

**NEW YORK STATE DEPARTMENT OF STATE  
DIVISION OF CODE ENFORCEMENT AND ADMINISTRATION  
TECHNICAL SUBCOMMITTEE - RESIDENTIAL CODE**

Minutes of the initial meeting of the technical subcommittee reviewing the 2009 and 2012 *International Residential Codes* for adoption by New York State, commencing at 10:00 a.m. on Tuesday, September 25, 2012, at the Albany office of Department of State and by teleconferencing.

**PRESENT:**

Julie Nemeth-Weisser (Chair)  
Kevin Ezell  
John Hofelich  
William Knickerbocker  
Erika Krieger (DOS)  
Miriam McGiver (DOS)  
Gil Moniz

**ABSENT:** Nicholas F. Carparelli, W. Roy Scott

**Acronyms:** Following is a list of Acronyms that attenders used during the meeting, and which are in these minutes.

CC Codes Council of NYS (which votes to implement NYS building codes)  
DCEA Division of Code Enforcement and Administration  
ICC International Code Council  
IRC International Residential Code  
RC Residential Code of New York State – proposed 2014 unless otherwise stated  
Uniform Codes New York State Uniform Fire Prevention and Building Code

**MEETING MINUTES:**

1. The chairman opened the meeting at 10 am. Members listed were present by teleconference link. A quorum was present. The members were asked to introduce themselves.
2. The chairman introduced the procedures and guidelines for the technical subcommittee. She discussed the accelerated timeframe, which limits the subcommittee's work to the end of October. She next discussed the scope of the subcommittee's review, which includes the first 10 chapters of the RC and some appendices. It does not include automatic fire sprinkler systems, as that recommendation will be made by a separate task force. John and Bill asked how to get on that task force, and were advised that they, and anyone else on the committee interested, should email Ron Piester. People who were on the previous residential sprinkler task force are likely to be invited. The Chair indicated that Part VIII, the electrical chapters of the IRCs, are also likely to be omitted as from review as the RC will probably refer instead to the most current National Electric Code (NEC). Gil said the 2014 NEC is expected to come out in September 2013. John stressed the importance of giving those who use the RC a chance to get up to speed before mandating the latest NEC.
3. The chairman proposed a vote on whether the review of the IRC ballot chart should be started. The vote was all in favor of starting the review.
4. The chairman presented information on Item 1-1, a change to Section 101.2 of the scope of the 2009 IRC that was intended to clarify that when a basement is a story above grade plane, there may only be two more stories above that and still use RC (otherwise the BC must be used). There was discussion of the differences in definitions for "story above grade plane" between the 2009 and 2012 IRCs that could impact walk-out basements being considered such stories. This item was tabled for further review in conjunction with the definitions in chapter 2.
5. Item 1-2, Section R101.2 Exception 1, new IRC language allowing "Live/work Units" was discussed. The premise of the mixed residential/commercial uses in live/work units is that the presence of a fire sprinkler system throughout the structure and other limitations imposed by the IBC. The subcommittee decided a definition of "Live/work Units" is necessary in the RC. The IBC contains a definition that the subcommittee found acceptable, with the exception of the use of the word "tenant." It was suggested the word "occupant" be substituted, which the subcommittee found acceptable. Members voted to include the modified IBC definition of

“Live/work Units” in the RC. After speaking about concerns as to how this could affect home occupations, child care offered in dwellings, and other miscellaneous uses, a subcommittee vote unanimously approved this item.

6. Item 1-3, Section R101.2 Exception 2, new IRC language allowing “Owner-occupied lodging houses,” with five or fewer guest rooms was discussed. Again, the premise is that the presence of fire sprinkler systems is the trade-off for owner-occupied lodging houses being allowed in the IRC. The implication for college towns and student housing was a specific concern for Bill. The absence of ADA requirements for such lodging houses was also brought up. The chairman called a vote on whether to approve this: Ayes – Kevin, John, Bill, Miriam, Gil. Nay – Erika.
7. The Chair asked if subcommittee members can meet weekly until the end of October. It was agreed to meet every Tuesday from 10:00 a.m. to 12:00 p.m., throughout October. This will give the subcommittee five more meetings: 10/2; 10/9; 10/16; 10/23; and 10/30.

#### OPEN BUSINESS:

At this time there were no public visitors, nor any additional written or submitted documents to consider.

8. The subcommittee adjourned at 11:45 a.m. The next meeting will be via teleconference call on October 2, 2012, at 10:00 a.m. with the phone set up at the DCEA conference room at 99 Washington Avenue, Albany. The public and those subcommittee members located nearby are invited to attend. Those members that cannot attend in person will phone in to participate.