



Code Outreach Program – Paths to Code Compliance for Existing Buildings

In this edition of the Code Outreach Program we intend to give a brief overview of the paths to [Uniform Code](#) compliance for existing buildings, through the application of the [2020 Existing Building Code of New York State](#) (2020 EBCNYS), **which will become effective on May 12, 2020** (please see our [website](#) for more information on the updates to the Uniform Code and Energy Code). [Similar paths exist in the currently effective 2015 International Existing Building Code](#), as modified by the [2017 Uniform Code Supplement](#), however, the sections referenced below are specific to the 2020 update.

As indicated in Section 101.2 of the 2020 EBCNYS, the provisions of the 2020 EBCNYS “*apply to the repair, alteration, change of occupancy, addition to and relocation of existing buildings.*” *Existing building* is defined as a building that is legally occupied and/or for which a certificate of occupancy authorizing its use(s) has been issued, without regard to the date on which such legal occupancy began or the date on which such certificate of occupancy was issued. The scope of the 2020 EBCNYS excludes existing residential properties, governed by the scope of the [2020 Residential Code of New York State](#), and agricultural buildings used solely and directly for agricultural purposes (*See exceptions to Section 101.2 of the 2020 EBCNYS*).

2020 EBCNYS Compliance Methods

The Uniform Code compliance methods for work on existing buildings are found in Sections 301.2 through 301.4 of the 2020 EBCNYS. Section 301.2 requires repairs, as defined in Chapter 2 of the 2020 EBCNYS, to comply with Chapter 4 of the 2020 EBCNYS and Section 301.4 requires relocated buildings to comply with Chapter 14 of the 2020 EBCNYS.

Section 301.3 of the 2020 EBCNYS applies to alterations, additions, or changes of occupancy of existing buildings. This section states that the regulated work “*shall comply with one of the methods listed in Section 301.3.1, 301.3.2 or 301.3.3*” but that the methods outlined in “*sections 301.3.1 through 301.3.3 shall not be applied in combination with each other.*” Therefore, compliance can be achieved through either the prescriptive compliance method, work area compliance method, or the performance compliance method. Additionally, compliance can be achieved through the exception to section 301.3.

Where approved by the building official, the exception to Section 301.3 allows for “*alterations complying with laws in existence at the time the building or affected portion of the building was built*” to be considered in compliance with the provisions of the 2020 EBCNYS. However, new structural members added as part of the alteration shall comply with the [2020 Building Code of New York State](#). The exception shall not apply to alterations that constitute a substantial improvement in flood hazard areas, “*which shall comply with Section 503.2, 701.3 or 1301.3.3.*” Further, the exception shall not apply to structural provisions of Chapter 5, or structural provisions of Sections 706, 806, and 906.

To reach compliance using the **PRESCRIPTIVE COMPLIANCE METHOD**, Section 301.3.1 of the 2020 EBCNYS directs users to comply with the provisions of Chapter 5 of the 2020 EBCNYS and with the [2020 Fire Code of New York State](#).

To reach compliance using the **WORK AREA COMPLIANCE METHOD**, Section 301.3.2 of the 2020 EBCNYS directs users to comply “*with the applicable requirements of Chapters 6 through 12*” of the 2020 EBCNYS. The classification of work is determined in Chapter 6 and for projects that involve more than one classification of work, the requirements of each appropriate chapter would apply.

To reach compliance using the **PERFORMANCE COMPLIANCE METHOD**, Section 301.3.3 of the 2020 EBCNYS requires the user to evaluate the proposed project using the performance-based provisions of Chapter 13 of the 2020 EBCNYS.

In addition to those mentioned above, it should be noted that the remainder of Chapter 3 contains provisions applicable to all compliance methods, regardless of the compliance method chosen. These additional provisions include topics such as general provisions (Section 302), structural design loads and evaluation and design procedures (Section 303), in-situ load tests (Section 304), accessibility (Section 305), and energy storage systems (Section 306).

Please look for our next edition of the Code Outreach Program at the beginning of next month.