



STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001

DAVID A. PATERSON  
GOVERNOR

RUTH NOEMÍ COLÓN  
ACTING SECRETARY OF STATE

October 21, 2010

Dear Modular Industry Professional,

As you may be aware, on September 14, 2010, the New York State Uniform Fire Prevention and Building Code Council (Code Council) voted to formally adopt the new 2010 Uniform Fire Prevention and Building Code (Uniform Code) which includes among others the 2010 versions of the Residential Code of New York State (RCNYS) and the Building Code of New York State (BCNYS). The 2010 Uniform Code will become fully effective on December 28, 2010 and can be ordered at the International Code Council website at <http://www.iccsafe.org/Store>.

The Code Council also voted to provide a transition period where a person shall have the option to comply with either the provisions of the Uniform Code as changed or the provisions of the Uniform Code as in effect immediately prior to the adoption. This transition period is in effect now until December 28, 2010. After December 28, 2010, all new construction must comply with the new code unless, prior to that date, a substantially complete permit application has been submitted to the local authority having jurisdiction.

In order to maintain approved status, all existing modular plan approvals will require modifications that demonstrate compliance with the new code. Any existing approvals that fail to comply with the new code are subject to suspension after the effective date. In an effort to streamline the approval process, we have developed the attached *Residential Code of New York State-2010 Update for Existing Modular Approvals* worksheet highlighting many of the more restrictive changes that may affect modular construction. This worksheet is intended to assist staff and industry professionals in the review of modified plan approvals required to comply with the new code. Although we believe this worksheet comprises most code changes that need to be addressed, other issues may be discovered during this transition period. We will keep you informed should this occur.

To update your current approval, you must complete and submit an application for plan approval modification, a \$50.00 fee, appropriate documents reflecting changes to the system, and the attached approval update worksheet. A supplemental plan checking fee will be assessed at a rate of \$50.00 per hour for review time in accordance with our regulations. If you have any questions, please contact your Department of State representative or myself at (518) 474-4073.

Sincerely,

Mark Blanke, P.E.  
Assistant Director for Technical Services  
Codes Division