Conservation Code

And then .....

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 15



**Historical Development, Impetus: Fire**

MGM Grand  
Las Vegas, 11/20/80, 85 dead

Stouffer's Inn  
Harrison NY (next to White Plains), 12/04/80  
26 dead (19 of the 26 were from one corporation)

**Two hotel fires within two weeks with a total of 111 people dead**

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 16

## Blue Ribbon Task Force



- Few Communities with codes
- Inconsistent enforcement
- Myriad of codes across state
- State Building Construction Code
- Fire Prevention Code
- Local Codes/National Codes
- Mix of codes
- Lack of consistency and training

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 17

## Blue Ribbon Task Force

Recommendations:

- Single document applied uniformly
- Address construction, fire prevention and building maintenance
- Provide a minimum level of safety statewide

Art. 18 Section 371

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 18

## Blue Ribbon Task Force

### The Results

- Task Force report accepted by legislature
- Chapter 707 of the Laws of 1981 signed by Governor 7/22/81
- Creation of the NYS Uniform Fire Prevention and Building Code
- One document
- Recognize that **fire prevention** and **building codes** are closely related
- Mandated statewide
- Applies to all buildings, Private and public
- Statewide approach to training

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 19

## The Building Code Act

The management plan for  
code enforcement in the  
State of New York

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 20

MGM Grand Fire  
Stouffers Inn Fire

↓

Blue Ribbon  
Task Force

↓

Chapter 707 of  
the laws of  
1981

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 21

### Chapter 707 of the Laws of 1981

Executive Law 159a, b, and c  
addressed training and responsibilities  
Finance Law 54(g) Changes cost \$\$\$\$

**Executive Law Article 18**  
“The Building Code Act”  
“Changed the way we do business”

A Division of New York Department of State 

---

---

---

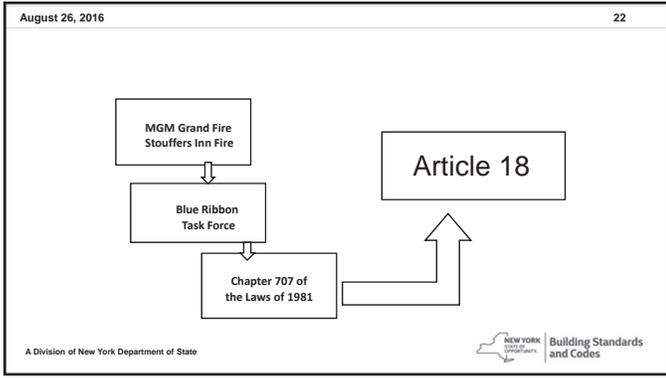
---

---

---

---

---




---

---

---

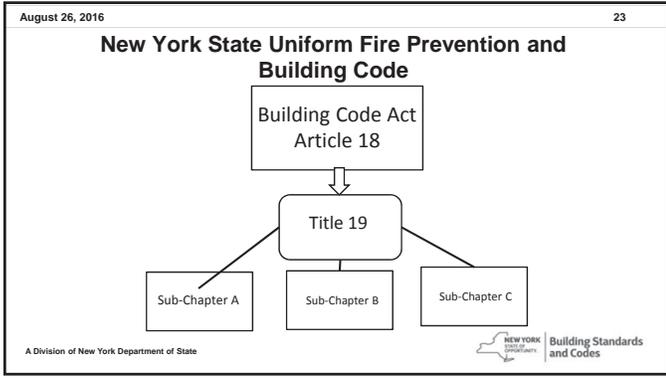
---

---

---

---

---




---

---

---

---

---

---

---

---

August 26, 2016 24

**Article 18 The Management Plan**

- Outline Goals and Objectives
- Provide Tools
- Establish an Action Plan
- Verify Results
- Set a course for Corrective Action

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 25

**Article 18**  
 § 370, Short title  
 “ The New York State Uniform Fire  
 Prevention and Building Code Act”  
 NYSUFPBC

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 26

**Article 18 The Management Plan**  
**Management Plan - Goals and Objectives**  
**Section 371 reflects the Blue Ribbon Task Force**  
 Findings  
 "... the people of the state have yet to receive the basic  
 level of protection to which they are entitled ..."  
 "There does not exist ... a single, adequate, enforceable  
 code ..."  
 "The present system ... is characterized by a lack of  
 adequately trained personnel ..."  
 "The multiplicity of ... code requirements ... increases the  
 cost of doing business ..."

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 27

**Article 18 The Management Plan**  
 Management Plan - Goals and Objectives  
 Section 371 reflects the Blue Ribbon Task Force  
**Purpose** ... "therefore"  
 "Place private and public buildings on an equal plane  
 ..."  
 "require new and existing buildings to keep pace...  
 including, where appropriate, provisions that apply on a  
 retroactive basis ..."  
 "... to both residential and non residential buildings."

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 28

### Article 18 The Management Plan

§ 371, **Findings** and Purpose  
Reflects findings of the Task Force

Part 1.

- a. Loss of life and property
- b. No single code with min standards
- c. Many areas with no enforcement
- d. Lack of trained, qualified personell
- e. Threat to safety, health and welfare
- f. Existing codes may inflate the cost of construction

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 29

### Article 18 The Management Plan

§ 371, Findings and **Purpose**

Part 2.

- a) Provide minimum level of protection
- b) Provide protection from Hazards of fire
  - Inadequate building construction
    - (2) Combine building and fire codes as one
    - (3) Equal protection for public and private buildings
    - (4) Require all buildings to keep up with technology
    - (5) Provide protection to residential and non residential buildings



A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 30

### Article 18 The Management Plan

§ 371.2 (continued)  
Findings and Purpose

- c) Insure enforcement through the state
- d) Encourage local governments to exercise power to enforce
- e) Provide uniform training and qualification of code enforcement personal

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 31

### Article 18 The Management Plan

§ 372, Definitions  
Provides a list of 19 definitions to be used with this article

- Areas of public assembly
- Council
- Factory manufactured home
- Means of egress
- Truss type construction

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 32

### Appendix page 63

11 questions  
Find the answers to these questions.

We will discuss each of these in detail

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 33

### Article 18 Summary

- Uniform Code, mandated state wide
  - Trained and qualified personnel
- A Code Council
  - Standards for the Construction and Fire Safety
- Assigned the Secretary of State
  - Rules for implementation by Local Governments
- Penalties for non-compliance
  - Up to \$1000 and or 1 year in jail

A Division of New York Department of State 

---

---

---

---

---

---

---

---



**NEW YORK**  
STATE OF OPPORTUNITY.

**Building Standards and Codes**

**Lesson 4 A**

**NYCRR Title 19**  
The Secretary of State  
Rules and Regulations

---

A Division of New York Department of State

August 26, 2016

---

---

---

---

---

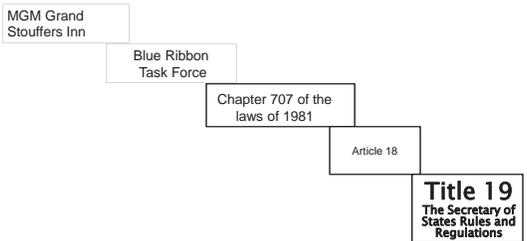
---

---

---

August 26, 2016 2

**Review of how we get here.**



MGM Grand Stouffers Inn

Blue Ribbon Task Force

Chapter 707 of the laws of 1981

Article 18

**Title 19**  
The Secretary of State Rules and Regulations

A Division of New York Department of State  **Building Standards and Codes**

---

---

---

---

---

---

---

---

August 26, 2016 3

**What is NYCRR ?**

New York Codes, Rules, and Regulations

Primarily contains **state agency rules and regulations** adopted under the State Administrative Procedure Act (SAPA).

The 22 titles include one for each state agency, one for miscellaneous agencies and one for the Judiciary.



A Division of New York Department of State  **Building Standards and Codes**

---

---

---

---

---

---

---

---

August 26, 2016 4

## NYCRR - TABLE OF CONTENTS

TITLE 19

1. Agriculture and Markets
2. Audit and Control
3. Banking
4. Civil Service
5. Economic Development
6. Environmental Conservation
7. Correctional Services
8. Education
9. Executive
10. Health
11. Insurance
12. Labor
13. Law
14. Mental Hygiene
15. Motor Vehicles
16. Public Service
17. Transportation
18. Social Services
19. State (Secretary of State)
20. Tax and Finance
21. Miscellaneous
22. Judicial

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

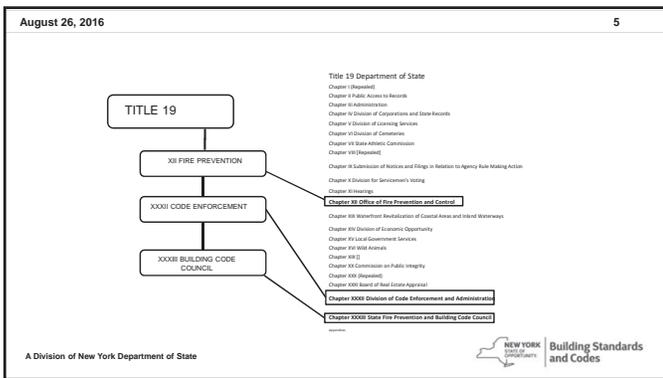
---

---

---

---

---




---

---

---

---

---

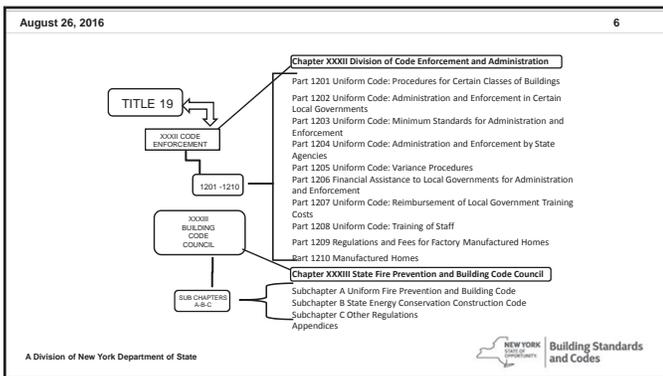
---

---

---

---

---




---

---

---

---

---

---

---

---

---

---

August 26, 2016 7

### Title 19 Chapter XXXII Part 1201

Procedures for Certain Classes of Buildings

The *Executive Law* section 381 assigns responsibility for code enforcement to Villages, Towns, Cities, and Counties

This part provides exceptions to the law for certain buildings such as  
 Governmental Buildings  
 Manufactured Housing

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 8

### Title 19 Chapter XXXII Part 1201

(e) The State Education Department shall be accountable for administration and enforcement of the Uniform Code with respect to buildings, premises and equipment in the custody of, or activities related thereto undertaken by, school districts and boards of cooperative educational services.

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 9

### Title 19 Chapter XXXII Part 1201

(g) The Secretary of State may examine records of a government related to the administration and enforcement of the Uniform Code under this section. It shall be the duty of such government to make those records available to the Secretary upon request.

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 10

## Title 19 Chapter XXXII Part 1201

### 1201.3 Local Government Option.

Executive Law, section 381(2), accords a city, town, village or county the option to decline to enforce the Uniform Code. If a city, town, or village exercises that option, any power conferred by this Part shall pass in the same manner as any general power under that section. If a county exercises that option, any power conferred by this Part shall pass to the Secretary of State.

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 11

## Part 1202.1

DOS Enforcement Administration for opted out communities  
 Gives the Department of State the power to enforce the code if

A program is taken away from a local government  
 All local governmental entities have opted out

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 12

## Part 1203 - Minimum Standards for Administration and Enforcement

Establishes responsibility:  
 Local Governments  
 County Governments  
 Other accountable agencies

Establishes vehicle for process  
 Local and county government must have a LOCAL LAW  
 State agencies follow Part 1204  
 Other entities equal the minimum provisions

**Amended January 1, 2007**

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 13

## Part 1203.2 Program and Administration Features

**1203.2(a)**  
 Every City, Town, Village and County  
 Shall provide through LOCAL LAW  
 Shall **include** the FEATURES prescribed by the Secretary

**1203.2(b)**  
 State Agencies  
 Shall follow "Minimum Standards for Administration and Enforcement by State Agencies" part 1204

A Division of New York Department of State Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 14

## Part 1203.2 Program and Administration Features

**1203.2(d)**  
**Every government or agency charged with enforcement of the code**

Shall exercise its power to assure the public receives protection from fire hazards and inadequate construction




A Division of New York Department of State Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 15

## Part 1203.2 Program and Administration Features

**1203.2(e)**  
 Contracts and other Agreements

(1) Allows local government to Contract out the administration and enforcement program  
 Provider must meet the requirements of Part 434

(2) *No agreement shall be made by which the public powers of a municipality are surrendered*  
 Building Permits, Certificates, Orders or Appearance Tickets must be issued by a public officer

A Division of New York Department of State Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 16

## Part 1203.2

### Program and Administration Features

**1203.2(f)**  
The persons, offices, departments, agencies or combinations thereof shall be clearly identified.




A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 17

## 1203.3 Minimum Features

*A government agency charged with or accountable for administration and enforcement of the code **must provide for each of the listed features through legislation** or other appropriate suitable means*

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 18

## 1203.3 Minimum Features

- 1203.3(a)** Building Permits
- 1203.3(b)** Construction Inspections
- 1203.3(c)** Stop Work Orders
- 1203.3(d)** Certificates
- 1203.3(e)** Notification of fire or explosion
- 1203.3(f)** Procedures for Unsafe Structures
- 1203.3(g)** Operating Permits
- 1203.3(h)** Fire Safety and Maintenance Inspections
- 1203.3(i)** Procedure for Complaints
- 1203.3(j)** Record Keeping

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 19

## Section 1203.3 Minimum Features

**1203.3(a)(1)** Building permits shall be required for any work which must conform to the Uniform Code

A Building Permit System  
 Application  
 Construction Inspections  
 Final Inspection  
 Certificate of Occupancy

**There are 12 Exceptions**

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 20

## Part 1203 Minimum Features – Building Permits

1203.3(a)(1)  
 A government or agency **may** exempt certain construction from the permit process as prescribed in sections (i) through (xii)

**THE WORK MUST STILL COMPLY WITH THE CODE !**

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 21

## Part 1203 EXCEPTIONS- Building Permits

**(i) One story detached structures**

▶ Limitations:  
 In 1 or 2 Family, and Townhouses  
 Max 144 SF



A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 22

## Part 1203.3(a) (1) EXCEPTIONS – Building Permits



### (ii) Swings, Playground Equipment

Limitations:  
In 1 or 2 Family dwellings and Townhouses

A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 23

## Part 1203.3(a) (1) EXCEPTIONS – Building Permits

### (iii) Swimming Pools

Limitations:  
In 1 or 2 Family, and Townhouses and less than 24" depth, Above ground



A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 24

## Part 1203.3(a) (1) EXCEPTIONS – Building Permits

### (iv) Fences

Limitations:  
**Not** associated with Swimming Pool enclosure



A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 25

### Part 1203.3(a) (1) EXCEPTIONS – Building Permits



**(v) Retaining Wall**

Limitations:  
Not enclosing certain flammable/combustible liquids

A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 26

### Part 1203.3(a) (1) EXCEPTIONS – Building Permits



**(vi) Temporary Stage Sets/Scenery**

*Temporary* Motion picture, Television and Theater sets and scenery

A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 27

### Part 1203.3(a) (1) EXCEPTIONS – Building Permits



**(vii) Window Awnings**

Limitations:  
In 1 or 2 Family, and Townhouse  
Supported by Exterior Wall

A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 28

### Part 1203.3(a) (1) EXCEPTIONS – Building Permits

**(viii) Partitions and Moveable Cases**

Limitations:  
Less than 5'-9" high



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 29

### Part 1203.3(a) (1) EXCEPTIONS – Building Permits

**(ix) Painting, Wallpapering, Tiling, Carpeting Or similar finishing work**




A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 30

### Part 1203.3(a) (1) EXCEPTIONS – Building Permits

**(x) Listed Portable Equipment**  
Electrical, plumbing, heating, ventilation or cooling equipment or appliances



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 31

## Part 1203.3(a) (1) EXCEPTIONS – Building Permits



**(xii) Repairs**

Limitations:

- Don't cut load bearing element
- No rearrangement of means of egress
- Don't effect a building system
- Don't impairment of a fire protection system

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 32

## Part 1203.3(a)(2) Application for a Building Permit

*...shall request sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code*

- Description of the proposed work
- Tax map number and address
- Occupancy classification
- Special inspections if applicable
- Minimum 2 sets of documents



A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 33

## Permit Procedures Overview

- Application Package
- Plan Review to determine Code Compliance
- Take steps to Correct Deficiencies
- When satisfied ... Issue the Permit



A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 34

### Before a Permit can be Issued

***Other approvals may be required***

- Land Use and Planning
  - Subdivision controls
  - Site plan review
  - Environmental consideration
- Zoning
  - Bulk requirements
  - Use
- Other Issues?

A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 35

### General Permit Application Package

- Application
- Instruction Sheet

Consider having a brief meeting with the permit applicant.

Explain what happens next.  
Scheduling procedures for inspections.

A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 36

### Part 1203.3(a)(3) Application Documents

*Construction documents shall NOT be accepted unless ...*

- a) Compliant with NY Education Law
- b) Indicate nature and extent of proposed work
- c) Substantiate compliance
- d) Include a site plan where applicable



A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 37

### Extra Responsibilities

As a CEO you are occasionally bound by other laws that you have NO power to enforce.

That means you must comply with them but have no power to enforce them

Here are two examples...

A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 38

### NYS Department of Education

Professional Stamp **required**  
 Art. 145, Chapter 7209 Engineer  
 Art. 147, Chapter 7307 Architect

	PHASE 3	The Clark Building 28 South Dr. Albany, NY
	DATE 11/2/2015	KEY PLAN
	JOB 3	

A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 39

### Education Law : EXCEPTIONS

Farm buildings used directly and solely for agricultural purposes

Residence buildings of gross area of fifteen hundred square feet or less

Alterations, costing less than \$20,000 which do not involve changes affecting the structural safety or public safety

A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 40

### Exceptions

Residence buildings of **gross** area of fifteen hundred square feet or less

900  
Sq. Ft.  
Home

700  
Sq. Ft.  
Addition

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 41

### Worker's Compensation and Disability

Workers Compensation Law  
Article 4 Section 57

Shall not issue such permit unless proof duly subscribed by an insurance carrier is produced..

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 42

### Part 1203.3(a)(4)

#### ***Features – Permit procedures and details***

The municipal procedures must provide for these items

- Applications shall be examined for compliance
- Do a "plan review"
- When finished, mark documents as accepted
- One set for the CEO's office
- One set for the CEO at the construction site

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 43

## Document the plan review process

*Documents to Generate, Collect, and Add to your records*

- Plan Review Checklist
- Required Construction Documents
- Correspondence with the Applicant
  - Results of the Initial Review
  - Notes from Meetings
  - Follow-Up confirmation letter
  - Responses from the Applicant
  - Any Changes to the Plans

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 44

## Part 1203.3(a)

### **Features – Permit procedures and details**

The municipal procedures must provide for these items

- (5) Directives included on the permit
  - Follow the construction documents
  - Immediately notify in the event of changes
- (6) Expiration date
- (7) Provision for revocation or suspension
- (8) Permit visibly displayed

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 45

## AHJ Considerations

- Fees
- Time Frames and Extensions
- Revocation of Permit



A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 46

## Issuing the Permit

If everything complies with the Code,  
You have all the required documentation,  
You have to issue the permit.



“Construction can begin”

A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 47

## What is a Building Permit?

A brightly colored **PLACARD**  
A visible notice for neighbors and inspectors  
An affirmation of proper intent  
An approval to begin construction

*But behind that piece of cardboard there is much more!!!*

A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 48

## Suggestion for a Permit Placard



Brightly colored  
Displayed in a visible  
Location





A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 49

## Types of Building Permits

- New construction
- Alterations, additions or repairs
- Conversion of occupancy
- Demolition
- Pool



**For Any Work That "MUST"  
Conform to the Uniform Code**

A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 50

## Part 1203.3(b) Construction Inspections

### 1203.3(b)(1)

Permit holder must notify when ready for inspection

Permitted work to remain exposed until inspected and accepted



A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 51

## Inspections, *Identify Consequences*

*Work that can't be seen, cannot be verified!*

Failure of the applicant to call for your inspection does not remove the need to inspect

Be Upfront! "If work must be uncovered to be inspected it will be!"

Not a threat. A fact.

Follow through!!!

A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 52

### Reasons for Construction Inspections

- Ensures compliance with the approved plans
- Ensures that the owner gets what they paid for
- Control or manage the construction activities
- Assists the construction process
- Records the process



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 53

### Arranging Inspections

*Establish a Professional Relationship.*

- You and the contractor/applicant are working together.
- Treat them with respect.
- Extend yourself for them, but recognize reality.
- Don't be taken advantage of.



A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 54

### Arranging Inspections

#### *It's the Applicants Responsibility*

- Establish the ground rules before the permit is issued.
- The applicant must call before work can be concealed.
- How much lead time do you need ?
- What if you can't meet your obligation ?



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 55

### Part 1203.3(b) Construction Inspections

Provisions shall be made for inspection of the following ...

- (i) work site prior to the issuance of a permit;
- (ii) footings and foundation;
- (iii) preparation for concrete slab;
- (iv) framing;
- (v) building systems, including underground and rough-in;
- (vi) fire resistant construction;
- (vii) fire resistant penetrations;
- (viii) solid fuel burning heating appliances, chimneys, flues or gas vents;
- (ix) energy code compliance; and
- (x) a final inspection after all work has been completed.

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 56

### 1203.3 (b)(2)(i) Site prior to issuing the permit





What does the site look like?  
 Swampland  
 Uphill, down hill  
 Where are the property lines?

A Division of New York Department of State 

---

---

---

---

---

---

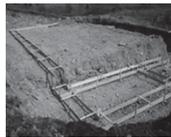
---

---

August 26, 2016 57

### 1203.3 (b)(2)ii Footings and foundation






A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 58

### 1203.3(b)(2) (iii) Preparation for the concrete slab




A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

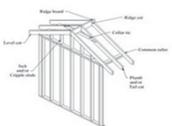
---

---

---

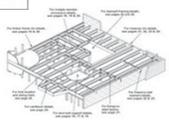
August 26, 2016 59

### 1203.3(b)(2) (iv) Framing



ROOF FRAMING PLAN

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

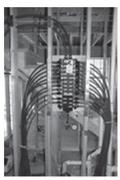
---

---

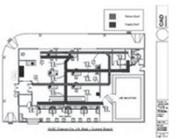
August 26, 2016 60

### 1203.3(b)(2) (v) Building Systems







A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 61

## 1203.3(b)(2) (vii) Fire Resistant Construction

**Featured Design – UL 1454**  
**150 MINUTE FIRE RESISTANT - 1 1/2" WALL THICKNESS**

**FIRE RATED PIPE PENETRATION DETAIL**  
 NOT TO SCALE

1. 2\"/>
- 2. PENETRATION SHALL BE INSTALLED PER MANUFACTURER'S INSTALLATION INSTRUCTIONS.

A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

---

---

August 26, 2016 62

## 1203.3(b)(2) (viii) Solid fuel burning appliances

A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

---

---

August 26, 2016 63

## 1203.3(b)(2) ix Energy Code Compliance

A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

---

---

August 26, 2016 64

### 1203.3(b)(2) (x) Final Inspection





The Certificate that says  
"The work is done"  
Close the permit  
"It's not just a walkthrough."

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 65

### When things don't go as planned

**1203.3(b)(3)** Inspector must  
Notify permit holder if work is satisfactory or not  
Work not in compliance must remain exposed until corrected, re-inspected and found to be satisfactory.




A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 66

### Not as planned

- Work does not comply with the plans
- Materials do not meet standards or the plans
- Work is concealed before you can inspect
- The plans were incorrect
- Shoddy workmanship
- Changes are made to the plans

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 67

### Change of Plan *Issues and Procedures*

Many (most?) changes are found during your inspection  
 Proposed changes submitted for your review

- Number of copies
- Professional stamp ?
- How long will it take ?
- Acknowledgment of approval
- As-built drawings?

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 68

### Conducting the Inspection



*Be Prepared*

**DON'T** Bring the office copy of the plans with you

**A copy of the approved plans must be on-site**

Tools of YOUR trade

- Pencil and paper
- Safety equipment as appropriate

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 69

### Part 1203.3(c) Stop Work Order



**YOU WILL PLEASE TAKE NOTICE** that there exists a violation ....

You are hereby **Directed and Ordered to Stop Work**, comply with the law, and to remedy the conditions above mentioned

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 70

## Documenting your Inspections

Information is vital to your files and to the contractor  
 Your files will affect your future decisions  
 Contractor needs to know before going forward

Possible methods

- Letter
- Email
- On-site placard
- Inspection report as a follow-up

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 71

## Reports supplied to You

Independent Reports

- Electrical Inspection Report
- Special Inspections per Building Code Chapter 17
- Structural Observations per Building Code Chapter 17
- Other 3<sup>rd</sup> Party reports?

Contractor Certifications

- Fire Protection Equipment
- Acceptance Test results

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 72

## Part 1203.3(d)

Certificates of occupancy or certificates of compliance shall be required ...

- For work subject to a building permit
- Buildings which are converted from one general occupancy classification to another

**Constitutes "permission" to use or occupy a structure**

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 73

## Typical Terminology

*Refer to YOUR Local Law for Specifics*

**Certificate of Occupancy**

**Certificate of Compliance**

**Temporary Certificate of Occupancy**

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 74

## Certificate of Occupancy

Typically signals the end of building permit activity

Allows Occupancy

A Certificate of Occupancy also:

- Limits use
- Acknowledges completed activity
- Motivates owners and/or contractors



A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 75

## Certificate of Compliance

**Signals the end of activity related to Code Enforcement/Administration**

Compliance with fire safety/maintenance inspections of buildings

Approves installation of "systems" or equipment

Not typically something that is "occupied"

Compliance with applicable standards and/or manufacturer's instructions



A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 76

## Language

Local Law, not the CEO, determines CO or CC.

It is advisable that local governments do not make a representation within the certificate to the effect that no violations exist.

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 77

## Issuance of Certificates

### Issuance of Certificate of Occupancy or Compliance

Local government shall issue in two specific situations:  
 Completion of the building permit process, or  
 Change from one occupancy classification to another

Local governments may expand requirements for building permits and certificates beyond the minimum standards

**An inspection must be performed prior to issuance of certificates and Only issued after ALL inspections are complete**

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 78

## Part 1203.3(d) Certificates

### Prior to issuance:

Final Inspection  
 Reports for Structural Observations and Special Inspections  
 Flood Hazard certificates if applicable  
 Required Information on the Certificate  
 This is another long list!  
 Look at (i) – (x)

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 79

### 1203.3(d)(2) The List – Minimum

- (i) the building permit number,
- (ii) the date of issuance of the permit,
- (iii) the name, address and tax map number of the property;
- (iv) if the certificate is not applicable to an entire structure, a description of that portion of the structure for which the certificate is issued;
- (v) the use and occupancy classification of the structure;

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 80

### 1203.3(d)(2) The List - Minimum

- (vi) the type of construction of the structure;
- (vii) the assembly occupant load of the structure, if any;
- (viii) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (ix) any special conditions imposed in connection with the issuance of the building permit; and
- (x) the signature of the official issuing the certificate and the date of issuance.

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 81

### 1203.3(d)3 Temporary Certificates

When sufficiently complete

- Must not affect or endanger occupants
- Basis must be in local legislation
- Local law determines time frame
- Language should be specific
- States restrictions and conditions
- Does **not** relieve owner of responsibility to complete structure

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 82

### Part 1203.3(d) Certificates

**1203.3(d)(3) Temporary Certificate**  
*... may not be issued prior to the completion of work*  
**... UNLESS ...**  
 May be occupied safely  
 Fire protection systems are operational  
 Means of egress are provided

**1203.3(d)(4) Certificate issued in error or with incorrect information**  
*... shall be suspended or revoked ...*

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 83

### Certificate of Occupancy Record Keeping and Importance

This is a Public Record  
 Required to be maintained as a record for 6 years **after** the building no longer exists  
 This provides the basis for future inspections of the Property  
 Conditions of use or occupancy must be continued and maintained

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 84

### Record Keeping and Importance

**May be Requested by Lending Institutions**  
 Construction Loans  
 Mortgage protection

**May be Requested for License or other Approval**  
 Child Care Facilities  
 Others ?

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 1

**Part 1203.3**  
**Minimum**  
**Features**

**Lesson 4B**

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 2

**Part 1203.3(e) Minimum Features**

**(e) Notification regarding fire or explosion**

- Chief to notify code official
- Involving structural damage
- Involving fuel burning device/chimney
- Gas vent



A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 3

**Part 1203.3 (f) Minimum Features**




**(f) Procedures regarding unsafe structures or equipment**

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 4

### Part 1203.3(g) Operating Permits

**Shall require** a system of “Operating Permits” for the following activities or buildings:

- Excessive quantities of Hazardous Materials
- Hazardous processes and activities
- Use of “pyrotechnics” in assembly occupancies
- Public assembly with more than 100 people
- Substantial potential hazard to public safety

A Division of New York  
Department of State 

---

---

---

---

---

---

---

---

---

---

August 26, 2016 5

### What is an Operating Permit?

*An operational permit allows the applicant to conduct an operation or a business for which a permit is required*








A Division of New York  
Department of State 

---

---

---

---

---

---

---

---

---

---

August 26, 2016 6

### Operating Permits-Hazardous Materials

**1203.3(g)(1)(i) Manufacturing, storing or handling**  
Locations where quantities exceed:

Material	Quantity	Location	Permit	Notes
Flammable liquid	100 gal	Storage	Required	
Flammable solid	1000 lb	Storage	Required	
Flammable gas	1000 cu ft	Storage	Required	
Corrosive liquid	100 gal	Storage	Required	
Corrosive solid	1000 lb	Storage	Required	
Compressed gas	1000 cu ft	Storage	Required	
Explosive	1000 lb	Storage	Required	
Radioactive	1000 Ci	Storage	Required	

A Division of New York  
Department of State 

---

---

---

---

---

---

---

---

---

---

August 26, 2016 7

### 1203.3(g)(1)(ii) Operating Permits- Hazardous Processes and Activities

*Including but not limited to, commercial and industrial operations which produce **combustible dust** as a byproduct, **fruit and crop ripening**, and **waste handling***



NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 8

### 1203.3 (g)(1)(iii) Operating Permits

Pyrotechnic Devices  
In Assembly Occupancies




NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

A Division of New York Department of State

---

---

---

---

---

---

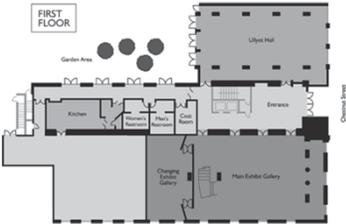
---

---

August 26, 2016 9

### 1203.3 (g)(1)(iv) Operating Permits

**(iv) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more**



NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 10

### 1203.3 (g)(1)(v) Operating Permits Hazard to Public Safety




As determined by  
municipal law  
A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 11

### Operating Permits Program Considerations

- Permits for the Same Location
- Application process
  - Refusal to issue permit
  - Inspection prior to issuance or renewal

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 12

### Operational Permits-Program Considerations



- Conditions of a Permit
  - A prescribed period
  - Until renewed or revoked
  - Conditional permits
- Posting the permit
- Information on the permit

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 13

### Operational Permits Program Considerations

Permit Revocation

- Wrong location or establishment
- Condition or activity is NOT listed in the permit
- Violation of conditions and limitations
- False statements or misrepresentations
- Used by a different person or firm
- Failure to comply with orders or notices
- Issued in error or in violation of an ordinance, regulation or this code

A Division of New York  
Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 14

### Managing Existing Buildings, Facilities, and Operations

*Basic Inspection Procedures  
Inspection Program Options*

*Part 1203.3 (h)  
Appendix Page 20*



A Division of New York  
Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 15

### Part 1203.3(h)

#### Fire Safety and Maintenance Inspections

Areas of Public Assembly  
at least annually

#### Multiple Dwellings and Non- Residential Occupancies

Intervals consistent with local conditions  
No less than every three years  
**Dormitory buildings at least annually**

A Division of New York  
Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 16

### Inspecting Existing Buildings

Compliance with Code Requirements  
Public Education and Awareness

"It" was Built/Designed/Installed that way for a reason.  
Our job is to make sure "it" still works.




A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 17

### Types of Inspections

- Fire Safety
- Housing
- Property Maintenance
- Complaints
- Operating Permits






A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 18

### Who does these Inspections ?




- Fire Inspector
- Fire Marshal
- Housing Inspector
- Building Inspector
- Building Safety Inspector
- Code Enforcement Official

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 19

### Operating Permits 1203.3 (g)(1)(iii)



Pyrotechnic Devices  
and Assembly  
Occupancies



A Division of New York  
Department of State



---

---

---

---

---

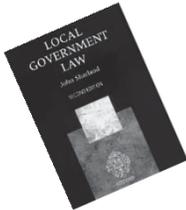
---

---

---

August 26, 2016 20

### Your Legal Authority



As specified by your LOCAL  
LAW



A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 21

### Tools for Inspections

- 2015 International Fire Code
- 2015 International Property Maintenance Code
- 2016 NY Uniform Code Supplement
- The Fire Code in effect at the time of construction



A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 22

### Basic Inspection Procedures



*Preparation and Approach*

*Systematic Inspection*

*Closing Interview*

*Follow Up*



A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 23

### Preparation and Approach Arranging Inspections



Scheduled  
OR  
Surprise



A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 24

### Preparation Considerations

Attitude

Safety, Health and Welfare

Identification

Uniform

Badge

Picture I.D.



A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 25

### Preparation Considerations










A Division of New York  
Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 26

### Preparation Considerations



An Inspection Checklist is a Guide!

What do YOU want your checklist to do?

A Division of New York  
Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 27

### Preparation Considerations Prior to Inspections

Review Files

- Building Plans / Floor Plans
- Previous Inspections
- Fire Safety/Evacuation Plans
- Operating Permits
- Complaints
- C.O. or C.C.



A Division of New York  
Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 28

## Inspections

One and Two Family  
Multiple Dwellings  
Non-Residential  
Occupancies



A Division of New York  
Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

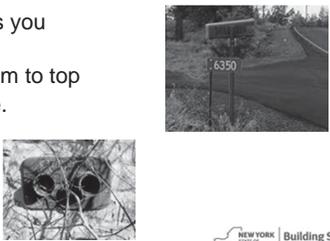
---

---

August 26, 2016 29

## Systematic Inspection

Start on the Outside?  
Observations even as you arrive  
Top to bottom, OR bottom to top  
Your checklist is a guide.



A Division of New York  
Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 30

## Systematic Inspection

Your job is to **OBSERVE** and **VERIFY**  
The **OWNER** must arrange for **TESTING**  
Systems testing records verification  
Copies to Inspector  
Building representative acknowledgement

A Division of New York  
Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 31

### Closing Interview

***“The purpose is to assist compliance through awareness and education.”***

- Talk to the person in charge
- Highlight known violation
- Discuss “hazards” and “building issues” which may be of assistance to the owner
- Outline the “Follow Up” procedures

**WHEN DO VIOLATIONS NEED TO BE CORRECTED**

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 32

### Follow Up – Re-Inspect

- The OWNER must be informed of date of re-inspection
- DETAILS must be specified
- Violations must be IDENTIFIED
- Your report is a RECORD
- Explain what happens NEXT
- Describe the CONSEQUENCES

**The municipality must provide a time frame in which violations shall be corrected and when the re-inspection will be done.**

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 33

### What is your best tool?

*Your ability to carry out education and enforcement duties with knowledge, understanding responsibilities, and communication.*



A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 34

## Inspection Program Options

***Tips and Advice***  
***Fire Safety***  
***Inspections***  
***Operating Permits***

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 35

## No One Likes to be Inspected!

Promote your program(s)  
 Public support really helps  
 Public support may influence  
 political and judicial backing  
 Public Education and Awareness  
 Maintain Compliance

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 36

## Establish Parameters through Local Law

Time Frames for Inspections  
 Fees for Inspections  
 Permits for Hazardous Occupancies  
 Facilities with Hazardous Materials  
 Lumber Yards  
 Service Stations or Repair Garages  
 Administrative Procedures

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 37

### Housing Maintenance Inspections

Inspections per Fire and Property Maintenance Codes

Satisfactory Inspection leads to Certificate of Compliance

Certificate Valid for    ?    Years

Proof of Compliance with Code

Renewal Period

Occupancy Permit

LOCAL  
LAW

A Division of New York  
Department of State

Building Standards  
and Codes

---

---

---

---

---

---

---

---

August 26, 2016 38

### Multiple Dwelling Registration

Registration of multiple dwellings can be a useful tool when implementing a residential inspection program. The procedure should be developed through local law.

The following type of information is important:

- Building
- Location
  - Number of Dwellings
  - Type of Construction
  - Maybe, but the owner may not know
- Owner Information
  - Address and phone number

LOCAL  
LAW



A Division of New York  
Department of State

Building Standards  
and Codes

---

---

---

---

---

---

---

---

August 26, 2016 39

### Rental Permit System

Separate "Permit" for each Unit

Permit Expires when unit is Vacated

New Permit required for Re-occupancy

Inspection prior to a new Permit

LOCAL  
LAW



A Division of New York  
Department of State

Building Standards  
and Codes

---

---

---

---

---

---

---

---

August 26, 2016 40

### Benefits of a Residential Program

- Improved Life Safety
- Improved Housing Conditions
- Increase Public Awareness
- Increase Public Pride

**LOCAL  
LAW**



A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 41

### You can use Outside Help



**Third party inspection agencies  
Legal authority cannot be given  
away**

**Provides specialized knowledge**

- Electrical Inspections
- Furnaces/Boilers Inspections
- Chimney Inspections
- Plumbing Inspections





A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 42

### Other Programs

Exterior Maintenance




Junk Vehicles



**Community  
Clean  
Up  
Day**



A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 43

### Part 1203.3 Minimum Features

**▶1203.3(i) Complaints**

- Process to respond
- Provisions for inspections

**▶1203.3(j) Recordkeeping**

- Establish a system to verify all the activities we just discussed!
- Also of fees charged and collected



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 44

## Complaints

### To determine a BONA FIDE Complaint

You need to ...

- Determine authority
- Determine validity
- Take necessary action
- Keep a record



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 45

### 1203.3(j) Record Keeping is Important

***If records can't be provided, how does a municipality prove compliance with...***

- State Law
- State Regulation

***If records can't be provided, how do you justify your actions!***

- Enforcement proceedings
- Budget justifications
- Avoiding liability



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 46

**Records Are Essential for**

**ADMINISTRATION  
DECISION MAKING  
ENFORCEMENT**

*Setting up a System . . .*

A Division of New York  
Department of State  Building Standards  
and Codes

---

---

---

---

---

---

---

---

August 26, 2016 47

**Identify Needs**

Records that **MUST** be kept:

- Permit Applications
- Construction documents
- Inspection reports
- Certificates of Occupancy/Compliance
- Complaints
- Operating Permits

**Other records that may be kept?**

A Division of New York  
Department of State  Building Standards  
and Codes

---

---

---

---

---

---

---

---

August 26, 2016 48

**What should your Records do for You**

- Provide you information
- Document the construction process
- Assist in scheduling your activities and inspections
- Provide answers to questions
- Generate reports

A Division of New York  
Department of State  Building Standards  
and Codes

---

---

---

---

---

---

---

---

August 26, 2016 49

### Available Resources

Physical  
Space?  
Labor  
Secretary/Clerk?  
Specialized Equipment  
Computers?  
Software?



A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 50

### Difficulties

Maps and Plans  
Physically large  
May require cross-referencing  
Fees Collected  
Municipal Clerk  
Building Department Safe  
Miscellaneous  
Photos  
Newspaper Clippings

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 51

### Types of Systems



Address  
Permit Number  
Tax map Number



A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 52

### Address File or Street Files




Address does not change  
All the information about the property is in one location

A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 53

### Permit Number

Good for Sequence and Date Control  
Useable for a large or varied jurisdiction  
Good for Reports  
Correlates well with CO's




A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 54

### Tax Map Number

216.11-2-10.63



Tax Number is Constant  
Correlates with Assessor's Records  
Good Key for Computer Cross Referencing  
May be used in conjunction with street files

A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 55

### Tools for File Management

Logs  
 Permit Management:  
   Review  
   Active  
   Complete  
 Card/Computer Database Files  
 To cross-reference materials



A Division of New York  
Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 56

### Steps to Permit Issuance

*These were discussed earlier*

Is the Application Package complete  
 Plan Review to determine Code Compliance  
 Take steps to Correct Deficiencies  
 When satisfied ... Issue the Permit  
*How can your records help you?*

A Division of New York  
Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 57

### Document the Application Package

#### Building Permit Application Log

Permit Applicant : **Happy Company**  
 Application Submittal : **5/20/14**  
 Zoning and Planning approvals :  
 Site Plan or Survey : **5/21/14**  
 2 sets of Plans : 5/20/14  
 Proof of Insurance : WC  
 Contractor License :  
 Fee received

*You Design  
What you need*

A Division of New York  
Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 58

## 1203.4 Program Review and Reporting

New York State Department of State  
Division of Building Standards and Codes  
89 Washington Avenue, Suite 1100  
Albany, NY 12243  
Phone: (518) 485-7100, Fax: (518) 474-5750  
www.dos.state.ny.us

Submit by Email  
Print Form  
Page 1 of 6  
Reporting Year: 2014

**LOCAL GOVERNMENT**  
Uniform Code Minimum Standards for Administration and Enforcement Report

**GENERAL INFORMATION**

City/Town/Village or County	Name of Code Official
Address	Title of Code Official
Zip/Postal Code	Code Official 2014 Certification #
County	Hours worked per week
	Phone Number
	E-mail Address

\*For additional Code Enforcement Officials, utilize the Uniform Code within your jurisdiction, please see page 4 of this form.

**CODE ENFORCEMENT**

Is the local party responsible for enforcing the Uniform Code within your jurisdiction? <input type="checkbox"/>	Is there a local Department person for safety inspection? <input type="checkbox"/>
Is the local party responsible for the enforcement requirements of § 203.2(a)(7)? <input type="checkbox"/>	Is the local party responsible for the safety inspection? <input type="checkbox"/>

**LOCAL LAW, ORDINANCE, REGULATION**

A Division of New York  
Department of State

---

---

---

---

---

---

---

---

---

---

August 26, 2016 59

## Your Certification Number

Certification number

- Is on the certificate you receive when you finish your training.
- It is on the bottom left corner of the certificate.
- This is NOT a license number
- This number needs to be on the Annual Report filed with NYS

A Division of New York  
Department of State

---

---

---

---

---

---

---

---

---

---

August 26, 2016 60

## 1203.4(b) Program Review

Upon request from DOS, a municipality **MUST:**

**Produce records**

**Failure to produce records, or insufficient records - no proof!**

Inference that minimum standards are not being met

Secretary of State can invoke options

A Division of New York  
Department of State

---

---

---

---

---

---

---

---

---

---

August 26, 2016

61

**1203.5 (a) Compliance with an OTR**

**Emergency Rule Making-Effective January 12, 2015**

The time within compliance is required is hereby fixed at thirty days following the date of the Order to Remedy

A municipality may set a time less than thirty days.

1203.5 (d) but penalties do not start until day 31

Page 65 of the Appendix

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016

62

**1203.5 (b) Compliance with an Order to Remedy**

**MUST STATE THE DATE OF THE ORDER AND  
MUST INCLUDE A STATEMENT  
SUBSTANTIALLY SIMILAR TO THE  
FOLLOWING:**

NOTICE: Full compliance with this order to remedy is required by \_\_\_\_\_ [specify date], which is thirty (30) days after the date of this order. If the person or entity served with this order to remedy fails to comply in full with this order to remedy within the thirty (30) day period, that person or entity will be subject to a fine of not more than \$1,000 per day of violation, or imprisonment not exceeding one year, or both.

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016

63

**1203.5 (c) Compliance with an OTR**

**ALL ORDERS TO REMEDY ISSUED ON OR  
AFTER JANUARY 12, 2015 MUST BE SERVED,  
PERSONALLY OR BY CERTIFIED OR  
REGISTERED MAIL, **WITHIN FIVE (5) DAYS OF  
THE DATE OF THE ORDER.****

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 64

**“Reminder” Article 18**

**381.4 IF the Government Failed to ... The Secretary shall take the following actions**

- Issue order compelling compliance
- Ask Attorney General to institute an action
- Designate the County to enforce the code
- Code to be administered by DOS  
(Direct Enforcement)

A Division of New York  
Department of State




---



---



---



---



---



---



---

 **NEW YORK**  
STATE OF OPPORTUNITY.

**Building Standards and Codes**

**Lesson 4 C**

**NYCRR Title 19**  
**The Secretary of States Rules and Regulations**

---

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 2

**Introduction to Part 1204**  
**Title 19 NYCRR**

Program Features for State Agency Enforcement  
Effective August 28, 2006 (1204.2)



 **NEW YORK**  
STATE OF OPPORTUNITY.

**Building Standards and Codes**

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 3

**Part 1204 Program Features**

**3 Categories of Agencies**

- Agencies that design and construct
- Agencies that own or are responsible for buildings
- All other than above
  - “Exempt” Agencies
    - Do not design or build
    - Do not own or control
    - Someone else has code responsibility

 **NEW YORK**  
STATE OF OPPORTUNITY.

**Building Standards and Codes**

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 4

**Part 1204 Program Features**

*Those Agencies that Design or Construct  
"Construction Permitting Agency"*

**Listed in 1204.3(e)**

Code Compliance Managers [1204.6 (a) ]  
Implement a Building Permit System [1204.7]






A Division of New York  
Department of State

---

---

---

---

---

---

---

---

August 26, 2016 5

**1204.7 Construction Permits**

Required for ALL work with exceptions:

- Repairs not affecting structure or systems
- New storage facilities less than 3000 CF
- Work on existing buildings costing less than \$20,000

Even if a permit is not required, ALL work must comply with Code...



A Division of New York  
Department of State

---

---

---

---

---

---

---

---

August 26, 2016 6

**Part 1204 Program Features**

*Those agencies that Own Buildings*

Or are responsible for existing buildings

- Fire Safety Inspections
- Complaints
- Reports
- Code Coordinator

**1204.5 ( c )**



A Division of New York  
Department of State

---

---

---

---

---

---

---

---

August 26, 2016 7

## Uniform Code Variance Procedures



A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 8

### Part 1205 - Variance Procedures

*Section 381 of the Executive Law required the Secretary of State to establish a procedure where any provision or requirement of the code may be varied or modified...*

NEW YORK STATE DEPARTMENT OF STATE  
Division of Building Standards and Codes  
APPLICATION FOR VARIANCE OR APPEAL  
UNIFORM FIRE PREVENTION AND BUILDING CODE

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 9

### Initiating the Variance Process

Contact DOS Technical Assistance office **first**

**All pertinent information must be provided**

Determination made as to what type of variance- Board or Routine Variance

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 10

### Regional Offices

Mailing an application directly to our Central Office without first involving Technical Assistance will result in a delay.



**Contact Technical Assistance through our web site FIRST**

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 11

### Boards of Review

Six Regional Boards - 1205.2

- Buffalo
- Rochester
- Syracuse/Watertown
- Albany/North country
- Mid Hudson
- Hauppauge, L.I.

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 12

### 1205.3 Membership

**5 members to each Board, appointed by Secretary of State**

- A registered Architect (licensed to practice in New York State)
- A Professional Engineer (licensed to practice in New York State)
- A person with a building code enforcement background
- A person with a fire prevention background
- A businessperson or lawyer

In addition, one of the 5 members must be a LOCAL government official

ALL 5 members must be residents of the region they serve.

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 13

**1205.4 (a) Powers and Duties- Regional Board**

**Power to VARY or MODIFY**

"However ... shall not substantially adversely affect provisions for health, safety, and security AND that equally safe and proper alternatives may be prescribed."

And may also hear and decide appeals:  
 of any order or determination  
 or failure to order or determine

A Division of New York  
 Department of State  Building Standards  
 and Codes

---

---

---

---

---

---

---

---

August 26, 2016 14

**Two Types of Variances**

**Regional Board of Review Variance**  
 Formal proceedings with a hearing

**Routine Variance**  
 Informal proceedings with no hearing

A Division of New York  
 Department of State  Building Standards  
 and Codes

---

---

---

---

---

---

---

---

August 26, 2016 15

**Regional Board of Review Variance**

Requires documentation

Variance may or may not be granted

May require alternatives in lieu of strict compliance

Appropriate for large and/or numerous code modification/variance requests

A Division of New York  
 Department of State  Building Standards  
 and Codes

---

---

---

---

---

---

---

---

August 26, 2016 16

**Regional Board of Review Hearing**

Open to the public – informal  
 Hearing stenographer  
 Petitioner/agent gives brief statement describing project and relief sought  
 Variance granted if ONE of the 6 criteria proven through weight of evidence

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 17

**1205.4 (b) Powers and Duties**

Vary or modify a provision or requirement  
 6 Criteria:

- Excessive and Unreasonable Economic Burden
- Not Achieve Intended Objective
- Inhibit Important Public Policy
- Physically or Legally Impracticable
- Unnecessary/Alternatives Achieve Results
- Change so Slight/Negligible Benefit

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 18

**In Cases of Appeal**

**Gives determination/fashions suitable remedies**

Sustaining, reversing or modifying, in whole or in part, an order or determination

Directing permits, authorization or other documents be issued where an order or determination has NOT been made within a reasonable time

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 19

**Board of Review Decision**

Official decision notification in writing  
 Decision given verbally at end of hearing  
     Verbal decision not binding, CEO can wait for written decision  
 Gives the Board's findings/conclusions and relief granted  
 Copies of decisions are provided to:  
**CEO**  
**Petitioner**  
**Board of Review members from all regions**

A Division of New York  
Department of State  Building Standards  
and Codes

---

---

---

---

---

---

---

---

August 26, 2016 20

**1205.6 Routine Cases**

“ Routine” determined by DOS  
 Appropriate for minor or limited code  
 modification/variance requests  
 Some documentation required  
 May be granted on-site  
 Findings of fact and conclusions made  
 Decision in writing

A Division of New York  
Department of State  Building Standards  
and Codes

---

---

---

---

---

---

---

---

August 26, 2016 21

**Division of Building  
Standards and Codes**

19 NYCRR  
PART 1208  
TRAINING OF  
PERSONNEL

A Division of New York  
Department of State  Building Standards  
and Codes

---

---

---

---

---

---

---

---

August 26, 2016 22

- History
- Training Requirements
  - Basic Training
    - Time Frame
  - In-Service Training Requirements
    - Electives
    - Online Training
- Transitional Requirements

A Division of New York  
Department of State 

---

---

---

---

---

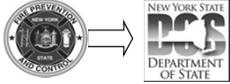
---

---

---

August 26, 2016 23

- Convert regulations from OFPC to DOS
- Update training requirements
- Collaborative effort
  - DBSC
  - NYS Codes Coalition
    - NYSFMIA, NYSBOC, FASNY, NYS AFC, NYS AFD
  - Discipline specific experts
    - CEO, CCT, Municipal FD
- Established Workgroup
  - Comprehensive review
  - 54 topic areas



A Division of New York  
Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 24

### Training Work Group

- Recommendations
  - Retain 24 hours annual in-service
    - 36 hours / 3 years was considered
  - Multiple training categories
    - Currently 7 categories
  - No limitation on delivery methods
    - All online acceptable
  - Train the trainer
    - Streamline process for qualified instructors
  - Revocation provision
    - For serious offenders

A Division of New York  
Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 25

### Part 1208

**1208-1** Introduction, Purpose, and Definitions  
**1208-2** Minimum Training Requirements and Standards  
**1208-3** Certification of Building Safety Inspectors and Code Enforcement Officials  
 1208-4 Certification of Training Courses and Instructors  
**1208-5** Miscellaneous Provisions



A Division of New York  
Department of State

NEW YORK STATE DEPARTMENT OF STATE  
Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 26

### Enforcement Activity

Any activity related to administration and/or enforcement of the Uniform Code and/or the Energy Code, excluding

- signing permits, certificates of occupancy, orders, appearance tickets, or similar documents in reliance on reviews, approvals and/or inspections performed by other persons and secretarial and other clerical activities.

A Division of New York  
Department of State

NEW YORK STATE DEPARTMENT OF STATE  
Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 27

### Enforcement Activity

Two levels of enforcement activities

- Building Safety Inspector – **BSI**
- Code Enforcement Official - **CEO**

A Division of New York  
Department of State

NEW YORK STATE DEPARTMENT OF STATE  
Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 28

## Training Identification Number

- Issued after training has started
- Identifies ***you*** to DBSC
- ***Necessary*** to access your SLMS account
  - For new trainees
    - CE followed by 7 digits (example: CE0123456)
  - For others (pre-2014 CEO's, Fire service, etc.)
    - NY followed by 7 digits (example: NY0123456)

**If you already have a SLMS account do not create another**

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 29

## Training Identification Number

- ***ALL calls, e-mails, or other correspondence*** with DBSC regarding your training records or access to them via SLMS **WILL REQUIRE** you to include or provide your unique Training ID #.
- It is the only way to readily access your information in SLMS.

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 30

## Building Safety Inspector

Fire safety and/or property maintenance inspections of *existing* buildings and structures



A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 31

## Definitions

### Certified Building Safety Inspector

A person who has been certified pursuant to this Part as having successfully completed the applicable basic training program described in section 1208-3.2(b) of this Part and whose certification has not been revoked or become inactive.

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 32

## Required BASIC TRAINING

### Building Safety Inspector

- 9A - Introduction to Code Enforcement Practices (Part 1)
- 9B - Introduction to Code Enforcement Practices (Part 2)
- 9C - Inspection Procedures for Existing Buildings

# 60 Hours

## 1208.3.2 (b)



A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 33



NEW YORK STATE DEPARTMENT OF STATE  
Division of Building Standards and Codes  
Educational Services Unit  
One Commerce Plaza, 10th Floor  
Albany, NY 12242-1200  
Tel: 518-474-2900  
Fax: 518-474-2901  
www.dbscc.state.ny.us

#### BUILDING SAFETY INSPECTOR CERTIFICATION APPLICATION FORM

This form is required for anyone applying for the title of a person's certification in building safety in the State of New York. It is required for all persons who are applying for certification in building safety in the State of New York. It is required for all persons who are applying for certification in building safety in the State of New York. It is required for all persons who are applying for certification in building safety in the State of New York.

Full Name: \_\_\_\_\_ Middle Initial: \_\_\_\_\_ Last Name: \_\_\_\_\_

DOB (dd/mm/yyyy): \_\_\_\_\_

Professional Title (Department of State): \_\_\_\_\_

Building Address: \_\_\_\_\_

Business Address: \_\_\_\_\_

Home Address: \_\_\_\_\_

Legal Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Department of State: \_\_\_\_\_

Please return this completed form to the address listed above.

## Building Safety Inspector Application

Only if you are only completing 9A, 9B, and 9C

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 34

## IN-SERVICE TRAINING REQUIREMENTS

Annual in-service requirement – 6 hours

- 3 hours Minimum – DOS approved
  - Must fall under Code Enforcement Administration category
- 3 hours – “electives”
  - **Contributes to professional development**
  - **Professional Development Committee**



**Building Safety Inspector  
1208-3.3 (b)**

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 35

## Definitions

### Certified Code Enforcement Official

A person who has been certified pursuant to this Part as having successfully completed the applicable basic training program described in section 1208-3.2(c) of this Part and whose certification has not been revoked or become inactive.



---

---

---

---

---

---

---

---

August 26, 2016 36

## CODE ENFORCEMENT OFFICIAL

- review and/or approval of plans incidental to the issuance of a permit for the construction or alteration of buildings and structures;
- construction inspections performed during and/or upon completion of the construction or alteration of buildings and structures; and
- any other enforcement activity that is not also a building safety inspector enforcement activity.



A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 37

### Required BASIC TRAINING

- **Code Enforcement Official**
  - 9A - Introduction to Code Enforcement Practices (Part 1)
  - 9B - Introduction to Code Enforcement Practices (Part 2)
  - 9C - Inspection Procedures for Existing Buildings
  - 9D - General Construction Principles
  - 9E - Residential Code Of New York State
  - 9F - Building Code of New York State



**120  
Hours**  
**1208.3.2 ( c )**



A Division of New York  
Department of State

---

---

---

---

---

---

---

---

August 26, 2016 38

### BASIC TRAINING TIME FRAME

18 months from the first training class  
18 months from their appointment date  
Shorter of the two time frames




A Division of New York  
Department of State

---

---

---

---

---

---

---

---

August 26, 2016 39

### IN-SERVICE TRAINING REQUIREMENTS

Three categories of Approved In-service Training:

- Code Enforcement and Administration
- Uniform Fire Prevention and Building Code
- Energy Conservation Construction Code



**(Formerly 7 categories)**

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 40

## IN-SERVICE TRAINING REQUIREMENTS

CEO's must complete:

**24 hours** of In-service training each year

- 12 hours of which must be DBSC approved
- 3 hours in each of the following three categories:

- Code Enforcement and Administration
- Uniform Fire Prevention and Building Code
- Energy Conservation Construction Code

**1208-3.3 ( c )**



A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 41

## IN-SERVICE TRAINING REQUIREMENTS

Annual in-service requirement – 24 hours

- 12 hours Minimum – DOS approved
  - Must fall under one of three categories
  - No minimum per category
- 12 hours – “Electives”
  - Contributes to professional development
  - Professional Development Committee
  - Or DOS approved courses



**Code Enforcement Official**

**1208-3.3 ( c )**



A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 42

## In-Service Training Requirements

**Building Safety Inspector**

- complete a minimum of 6 hours of in-service training each calendar year

**Code Enforcement Official**

- complete a minimum of 24 hours of in-service training each calendar year



A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016

43

### IN-SERVICE TRAINING REQUIREMENTS

- In-service hours for BSIs and CEOs can be obtained by participating in:
  - Courses developed and presented by DBSC
  - Courses approved and certified by DBSC and presented by approved instructors

More . . .

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016

44

### IN-SERVICE TRAINING REQUIREMENTS

**In-service** hours for BSIs and CEOs can be obtained by participating in:

- Approved On-Line courses
- Professional Development Electives (both online and in-person)
- ICC Certification Exams accepted by DBSC – 8 hours of In-service credit
- Or other certification exam from an approved agency



A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016

45

### Professional Development Electives

(PDE) training courses whose subject matter advances the professional development of an individual code enforcement official or building safety inspector.



1208-3.3(2)

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 46

### Professional Development Electives

Professional development electives include, but are not limited to, classes in the following topics:

Zoning	Writing skills
Planning	Time management
Ethics	Records management
Management	Media relations
Communications	Computer skills
Hazards	Other topics

A Division of New York Department of State 

---

---

---

---

---

---

---

---

---

---

August 26, 2016 47

### Professional Development Electives

Submit a Professional Development Elective application form each year to DBSC

Form is available at: [www.dos.ny.gov/DCEA/](http://www.dos.ny.gov/DCEA/)

Provide sufficient documentation of the course completion **if requested by DBSC**

A Division of New York Department of State 

---

---

---

---

---

---

---

---

---

---

August 26, 2016 48

NEW YORK STATE DEPARTMENT OF STATE  
Division of Building Standards and Codes  
New Governance Plaza Albany, NY 12242  
www.dos.ny.gov  
609.486.2000

**PROFESSIONAL DEVELOPMENT ELECTIVES APPLICATION FORM**

This form is required for anyone intending to apply up to 12 hours of Professional Development Elective toward their 24 hours of annual in-service credit. Additionally, students must complete at least 12 hours of Division of Building Standards and Codes (DBSC) approved training annually. Please do not submit this form until you have completed the Professional Development Elective and received the letter.

**Instructions:**

1. Complete your personal information (name, address, etc.)
2. List the course name, completion date and credit hours for the course(s) you wish to use for your professional development elective. An outline information will not be considered.
3. Provide verifiable documentation and professional credit are not acceptable as professional development activities.
4. A certificate of award for your activities must be received by the course sponsor in order to be accepted as a professional development activity on this form. For more information on this form, visit [www.dos.ny.gov/DCEA/](http://www.dos.ny.gov/DCEA/).
5. College level courses worth 3 or more credit hours (3 hours a week per semester) shall be worth 12 hours of in-service credit.
6. Courses that may be credited toward in-service training within the year that they are completed.
7. Please return the completed form to the address listed below.

First Name: \_\_\_\_\_ Middle Initial: \_\_\_\_\_ Last Name: \_\_\_\_\_  
 DBSC Member Training ID Number: \_\_\_\_\_  
 Municipality/State Agency/Organization (if applicable): \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Business Address: \_\_\_\_\_ Indicate if this address is Home \_\_\_\_\_ Business \_\_\_\_\_  
 Business Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
 E-mail address: \_\_\_\_\_  
 Current Certification:  Building Safety Inspector  Code Enforcement Official

**DBSC Use Only**

Date Received: \_\_\_\_\_ Date Approved: \_\_\_\_\_  
 Approved By: \_\_\_\_\_ Date Approved: \_\_\_\_\_  
 Submitted By: \_\_\_\_\_ Date Received: \_\_\_\_\_

A Division of New York Department of State 

---

---

---

---

---

---

---

---

---

---

August 26, 2016 49

### PDE Form (Page 2)



NEW YORK STATE DEPARTMENT OF STATE  
 Division of Building Standards and Codes  
One Gateway Plaza Albany, NY 12242  
 Phone: (518) 474-4141 Fax: (518) 474-4140  
 www.dbscc.state.ny.us www.dbscc.state.ny.us



Course Name	Completion Date	Credit Hours**

\* If more space is needed please complete an additional form.  
 \*\* Credit hours shall be the number of hours reflected on the certificate issued for the course. If no hours are indicated on the certificate then credit hours shall be the number of credit or contact hours that the course sponsor maintains in their records for the course.

A Division of New York  
Department of State



Building Standards  
and Codes

---

---

---

---

---

---

---

---

---

---

August 26, 2016 50

### Professional Development Electives

Documentation that must be maintained:

- Title of course
- Sponsor's name
- Description of course
- Attendance verification
- Number of contact hours completed
- Date of the Course
- Certificate of completion
- Location of the course

A Division of New York  
Department of State



Building Standards  
and Codes

---

---

---

---

---

---

---

---

---

---

August 26, 2016 51

### Online Training 1208-3.3 (3)

All In-service hours for BSIs (6 hours annually) and CEOs (24 hours annually) can be obtained through **online** training, when available  
 Must meet the respective categories listed  
 12 hours must be approved by DOS



A Division of New York  
Department of State



Building Standards  
and Codes

---

---

---

---

---

---

---

---

---

---

August 26, 2016

52

### 1208-3.4 Advanced In-Service

a) To maintain certification, a certified building safety inspector or a certified code enforcement official **must** successfully **complete all advanced in-service training**.

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016

53

### 1208-3.4 Advanced In-Service

- Advanced in-service training, not to exceed 24 hours annually, relating to amendments, revisions, or additions to the Uniform Code and/or the Energy Code or
- Development in construction technologies or techniques;

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016

54

### Advanced in-service requirements.

BSI's and CEO's are required to successfully complete advanced In-service training. DOS will issue a statement indicating that the advanced in-service is required and the time frame it is to be completed.

Required Advanced In-service Training shall count towards the annual in-service training requirement.

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 55

### 1208-3.4 Advanced In-Service

( C )

Each hour of advanced in-service training successfully completed by a CBSI or a CCEO shall count toward satisfaction of his or her in-service training requirement for the calendar year in which such advanced in-service training is received.

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 56

### CERTIFICATION OF BSI & CEO

**LEVEL INCREASE**

BSI can increase level of certif. to a CEO by:

- Notifying DOS in writing (DBSC Form)
- Completing the required basic training courses
- Maintaining 24 hours of in-service training



**1208-3.1 ( c )**

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 57

### CERTIFICATION OF BSI & CEO

**LEVEL DECREASE**

CEO can decrease level of certif. to a BSI

- Notify DBSC in writing (Form)
- not perform any CEO activities
- Maintain 6 hours of in-service training

**Note:** CEO certification becomes inactive.

**1208-3.1 ( d )**

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 58

### Inactive status 1208-3.5

Person fails to satisfy the applicable **in-service training** requirement during any calendar year *or*

Person fails to satisfy any applicable **advanced in-service training** requirement within the time specified

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 59

### Revocation of Certification

- Did not actually attend and participate in any class session (basic training or in-service training course) or;
- Achieved a passing grade on the examination by fraudulent or dishonest means

**1208-3.5 ( b )**

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 60

### Change in status for individuals inactive for less than three consecutive years

To be reclassified with active certification  
Must complete the in-service training requirements as applicable, for the current calendar year.

**1208-3.5 ( c )**

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016

61

**Change in status for individuals inactive status for three or more consecutive years**

To be re-classified with active certification  
A person must repeat, and successfully complete, the applicable basic training program

The applicant will have 18 months from the date of the application

**1208-3.5 ( d )**

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016

62

**Re-certification after In-active status**

Classes may be waived, at the discretion of the Secretary, if the person seeking re-certification takes an examination for each basic training course and achieves a passing score on each such examination.

**1208-3.5 ( d )**

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016

63

**Re-certification after revocation**

To be re-certified following revocation  
a person must repeat, and successfully complete, the applicable basic training program

**1203-3.5 ( e )**

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 64

### Re-certification after Revocation

Classes may be waived, at the discretion of the Secretary, if the person seeking re-certification takes an examination for each basic training course and achieves a passing score on each such examination.

**1203-3.5 ( e )**

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 65

### Miscellaneous Provisions

**List of certified building safety inspectors and certified code enforcement officials.**

- The Department shall maintain a list of BSI and CEO, and may post such list on the Department's website

**1208-5.2**

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 66

### Summary of Major Changes:

- Unlimited Online Training
- Three month extension has been eliminated
- 18 months to complete Basics
- Minimum Approved Annual In-Service
  - CEO required to take 12 hrs.
  - BSI required to take 3 hrs.
  - Balance of required training -online or PDE

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 67

### Summary of Major Changes:

- Three categories approved In-service training
  1. Code Enforcement and Administration
  2. Uniform Code
  3. Energy Code
- Professional Development Electives
  - Up to 12 hrs. for CEO,
  - Up to 3 hrs. for BSI

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 68

### Summary of Lesson 4C

Title 19  
 Part 1204 – State Agencies  
   Three categories of agencies

Part 1205 – Variance Procedures  
   Contact Regional Office **First**  
   Two types of variances – Routine and Board of Review

Part 1208 – Training Requirements  
   Building Safety Inspectors and Code Enforcement Officials  
   Basic Training, In-Service Training, Advanced In-Service Training  
   Increase or Decrease of Level of Activity  
   In-Active or Revocation of Certification

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 69

### Summary

Executive Law Article 18  
 The Management Tool  
 Assigned responsibilities to the Secretary of State

Title 19 NYCRR, Chapter XXXII  
 Administration and Enforcement  
 Parts 1201 through 1210  
   Part 1203 for Local and County Governments  
   Part 1204 for State Agency

**NEXT**  
 Title 19 NYCRR, Chapter XXXIII  
 Subchapter A is the NYSUFPBC  
 Subchapter B is the Energy Code  
 Subchapter C is the Codes Council

A Division of New York Department of State 

---

---

---

---

---

---

---

---

 **NEW YORK**  
STATE OF OPPORTUNITY.

**Building Standards and Codes**

**Lesson 5**

Title 19, Chapter XXXIII  
Subchapter A  
***New York State Uniform Fire Prevention and Building Code***

---

A Division of New York Department of State

August 26, 2016

---

---

---

---

---

---

---

---

August 26, 2016 2

**Title 19, Chapter XXXIII Subchapter A**

**Part 1219 NYSUFBC**  
 Part 1220 Residential Code of New York  
 Part 1221 Building Code of New York  
 Part 1222 Plumbing Code of New York  
 Part 1223 Mechanical Code of New York  
 Part 1224 Fuel Gas Code of New  
 Part 1225 Fire Code of New York  
 Part 1226 Property Maintenance of New York  
 Part 1227 Existing Building Code  
 Part 1228 Additional Code Provisions

A Division of New York Department of State  **Building Standards and Codes**

---

---

---

---

---

---

---

---

August 26, 2016 3

**The New York “Codes”**  
*Basic principles*

The New York Codes  
“tell someone HOW to COMPLY”

It provides two approaches ...  
 Prescriptive ... Do A + B = Compliance  
 Performance ... PROVE IT WORKS



The PROOF is in the DOCUMENTATION

A Division of New York Department of State  **Building Standards and Codes**

---

---

---

---

---

---

---

---

August 26, 2016 4

## General Comments

### *for using the New York Codes*

ALWAYS read the entire paragraph  
 ALWAYS check the supplement  
 ALWAYS expect Exceptions  
     There is an option or exception for nearly every circumstance

DO NOT expect to find everything in one place  
 ALWAYS look further into the Code

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 5

## Hints and Tips

Requirements in other documents are identified  
 Referenced Standards indicate applicable code section  
 Table numbering is often based on the first code reference  
*Figures and Tables may have the same numbers!*

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

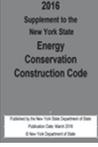
---

---

---

August 26, 2016 6

## New York State Supplements

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 7




## 2016 NYSUFPBC a different approach...

Code are based on 2015 ICC Codes.

No New York specific edition of the code books will be printed.

You must print out the supplements.

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 8




## 2016 NYSUFPBC a different approach...

**Directive by the Code Council**

Minimize NYS modifications to the 2015 ICC model codes

Administration and Enforcement through the 2016 Supplement

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 9



## 2016 Uniform Code Supplement

Provides the administrative requirements for all of the books  
and  
NYS modifications to the International Codes

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 10



## 2016 Uniform Code Supplement

### Table of contents:

- CHAPTER 1: Administration
- CHAPTER 2: Amendments to the **2015 IRC**
- CHAPTER 3: Amendments to the **2015 IBC**
- CHAPTER 4: Amendments to the **2015 IPC**
- CHAPTER 5: Amendments to the **2015 IMC**
- CHAPTER 6: Amendments to the **2015 IFGC**
- CHAPTER 7: Amendments to the **2015 IFC**
- CHAPTER 8: Amendments to the **2015 IPMC**
- CHAPTER 9: Amendments to the **2015 IEBC**
- CHAPTER 10: Reference Standards

A Division of New York Department of State 

---

---

---

---

---

---

---

---

---

---

August 26, 2016 11

## New York Specific Editions of the ICC Codes

- 2015 IRC 2nd printing,
- 2015 IBC 3rd printing,
- 2015 IPC 3rd printing,
- 2015 IMC 3rd printing,
- 2015 IFGC 3rd printing,
- 2015 IFC 3rd printing,
- 2015 IPMC 4th printing,
- 2015 IEBC 5th printing,
- 2015 IECC 2<sup>nd</sup> printing

Uniform Codes

Energy Code

A Division of New York Department of State 

---

---

---

---

---

---

---

---

---

---

August 26, 2016 12



## 2016 Uniform Code Supplement

### SECTION 101 TITLE, SCOPE AND PURPOSE

**101.1 Title.**  
These provisions shall be known as the New York State Uniform Fire Prevention and Building Code and will be referred to herein as the "Uniform Code".

Each code document has a specific scope with regard to the minimum standards for building construction and fire prevention, as outlined in Section 101.2 Scope.

A Division of New York Department of State 

---

---

---

---

---

---

---

---

---

---

August 26, 2016 13



## 2016 Uniform Code Supplement

**101.1 Title.**  
 The Uniform Code includes the following code documents as published by the International Code Council: 2015 IRC 2nd printing, 2015 IBC 3rd printing, 2015 IPC 3rd printing, 2015 IMC 3rd printing, 2015 IFGC 3rd printing, 2015 IFC 3rd printing, 2015 IPMC 4th printing, and 2015 IEBC 5th printing.  
 Each of these International Code Council documents shall be deemed to be amended by the publication entitled 2016 Uniform Code Supplement, as published by the New York Department of State.

A Division of New York Department of State 

---

---

---

---

---

---

---

---

---

---

August 26, 2016 14



## 2016 Uniform Code Supplement

<b>101.2.1</b>	The Residential Code
<b>101.2.2</b>	The Building code
<b>101.2.3</b>	The Plumbing Code
<b>101.2.4</b>	The Mechanical Code
<b>101.2.5</b>	The Fuel Gas Code
<b>101.2.6</b>	The Fire Code
<b>101.2.7</b>	The Property Maintenance Code
<b>101.2.8</b>	The Existing Building Code

A Division of New York Department of State 

---

---

---

---

---

---

---

---

---

---

August 26, 2016 15

## Typical Layout for each Code

Chapter 1: Administration - NYS Supplement  
 Chapter 2: Definitions  
 Code Requirements fill the middle chapters  
 Last Chapter is Referenced Standards  
 Appendix chapters (only those NY Adopted)

A Division of New York Department of State 

---

---

---

---

---

---

---

---

---

---

August 26, 2016 16



## Typical Layout for each Code

Appendix chapters (only those NY Adopted)  
Section 102.6

**Appendices.** The following appendices have been adopted and are made part of the Uniform Code:



A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 17



## Typical Layout for each Code

**The Residential Code**

1. Appendix E – Manufactured Housing Used as Dwellings
2. Appendix H – Patio Covers
3. Appendix J – Existing Buildings and Structures

**The Building Code**

1. Appendix E – Supplemental Accessibility Requirements
2. Appendix F – Rodent Proofing
3. Appendix I – Patio Covers



A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 18



## Typical Layout for each Code

**The Plumbing Code**

1. Appendix C – Structural Safety

**The Fire Code**

1. Appendix D – Fire Apparatus Access Roads

**The Existing Building Code**

1. Appendix A – Guidelines for the Seismic Retrofit of Existing Buildings
2. Resource A – Guidelines on Fire Ratings of Archaic Materials and Assemblies



A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 19

## Title 19, Chapter XXXIII Subchapter A

- Part 1219 NYSUFPBC
- ⇒ **Part 1220 Residential Construction**
- Part 1221 Building Construction
- Part 1222 Plumbing Systems
- Part 1223 Mechanical Systems
- Part 1224 Fuel Gas Equipment and Systems
- Part 1225 Fire Prevention
- Part 1226 Property Maintenance
- Part 1227 Existing Building
- Part 1228 Additional Code Provisions

A Division of New York Department of State 

---

---

---

---

---

---

---

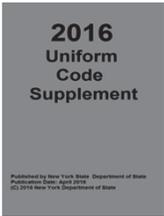
---

---

---

August 26, 2016 20

## Part 1220 Residential Construction



Published by New York State Department of State  
Publication Date: April 2016  
© 2016 New York Department of State

+



A Division of New York Department of State 

---

---

---

---

---

---

---

---

---

---

August 26, 2016 21

## Residential Code



**Chapter 2**  
Definitions

**Chapter 3**  
Applicability and Design Considerations  
Prescriptive Construction Requirements

**Chapters 4 through 42**  
Specific to building component, system or equipment

A Division of New York Department of State





---

---

---

---

---

---

---

---

---

---

August 26, 2016 22

## Residential Code

**101.2.1 Scope.** The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above-grade in height with a separate means of egress and their accessory structures and one-family dwellings converted to bed and breakfast dwellings.

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 23

## Part 1220 Residential Construction

### Section 1220.1. Requirements.

(a) The construction, alteration, movement, replacement, repair, equipment, use, maintenance, removal and demolition of applicable residential structures and their accessory structures shall comply with the requirements of the “2015 International Residential Code” Second Printing, published by the International Code Council, Inc. (hereinafter the 2015 IRC), incorporated herein by reference.

(b) As applied in NYS, the 2015 IRC shall be deemed amended as specified in “2016 Uniform Code Supplement,” published in March, 2016, by the NYS Department of State and incorporated herein by reference.

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 24

## Title 19, Chapter XXXIII Subchapter A

Part 1219 NYSFPBC

Part 1220 Residential Construction

⇒ **Part 1221 Building Construction**

Part 1222 Plumbing Systems

Part 1223 Mechanical Systems

Part 1224 Fuel Gas Equipment and Systems

Part 1225 Fire Prevention

Part 1226 Property Maintenance

Part 1227 Existing Building

Part 1228 Additional Code Provisions

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 25

## Part 1221 Building Construction

Everything starts here!  
Organization and Connections

2016  
Uniform  
Code  
Supplement



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE  
Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 26

## Building Code

2016  
Uniform  
Code  
Supplement

**101.2.2 Scope.**  
The provisions of this code shall apply to the construction, *alteration*, relocation, enlargement, replacement, *repair*, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE  
Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 27

## Building Code

**Exceptions:**

- Detached one and two-family dwellings
- Multiple Single Family (Townhouses)
- Agricultural Buildings
  - Raising, growing or storage by the Farmer
- Construction Trailers
- Tower type structures not attached to buildings

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE  
Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 28

## Agricultural Buildings-NY Definition

**101.2.2 The Building Code.**  
**Exceptions:**  
 2.. "Agricultural building" shall mean a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products, **excluding** any structure designed, constructed or used, in whole or in part, for human habitation, as a place of employment where agricultural products are processed, treated or packaged, or as a place used by the public.

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 29

## Part 1221 Building Construction

**Section 1221.1. Requirements.**  
 (a) The construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, maintenance, removal and demolition of every building or structure, or appurtenance connected or attached to any building or structure, shall comply with the requirements of the publication entitled "2015 International Building Code" Third Printing, published by the International Code Council, Inc. (hereinafter the 2015 IBC), incorporated herein by reference.  
 (b) As applied in NYS, the 2015 IBC shall be deemed amended as specified in "2016 Uniform Code Supplement," published in March 2016, by the NYS Department of State and incorporated herein by reference.

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 30

## Title 19, Chapter XXXIII Subchapter A

- Part 1219 NYSFPBC
- Part 1220 Residential Construction
- Part 1221 Building Construction
- ⇒ **Part 1222 Plumbing Systems**
- Part 1223 Mechanical Systems
- Part 1224 Fuel Gas Equipment and Systems
- Part 1225 Fire Prevention
- Part 1226 Property Maintenance
- Part 1227 Existing Building
- Part 1228 Additional Code Provisions

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 31

## Plumbing Code

**2016**  
Uniform  
Code  
Supplement

**101.2.3** Erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of plumbing systems, nonflammable medical gas systems, inhalation anesthetic systems, vacuum piping systems, non-medical oxygen systems, and sanitary and condensate vacuum collection systems,

**Exceptions:**



A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 32

## Part 1222 Plumbing Systems

### Section 1222.1. Requirements.

(a) Except as provided in subdivision (b) of this section, the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of plumbing systems, nonflammable medical gas systems, and sanitary and condensate vacuum collection systems, shall comply with the requirements of the "2015 International Plumbing Code" Third Printing, published by the International Code Council, Inc. (hereinafter the 2015 IPC), incorporated herein by reference.

(b) As applied in NYS, the 2015 IPC shall be deemed amended as specified in "2016 Uniform Code Supplement," published in March 2016, by the NYS Department of State and incorporated herein by reference.

A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 33

## Title 19, Chapter XXXIII Subchapter A

- Part 1219 NYSUFFBC
- Part 1220 Residential Construction
- Part 1221 Building Construction
- Part 1222 Plumbing Systems
- ⇒ **Part 1223 Mechanical Systems**
- Part 1224 Fuel Gas Equipment and Systems
- Part 1225 Fire Prevention
- Part 1226 Property Maintenance
- Part 1227 Existing Building
- Part 1228 Additional Code Provisions

A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 34

## Mechanical Code



**2016  
Uniform  
Code  
Supplement**

Published by New York State Department of State  
in accordance with the provisions of  
§ 242 of the State Building Code

**101.2.4** The design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings shall comply





A Division of New York Department of State

---

---

---

---

---

---

---

---

---

---

August 26, 2016 35

## Part 1223 Mechanical Systems

### Section 1223.1. Requirements.

(a) Except as provided in subdivision (b) of this section, the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings shall comply with the requirements of the publication entitled "2015 International Mechanical Code" Third Printing, published by the International Code Council, Inc. (hereinafter the 2015 IMC), incorporated herein by reference.

(b) As applied in NYS, the 2015 IMC shall be deemed amended as specified in "2016 Uniform Code Supplement," published in March, 2016, by the NYS Department of State and incorporated herein by reference.



A Division of New York Department of State

---

---

---

---

---

---

---

---

---

---

August 26, 2016 36

## Title 19, Chapter XXXIII Subchapter A

- Part 1219 NYSFPBC
- Part 1220 Residential Construction
- Part 1221 Building Construction
- Part 1222 Plumbing Systems
- Part 1223 Mechanical Systems
- ⇒ **Part 1224 Fuel Gas Equipment and Systems**
- Part 1225 Fire Prevention
- Part 1226 Property Maintenance
- Part 1227 Existing Building
- Part 1228 Additional Code Provisions



A Division of New York Department of State

---

---

---

---

---

---

---

---

---

---

August 26, 2016 37

## Fuel Gas Code



**2016 Uniform Code Supplement**

Published by New York State Department of State  
2016 Uniform Code Supplement

**101.2.5** the design, installation, maintenance, alteration and inspection of fuel gas piping and equipment, fuel gas-fired appliances and fuel gas fired appliance ventilating systems shall comply





A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 38

## Part 1224 Fuel Gas Equipment and Systems

### Section 1224.1. Requirements.

(a) Except as provided in subdivision (b) of this section, the design, installation, maintenance, alteration and inspection of fuel gas piping and equipment, fuel gas-fired appliances and fuel gas fired appliance ventilating systems shall comply with the requirements of the publication entitled "2015 International Fuel Gas Code" Third Printing, published by the International Code Council, Inc. (hereinafter the 2015 IFGC), incorporated herein by reference.

(b) As applied in NYS, the 2015 IFGC shall be deemed amended as specified in "2016 Uniform Code Supplement," published in March, 2016, by the NYS Department of State and incorporated herein by reference.



A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 39

## Title 19, Chapter XXXIII Subchapter A

- Part 1219 NYSUFPBC
- Part 1220 Residential Construction
- Part 1221 Building Construction
- Part 1222 Plumbing Systems
- Part 1223 Mechanical Systems
- Part 1224 Fuel Gas Equipment and Systems
- ⇒ **Part 1225 Fire Prevention**
- Part 1226 Property Maintenance
- Part 1227 Existing Building
- Part 1228 Additional Code Provisions



A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 40

## Fire Code

**2016  
Uniform  
Code  
Supplement**

Amending New York State Department of State Building Code, 2015 Edition

**101.2.6** shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 41

## Part 1225 Fire Prevention

### Section 1225.1. Requirements.

(a) Except as provided in subdivision (b) of this section, structures, processes and premises; the storage, handling or use of structures, materials or devices; the occupancy and operation of structures and premises; and the construction, extension, repair, alteration or removal of fire suppression and alarms systems, shall comply with the requirements of the publication entitled "2015 International Fire Code" Third Printing, published by the International Code Council, Inc. (hereinafter the 2015 IFC, incorporated herein by reference.

(b) As applied in NYS, the 2015 IFC shall be deemed amended as specified in "2016 Uniform Code Supplement," published in March, 2016, by the NYS Department of State and incorporated herein by reference. Copies may be obtained and are available for inspection and copying at the NYS office specified in subdivision (a) of section 1220.1.

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 42

## Title 19, Chapter XXXIII Subchapter A

- Part 1219 NYSFPBC
- Part 1220 Residential Code of New York
- Part 1221 Building Code of New York
- Part 1222 Plumbing Code of New York
- Part 1223 Mechanical Code of New York
- Part 1224 Fuel Gas Code of New York
- Part 1225 Fire Code of New York
- ⇒ **Part 1226 Property Maintenance of New York**
- Part 1227 Existing Building Code
- Part 1228 Additional Code Provisions

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 43

**2016**  
Uniform  
Code  
Supplement

Published by New York State, Department of State  
Administration, New York State  
Department of State, Division of State

## Property Maintenance Code

**101.2.7** shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.



A Division of New York Department of State 

---

---

---

---

---

---

---

---

---

---

August 26, 2016 44

## Part 1226 Property Maintenance

### Section 1226.1. Requirements.

(a) Except as provided in subdivision (b) of this section, all existing residential and nonresidential structures, premises, equipment and facilities, owners, operators and occupants of existing structures and premises, and the occupancy of existing structures and premises, shall comply with the requirements of the publication entitled "2015 International Property Maintenance Code" Fourth Printing, published by the International Code Council, Inc. (hereinafter the 2015 IPMC), and incorporated herein by reference.

(b) As applied in NYS, the 2015 IPMC shall be deemed amended as specified in "2016 Uniform Code Supplement," published in March, 2016, by the NYS Department of State and incorporated herein by reference.

A Division of New York Department of State 

---

---

---

---

---

---

---

---

---

---

August 26, 2016 45

## Title 19, Chapter XXXIII Subchapter A

- Part 1219 NYSUFPBC
- Part 1220 Residential Construction
- Part 1221 Building Construction
- Part 1222 Plumbing Systems
- Part 1223 Mechanical Systems
- Part 1224 Fuel Gas Equipment and Systems
- Part 1225 Fire Prevention
- Part 1226 Property Maintenance
- ⇒ **Part 1227 Existing Building**
- Part 1228 Additional Code Provisions

A Division of New York Department of State 

---

---

---

---

---

---

---

---

---

---

August 26, 2016 46

## Existing Building Code



**2016 Uniform Code Supplement**

**101.2.8** shall apply to all matters governing the repairs, alterations, change of occupancy, additions and relocation of existing buildings.



A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 47

## Part 1227 Existing Buildings

**Section 1227.1. Requirements.**

(a) Except as provided in subdivision (b) of this section, the repair, alteration, change of occupancy, addition and relocation of existing buildings shall comply with the requirements of the "2015 International Existing Building Code" Fifth Printing, published by the International Code Council, Inc. (hereinafter the 2015 IEBC), incorporated herein by reference.

(b) As applied in NYS, the 2015 IEBC shall be deemed amended as specified in "2016 Uniform Code Supplement," published in March 2016, by the NYS Department of State and incorporated herein by reference.

A Division of New York Department of State



---

---

---

---

---

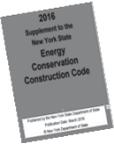
---

---

---

August 26, 2016 48

## Title 19, Chapter XXXIII sub Chapter B Part 1240 Energy







A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 49

## Energy Conservation Construction Code

**C101.2 Scope.** The 2015 IECC Commercial Provisions (as amended) apply to *commercial buildings*, the sites on which *commercial buildings* are located, and building systems and equipment in *commercial buildings*.

**R101.2 Scope.** The 2015 IECC Residential Provisions (as amended) apply to *residential buildings*, the sites on which *residential buildings* are located, and building systems and equipment in *residential buildings*.




A Division of New York Department of State



---

---

---

---

---

---

---

---

---

---

August 26, 2016 50

## Citing the code- Examples

**Sample Citation to a code violation when modified by the Supplement:**

Violation: There are weeds that are at least 18 inches in height in the immediate vicinity of the building. The weeds must be cut to comply with the code.



A Division of New York Department of State



---

---

---

---

---

---

---

---

---

---

August 26, 2016 51

## Citing the code - Examples

Violation of 302.4 of the 2015 International Property Maintenance Code (2015 IPMC) as modified by Chapter 8 Section 1 of the 2016 Uniform Code Supplement, both the 2015 IPMC and the 2016 Uniform Code Supplement are incorporated by reference in 19 NYCRR Section 1226.1

**302.4 Weeds.**

*Premises and exterior property shall be maintained free from weeds or plant growth in excess of **10 inches**. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.*

A Division of New York Department of State



---

---

---

---

---

---

---

---

---

---

August 26, 2016 52

### Citing the code - Examples

**Sample citation for a code violation when NOT modified by the supplement.**

Violation: Substantial portion of paint on the siding is peeling and the siding is rotted in some locations. The siding must be repaired and maintained weather tight



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 53

### Citing the code- Examples

**Violation of:** Section 304.6 of the 2015 International Property Maintenance Code, which is incorporated by reference in 19 NYCRR Section 1226.1:

**304.6 Exterior walls.**  
Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 54

The CEO should cite the applicable code section in the way that satisfies the local court.

The CEO should ask their municipal attorney for guidance.

## VERY IMPORTANT

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 55

**Title 19  
Chapter XXXIII  
Subchapter C  
Part 1264 and Part 1265**

A Division of New York Department of State

---

---

---

---

---

---

---

---

---

---

August 26, 2016 56

**Part 1264 IDENTIFICATION OF BUILDINGS UTILIZING TRUSS TYPE CONSTRUCTION**

**1264.1 Introduction.**

Section 382-a of the Executive Law provides that **commercial** and **industrial** buildings and structures that utilize truss type construction shall be marked by a sign or symbol that informs persons conducting fire control and other emergency operations of the existence of truss construction.

A Division of New York Department of State

---

---

---

---

---

---

---

---

---

---

August 26, 2016 57

**Part 1264 IDENTIFICATION OF BUILDINGS UTILIZING TRUSS TYPE CONSTRUCTION**

**1264.2 Enforcement.**

(a) Subdivision 4 of section 382-a of the Executive Law directs local governments to provide for enforcement of the statute.

- Fifty dollars shall be paid by the owner of a building with truss type construction to the authority having jurisdiction
- Shall not apply within a city with a population of one million or more persons
- Affixed prior to the issuance of a CO or a CC

A Division of New York Department of State

---

---

---

---

---

---

---

---

---

---

August 26, 2016 58

### Part 1264 IDENTIFICATION OF BUILDINGS UTILIZING TRUSS TYPE CONSTRUCTION

#### 1264.2 Enforcement.

- Circle 6 inches in diameter,
- Stroke width of 1/2 inch 2 inches in height
- The sign background shall be reflective white in color.
- Reflective red in color, conforming to Pantone matching system (PMS) #187.

A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

---

---

August 26, 2016 59

### Part 1264 IDENTIFICATION OF BUILDINGS UTILIZING TRUSS TYPE CONSTRUCTION

#### 1264.4 Identification of truss type construction.

- Group A, B, E, F, H, I, M, or S occupancy, and in hotels and motels classified as Group R-1 or R-2 occupancy,
- Provided in newly constructed buildings that utilize truss type construction **and**
- in existing buildings where an addition that extends or increases the floor area of the building utilizes truss type construction.

A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

---

---

August 26, 2016 60

### Part 1264 IDENTIFICATION OF BUILDINGS UTILIZING TRUSS TYPE CONSTRUCTION

Sign Location	Sign Placement
Exterior building entrances, exterior exit discharge doors, and exterior roof access doors to a stairway	Attached to the door or attached to the sidelight or the face of the building, not more than 12 inches horizontally from the latch side of the door jam, and not less than 42 inches nor more than 60 inches above the adjoining walking surface
Exterior building entrances, exterior exit discharge doors, and exterior roof access doors to a stairway	Attached to each end of a row of doors and at a maximum distance of 12 feet between signs and not more than 42 inches nor more than 60 inches above the adjoining walking surface
Fire department hose connections	Attached to the face of the building, not more than 12 inches horizontally from the centerline of the fire department connection and not less than 42 inches nor more than 60 inches above the adjoining walking surface

---

---

---

---

---

---

---

---

---

---

August 26, 2016 61



  
Panel TRUSS-411  
Bldg. Construction Type I  
Floor Construction

  
Panel TRUSS-412  
Bldg. Construction Type II  
Floor Construction

  
Panel TRUSS-413  
Bldg. Construction Type III  
Floor Construction

  
Panel TRUSS-414  
Bldg. Construction Type IV  
Floor Construction

  
Panel TRUSS-415  
Bldg. Construction Type V  
Floor Construction

  
Panel TRUSS-416  
Bldg. Construction Type I  
Roof Construction

  
Panel TRUSS-417  
Bldg. Construction Type II  
Roof Construction

  
Panel TRUSS-418  
Bldg. Construction Type III  
Roof Construction

  
Panel TRUSS-419  
Bldg. Construction Type IV  
Roof Construction

  
Panel TRUSS-420  
Bldg. Construction Type V  
Roof Construction

  
Panel TRUSS-411  
Bldg. Construction Type I  
Floor & Roof Construction

  
Panel TRUSS-412  
Bldg. Construction Type II  
Floor & Roof Construction

  
Panel TRUSS-413  
Bldg. Construction Type III  
Floor & Roof Construction

  
Panel TRUSS-414  
Bldg. Construction Type IV  
Floor & Roof Construction

  
Panel TRUSS-415  
Bldg. Construction Type V  
Floor & Roof Construction

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

---

---

August 26, 2016 62

### Title 19 Part 1265

#### Truss Signage- Residential Buildings

#### Residential Structures with Truss Type Construction

Any person utilizing truss type, pre-engineered wood or timber construction for

- the erection of any new residential structure,
- for any addition to an existing residential structure, or
- for any rehabilitation of an existing residential structure must:

  
Panel TRUSS-421  
Bldg. Construction Type V  
Floor Construction  
  
Panel TRUSS-422  
Bldg. Construction Type V  
Roof Construction  
  
Panel TRUSS-423  
Bldg. Construction Type V  
Floor & Roof Construction

A Division of New York Department of State Effective January 1, 2015 NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

---

---

August 26, 2016 63

### Title 19 Part 1265

- 1) Notify the local government that will issue the building permit that truss type, pre-engineered wood or timber construction is being utilized and
- 2) Affix a sign or symbol to the electric box, or adjacent to the electric box



  
Panel TRUSS-423  
Bldg. Construction Type V  
Floor & Roof Construction

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

---

---

August 26, 2016

64

### Section 1265 Residential Structures with Truss type Construction

That the form to be used to notify the local code official that truss type, pre-engineered wood or timber construction is to be used, shall be prescribed by the State Fire Prevention and Building Code Council

(2) An authority having jurisdiction shall be permitted to prescribe its own form to be used to give the notice provided that such form requests at least same information as the form prescribed in paragraph 1 of this subdivision.

A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016

65

### NOTICE OF UTILIZATION OF TRUSS TYPE CONSTRUCTION,

1265.4 Notice to be given to AHJ

Appendix page 57

Information that must be on the form



A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016

66

### Section 1265.6 Notification, Consulting

The code enforcement official shall notify and consult with the chief of the fire district, fire department or fire company having jurisdiction

The chief of the fire district, fire department, or fire company shall use the information so provided to warn persons conducting fire control and other emergency operations



A Division of New York Department of State



---

---

---

---

---

---

---

---

August 26, 2016 67

## 1265.7 Enforcement

**Local governments shall provide, by local law for the enforcement of the provisions of new Executive Law § 382-b**



A Division of New York Department of State




---

---

---

---

---

---

---

---

August 26, 2016 68

Introduction to the  
New York State  
Department of State  
Division of Building  
Standards and Codes



A Division of New York Department of State




---

---

---

---

---

---

---

---

August 26, 2016 69

## Who we are and what we do

- Technical assistance**
  - Technical Services
  - Regional Services
  - Energy
- Board of Review**
  - Variances
- Manufactured Housing**
- Educational Services Unit**

A Division of New York Department of State




---

---

---

---

---

---

---

---

August 26, 2016 70

**Department of State**

DIVISION OF BUILDING STANDARDS AND CODES  
(518) 474-4073

OFFICE OF LOCAL GOVERNMENT  
(518) 473-3355

DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES  
(518) 474-6746

A Division of New York Department of State




---

---

---

---

---

---

---

---

August 26, 2016 71

**DBSC Educational Services Unit**

Basic Training Classes  
In-Service Course  
Continuing education  
Advanced In-Service Training  
Mandatory

A Division of New York Department of State




---

---

---

---

---

---

---

---

August 26, 2016 72

**Technical Services**

Functions

Manufactured Housing  
Technical assistance  
    Phone calls  
    Advisory letters  
    Certificates of Acceptability

Assist the Secretary to make Interpretations

A Division of New York Department of State




---

---

---

---

---

---

---

---

August 26, 2016 73

## Regional Services

**Functions**

- Direct Enforcement
- Technical assistance
  - Field Engineers
  - Phone calls
  - Site visits
  - Plan review assistance
- Gateway to the Board of Review



**Your First Option  
For Assistance**



A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 74





A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 75

Region	Representative	Phone	Counties Served
<b>Buffalo Office</b> State Office Building 65 Court Street, Room 208 Buffalo, NY 14202 Fax: 716-847-7941		716-847-7611  716-847-7612	Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, Wyoming
<b>Capital District Office</b> One Commerce Plaza 99 Washington Avenue, Suite 1160 Albany, NY 12231 Fax: 518-477-2369		518-474-4073	Albany, Columbia, Fulton, Greene, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Washington
<b>Kingston Office</b> One Albany Avenue, Suite G-5 Kingston, NY 12401 Fax: 631-952-4911		845-334-9768	Dutchess, Sullivan, Ulster
<b>Long Island Office</b> Suffolk State Office Building 250 Veterans Memorial Highway Hauppauge, NY 11788 Fax: 631-952-4911		631-952-4915  631-952-4912	Nassau, Suffolk



A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 76

Region	Representative	Phone	Counties Served
<b>Northern New York</b> P.O. Box 341 Lake George, NY 12845 Fax: 518-668-6369		518-441-1895	Clinton, Essex, Franklin, Hamilton, St. Lawrence, Warren
<b>Peekskill Office</b> Peekskill Industrial Park 2 John Walsh Boulevard, Suite 206 Peekskill, NY 10566 Fax: 914-734-1763		914-734-1347	Orange, Putnam, Rockland, Westchester
<b>Southern Tier</b> P.O. Box 129 Rushford, NY 14777 Fax: 585-437-5708		585-437-5534	Chemung, Livingston, Monroe, Schuyler, Steuben
<b>Syracuse Office</b> State Office Building 333 East Washington Street Syracuse, NY 13202 Fax: 315-428-4655		315-428-4434	Broome, Cayuga, Chenango, Cortland, Delaware, Jefferson, Lewis, Onondaga, Oswego, Tompkins

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

---

---

August 26, 2016 77

Region	Representative	Phone	Counties Served
<b>Utica Office</b> State Office Building 207 Genesee Street Utica, NY 13501 Fax: 315-793-2569		315-793-2526	Herkimer, Madison, Oneida, Otsego
<b>Western New York</b> P.O. Box 141 Conesus, NY 14435		585-402-3017	Ontario, Seneca, Yates, Wyoming

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

---

---

- August 26, 2016 78
- How to sign up for Updates, Emergency Rule Makings and Technical Bulletins from our office:
  - [www.dos.ny.gov](http://www.dos.ny.gov)
  - Division of Building Standards and Codes
  - Click on the button on the Left Side that says
    - “Contact Us”
    - Give them your e-mail information.
- A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

---

---





August 26, 2016

DEPARTMENT OF STATE, DIVISION OF CODE ENFORCEMENT & ADMINISTRATION

Welcome to the Division of Building Standards and Codes (BSC)

Division of Building Standards and Codes

Ensures the Health, Safety and Resilience of the Built Environment for all New Yorkers. The Division of Building Standards and Codes (BSC) administers the mandatory statewide Uniform Fire Prevention and Building Code (Uniform Code) and State Energy Conservation Construction Code (Energy Code). The Division provides a variety of services related to the Uniform Code and Energy Code. It provides technical assistance, administrative guidance, delivers educational courses, oversees the enforcement practices of local governments and serves as secretariat to the State Fire Prevention and Building Code Council. The Albany Central Office and eleven regional offices throughout the state provide regional service to elected officials and local code enforcement personnel regarding general requirements for code enforcement. The Division program was created by Chapter 707 of the Laws of 2001. The New York Legislature enacted Article 18 of the Executive Law, directing the formation of a Uniform Fire Prevention and Building Code (Uniform Code). The Uniform Code is designed to cover new construction, building rehabilitation, fire safety, and building maintenance.

News

State Fire Prevention and Building Code Council Meeting on March 9, 2016 at 10:00 am. Click here for more information.

Rule Making Activity

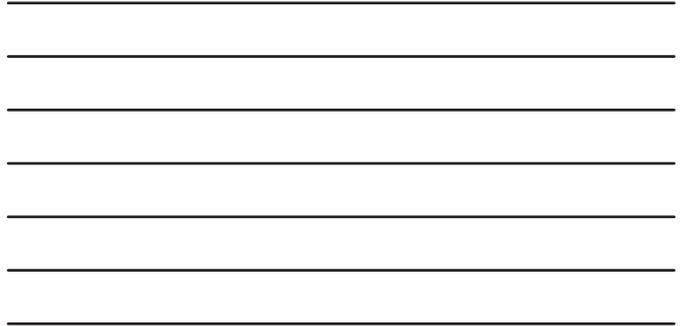
Notice of Adoption - A rule to amend the provisions of the State Energy Conservation Construction Code. Click below for more information.

Notice of Adoption - A rule to amend the provisions of the Uniform Fire Prevention and Building Code. Click below for more information.

Energy Supplement

Uniform Code Supplement

A Division of New York



August 26, 2016

DEPARTMENT OF STATE, DIVISION OF CODE ENFORCEMENT & ADMINISTRATION

86

Rule Making

"IMPORTANT ANNOUNCEMENT - NYS Uniform Code and Energy Code Update"

- Carbon Monoxide Alarms - Commercial Buildings
- Notice of Adoption - Regulation establishing training requirements for code enforcement personnel
- Notice of Adoption - Truss types, pre-engineered wood or timber construction in Residential Structures
- Notice of Emergency Rule Adoption - Order to Remedy
- Notice of Adoption - Sparkling Devices

IMPORTANT ANNOUNCEMENT

NYS Uniform Code and Energy Code Update

On March 9, 2016, the State Fire Prevention and Building Code Council completed major updates to the Uniform Fire Prevention and Building Code (Uniform Code) and State Energy Conservation Construction Code (Energy Code). The Uniform Code update incorporates the following documents by reference:

- 2012 International Building Code
- 2012 International Residential Code
- 2012 International Existing Building Code
- 2012 International Fire Code
- 2012 International Plumbing Code
- 2012 International Mechanical Code
- 2012 International Fuel Gas Code
- 2012 International Property Maintenance Code
- 2016 Uniform Code Supplement

The Energy Code incorporates the following documents by reference:

- 2012 International Energy Conservation Code
- 2012 ASHRAE 90.1
- 2016 Energy Code Supplement

Standards

Scroll Down

A Division of New York



August 26, 2016

Effective Date

A Notice of Adoption for the Uniform Code and Energy Code update will be published in the April 6, 2016 edition of the State Register, establishing the following implementation schedule:

Uniform Code Transition Period - Beginning on April 6th, regulated parties submitting a complete building permit application may comply with either the current Uniform Code or newly adopted Uniform Code as described above. The transition period will last from April 6, 2016 until October 3, 2016. On October 3rd, the newly adopted Uniform Code will become fully effective.

Energy Code Effective Date - On October 3, 2016, the newly adopted Energy Code as described above will become formally effective. There is no transition period for the Energy Code.

Code Books

Local municipalities that submit their annual Code Enforcement and Administration report to the Division of Building Standards and Codes will receive copies of the newly adopted Uniform Code and Energy Code books. In addition to code books, municipalities will receive a one year electronic subscription to the newly adopted codes and a one year Governmental Membership to the International Code Council.

Copies of the 2012 International Codes and many other incorporated standards can be purchased from the International Code Council at www.iccsa.org, or call (888) 422-7233. The 2016 Uniform Code and Energy Code Supplements can be downloaded from our website (www.dos.ny.gov/DCEA).

2016 Uniform Code Supplement

2016 Supplement to the Energy Code

Notice of Adoption

Permanent Rule Effective December 9, 2015

Carbon Monoxide Alarms - Commercial Buildings

The Department of State has adopted a rule that amends the Uniform Code by adding provisions applicable to carbon monoxide alarms in commercial buildings. The rule text is available by clicking here.

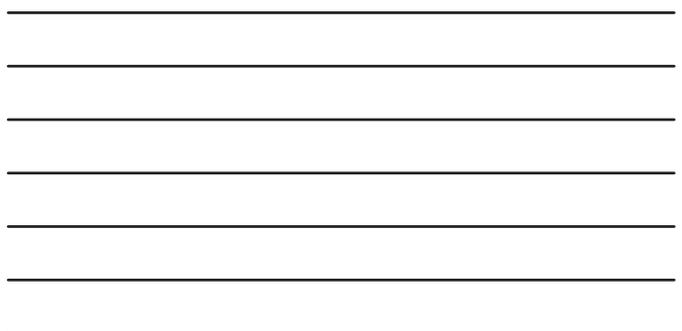
Permanent Effective Date: December 9, 2015

\*\* NEW\*\* Transition Period for Existing Commercial Buildings: June 27, 2015 to June 27, 2016

The "Transition period" provides that owners of existing commercial buildings are encouraged to install carbon monoxide detectors as quickly as practicable, provided that the owner of an existing commercial building that is not in violation of section 1228.4 if the owner provides the authority having jurisdiction with a written statement certifying that such owner is attempting in good faith to install carbon monoxide detector that complies with the requirements of this

Standards

A Division of New York







**NEW YORK**  
STATE OF OPPORTUNITY.

**Building Standards and Codes**

**Lesson 6**

**The Code Official and Disasters**

Why you need to be a part of the plan



A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 2

**New York State Department of State**  
**Division of Building Standards and Codes**

**Code Enforcement Disaster Assistance Response Program**

**“CEDAR”**

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 3

**Historical Perspective**

June 1998 Village of Arcade (Wyoming County)  
Significant flooding in the Village and surrounding Town  
DBSC Regional Staff and NYSBOC send Code Officials  
First organized Code Enforcement response to a disaster in NYS  
\$3 million damage  
30 businesses  
275 homes



A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 4

## C.E.D.A.R.

Formalized in March 2012

**Mission Statement**

- Provide communities with timely, appropriate post-disaster assistance
- Part of a Statewide coordinated effort
  - Division of Homeland Security
  - Office of Emergency Management
- In accordance with Executive Law Article 2 - B

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 5

## DBSC Team Requirements

**Application process**

- Set Requirements for participation
  - NYS Certification
    - Code Enforcement Official
    - Building Safety Inspector
    - Registered Design Professional
  - ICS 100
  - ICS 700
  - Employer release form

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 6

## Code Enforcement and Disasters

Why am I here?  
 What do I have to do with disasters and disaster response?



A Division of New York Department of State  Building Standards and Codes

---

---

---

---

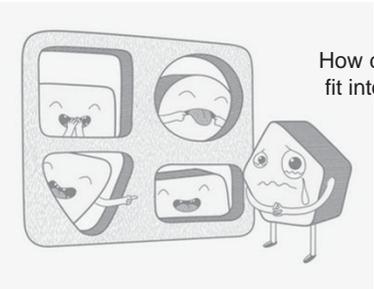
---

---

---

---

August 26, 2016 7



How does Code Enforcement fit into the disaster program?

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 8

**New York State has the potential for a number of natural disasters....**



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 9



Disaster Management Cycle

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 10

**Response** - Efforts to minimize the hazards created by a disaster.

A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

---

---

August 26, 2016 11

### Identifying areas affected by the event

- Code Official may conduct a “windshield survey”

A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

---

---

---

---

August 26, 2016 12

**ATC-45 Rapid Evaluation Safety Assessment Form**

Inspector ID: \_\_\_\_\_ Inspection date: \_\_\_\_\_  
 Address: \_\_\_\_\_ Inspection time: \_\_\_\_\_  
 Exterior only  Exterior and interior  Not

**Building Description**

Building name: \_\_\_\_\_ Type of Building:  Midrise or high-rise  Parkland  Shop  
 Address: \_\_\_\_\_  Low-rise multi-family  One or two-family dwelling  
 Building use: \_\_\_\_\_  Low-rise commercial  Office  Government  
 Building construction: \_\_\_\_\_  Assembly  Commercial  Office  Educational  
 Number of stories: \_\_\_\_\_  Dwelling  Other residential  Industrial  School  
 (Type and square feet) \_\_\_\_\_  Public assembly  Medical  Other  
 Number of residential units: \_\_\_\_\_  Emergency services  Other

**Evaluation**

Investigate the building for the conditions below and check the appropriate column.

Observed Condition	Minor	Major	Severe	Estimated Building Damage
Category 1: Structural damage, or building off foundation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	None
Building significantly out of plumb or in danger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	> 5% to < 1%
Damage to primary structural members, cracking of walls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1% to < 5%
Falling hazard due to structural damage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5% to < 10%
Structural damage, cracks, missing, loose masonry, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10% to < 25%
Structural damage (cracks, delamination) involving truss	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	25% to < 50%
Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	50%

See back of form for further comments.

**Findings**

Choose a rating based on the evaluation and team judgment. Severe conditions undergoing the overall building are grounds for an immediate posting, limited access and special maintenance conditions may allow a restricted fire posting.

INSPECTED (no placard)  RESTRICTED USE (yellow placard)  BREAKER (red placard)

Record any use and entry restrictions exactly as written on placard: \_\_\_\_\_

Number of residential units vacated: \_\_\_\_\_

**Further Actions** Check the boxes below only if further actions are needed.

Barriers needed in the following areas: \_\_\_\_\_

Structural damage recommended  Structural  Geotechnical  Other \_\_\_\_\_

Substantial damage immediate recommended \_\_\_\_\_

Other recommendations: \_\_\_\_\_

See back of form for further comments.

A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---

---

---

---

---

---

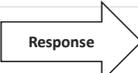
---

---

---

---

August 26, 2016 13



Response

**Response** - Efforts to minimize the hazards created by a disaster.

- Identifying areas affected by the event
- Requesting assistance as determined by extent of damage
- Performing rapid evaluations of buildings in affected areas

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 14



Recovery

**Recovery** - Returning the community to normal.



A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 15



Mitigation

**Mitigation** - Minimizing the effects of disaster.



A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 16



**Unsafe structures.**

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or to the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire; or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, or structurally unsafe; or is of such faulty construction or unstable foundation that partial or complete collapse is possible.

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 17



Preparedness - Planning how to respond.



A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 18



Preparedness - Planning how to respond.

- Identify areas in flood prone areas
- Identify buildings already damaged or in disrepair
- Review "unsafe buildings" procedure
- Complete ICS training
- Evaluation forms
- Create intermunicipal agreements for small events
- Critique previous response and modify program

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 19





**FIRM**  
FOR BUSINESS USE ONLY

NEW YORK CITY  
 DEPARTMENT OF BUILDINGS  
 PREPAREDNESS  
ONLY 7 PAGES, PRINTED

CONTACT: JANE BERRY  
212-312-3121  
www.nyc.gov/buildings

A Division of New York Department of State NEW YORK STATE Building Standards and Codes

---



---



---



---



---



---



---

 **NEW YORK**  
STATE OF OPPORTUNITY

**Building Standards and Codes**

**Lesson 7**

# Legal Aspects of Inspection

## *Search and Seizure*

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 2

# Objectives

- Describe the Authority for Inspection in relation to the Right of Privacy
- List Acceptable Methods of Entry onto Private Property
- Describe the Consequences of an Improper Inspection

A Division of New York Department of State  **NEW YORK**  
STATE OF OPPORTUNITY

**Building Standards and Codes**

---

---

---

---

---

---

---

---

August 26, 2016 3

# Authority for Inspections

Many local ordinances have a  
**“Refuse to Allow Inspection”** clause  
**or**  
**“Authorize”** code official to conduct inspections  
Determined to be in conflict with constitutional rights

A Division of New York Department of State  **NEW YORK**  
STATE OF OPPORTUNITY

**Building Standards and Codes**

---

---

---

---

---

---

---

---

August 26, 2016 4

## Frank v. Maryland- 1959

- Inspection for Rat complaint
- Frank would not consent to inspection
- Fined \$20 for his refusal
- Appealed to Supreme Court
  - Court allow the warrantless search
  - Allowed the fine for refusal to allow the inspection

A Division of New York  
Department of State

**NEW YORK**  
STATE  
DEPARTMENT

Building Standards  
and Codes

---

---

---

---

---

---

---

---

August 26, 2016 5

## Why did Frank Appeal?

- US Constitution
- 4<sup>th</sup> Amendment/14<sup>th</sup> Amendment
- Individuals Right to Privacy

The Supreme Court did not view “administrative” actions as rising to the same level as “criminal” actions

A Division of New York  
Department of State

**NEW YORK**  
STATE  
DEPARTMENT

Building Standards  
and Codes

### The Bill of Rights

Ratified December 15, 1791

<p><b>Article I</b></p> <p><b>Section 1</b> All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.</p> <p><b>Section 2</b> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors in that State.</p> <p><b>Section 3</b> Representatives and Electors in each State shall have the Qualifications requisite for Electors in that State.</p> <p><b>Section 4</b> The Times, Places and Manner of holding the Elections of Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may, by Law, alter or change them in any State at any time before the next Meeting of the Legislature of that State.</p> <p><b>Section 5</b> Representatives and Electors in each State shall have the Qualifications requisite for Electors in that State.</p>	<p><b>Section 11</b> The judicial Power shall extend to all Cases arising under this Constitution, to all Cases of external Implications, to all Cases of admiralty and maritime Jurisdiction, to all Cases of Controversy between two or more States, between a State and Citizens of another State, between Citizens of different States, between Citizens of the same State claiming Lands by Grant or Survey, and between a State and foreign Consuls or Consuls of a foreign State.</p> <p><b>Section 12</b> The judicial Power shall extend to all Cases arising under this Constitution, to all Cases of external Implications, to all Cases of admiralty and maritime Jurisdiction, to all Cases of Controversy between two or more States, between a State and Citizens of another State, between Citizens of different States, between Citizens of the same State claiming Lands by Grant or Survey, and between a State and foreign Consuls or Consuls of a foreign State.</p> <p><b>Section 13</b> The judicial Power shall extend to all Cases arising under this Constitution, to all Cases of external Implications, to all Cases of admiralty and maritime Jurisdiction, to all Cases of Controversy between two or more States, between a State and Citizens of another State, between Citizens of different States, between Citizens of the same State claiming Lands by Grant or Survey, and between a State and foreign Consuls or Consuls of a foreign State.</p> <p><b>Section 14</b> The judicial Power shall extend to all Cases arising under this Constitution, to all Cases of external Implications, to all Cases of admiralty and maritime Jurisdiction, to all Cases of Controversy between two or more States, between a State and Citizens of another State, between Citizens of different States, between Citizens of the same State claiming Lands by Grant or Survey, and between a State and foreign Consuls or Consuls of a foreign State.</p> <p><b>Section 15</b> The judicial Power shall extend to all Cases arising under this Constitution, to all Cases of external Implications, to all Cases of admiralty and maritime Jurisdiction, to all Cases of Controversy between two or more States, between a State and Citizens of another State, between Citizens of different States, between Citizens of the same State claiming Lands by Grant or Survey, and between a State and foreign Consuls or Consuls of a foreign State.</p>
---	--

---

---

---

---

---

---

---

---

August 26, 2016 6

## Police Power of a Municipality

Is Restricted By:

- U.S. Constitution
  - 4th Amendment
  - 14th Amendment
- N.Y.S. Constitution
  - 1st Article
  - 12th Article

A Division of New York  
Department of State

**NEW YORK**  
STATE  
DEPARTMENT

Building Standards  
and Codes

### The Bill of Rights

Ratified December 15, 1791

<p><b>Article I</b></p> <p><b>Section 1</b> All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.</p> <p><b>Section 2</b> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors in that State.</p> <p><b>Section 3</b> Representatives and Electors in each State shall have the Qualifications requisite for Electors in that State.</p> <p><b>Section 4</b> The Times, Places and Manner of holding the Elections of Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may, by Law, alter or change them in any State at any time before the next Meeting of the Legislature of that State.</p> <p><b>Section 5</b> Representatives and Electors in each State shall have the Qualifications requisite for Electors in that State.</p>	<p><b>Section 11</b> The judicial Power shall extend to all Cases arising under this Constitution, to all Cases of external Implications, to all Cases of admiralty and maritime Jurisdiction, to all Cases of Controversy between two or more States, between a State and Citizens of another State, between Citizens of different States, between Citizens of the same State claiming Lands by Grant or Survey, and between a State and foreign Consuls or Consuls of a foreign State.</p> <p><b>Section 12</b> The judicial Power shall extend to all Cases arising under this Constitution, to all Cases of external Implications, to all Cases of admiralty and maritime Jurisdiction, to all Cases of Controversy between two or more States, between a State and Citizens of another State, between Citizens of different States, between Citizens of the same State claiming Lands by Grant or Survey, and between a State and foreign Consuls or Consuls of a foreign State.</p> <p><b>Section 13</b> The judicial Power shall extend to all Cases arising under this Constitution, to all Cases of external Implications, to all Cases of admiralty and maritime Jurisdiction, to all Cases of Controversy between two or more States, between a State and Citizens of another State, between Citizens of different States, between Citizens of the same State claiming Lands by Grant or Survey, and between a State and foreign Consuls or Consuls of a foreign State.</p> <p><b>Section 14</b> The judicial Power shall extend to all Cases arising under this Constitution, to all Cases of external Implications, to all Cases of admiralty and maritime Jurisdiction, to all Cases of Controversy between two or more States, between a State and Citizens of another State, between Citizens of different States, between Citizens of the same State claiming Lands by Grant or Survey, and between a State and foreign Consuls or Consuls of a foreign State.</p> <p><b>Section 15</b> The judicial Power shall extend to all Cases arising under this Constitution, to all Cases of external Implications, to all Cases of admiralty and maritime Jurisdiction, to all Cases of Controversy between two or more States, between a State and Citizens of another State, between Citizens of different States, between Citizens of the same State claiming Lands by Grant or Survey, and between a State and foreign Consuls or Consuls of a foreign State.</p>
---	--

---

---

---

---

---

---

---

---

August 26, 2016 7

## RESULTS: *Camara v. San Francisco* *See v. Seattle*

- Statute cannot Authorize Warrantless Search
- Search without Proper Consent is Unreasonable
- Refusal of an inspection should not subject individuals to criminal penalties
- WARRANTS should be sought only after entry is refused
- Appellant cannot be prosecuted for exercising his Constitutional Right

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 8

## Entry into Private Property



- Consent
- Search Warrant
- Emergency Circumstances

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 9

## Valid Consent

### Option #1 for the Code Official

*What is the basis for the validity of the consent?*

- Privacy Interest
- Given Freely
- Informed
- Competent



A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 10

## Test For Valid Consent Consent from ...

- Person with Privacy Interest to be Lost
  - Proprietary Interest
  - Lawful Occupant
- Examples:
  - Owner/Owner's Agent
  - Landlord/Lessor
  - Tenant/Lessee

A Division of New York  
Department of State



Building Standards  
and Codes

---

---

---

---

---

---

---

---

August 26, 2016 11

## Test For Valid Consent Given Freely ...

- Threats
- Right to Refuse
- Accustomed to Officials
- In Custody
- Attitude - Prior to Giving Consent



A Division of New York  
Department of State



Building Standards  
and Codes

---

---

---

---

---

---

---

---

August 26, 2016 12

## Test For Valid Consent Informed ...

- Clear
- Convincing
- Positive



A Division of New York  
Department of State



Building Standards  
and Codes

---

---

---

---

---

---

---

---

August 26, 2016 13

## Test For Valid Consent Competent to Consent?

- Age of Consent in NY
- Mental Capacity
- Comprehension

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 14

## Search Warrant Option #2 for the Code Official

- IF ... Refused Entry
- SHOW ... Probable Cause



A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 15

## “Probable Cause” Concept

- Developed in criminal investigations
- Standards for administrative search (inspection) not as strict:
  - Condition of the neighborhood
  - Nature of a building, structure
  - Passage of time

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 16

## Search Warrants

- Request made to Local Criminal Court by:
  - Public Servant acting in the course of official duties
- Probable Cause
  - Evidence of an offense is present in the property

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 17

## “Property” that can be Seized

- Stolen
- Unlawfully possessed or contraband
- Used to commit or conceal the commission of an offense
- Evidence to demonstrate an offense was committed

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 18

## Application for Search Warrant

<ul style="list-style-type: none"><li>• Heading</li><li>• Deposition</li><li>• Submit to Judge</li></ul>	<div style="border: 1px solid black; padding: 5px;"><h3 style="text-align: center;">Contents of Warrant</h3><ul style="list-style-type: none"><li>• The Designated Premises</li><li>• The Designated Property</li><li>• The Information</li></ul></div>
--	---

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 19

### Execution of Warrant

- MUST be executed by a Police Officer
- Identifies Property and what can be Searched For
- Issued for the Property
- 6 AM to 9 PM
- Allows Forcible Entry

A Division of New York  
Department of State  NEW YORK  
STATE  
DEPARTMENT OF STATE **Building Standards  
and Codes**

---

---

---

---

---

---

---

---

August 26, 2016 20

### Search Warrant Return

- By the Police Officer
- Without Unnecessary Delay
- List the “Evidence” Seized
  - the more information and documentation you can provide, the better

A Division of New York  
Department of State  NEW YORK  
STATE  
DEPARTMENT OF STATE **Building Standards  
and Codes**

---

---

---

---

---

---

---

---

August 26, 2016 21

### Fourth Amendment

- Forbids “Unreasonable Search and Seizure”
- Penalty is the “Exclusionary Rule”
- Search Must be Conducted Properly

A Division of New York  
Department of State  NEW YORK  
STATE  
DEPARTMENT OF STATE **Building Standards  
and Codes**

---

---

---

---

---

---

---

---

August 26, 2016 22

## Acceptable Searches

- Plain View
- Consent
- From Another's Property



NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 23

## Unacceptable Searches

- Intimidation
- Trespassing



NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 24

## Consent: Guide for Inspector

- Identify yourself and your purpose
- Ask specifically for consent
- Advise occupant of what you are there to inspect
- Advise occupant of the consequences
- Must hear the consent



A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 25

## Exigent or Emergency Circumstances

- All three elements **MUST** be present:
  - Serious threat to life or safety
  - So imminent that delay for warrant would harm
  - A rare occurrence

A Division of New York  
Department of State



NEW YORK  
STATE  
Building Standards  
and Codes

---

---

---

---

---

---

---

---

August 26, 2016 26

## Student Activity

Page 64 of the Appendix

Answer the questions based  
on the video you just saw

A Division of New York  
Department of State



NEW YORK  
STATE  
Building Standards  
and Codes

---

---

---

---

---

---

---

---

NEW YORK STATE OF OPPORTUNITY. | Building Standards and Codes

**LESSON 8**

**Personal and Professional Attributes of a Code Enforcement Official**

*Effective Communication*  
*Dealing with the Media*

---

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 2

**What are the most important qualities of a Code Enforcement Official?**



- Integrity**
- Knowledge**
- Image**
- Communication**
- Fair**
- Firm**
- Consistent**

A Division of New York Department of State NEW YORK STATE OF OPPORTUNITY. | Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 3

**The Inspector's Image**

What is the public's impression of CEO's  
Argumentative or Knowledgeable?

How would you feel if you were dealing with a  
Code Enforcement Official?

A Division of New York Department of State NEW YORK STATE OF OPPORTUNITY. | Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 4

### Personal Attributes

Who do you communicate with?  
 Why do you communicate with them?  
 How do you communicate?  
 What do you communicate?

Are you a good communicator?

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

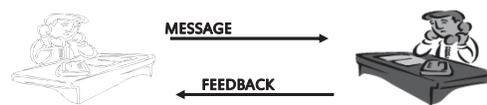
---

---

---

August 26, 2016 5

### The Communication Process



The act of passing a message and understanding from one individual to another.

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 6

### Good Communication begins before you open your mouth!

**Prepare with the 4 People Questions**

What is their reason for contacting you ?  
 Who is involved ?  
 What do they want you to do ?  
 What is your response ?

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 7

## Effective Communication

### *Listening, Looking and Responding*

In order to LISTEN effectively, you need to be



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 8

## Listening

- Pay attention
- Don't Interrupt
- Listen for feelings underneath the words
- Keep an open mind
- Encourage the speaker to continue
- Don't think ahead to what you are going to say

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 9

## Responding

- Being on the Level
  - Be honest
  - Speak for yourself
  - Deal with the other persons feelings
  - Reflect feelings
- Show that you are listening
- Check out what you are understanding
- Ask if that is what the speaker said

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 10

## Working with the Media

*Sometimes you want to.  
More often you have to!*

### Improving Public Relations Skills



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE  
Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 11

## The C.E.O. is Often Obscure...

Use the Media to Portray Technical Competence...

Use the Media to increase Understanding  
Bring understandable images to an audience  
Reduce rumors by providing the facts

Be PREPARED for the Media

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE  
Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 12

## Media “Events”

- Public Information
  - Press Release
    - A prepared statement you send to the media
  - Press Conference
    - A public meeting with the media
- Public Education
  - Public Service Announcement
- Interview for Story
- Emergency or Crisis Situation

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE  
Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 13

## Dealing with the Media Know Your Role

Discuss with your Supervisor FIRST  
Is there a Department/Agency Policy?  
Will YOU communicate with the media and the public?  
Will YOU provide information for someone else?

A Division of New York Department of State Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 14

## Know the Rules and Players

*Do your homework and be prepared*  
Contact names, numbers and deadlines  
Meet and Greet  
Explain your basic procedures  
Set up a file

A Division of New York Department of State Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 15

## Know the Rules and Players

**What is their Schedule ?**  
Print  
Radio  
Television

**What do they Need ?**  
Facts  
Focus  
Follow-up

A Division of New York Department of State Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 16

### How to be Effective

- Be comfortable
- Be in control
- Be PREPARED
  - Know your facts
  - Anticipate questions
  - Avoid “No comment” if possible
- CHOOSE YOUR WORDS CAREFULLY

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 17

### Tips for Media Appearances

- Clothing**
  - Business attire
  - Look and act professionally
- Pick the location if possible**
  - Outside your office
  - Within your comfort zone
- Control the situation**

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 18

### Press Releases and Press Conferences



Controlled information  
Allows information to be presented once to all interested media

Press Releases:  
Neat, accurate and complete statement

Press Conference  
Prepare a Short Statement  
Listen Carefully, Then Answer Questions  
If You Can't Answer, Say Why

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 19

## Public Service Announcement



- ▶ Radio or Television
- ▶ Less Is More
  - 15 – 60 seconds
- ▶ Have a Purpose
- ▶ Do it right
  - Provide facts
  - Make your point
- ▶ Find Talent if needed



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

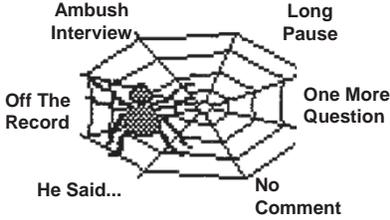
---

---

---

August 26, 2016 20

## Be aware of these Interviewing Techniques and Pitfalls



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 21

## Crisis Communication

### Tell it all and tell it fast

- Follow your chain of command
- Control rumors
- Centralize all information
- Don't hold anything back
- Update frequently
- Be preemptive if necessary
- Control site access

A Division of New York Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 22

## Eight Ways to Face a Crisis Before it Happens

- Picture the situation and put in the practice before you need it.
- Get your facts or the facts will get you.
- Be vividly specific and compelling.
- Be brief to build rapport.
- Make unlikely allies before you need them.
- Be plainly clear.
- Look to their positive intent, especially when they appear to have none.
- Be the first to say you're wrong when you are.

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 23

## Dealing with the Media Deadly Sins

DO NOT assume you are out of range  
 DO NOT discuss issues unless you have the facts  
 DO NOT allow the media to sensationalize  
 DO NOT allow personal behavior to detract from the message  
 DO NOT try to be funny  
 DO NOT convey false intimacy  
 DO NOT speak negatively about anyone  
 DO NOT speak off the record  
 DO NOT deal with "what if"  
 DO NOT offer personal opinions

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 24

## Summary

**Communication**  
It's more than just talk.

**Dealing with the Media**  
They are out there. And they can help.

A Division of New York Department of State 

---

---

---

---

---

---

---

---

 **NEW YORK**  
STATE OF OPPORTUNITY.

**Building Standards and Codes**

**Lesson 9**

**Records and Public Service**  
*The Legal Issues which keep the Public Informed and the Municipality functional.*

---

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 2

**Record Keeping**

**Objectives:**  
Define "Public Records"  
Identify Laws and Discuss Regulations



 **NEW YORK**  
STATE OF OPPORTUNITY.

**Building Standards and Codes**

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 3

**Why Record Keeping is Important**

If records can't be provided,  
how does a municipality prove  
compliance with...

- State Law
- State Regulation



 **NEW YORK**  
STATE OF OPPORTUNITY.

**Building Standards and Codes**

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 4

## A Public Record

Definition

“...Any book, paper, map, photograph, microphotograph or other information storage device regardless of physical form or characteristic which is the property of the state or of any state agency... county, city, town, village, district ... on which any entry has been made or is required to be made by law, or which any officer or employee of any said bodies has received or is required to receive for filing...”

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 5

## Public Records

**You must issue permits**  
Permits require documentation

**You must do inspections**  
Inspection reports must be filed

**You must answer complaints**  
A record of your actions must be kept

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 6

## Advantages of systematic retention and disposition of records

Ensures records are retained as long as they are needed  
Ensures records are promptly disposed when no longer needed  
Frees storage space for new and important records  
Eliminates staff time searching through unneeded records  
Facilitates preservation of archival (historical) records

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 7

### Laws on the Disposition of Records

Section 65.b, Public Officers Law

Section 57.11, Consolidated Arts and Cultural Affairs Law

State Education Law  
Local government records may not be disposed of without consent of the Commissioner of Education

A Division of New York  
Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 8

### Process of Disposition

To dispose of any public record you must first obtain a Retention and Disposition Schedule

- Issued by State Archives
- Contains minimum legal retention period
- Different periods for different government agencies

Local government must adopt schedule

Schedule remains in effect until new schedule

A Division of New York  
Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 9

### Typical Schedules for Building and Construction will require

Master Summary Records

- Permanent

Housing or Building Inspection Records

- 6 years after building no longer exists
- In no case less than 21 years
- Single family home exception:*  
(decks, pools, ect.)  
6 years after last entry in record

A Division of New York  
Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 10

## Typical Schedules for Building and Construction will require

**Construction Specifications**  
6 years after denial or completion of work

**Building Condemnation and Demolition Files**  
Permanent

**Contractor's Liability Insurance Records**  
6 years after denial or expiration of permit

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 11

## Typical Schedules for Building and Construction

**Permit Granted** - 6 years after building no longer exists

**Permit Denied** - 6 years after final decision

**Incomplete Permit Application** - 90 days after last entry in record

**CO (No permit issued)** - 6 years after building no longer exists

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 12

## Public Records Summary

You created them and now you have to live with them

For a long, long time... like forever



A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 13

### Freedom of Information Law

Provides rights of access to records of governmental decisions and policies

Covers all units of state and local government

- State agencies
- Public corporations and authorities
- Any governmental entity performing governmental function

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 14

### F.O.I.L. Facts

Most all your records are public records  
We just learned records must be maintained

So what if someone wants to see these records

Choice 1. They ask ... you show them  
(based on a predetermined office policy)

Choice 2. they ask ... you require request in writing  
You respond by ...

- Showing the records
- Denying the release of the records requested

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 15

### Deniable Records

To deny a public record the request must trigger one of the following: (9 reasons)

1. Release is specifically exempted by other statutes
2. Release would result in unwarranted invasion of privacy
3. Release would impair contract awards or collective bargaining
4. Release would effect trade secrets maintained for regulation of commercial enterprise ...

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 16

### Deniable Records Cont.

5. Release would effect items compiled for law enforcement which would interfere, deprive, identify or reveal
6. Release would endanger life or safety
7. Would provide examination questions
8. Would provide computer access codes
9. Would include advisory memo's that do not affect policy

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 17

### Deniable Records Cont.

Inter-Agency/Intra-Agency records that are **NOT** deniable:

- Statistical
- Instructions to Staff that affect Policy
- Agency memo's that affect Policy or Determinations

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 18

### Obtaining Records

- ▶Written request reasonably describing record
- ▶5 business days response time
- ▶Fees may be charged
  - Only to cover costs of compiling records
- ▶Denial must be in writing
  - Reason for denial
  - Advise of appeal rights and procedure

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 19

**Open Meeting Law  
"Sunshine Law"**

**"Meeting"**  
*An official convening of a public body for purposes of  
conducting public business...*

**Effective 10/01/79**



A Division of New York  
Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 20

**Public Meetings**



*Any official convening of a  
public body for purposes of  
conducting public business  
must be done in a public  
forum*

A Division of New York  
Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 21

**Closed/Executive Session**

*Is a Portion of an Open Meeting ...*

- Identify subject area
- Motion must be made
- Motion carried by majority of membership



A Division of New York  
Department of State NEW YORK STATE DEPARTMENT OF BUILDING STANDARDS AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 22

## A Meeting can be closed

**For the Following Eight Subjects:**

1. Matters which would imperil the public safety if disclosed
2. Matters which may disclose the identity of law enforcement agency or informer
3. Information relating to investigation or prosecution of criminal offense
4. Matters regarding proposed, pending or current litigation

A Division of New York  
Department of State

NEW YORK  
STATE  
OFFICE OF  
BUILDING STANDARDS  
AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 23

## A Meeting can be closed

5. Collective bargaining negotiations
6. Personnel or personal records
7. Preparation, grading or administration of exams
8. Acquisition/sale of real estate or securities ... only when publicity would substantially affect value

A Division of New York  
Department of State

NEW YORK  
STATE  
OFFICE OF  
BUILDING STANDARDS  
AND CODES

---

---

---

---

---

---

---

---

August 26, 2016 24

## During a Closed/Executive Session

A PUBLIC BODY CAN NEVER VOTE TO APPROPRIATE PUBLIC MONIES DURING A CLOSED SESSION

A Division of New York  
Department of State

NEW YORK  
STATE  
OFFICE OF  
BUILDING STANDARDS  
AND CODES

---

---

---

---

---

---

---

---

August 26, 2016

25

**Summary**

Records are Public Property  
 Required to be Kept  
 Retention and Disposition Requirements  
 Public Officers Law  
 Freedom of Information  
 Open Meetings

A Division of New York  
Department of State




---



---



---



---



---



---



---



**NEW YORK**  
STATE OF OPPORTUNITY.

**Building Standards and Codes**

**Lesson 10**

**Remedies**

*Gaining Compliance  
Voluntarily or Not*

---

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 2

**Remedies**

**Objectives:**

- Differentiate between Code Enforcement and Law Enforcement
- Discuss Voluntary Remedies
- Discuss Informal and Formal Remedies
- Outline procedures for Involuntary Remedies


**NEW YORK**  
STATE OF OPPORTUNITY.  
Building Standards and Codes

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 3

**Code Enforcement**

**The Mission of Code Enforcement is  
Public Safety**

***The Goal of Code Enforcement is  
Voluntary Compliance***


**NEW YORK**  
STATE OF OPPORTUNITY.  
Building Standards and Codes

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 4

## Executive Law 382 Remedies

Every local government shall have the power  
 To order in writing the remedying of any violation of the uniform fire prevention and building code and  
 To issue appearance tickets for violations of the uniform code.

Shall be punishable by a fine of not more than one thousand dollars per day of violation, or imprisonment not exceeding one year, or both.

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 5

## Enforcement

**Criminal Law Enforcement**  
 Remedy is Usually Not Possible  
 Punish Offender

**Code Enforcement**  
 Problem is Usually Correctable  
 Goal is to Remedy Not to Punish

A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 6

## Informal Remedies

Violation Found

Document

Notify

Re-Inspect

Violation corrected

**STOP**

**Informal Remedies**

VOLUNTARY COMPLIANCE

Violation not corrected

Begin formal remedies



A Division of New York Department of State 

---

---

---

---

---

---

---

---

August 26, 2016 7

## Formal Remedies

**Administrative  
Order**

**Order to  
Remedy**

Order To Remedy Violations

Location:  
Parcel #:  
Date:  
To:  
Please Note: Notices have been mailed to the City Clerk of New York City.

You Are The Order Recipient and Should Comply With The Law and  
Administrative Order. Failure to comply with the order may result in the  
issuance of a stop work order or other enforcement action.

Failure to comply may constitute a violation of the applicable  
provisions of the laws, rules and regulations of the Department  
of State.

CONTACT:  
Case Enforcement Office  
Date of Issuance:

A Division of New York  
Department of State

NEW YORK  
STATE  
DEPARTMENT OF STATE  
Building Standards  
and Codes

---

---

---

---

---

---

---

---

August 26, 2016 8

## Administrative Order

***“Order to Remedy”***

- Identifies Condition
- Orders Correction
- States Time
- States Penalty

A Division of New York  
Department of State

NEW YORK  
STATE  
DEPARTMENT OF STATE  
Building Standards  
and Codes

---

---

---

---

---

---

---

---

August 26, 2016 9

## Administrative Order

***“Stop Work Order”***

- Directs Construction to Cease
- Must be Rescinded Before Work Can  
Recommence

A Division of New York  
Department of State

NEW YORK  
STATE  
DEPARTMENT OF STATE  
Building Standards  
and Codes

---

---

---

---

---

---

---

---

August 26, 2016 10

**New section 1203.5 to 19 NYCRR Part 1203**

**Orders to Remedy**  
**Effective January 12, 2015**

**19 NYCRR 1203.5: Time Fixed for Compliance with Orders to Remedy**

Appendix page 21

A Division of New York  
 Department of State




---

---

---

---

---

---

---

---

August 26, 2016 11

**1203.5 Compliance with an Order to Remedy.**

subdivision 1 of section 381 of the Executive Law, such time period to be stated in the order, shall be punishable by a fine of not more than one thousand dollars per day of violation, or imprisonment not exceeding one year, or both.

For the purposes of subdivision 2 of section 382 of the 2 December 29, 2014 Executive Law, the time within which compliance with an order to remedy is required is hereby fixed at thirty (30) days following the date of the order to remedy.

A Division of New York  
 Department of State




---

---

---

---

---

---

---

---

August 26, 2016 12

Such order to remedy shall set forth *the date of the order, the date by which compliance must be completed, and* shall include a statement substantially similar to the following:

“NOTICE: Full compliance with this order to remedy is required by \_\_\_\_\_ [specify date], which is thirty (30) days after the date of this order. If the person or entity served with this order to remedy fails to comply in full with this order to remedy within the thirty (30) day period, that person or entity will be subject to a fine of not more than \$1,000 per day of violation, or imprisonment not exceeding one year, or both.”

A Division of New York  
 Department of State




---

---

---

---

---

---

---

---

August 26, 2016 13

### Serving the Order to Remedy

(c) An order to remedy a condition found to exist in, on, or about any building in violation of the Uniform Code shall be served personally or by certified or registered mail *within five (5) days* of the date of the order.



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 14

### 1203.5 ( c )

ALL ORDERS TO REMEDY ISSUED ON OR AFTER JANUARY 12, 2015 MUST BE SERVED, PERSONALLY OR BY CERTIFIED OR REGISTERED MAIL, WITHIN FIVE (5) DAYS OF THE DATE OF THE ORDER.

This requirement ensures that the person served with an Order to Remedy has at least 25 days following the date of service of the Order in which to comply with the Order.



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 15

### Time for Remedy of Violations

Any city, village, town, county, state agency, may order that violations be remedied:

**Immediately or**  
within **less** than thirty (30) days;

**BUT:** Penalties are not imposed until after thirty days



A Division of New York Department of State NEW YORK STATE DEPARTMENT OF STATE Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016

16

### 1203.5 ( e ) ( 3 )

Any city, village, town, county, state agency commencing and prosecuting any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the "construction of any building who shall knowingly violate any of the applicable provisions of the Uniform Code shall be subject to a fine of not more than one thousand dollars per day of violation, or imprisonment not exceeding one year, or both;

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016

17



A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016

18

## Administrative Order Provisions in Local Law



### "Do Not Occupy"

Condemnation placard  
Unsafe, unfit or unlawful  
Placard removed after conditions is remedied

A Division of New York  
Department of State



---

---

---

---

---

---

---

---

August 26, 2016 19

## Administrative Remedy

### *Provisions in State Regulations*

Variance

- Boards are Quasi-Judicial
- State Boards Only
- Follows "Result Oriented Approach"

*Involuntary Compliance*

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 20

## Assistance from the Court

**Civil Enforcement Actions**

- Only Civil Penalties can be imposed
- Lower burden of proof – *Preponderance of the Evidence*

**Criminal Enforcement Actions**

- Criminal procedures law
- Criminal penalties and fines
- Burden of proof – *Beyond a Reasonable Doubt*

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 21

## Court Responsibilities



**Local**

- Impose Fines and/or Penalties

**State Supreme**

- Removal or Abatement

**State Supreme Appellate**

- Reaffirm/Overtum other Court's Decision

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 22

## Getting to Court

**Information CPL 130**  
An "Accusatory" instrument  
Provides court with details of alleged offense

**Appearance Tickets CPL 150**  
An "Invitation" to court

**Summons**  
An order by a court to appear

A Division of New York  
Department of State Building Standards  
and Codes

---

---

---

---

---

---

---

---

August 26, 2016 23

## Appearance Ticket

Title 4 CPL ARTICLE 150 - THE APPEARANCE TICKET

§ 150.10 Appearance ticket; definition, form and content

1. An appearance ticket is a written notice issued and subscribed by a police officer or other public servant authorized by state law or local law enacted pursuant to the provisions of municipal home rule law to issue the same, directing a designated person to appear in a designated local criminal court at a designated future time in connection with his alleged commission of a designated offense.

A notice conforming to such definition constitutes an appearance ticket regardless of whether it is referred to in some other provision of law as a summons or by any other name or title.

A Division of New York  
Department of State Building Standards  
and Codes

---

---

---

---

---

---

---

---

August 26, 2016 24

## New York Criminal Procedure Law § 150.40 - Appearance ticket; where returnable; how and where served

1. Made returnable in a **local** criminal court.
2. May be served in **any manner per Section 308** of Civil Practice Law and Rules.
3. Served anywhere in the **county** in which the offense was committed.

A Division of New York  
Department of State Building Standards  
and Codes

---

---

---

---

---

---

---

---

August 26, 2016 25

**New York Civil Practice Law and Rules § 308.  
Personal service upon a natural person**

1. by delivering the summons within the state to the person to be served;  
or
2. by delivering the summons first class mail in an envelope bearing the legend "personal and confidential", no return address, or
3. by delivering the summons within the state to the agent for service, or



A Division of New York  
Department of State

---

---

---

---

---

---

---

---

August 26, 2016 26

**New York Civil Practice Law and Rules § 308.  
Personal service upon a natural person**

4. Affixing the summons to the door and by mailing the summons

Such affixing and mailing **to be effected within twenty days of each other**



A Division of New York  
Department of State

---

---

---

---

---

---

---

---

August 26, 2016 27

**Court Information**

Name and Address of Defendant  
Service  
Inspector's Name and Title  
Date the Offense was Observed  
Address where Violation Occurred  
Provision Violated  
To Wit Clause (where you state what you saw)  
Perjury Clause  
Return Date



A Division of New York  
Department of State

---

---

---

---

---

---

---

---

August 26, 2016 28

### Serving an Appearance Ticket or Summons

*Name on Summons*

- Defendant
- Corporations
- Partnerships
- Agents of Owners

**Penalty for Failure to Appear**

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 29

## BUT !!!!!!!

Always talk to your municipal attorney  
and court office **FIRST**

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 30

### Civil Judicial Remedies

Equitable or Injunctive Relief

- Compels or prohibits an official act
- Decided in State Supreme Court

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 31

### Before using Criminal Remedies...

- These are Criminal Sanctions
- Proof beyond a reasonable doubt required
- CONDUCT of the CEO will be scrutinized
- Does the violation warrant establishing a criminal record for violators
- Save criminal sanctions for the most flagrant code violations
- CEO should consult the municipal attorney

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 32

### Criminal Prosecution of a Code Enforcement Action

YOU have the BURDEN OF PROOF  
Beyond a reasonable doubt

Take care of the PRELIMINARY MATTERS -  
DOCUMENTATION

- Inspections
- Notes
- Photographs

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 33

### Criminal Judicial Remedies

“Formal Involuntary” actions  
Irreversible process

Executive Law Article 18 allows:  
\$1000 per day  
One year in jail  
OR both

Local Government may establish penalties  
Cannot exceed the amounts of Section 382.2

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 34

## US Constitution

### 14<sup>th</sup> Amendment

*Your duty to impose the powers of government for health, safety and welfare of the community is balanced by the Constitution!*

14<sup>th</sup> Amendment - Section 1  
 Citizens guaranteed Federal PRIVILEGES and IMMUNITY  
 Citizens must be granted DUE PROCESS  
 Citizens granted EQUAL PROTECTION

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 35

## Involuntary Formal Remedies

**Judicial Remedies**

- Civil
  - Variance
  - Equitable Relief
  - Criminal (Contempt)
- Criminal
  - Appearance Ticket
  - Information
  - Judge

**Local Law Provisions**

- Condemnation
- Posting

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 36

## Summary

You must gain compliance  
 You should always look for voluntary compliance  
 If you can't get it you will have to take appropriate actions  
 Going to court is very time consuming do what you can to stay out  
 If you have to use the court system be prepared and you should prevail

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---



**NEW YORK**  
STATE OF OPPORTUNITY.

**Building Standards and Codes**

**Lesson 11**

# LIABILITY

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 2

## Liability

**Objectives:**

- Discuss legal terms pertaining to liability
- Identify the three areas where liability is possible
- Establish a defense against possible liability

A Division of New York Department of State  **Building Standards and Codes**

---

---

---

---

---

---

---

---

August 26, 2016 3

## Liability Concerns

**Remember:**

- The CEO and the Municipality are separate and distinct entities
- One, or both, may be sued
- The municipality may not be liable in court

**But, the CEO MAY BE!**

A Division of New York Department of State  **Building Standards and Codes**

---

---

---

---

---

---

---

---

August 26, 2016 4

## Sovereign Immunity

Now known as “Public Duty Immunity”  
 Municipalities are only liable for acts which involve the performance of a set task  
 Acts by municipal employees which involve the employee’s judgment do not create municipal liability

BUT, may create employee liability!

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 5

## Public Officers Law

### Section 18

A municipality **may** provide for the DEFENSE of an officer or employee in any civil action or proceeding which arises out of alleged acts or omissions within the scope of the public employment or duties of the officer or employee.

Section 19 for State Employees  
 Shall provide for defense...

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 6

## Public Officers Law

### Section 18

In addition the municipality **may** INDEMNIFY its officer or employees for judgments obtained against the officer or employee for acts or omissions which occurred **within the scope of the public employment or duties** of the individual.

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 7

## “Defend” and “Indemnify”

**Defend**  
Representation in Court

**Indemnify**  
To protect against Hurt, Loss or Damage  
To make compensation for Hurt, Loss or Damage

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 8

## Indemnification

**ONLY applies to:**

**Acts or omissions which occurred  
within the scope of the public  
employment or duties...**

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 9

## Areas of Potential Liability

Intentional wrong doing  
Negligent wrong doing  
Violation of civil rights

**Any of these may result in a “Tort”**

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 10

## TORT

Definition:

**A Private or Civil Wrong** *(Other than a Breach of Contract)* arising from the Breach of a Legal Duty

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 11

## Two General Categories of Torts

**Intentional Torts**  
Injury or damage from intentional improper conduct or actions

**Torts of Negligence**  
Injury or damage resulting from failure to exercise a permissible action properly

**Distinction between torts is important**  
**No indemnification for Intentional Torts**

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 12

## Examples of Intentional Torts

- Malicious Prosecution
- Abuse of Process
- False Imprisonment
- Intentional infliction of emotional distress
- Assault and Battery
- Civil conspiracy
- Defamation; libel and slander
- Trespass

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 13

### Malicious Prosecution

**Four Elements Must be Proven:**  
 Institution of criminal, civil or administrative proceedings  
 Without probable cause  
 With malice  
 Terminating in favor of the accused

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 14

### Defense against Malicious Prosecution

Always follow the same procedures  
 Always document violations  
 Treat every case the same  
 And AVOID "Favorable Termination for the Accused" (don't loose the case)  
 by:  
   **Asking the judge to find guilty, but suspend the charges (A.C.O.D.)**  
   **Asking the judge to drop the charge, but have the RECORD SHOW...**  
   **Obtain a release from the accused**

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 15

### Other Types of Intentional Torts

**Abuse of Process**  
 Use of legal process for a reason other than which it was intended

**False Imprisonment**  
 Unlawful, unjustified detention of a person

**Intentional Infliction of Emotional Distress**  
 Caused by an intentional action considered to be outrageous,  
 intolerable or beyond the reasonable bounds of decency

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 16

## Other Types of Intentional Torts

**Assault and Harassment**  
Attempt or threat to injure another

**Civil conspiracy**  
Accomplishment of an unlawful purpose, or a lawful purpose, by unlawful means

**Defamation:**  
To injure the good name or reputation of another  
Libel is defamation designed to be read  
Slander is oral or uttered defamation

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 17

## Trespass

Intentionally entering onto land under possession of another  
Damage is presumed even if no physical damage is done

**Best defense**  
Search Warrant  
Valid Consent

**Consent may be withdrawn, if told to leave, LEAVE!**

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 18

## Torts of Negligence

Most common tort municipalities and/or their CEO's must defend against...

Where the plaintiff claims damage as a result of negligence in Code enforcement

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 19

### Four Elements of a Tort

1. Duty - Owed from one to another
2. Breach of Duty - Failure to act properly
3. Damage - Injury sustained
4. Causation – Breach that caused damage

***All four parts must be proven to establish liability...***

A Division of New York  
Department of State

---

---

---

---

---

---

---

---

August 26, 2016 20

### General Duty Rule

**Municipality is not liable for**  
 Failure to enforce a statute or regulation  
 Or for failing to supply general police or fire protection

Unless a “special relationship” creates a duty  
**ONLY applies to MUNICIPAL LIABILITY**

A Division of New York  
Department of State

---

---

---

---

---

---

---

---

August 26, 2016 21

### A “Special Relationship” determines...

## General Duty vs. Special Duty

A Division of New York  
Department of State

---

---

---

---

---

---

---

---

August 26, 2016 22

**To define “Special Duty”**  
Past Court decisions...

**No Special Duty**  
↓  
**No Liability**

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 23

**Plaintiff Must Prove EACH Element**

**Duty**  
Does a “Special Duty” exist?  
Is it owed by the municipality/CEO?

**Breach of Duty**  
By improper action, MISFEASANCE  
By inaction, NONFEASANCE

**Damage**  
Physical or Monetary

**Causation**  
The “link” or “bridge” between breach of duty and damage

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 24

**If Liability is found**

Plaintiff receives award for “Damages”  
“Damages” usually refers to payment of money

- To compensate victim
- To punish wrongdoer
- To deter future behavior

CEO’s protection from Damages

- Indemnification
- Personal “Errors and Omissions” Insurance

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 25

### Federal Civil Rights "1983" Actions

Lawsuit instituted pursuant to Section 1983, Title 42, U.S. Code  
 Successful "1983" action has two elements:  
   Deprived of Constitutional Rights or Privileges  
   Pursuant to State or Local Statute, Rule Ordinance, or Regulation  
 "Under Color of Law"

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 26

### Areas for potential Civil Rights Actions

#### US Constitution, 4<sup>th</sup> Amendment

Free from unlawful search and seizure

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 27

### Areas for potential Civil Rights Actions

**14<sup>th</sup> Amendment - Section 1**  
 Citizens guaranteed Federal PRIVILEGES and IMMUNITY  
 Citizens must be granted DUE PROCESS  
   Notice of Charges  
   Hearings  
   Opportunity to Defend  
   Right to Confront Accusers  
 Citizens granted EQUAL PROTECTION  
   Uniform treatment in similar circumstances

A Division of New York  
Department of State




---

---

---

---

---

---

---

---

August 26, 2016 28

### CEO Liability

**Qualified Immunity**  
 May protect a CEO from personal liability  
 Be familiar with clearly established law governing conduct  
 Knowledge that certain conduct violates an individual's civil rights incurs **LIABILITY**  
 Consult municipal attorney when in doubt  
 Follow municipal attorney's advice  
 Follow departmental procedures and regulations

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 29

### Ten Rules to Help Avoid Liability?

1. Develop a reminder process so you cannot forget, miss, delay or overlook known code violations.
2. Do a diligent, thorough inspection and prepare yourself before you go.
3. In your correspondence, do not give people time to violate the code.
4. Keep accurate records and know your state's laws about releasing public information.
5. When testifying in court, only testify to those things you actually know and have documented.

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 30

### Ten Rules to Help Avoid Liability?

6. Give the public only accurate information. If you make a mistake, correct it immediately. Do not try to cover it up.
7. When you make an arrest or close an occupancy, get help from local law enforcement.
8. Have someone with you who is responsible for the premises when making your inspections, especially in high value or secure areas.
9. If you are refused entry, and there is no "reasonable cause" to enter, obtain an inspection warrant.
10. Treat all people fairly and honestly.

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 31

## Summary

**To Avoid Liability...**

- Know your authority and responsibility as outlined in your Local Law
- Follow established procedures
- Perform to the best of your abilities
- Treat everyone fairly
- Document EVERYTHING!

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 32

## Examination

Exams are graded in Albany.

If you fail the exam you will receive a notice by e-mail and letter. It will include instructions for retaking the exam.

You may take an exam a second time without repeating the class. If you fail a 2<sup>nd</sup> time you will be asked to take the whole class over.

If you fail an exam you may continue on to the next course.

If you fail two separate course exams you will have to stop and start the series over.

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---



**Building Standards and Codes**

# Exam Time

---

A Division of New York Department of State

---

---

---

---

---

---

---

---

August 26, 2016 34

### Examination

Read the question AND ONLY THE QUESTION! Read ALL answers before answering.  
 If you are spending a lot of time on a question MOVE ON. Come back to it later.  
 Answer ALL questions - Even a guess (25% probability of being correct) is better than a question left blank (0% chance of being correct).

Put the LETTER of your answer in the "Answer \_\_\_\_\_" blank. Make sure your LETTER is READABLE AND CLEAR. Any question as to what LETTER it is will be an automatic WRONG answer.  
 If an answer is changed, the chosen answer should be clearly identifiable

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 35

Your test has 15 multiple choice questions. You have one hour to complete the exam.

On the cover sheet please fill in your Full name, training number **Examination Time** number 9A-\_\_\_\_.

**DO NOT BEGIN UNTIL INSTRUCTED TO DO SO...**

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---

August 26, 2016 36

### Examination Time

- On the top of the of each page, fill in your name and the course number.
- Write legibly, NO RED INK PENS,
- Check the exam booklet there should be 4 pages ( 2 printed front and back).
- You can use the Appendix, Workbook and any notes you have taken.
- Cannot use a cell phone or computer.
- No talking
- Exam is PASS (70% or better – miss 4 questions) or FAIL

When you finish, please bring your test and course survey up front.  
 I will check to make sure you have answered all the questions.

A Division of New York Department of State  Building Standards and Codes

---

---

---

---

---

---

---

---