

Real Estate Client Service Group
Land Use Team

To: Our Clients and Friends

January 5, 2015

Key Revisions to New York City Construction Codes Will Impact Development and Design

New York City's recent comprehensive update to its Construction Codes will affect development and design decisions for years to come. The 2014 New York City Construction Codes, based on the 2009 International Code Council model codes and modified for New York City, are mandatory for applications for new construction submitted to the New York City Department of Buildings on or after Dec. 31, 2014. Below are some important changes:

- **Cantilevers.** New buildings that will cantilever over an existing building must meet new safety standards and provide a fire engineering report.
- **High-rise safety.** New high-rise buildings must meet additional safety standards:
 - Stairs in nonresidential high-rises must be placed further apart from each other.
 - Fire-ratings of structural columns must be 3-hours.
 - High-rises with occupied floors over 120 feet in height must provide at least one elevator designed to function for firefighter access.
 - Nonresidential "super high-rises" (more than 420 feet in height) must provide elevators designed to function for occupant self-evacuation or an additional exit stairway (to be exempted from zoning floor area per separate zoning text change).
- **Stairway connections.** Public halls that connect two stairways are not required in certain new, low-rise residential buildings, or in new, high-rise residential buildings at those stories containing the upper level of duplex apartments.
- **Accessibility.** City requirements more closely align with those of the federal Americans with Disabilities Act and Fair Housing Act.
- **Major enlargements.** Alterations that more than double the floor area of a building may require that the entire building be upgraded to current codes. Lesser alterations may still be filed under the 1968 Building Code, subject to several new exceptions.

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- **Mold-resistance.** Only mold-resistant wallboard may be used in basements, cellars, bathrooms and certain other locations. This applies to new buildings and alterations.
- **Ductwork.** Redundant fire/smoke dampers may be omitted in new ductwork.
- **Piping insulation.** Any uninsulated piping exposed during alteration work must be insulated as required, before the walls are closed up.
- **Sidewalk sheds.** These must be inspected daily.
- **Out-of-date certificates of occupancy.** An owner changing a building’s address, block/lot or the metes and bounds of a zoning lot listed on the current certificate of occupancy must obtain an amended certificate of occupancy within one year of the change.
- **Flood resiliency.** Several new post-Sandy measures have been added:
 - Critical mechanical equipment in new buildings in flood zones must be elevated, and may not be located in dry-floodproofed cellars.
 - Toilet rooms must include at least one toilet and sink capable of non-electric operation in case of power failure; this applies to new buildings and alterations.
 - New retroactive requirements for certain hospitals, nursing homes and assisted living facilities include provision of future hookups for emergency generators, and in some cases emergency boilers and cooling systems.
 - New retroactive requirements for all residential buildings that rely on electric pumps for continued water supply include installation of one public sink or other fixture that is provided with enough City water pressure to operate without electricity.

The City also updated its Energy Conservation Code for “commercial” buildings (including residential buildings over three stories tall) to be consistent with similar updates made to the New York State Energy Conservation Construction Code. The result of the New York City update is a more stringent energy code that will result in more than an 18 percent average annual energy savings. The revised New York City Energy Conservation Code is mandatory for all construction applications submitted to the New York City Department of Buildings on or after Jan. 1, 2015.

[Click here](#) to view the 2014 New York City Construction Codes. Informational videos on the new codes taped on June 10, 2014 may be viewed [here](#), but note that the videos state an effective date of Oct. 1, 2014, which was changed to Dec. 31, 2014 by subsequent legislation. [Click here](#) to view the revised New York City Energy Conservation Code.

For further information on this alert or other code and zoning issues, contact a member of the Bryan Cave [Land Use Team](#) or New York Counsel [James P. Colgate, AIA](#), at james.colgate@bryancave.com or (212) 541-2127. Mr. Colgate served as assistant commissioner of technical affairs and code development at the New York City Department of Buildings from 2008 to 2014, and has been a member of the International Building Code (General) Code Development Committee and the American Society of Civil Engineers Committee on Flood Resistant Design & Construction Standards.