



**State of New York
Department of State
Division of Code Enforcement & Administration**

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Rules and Regulations - Department of State

**TITLE 19 (NYCRR)
CHAPTER XXXII - DIVISION OF CODE ENFORCEMENT AND ADMINISTRATION**

**PART 1202 - UNIFORM CODE: ADMINISTRATION AND ENFORCEMENT
IN CERTAIN LOCAL GOVERNMENTS**

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§1202.1 Introduction.

In general, local governments are charged with the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (Uniform Code). However, a local government has the option to decline that responsibility by adopting a local law to that effect, in which event the responsibility passes to the respective county. Counties are accorded a similar option. If a local government and a county each exercises its option, the statute provides for administration and enforcement of the Uniform Code by the Secretary of State in the place and stead of the local government. Certain other events may also result in administration and enforcement of the Uniform Code by the Secretary of State. This Part establishes the procedures applicable in circumstances in which the Secretary of State must administer and enforce the Uniform Code in the place and stead of a local government or county.

§1202.2 Building Permits and Demolition Permits.

(a) No person, firm, corporation, association or other organization shall commence the erection, construction, enlargement, alteration, improvement, relocation, removal or demolition of any building or structure, except a nonresidential farm building or structure, nor install heating equipment, without having applied for and obtained a permit from the Department of State. No permit shall be required for the performance of necessary repairs which do not materially affect structural elements, and/or plumbing, electrical or heating/ventilation systems, including, for example, the repair of siding and roofing with like

or similar materials, nor for the erection of fences, nor for the construction of noncommercial storage facilities of less than 140 square feet of gross floor area. Such work shall nevertheless be done in conformance with the Uniform Code.

(b) Applications for a building permit or demolition permit may be obtained from any office of the Department of State. A completed application may be delivered to any office of the department or be mailed to its office in Albany, and must include:

- (1) the signature of the applicant or authorized agent;
- (2) a description of the site on which the proposed work is to be done;
- (3) a statement of the use or occupancy of all parts of the land and of the proposed building or structure;
- (4) a brief description of the proposed work;
- (5) the full name and address of the owner and the applicant and, if either be a corporation, the names and addresses of responsible officers;
- (6) three sets of plans and specifications for the proposed work; and
- (7) the fee specified in this part.

The applicant may request that the requirement of plans and specifications be waived where the work to be done involves minor alterations or where such plans and specifications are otherwise unnecessary.

(c) The applicant shall notify the department of any changes in the information contained in the application during the period for which the permit is in effect. A permit shall be issued when the application has been determined to be complete and when the proposed work is determined to conform to the requirements of the Uniform Code. The authority conferred by such permit may be limited by conditions, if any, contained therein.

(d) A permit issued pursuant to this Part shall be prominently displayed on the property or premises to which it pertains.

(e) A permit issued pursuant to this Part may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code or with any condition attached to such permit, or if there has been a misrepresentation or falsification of a material fact in connection with the application for the permit.

(f) A building permit issued pursuant to this Part for the purpose of erecting, constructing, enlarging, altering, improving, or relocating any building or structure or for the purpose of installing heating equipment shall expire two years from the date of issuance

or upon the issuance of a certificate of occupancy (other than a temporary certificate of occupancy) or upon the issuance of a certificate of completion, whichever occurs first. A demolition permit issued pursuant to this Part for the purpose of removing or demolishing any building or structure shall expire six months from the date of issuance or upon the issuance of a certificate of completion of the permitted work, whichever occurs first. A building permit may, upon written request, be renewed for successive one year periods. A demolition permit may, upon written request, be renewed for successive six month periods. Renewals of permits may be granted only if:

- (1) the permit has not been revoked or suspended at the time the application for renewal is made;
- (2) the relevant information in the application is up to date; and
- (3) any applicable renewal fee is paid.

§1202.3 Certificates of Occupancy and Completion.

(a) Upon completion of all projects for which a building or demolition permit has been issued, the property owner shall obtain a certificate of occupancy or completion. No building erected subject to the Uniform Code and this Part shall be used or occupied, except to the extent provided in this section, until a certificate of occupancy has been issued. No building similarly enlarged, extended, or altered, or upon which work has been performed which required the issuance of a building or demolition permit shall be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy or certificate of completion has been issued.

(b) No change shall be made in the nature of the occupancy of an existing building unless a certificate of occupancy authorizing the change has been issued. The owner or occupant of such building must demonstrate that such change will conform with all applicable provisions of the Uniform Code before a certificate of occupancy will be issued.

(c) A temporary certificate of occupancy may be issued if the building or structure or a designated portion of a building or structure is sufficiently complete so that it may be safely put to the use for which it is intended. A temporary certificate of occupancy shall expire six months from the date of issuance or at an earlier date if specified thereon. A temporary certificate of occupancy may, at the discretion of the Department of State, be renewed an indefinite number of times.

(d) No certificate of occupancy or completion shall be issued unless:

- (1) an inspection is conducted which indicates substantial completion of any work for which a permit has been issued;
- (2) no uncorrected deficiency or material violation of the Uniform Code is

observed within the area for work for which the certificate is to be issued; and

(3) any applicable fee is paid.

§1202.4 Inspections.

(a) Work for which a permit has been issued under this Part shall be inspected at appropriate stages of the project. Work shall be inspected prior to enclosing or covering any portion thereof and upon completion of each stage of construction or demolition, including but not limited to building location, site preparation, excavation, foundation, framing, superstructure, electrical, plumbing, heating, ventilating and air conditioning. It shall be the responsibility of the owner, applicant, or his agent to inform the Department of State that the work is ready for inspection and to schedule such inspection.

(b) Buildings shall be subject to periodic inspections for compliance with the Uniform Code on a yearly basis. Notwithstanding any requirement of this subdivision to the contrary, no regular, periodic inspections of occupied dwelling units shall be required; provided, however, that this shall not be a limitation on inspections conducted at the invitation of the occupant or where conditions on the premises threaten or present hazard to public health, safety or welfare.

§1202.5 Orders and Violations.

(a) Except as may be provided elsewhere in this Part the inspections required by section 1202.4 of this Part will be performed by employees or agents of the Department of State. Such inspectors are authorized to order in writing:

- (1) that any condition in violation of the Uniform Code or this Part existing in, on, or about any building or structure be corrected within a specified period of time;
- (2) that work on a building or structure which is progressing in violation of the Uniform Code or this Part be stopped until the Department of State is satisfied that such violation has been or will be corrected; and
- (3) that a building or structure constructed or maintained in violation of the Uniform Code or this part not be occupied.

(b) Orders to correct violations of the Uniform Code or this Part shall be served in person upon a responsible party or his authorized agent or by registered mail sent to the address of such responsible party. Stop work orders and not be occupied orders shall be served in person upon a responsible party or his authorized agent, or by certified or registered mail sent to the address of the responsible party, or by posting such order in a

conspicuous spot upon the building or structure which is the subject of such order. If an address for a responsible party has been set forth in any relevant application for a permit or in any relevant certificate, that address is the one which shall be used for service of an order when the order is served by mail. A responsible party who fails to comply with any order issued by the department shall be subject to a penalty as provided by law.

(c) When a stop work order has been issued in connection with a particular project, no work shall proceed on that project until the stop work order has been rescinded or unless the specific work to be undertaken has been approved in writing by an employee of the Department of State. When a not to be occupied order has been issued by the department, except for the purposes of inspecting or securing the building or structure, no building or structure which is the subject of such an order shall be occupied until such order is rescinded or unless the occupancy is specifically approved in writing by an employee of the Department of State.

§1202.6 Third Party Inspections.

A person subject to inspection under section 1202.4 of this Part may be required by the Department of State to have such inspection performed at his own cost and expense by a competent inspector acceptable to the department. Such inspector may be a registered architect, licensed professional engineer, certified code enforcement officer, or other person whose experience and training has been demonstrated to the satisfaction of the department. Such inspector shall certify the results of his inspection to the Department of State. Any person required by the department to have an inspection performed at his own cost and expense shall not be assessed the fees otherwise prescribed in this Part.

§1202.7 Fees.

(a) Fees for Buildings Permits.

(1) New construction:

(i) one-and two-family dwellings;

(a) one-and two-family homes including accessory structures constructed contemporaneously:

First 1,500 square feet of area \$ 200

Each additional 1,000 square feet of area or fraction thereof \$100

(b) sitting of a mobile home\$ 50

(ii) multiple dwellings including accessory structures constructed

contemporaneously:

Each 1,000 square feet of area or fraction thereof \$ 200

(iii) installation of an approved factory manufactured home:

First dwelling unit or sleeping room \$ 100

Each additional dwelling unit or sleeping room \$ 50

(iv) garages, swimming pools, and other miscellaneous structures not constructed contemporaneously with the construction of a dwelling:

Each 1,000 square feet of area or fraction thereof \$ 50

(v) sheds or other miscellaneous storage structures under 500 square feet \$ 25

(vi) general building construction:

Each 1,000 square feet of area or fraction thereof \$ 200

(2) Additions, alterations and renovations:

(i) fees for projects which involve the alteration and/or renovation of an existing structure or a portion thereof as well as the construction of an addition onto the existing building shall be computed solely on the basis of the square footage of the proposed addition.

(ii) additions:

(a) one-and two-family dwellings:

Each 1,000 square feet of area or fraction thereof \$ 100

(b) multiple dwellings:

Each 1,000 square feet of area or fraction thereof \$ 200

c) garages, swimming pools and other miscellaneous accessory structures:

Each 1,000 square feet of area or fraction thereof\$ 50

(d) general building construction:

Each 1,000 square feet of area or fraction thereof \$ 200

(iii) alterations and renovations:

(a) one-and two-family dwellings including structures accessory thereto
..... \$ 75

(b) multiple dwellings including structures accessory thereto:

(1) alteration or renovation to an electrical, heating, ventilation, air
conditioning or plumbing system or to any combination thereof
..... \$ 200

(2) other types of alterations or renovations including structural
alterations or renovations:

Each dwelling unit or sleeping room to be altered or renovated
..... \$ 50

(3) alterations or renovation to an area not included as part of a
dwelling unit or sleeping room \$ 200

(c) general building construction:

(1) alteration or renovation to an electrical, heating, ventilation, air
conditioning or plumbing system or to any combination thereof
..... \$ 200

(2) other types of alterations or renovations including structural
alterations or renovations:

Each 1,000 square feet of area or fraction thereof \$ 200

(d) No fee for an alteration or renovation shall exceed the fee which
would be applicable if the particular building or structure were to be
newly constructed.

(b) Fee for Demolition Permit \$ 50

(c) Fees for Renewals of Permits. 50 percent of whatever fee would be charged for
a new permit.

(d) Fees for Miscellaneous Inspections.

(1) Miscellaneous inspections shall include all inspections of existing buildings which are requested by an owner, an owner's agent, a lessee, a tenant, or an occupant unless such request for an inspection is related to a complaint alleging Uniform Code violations.

(2) One-and two-family dwellings or a portion thereof .. \$ 100

(3) Multiple dwellings:

Each dwelling unit or sleeping room \$ 25
(Minimum fee \$ 100)

(4) General building construction:

Each 1,000 square feet of area or fraction thereof \$ 15
(Minimum fee \$ 100)

(e) Fees for Certificates of Occupancy or Completion. No fee shall be charged for the issuance of a certificate of occupancy or compliance when such certificate is issued for a structure or project for which a building or demolition permit has been previously issued. In all other circumstances a fee in accordance with the schedule specified in subdivision (d) of this section will be collected prior to the issuance of a certificate of occupancy or compliance.

(f) Refunds. If an application for a building or demolition permit is withdrawn prior to the commencement of a review of such application, the applicant may receive a refund of 100 percent of the fee paid. If a review of an application has been commenced prior to its withdrawal, or if an application is not approved after review, the applicant may receive a refund of 50 percent of the fee paid, provided no work has commenced. If work has commenced, and the application is either withdrawn or not approved, any fees paid shall not be refunded.

(g) Waiver of Fees. The Department of State may waive any fee or a portion thereof if it is established that the payment of such fee will cause unnecessary hardship or that the waiver of the fee would be in the best interests of the State of New York.