

**NOTICE OF RULE IN DEVELOPMENT  
(19 NYCRR Part 1228)**

**The Department of State is currently developing a rule that would amend the Uniform Code by adding provisions to allow a building to be used on a temporary basis for a use that is not consistent with the building's existing occupancy classification, provided that the building meet certain safety requirements. The Department of State invites the public to participate in the rule development process.**

If adopted, the rule would amend the Uniform code by adding a new Part 1228 to 19 NYCRR. The new part would allow a building to be used on a temporary basis for a use not consistent with the building's existing occupancy classification, provided that the building satisfies certain safety related requirements. The owner of a building would be required to apply to the Authority Having Jurisdiction for a permit authorizing the alternative use of the building. Only buildings with certain existing occupancy classifications will be eligible for a permit allowed under this Part, and only certain temporary uses will be allowed. The duration of a permit issued under this Part would be limited to 60 days within a 12 month period. However, an alternative mercantile use may exceed this time restraint provided that the building or portion thereof does not exceed 400 square feet if approved by the code enforcement official. A written fire safety plan will be required for occupant loads of 50 or more.

A draft of the rule now being development is available by [clicking here](#).

The Department of State invites all interested parties, particularly those representing small businesses, local governments, and public or private interests in rural areas, to participate in the rule development process. Interested parties are invited to submit comments on the draft rule. If you have suggestions on how the draft rule could be improved, suggested alternatives to the draft rule that the Department of State could consider, or any other comments on the draft rule, please contact Gerard Hathaway, Assistant Director for Code Development, by mail at New York State Department of State Division of Administration and Enforcement, 99 Washington Ave., Albany, NY 12231-0001; by telephone at (518)-474-4073; or by e mail at [Gerard.Hathaway@dos.ny.gov](mailto:Gerard.Hathaway@dos.ny.gov).

Dated: August 23, 2016

**NOTE:** As of August 23, 2016, this draft rule has **not** yet been proposed or adopted.