



# **CODE JEOPARDY: REVIEWING THE 2022 CODE**

*presented by*

**ROBERT HOLUB, R.A.**

*Executive Director, Code Development*

# COPYRIGHT

This presentation is protected by United States and International Copyright laws. Reproduction, distribution, display and use of the presentation without written permission of the speaker is prohibited.

© 2023 *New York City Department of Buildings*

# DISCLAIMER

The information in this document is only a summary and overview and is not intended to substitute for the full text and meaning of any law, rule or regulation. The City disclaims any liability for errors that may be contained in this document and shall not be responsible for any damages, consequential or actual, arising out of or in connection with the use of this document and/or the information contained herein. The City reserves the right to take action at variance with this document. This document shall not be construed to create a substantive or procedural right or benefit enforceable by any person. The information contained in this document is current only as of the publication date of this document.

© 2023 *New York City Department of Buildings*

# PRESENTATION DESCRIPTION

On November 7, 2022, the 2022 New York City Construction Codes (Administrative, Building, Mechanical, & Fuel Gas Codes) became effective. This comprehensive revision to the Code incorporates the latest building technologies and contains major updates and changes intended to improve safety and further protect the health and welfare for New Yorkers. The 2022 Construction Codes consist of enhancements to emergency response, fire protection, elevator safety, vertical transportation and accessibility, construction site safety, tenant protection, building system construction and inspection, sustainability, and resiliency.

This presentation provides an overview of the latest edition of the Construction Codes, including provisions on construction documents, architectural and structural requirements, provisions for building systems and the Department's administrative provisions.

*Code*

**JEOPARDY!**

**REVIEWING THE 2022 CODE**

# GENERAL ADMIN PROVISIONS

ARTICLE 108 REQUIRES A PAVEMENT  
PLAN FOR ALL APPLICATIONS FOR NEW  
BUILDINGS, AND ALTERATIONS  
RESULTING IN AN AMENDED THIS.

# What is a Certificate of Occupancy?

**§28-108.1 General.** The commissioner shall not issue a permit for the erection of a new building, use of an open lot or for alterations that will require the issuance of a new or amended certificate of occupancy without a statement that **no certificate of occupancy shall be issued unless the sidewalk, curb and/or roadway in front of or abutting such building, including but not limited to the intersection quadrants for corner properties, shall have been paved, repaired or installed by the owner,** at his or her own cost, in the manner, of the materials, and in accordance with the New York city building code, the New York city zoning resolution, and the standards prescribed by the New York city department of transportation pursuant to sections 19-113 and 19-115 of the administrative code.



TICK TOCK, GOES THE CO CLOCK.  
§28-118.4.3 ALLOWS THE DEPARTMENT  
TO REFUSE ISSUANCE, WHEN A  
CERTIFICATE IS REQUESTED MORE  
THAN THIS NUMBER OF MONTHS AFTER  
FINAL INSPECTION.

# What is a 6?

**§28-118.4.3 Timeframe for application.** The application for the certificate of occupancy must be submitted within six months of the final construction inspection. **The department may refuse to issue a certificate of occupancy where the final inspection was completed more than six months prior to such application.**

PRACTICE MAKES PERFECT. ARTICLE  
324 MANDATES PERIODIC INSPECTIONS  
FOR DRY FLOODPROOFING MEASURES,  
INCLUDING A FULL-SCALE  
DEPLOYMENT AT THIS FREQUENCY

# What is triennially?

§28-324.3 **Triennial full-scale deployment inspection.** A full-scale deployment inspection initiated by the owner shall be conducted **every three years** in the presence of a special inspection agency that is qualified to perform flood zone compliance special inspections.

**§28-101.4.3 ALLOWS FOR THE OPTIONAL  
USE OF THE 1968 BUILDING CODE FOR  
WORK ON PRIOR CODE BUILDINGS, BUT  
FOR THIS NUMBER OF EXCEPTIONS**

# What is 19?

1. Fuel gas, plumbing & mechanical.
2. Fire Protection Systems.
3. Elevators, Conveyors and Amusement Rides.
4. Safety During Construction Operations.
5. Accessibility.
6. Encroachments into the Public Right of Way.
7. Administration and Enforcement.
8. Special Inspections.
9. Materials.
10. Security Grilles.
11. Energy Efficiency.
12. Roof Covering and Replacements.
13. Handrails.
14. Guards.
15. Flood Hazard Areas.
16. Structural.
17. Emergency and Standby Power Systems.
18. Parking Garages and Open Parking Lots.
19. Mold Protection.

TICK TOCK, GOES THE CO CLOCK.  
§28-118.4.3 ALLOWS THE DEPARTMENT  
TO REFUSE ISSUANCE, WHEN A  
CERTIFICATE IS REQUESTED MORE  
THAN THIS NUMBER OF MONTHS AFTER  
FINAL INSPECTION.

# What is a three?

## §28-401.3 Definitions.

**DIRECT AND CONTINUING SUPERVISION.** Responsible control exercised by a licensed individual, either personally or through one or more, but **no more than three, levels of competent supervision** over individuals performing the actual work of the licensee's trade who are (i) in the direct employ of an individual who is a licensee, or (ii) in the direct employ of the city agency employing the licensee or (iii) in the direct employ of a business employing the licensee, as allowed by the department, or (iv) where the licensee uses his or her license on behalf of a business, in the direct employ of such business provided that such business is disclosed to the department pursuant to this chapter. Such control shall be evidenced by such licensee's signature, and seal where applicable, upon any required statements, applications and/or permits and by demonstrating involvement of the licensee in the operations of the business, including hiring of employees, responsibility for financial matters, and oversight of work performance. Direct and continuing supervision includes field inspection, supervision of job sites, and the maintenance of records of such supervision and such other requirements as the commissioner may prescribe by rule for a particular license type.



# BUILDING CODE

**NO NEED TO BE ANGRY, BC 602.4.2  
REQUIRES PROTECTION BY  
FIRE-RETARDANT-TREATED WOOD  
SHEATHING OR TYPE X GYPSUM BOARD  
WHEN THIS TYPE OF TIMBER IS USED IN  
EXTERIOR WALL ASSEMBLIES.**

# What is Cross-laminated (CLT)?

**602.4.2 Cross-laminated timber in exterior walls.** Cross-laminated timber (CLT) complying with Section 2303.1.4 shall be permitted within exterior wall assemblies not less than 6 inches (152.4 mm) in thickness with a 2-hour rating or less, provided the exterior surface of the cross-laminated timber (CLT) is protected by one of the following:

1. Fire-retardant-treated wood sheathing complying with Section 2303.2 and not less than 15/32 inch (11.9 mm) thick;
2. Type X gypsum board not less than 5/8 inch (15.9 mm) thick; or
3. A noncombustible material.

WHEN RETURNING TO THE TABLE, HE EXPLAINED THE MISSING COMPONENT BY SAYING THAT SOMETIMES PEOPLE PREFER A GIBSON WITH NO ONIONS.

BC SECTION 713.12.1 NO LONGER REQUIRES VENTING THE SHAFTS OF ELEVATORS OR THESE.

# What are dumbwaiters?

**713.12.1 Smoke venting of stair and other closed shafts.** All closed shafts, including vertical exit enclosures, having a floor area exceeding 4 square feet (0.37 m<sup>2</sup>) shall be provided with a smoke vent in accordance with Sections 713.12.1.1 through 713.12.1.3. Interior vertical exit shaft enclosures shall also comply with Chapter 10.

## Exceptions:

1. Elevator and dumbwaiter shafts in accordance with Chapter 30.
2. Interior exit stairways and ramps constructed as smokeproof enclosures in accordance with Section 1023.11.

**BC SECTION 1705.26 WOULD NOT REQUIRE A TPP SPECIAL INSPECTION FOR INTERIOR WORK IN A SINGLE DWELLING LOCATED IN AN OCCUPIED MULTIPLE DWELLING THAT DOES NOT EXCEED THIS NUMBER OF STORIES.**

# What is 3?

**1705.26 Tenant protection plan compliance.** When alteration, partial demolition, or construction operations are performed at occupied multiple dwellings, the special inspector shall periodically verify compliance with a tenant protection plan as provided for in Chapter 1 of Title 28 of the Administrative Code and Section 3303.10 of this code. Special inspections for compliance with the tenant protection plan shall comply with Sections 1705.26.1 and 1705.26.2 of this code.

**Exceptions:** Special inspection for tenant protection plan compliance is not required where the scope of the work is limited to:

1. A three-family home;
2. The interior of a single dwelling unit of an occupied multiple dwelling with no disruption to the essential services of other units, where such dwelling is owner-occupied. For a dwelling unit within a property that is owned by a condominium or held by a shareholder of a cooperative corporation under a proprietary lease, the unit must be occupied by the owners of record for such unit; or
3. The interior of a single dwelling unit of an occupied multiple dwelling three stories or less in height.

BC SECTION 1406 GOVERNS  
COMBUSTIBLE MATERIALS ON  
EXTERIOR WALL SURFACES AND MAY  
REQUIRE A HORIZONTAL BAND OF  
NONCOMBUSTIBLE MATERIAL OF THIS  
MINIMUM DIMENSION ON  
NON-SPRINKLERED BUILDINGS.



# What is 3 feet?

**1406.5 Retrofit of existing buildings.** Combustible materials shall not be permitted for use at the outermost surface of the exterior wall covering for exterior envelope retrofits of existing nonsprinklered buildings over 75 feet, unless the following conditions are satisfied:

1. The outermost surface of the combustible exterior wall covering shall be interrupted by a noncombustible material at least 3 feet high between the top of one opening and the bottom of the opening immediately above to form a continuous band across building elevations.
2. On walls without openings, a 3 feet high noncombustible band shall interrupt the outermost surface of the combustible exterior wall covering at least every 15 feet vertically.

BC SECTION 1603.1.5 ADDRESSES THE  
CONSTRUCTION DOCUMENT  
REQUIREMENTS FOR LATERAL  
FORCE-RESISTING SYSTEMS DESIGN  
DATA. WHERE MORE THAN ONE  
EXPOSURE IS UTILIZED, THE  
APPLICABLE THIS, MUST BE SHOWN.

# What is wind direction?

**1603.1 General.** Construction documents shall include... The design loads and other information pertinent to the structural design required by Sections 1603.1.1 through 1603.1.10 shall be clearly indicated...

**1603.1.5 Wind design data.** The following information related to wind loads shall be shown, regardless of whether wind loads govern the design of the lateral force-resisting system of the structure:

1. Basic design wind speed...
2. Risk category.
3. **Wind exposure. Applicable wind direction if more than one wind exposure is utilized.**
4. Applicable internal pressure coefficient.
5. Design wind pressures to be used for exterior component and cladding materials not specifically designed by the registered design professional...
6. Design base shear.

# MECHANICAL CODE

THE CONSTRUCTION DOCUMENT  
REQUIREMENTS IN MC 107.8 REQUIRE  
CONCENTRATION LIMIT CALCULATIONS  
AND ROUTING OF PIPING FOR SYSTEMS  
CONTAINING MORE THAN 6.6  
POUNDS OF THIS.

# What is refrigerant?

**107.8 Air-conditioning and ventilating systems.** Construction documents for air-conditioning and ventilating systems shall contain...the following data and information:

1. The location & sizes of all ducts; the location of all fire and smoke dampers, motors, fans, and filters; the type, air capacity, & size of all equipment; and where not shown on accompanying structural plans, the operating weight & manner of support of equipment.
2. The locations of smoke detecting devices.
3. The location & size of the fresh air intake, the design population, & the required ventilation for each room or space.
4. The amount of air to be exhausted or supplied from each outlet for each room or space.
5. In the case of ventilating or exhaust systems for ranges, fryers, ovens, & other similar types of restaurant or bakery equipment, for which a hood is required, the plans shall also show the type of extinguishing system, the location of heat detection devices, nozzles, piping, gas controls, manual & automatic control valves, method of joining ducts, method & location of discharging exhaust from building, the location of break-glass controls, & the quantity in cfm designed for each hood.
6. The safety group classification of refrigerant utilized, if any.
7. The refrigerant concentration limit calculations & routing of all refrigerant piping for any air-conditioning system that contains more than 6.6 pounds of refrigerant. Refer to Chapter 11 for refrigerant piping requirements.

NOT NADER, NOR THE WESTS (KANYE  
OR CORNEL), BUT MC 301.5 REQUIRES  
THAT MECHANICAL SYSTEM PIPING BE  
EITHER TESTED OR APPROVED  
BY ONE OF THESE.

# What is an approved third-party agency?

**301.5 Third-party testing and certification.** Piping, tubing and fittings shall comply with the applicable referenced standards, specifications and performance criteria of this code and shall be identified in accordance with Section 301.3. Piping, tubing and fittings shall **either be tested by an approved third-party testing agency or certified by an approved third-party certification agency.**



MC 401.2 IS SO SUAVE, IT REQUIRES ALL  
HABITABLE SPACES PROVIDED WITH  
THIS TO BE MECHANICALLY  
VENTILATED.

# What is air conditioning?

**401.2 Ventilation required.** Habitable and occupiable spaces shall be provided with ventilation in accordance with this section.

1. Every occupiable space shall be:
  - 1.1. Naturally ventilated in accordance with Section 402 and mechanically exhausted in accordance with Table 403.3.1.1; or
  - 1.2. Mechanically ventilated in accordance with Section 403.
2. All habitable spaces and occupiable spaces provided with air conditioning shall be mechanically ventilated in accordance with Section 403.
3. Every habitable space shall be naturally ventilated in accordance with Section 402.
4. Every habitable space shall be mechanically ventilated if required by Section 403. Ambulatory care facilities (Group B) and Group I-2 occupancies shall be ventilated by mechanical means in accordance with Section 407.

IN CASE DEREK JETER ASKS, MC 505.4  
LIMITS THE NUMBER OF DOMESTIC  
COOKING APPLIANCES THAT MAY BE  
PROVIDED WITH DOMESTIC EXHAUST  
IN OTHER THAN GROUP R  
OCCUPANCIES TO THIS.

# What is two?

**505.4 Other than Group R.** All domestic cooking appliances installed in cafeterias and in Group A-1, A-2, A-4, A-5, and M occupancies shall be provided with hoods and exhaust systems as required for the type of appliances and processes in accordance with Sections 506 and 507. In other than Group R occupancies, domestic appliances may be provided with domestic kitchen exhaust systems ducted to outdoors in accordance with this section provided that the installation complies with all of the following:

1. **No more than two domestic cooking appliances** are installed in each fire separated room or tenancy in other than Group E occupancies;
2. Each appliance shall have electric or gas connections and nameplate ratings not to exceed 10kW for electric appliances or 75,000 Btu/h for gas appliances. Branch gas connections shall not be larger than 3/4 inch (19.1 mm) pipe;
3. The appliances shall not include open top broilers or fryers; and
4. The appliances are used for periodic, non-commercial, non-revenue generating purposes, except for in Group A-3 occupancies, where such appliances may be used a maximum of 8 hours per week to generate revenue.

WE DON'T THINK M. NIGHT SHYAMALAN  
WROTE IT, BUT MC 1007.1 ALLOWS THIS  
TYPE OF CONTROL TO BE CONSIDERED  
A LOW-WATER CUTOFF (WHEN  
INSTALLED IN ACCORDANCE  
WITH ASME CSD-1).

# What is flow-sensing?

**1007.1 General.** Steam and hot water boilers shall be protected with dual low-water cutoff control, with each control independently piped to the pressure vessel in accordance with ASME CSD-1. For hydronic boilers, the low-water cut out may be located in the supply piping above the boiler before any intervening valve. **A flow-sensing control installed in accordance with ASME CSD-1 shall be considered a low-water cutoff for the purposes of this section.**

**Exception:** Hot water boilers located within a dwelling unit supplying only that unit and having a total heat input of less than 400,000 Btu/h (117.2 kW) may be protected by only one low-water cutoff control.

# FUEL GAS CODE

NO NEED TO RUN TO THE DMV, FGC  
401.9 REQUIRES THAT PIPING  
AND FITTINGS BEAR THE  
MANUFACTURER'S THIS.



# What is identification?

**401.9 Identification.** Each length of pipe and each pipe fitting, utilized in a fuel gas system, shall bear the identification of the manufacturer.

KINDERGARTENERS NEED NOT APPLY.  
YOU'LL NEED THIS MUCH EXPERIENCE  
TO TEST A GAS PIPING SYSTEM,  
ACCORDING TO FGC 406.4.6.

# What is five years?

**406.4.6 Conducting tests of gas piping systems.** Tests of gas piping systems in accordance with this code shall be conducted by an individual with **not less than five years' experience in gas work.**

PER FGC 503.5.4, WHEN CONSIDERING  
MULTIPLE FLUES OR CHIMNEYS, YOU'LL  
BE DOING OKAY IF YOU KNOW IT  
STANDS FOR THE TOTAL  
AGGREGATE FREE AREA.

# What is 'A'?

$$D = F \times \sqrt{A} \quad (\text{Equation 5-1})$$

D = Distance, in feet, measured from the center of the chimney, vent or flue outlet to the nearest edge of the construction. If a single chimney is divided into multiple smaller flues or chimneys, measure from the center of the chimney outlet that is closest to the nearest edge of the construction.

F = Value determined from table below. ["F" Factor, based on temperature]

A = Free area, in square inches, of chimney flue space outlet. If a single chimney is divided into **multiple smaller flues or chimneys, the total aggregate free area of such flue and chimney outlets** shall be used to calculate 'A'.

WHEREFORE ART THOU, GASEOUS  
HYDROGEN SYSTEM...IF IT'S INSIDE A  
BUILDING, YOU'LL ALSO NEED TO  
COMPLY WITH THE BC, MC, AND NFPA 2.  
PERHAPS BETTER TO LOCATE IT  
OUTSIDE AND COMPLY WITH  
THIS, PER FGC 706.3.

# What is the New York City Fire Code?

**706.3 Outdoor gaseous hydrogen systems.** Gaseous hydrogen systems located outdoors shall be in accordance with the **New York City Fire Code**.

**FGC 404.3 INCLUDES 5 PROHIBITED  
LOCATIONS. BUT A PUBLIC CORRIDOR  
IS NOT INCLUDED, WHERE SEPARATED  
BY ONE OF THESE.**



# What is a fire-resistance-rated assembly?

**404.3 Prohibited locations.** Piping shall not be installed in or through a ducted supply, return or exhaust duct, or a trash or clothes chute, chimney or gas vent, ventilating duct, dumbwaiter or elevator shaft...The following installation limitations shall apply:

5. Public corridor. Gas piping shall not be installed in public corridors and exit enclosures.

Exceptions:

1. Gas piping may be installed in public corridors or exit enclosures where **separated by a fire-resistance-rated assembly** meeting the hour rating and, if applicable, the impact-resistance rating required for the corridor or exit enclosure. Such assembly shall be rated for exposure to fire from both sides.
2. In residential buildings that do not have floors below grade, or in multi-use buildings that have a residential occupancy, gas piping may be installed in public corridors in accordance with...

# PLUMBING CODE

ACCORDING TO PC 202, IT EXTENDS TO THE EXTERIOR FACE OF THE EXTERIOR OF THE BUILDING WALL, UNLESS ITS LIMIT IS A TRAP, OR A MANHOLE, OR A CATCH BASIN, OR A DETENTION TANK, OR A SIMILAR FIXTURE.

# What is a Building Drain?

**BUILDING DRAIN.** That part of the lowest piping of a drainage system that receives the discharge from soil, waste and other drainage pipes inside and that extends to the exterior face of the exterior building wall, or the outlet of the most downstream trap, private manhole, catch basin, detention tank, or similar fixture or equipment, and conveys the drainage directly to the building sewer or, in the absence of building sewer, to an approved place of disposal.

**Combined.** A building drain that conveys both sewage and storm water or other drainage.

**Sanitary.** A building drain that conveys sewage only.

**Storm.** A building drain that conveys storm water or other drainage, but not sewage.

**IF YOU PLEASE, PC 312.11.1 REQUIRES  
WELDER QUALIFICATION REPORTS TO  
BE MAINTAINED AND AVAILABLE  
TO THE DEPARTMENT FOR THIS  
MANY YEARS.**

# What is six?

**312.11.1 Welder's qualifications.** Welders installing domestic water piping within buildings at any pressure shall comply with the following:

1. Welders shall be qualified for all pipe sizes, wall thicknesses and all positions in accordance with the ASME Boiler and Pressure Vessel Code, Section IX. Requalification of a welder is required should the welder fail to maintain welder's continuity every 6 months. The licensed master plumber employing the welder shall maintain a welder continuity log and the log shall be made available to the department upon request.
2. Welder qualification testing shall be performed by an approved agency and the inspector witnessing the test shall be an authorized AWS Certified Welding Inspector.
3. Copies of the certified welder qualification reports shall be maintained by both the approved agency and the licensed master plumber employing the welder for **at least six years** and shall be made available to the department upon request.

OOOOOH DOCTOR! CHAPTER 13 OF THE  
2022 PLUMBING CODE GOVERNS THE  
DESIGN AND CONSTRUCTION OF  
NONPOTABLE SYSTEMS. THIS CITY  
AGENCY IS RESPONSIBLE FOR  
ESTABLISHING THE MINIMUM WATER  
QUALITY STANDARDS.

# What is the Department of Health and Mental Hygiene?

**1301.2 Water quality.** Nonpotable water for each end use application shall meet the minimum water quality and treatment **standards and requirements** established by the Department of Health and Mental Hygiene.



**YOU ARE NOT BEING MISLED; PC 802.2  
CONTAINS AN EXCEPTION FOR CLEAR-  
WATER WASTE RECEPTORS THAT DO  
NOT REQUIRE ONE OF THESE.**

# What is a trap?

**802.2 Installation.** Indirect waste piping shall discharge through an air gap or air break into a waste receptor. Waste receptors shall be trapped and vented and shall connect to the building drainage system. Indirect waste piping that exceeds 30 inches (762 mm) in developed length measured horizontally, or 54 inches (1372 mm) in total developed length, shall be trapped.

**Exception:** Where a waste receptor receives only clear-water waste and does not directly connect to a sanitary drainage system, the receptor shall not require a trap.

FOR OTHER THAN MALLS, PC 403.5  
ALLOWS DRINKING FOUNTAINS TO BE  
LOCATED OUTSIDE TENANT SPACES, AS  
LONG AS THEY DON'T EXCEED THIS  
TRAVEL DISTANCE.

# What is 500 feet?

**403.5 Drinking fountain location.** Drinking fountains shall not be required to be located in individual tenant spaces provided that public drinking fountains are **located on each story within a distance of travel of 500 feet** (152 m) of the most remote location in the tenant space on such story. Where the tenant space is in a covered or open mall, such distance shall not exceed 300 feet (91 m). Drinking fountains shall be located on an accessible route.

**DOB POTPOURRI**

COMPRISED OF THREE TABLES AND  
FIFTEEN PARTS, 1 RCNY §101-14  
ESTABLISHES WORK THAT MAY OR  
MAY NOT REQUIRE THIS.

# What is a permit?

**§101-14 Categories of work that may or may not require a permit.**

(a) Scope. This rule establishes categories of work that may be classified as a minor alteration or ordinary repair and therefore **may be exempt from the permit requirements of the New York city construction codes.**

PERHAPS NOT TECHNICALLY HAPPY  
HOUR WITH 2-FOR-1 SPECIALS,  
BOROUGH OFFICES ARE OPEN TO ASSIST  
HOMEOWNERS, TENANTS, BUILDING  
MANAGERS AND SMALL BUSINESSES  
FROM 4-7PM DURING BUILDINGS AFTER  
HOURS ON THIS WEEKDAY.



# What is Tuesday?



June 3, 2022

## SERVICE NOTICE

### Buildings After Hours

**Beginning Tuesday, June 7, 2022, Department of Buildings offices will be open every Tuesday from 4:00 pm to 7:00 pm for homeowners, tenants, small business owners, and building managers.**

During **Buildings After Hours**, homeowners, tenants, small business owners and building managers are encouraged to visit their **local borough office** where DOB staff can answer questions and provide the information needed to:

- plan for a home renovation or construction project
- address an open violation on a property
- obtain more information about a property
- use online resources including the **Buildings Information System (BIS)** and **DOB NOW**.

Staff from the following offices will be available at every borough office: borough commissioner's office, borough operations, development inspections, enforcement inspections, and plan examination. Staff from the Administrative Enforcement Unit will be available in the Manhattan borough office. Please continue to use **DOB NOW** and **eFiling** for all applicable online services.

LOCAL LAW 77 OF 2023 EXTENDED THE  
APPLICATION DEADLINE FOR  
EXCESSIVE EMISSION ADJUSTMENT  
APPLICATIONS. THOSE LIMITS AND  
APPLICATIONS WERE ESTABLISHED BY  
THIS 2019 LOCAL LAW.

# What is 97?

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

---

**No. 97**

---

Introduced by Council Members Constantinides, The Speaker (Council Member Johnson) and Council Members Torres, Kallos, Rosenthal, Levin, Rivera, Koo, Powers, Levine, Reynoso, Richards, Salamanca, Menchaca, Chin, Lander, Ampy-Samuel, Ayala, Cumbo, Rose, Brannan, the Public Advocate (Mr. Williams), Espinal, Rodriguez, Lancman, Dromm, Gibson, Treyger, Cornegy, Van Bramer, Moya, Holden, Cohen, Eugene, Barron, Adams, Koslowitz, Cabrera and King.

**A LOCAL LAW**

**To amend the New York city charter and the administrative code of the city of New York, in relation to the commitment to achieve certain reductions in greenhouse gas emissions by 2050**

*Be it enacted by the Council as follows:*

Section 1. Chapter 26 of the New York city charter is amended by adding a new section 651 to read as follows:

*§ 651. Office of building energy and emissions performance. a. There shall be in the department an office of building energy and emissions performance. The office shall be headed by a director, who is a registered design professional, who shall be appointed by and shall report to the commissioner. The duties of the office shall include, but not be limited to:*

WITHIN DOB, IT'S THE GROUP THAT  
OVERSEES TECHNICAL CERTIFICATIONS  
OF APPROVED AGENCIES, AND  
EVALUATES THE USE OF MATERIALS,  
SUCH AS BATTERY ENERGY  
STORAGE SYSTEMS.

# What is a OTCR?

§101-12 The **Office of Technical Certification and Research** and the use of material in construction activities.

**(a) Scope.** The Office of Technical Certification and Research ("OTCR"), is responsible for approving materials pursuant to Article 113 of the New York City Construction Codes ("Construction Codes") and section 27-3005 of the New York City Administrative Code. Materials approved pursuant to 27- 3005 are subject to the requirements set forth in the New York City Electrical Code and section 4000- 01 of these rules.

WITHIN DOB, IT'S THE GROUP THAT  
OVERSEES TECHNICAL CERTIFICATIONS  
OF APPROVED AGENCIES, AND  
EVALUATES THE USE OF MATERIALS,  
SUCH AS BATTERY ENERGY  
STORAGE SYSTEMS.

# What is affordable housing?

**§28-506.1 Prohibited Emissions in New Buildings.** New buildings shall be subject to the emissions limits set forth in section 24-177.1. The commissioner shall not approve an application for the approval of construction documents, nor issue any permit in connection therewith, for a new building that does not comply with section 24-177.1.

## **Exceptions:**

5. A building that is seven stories or more where the building owner demonstrates in accordance with rules promulgated by the department that 50 percent or more of the dwelling units in such building are subject to a regulatory agreement, restrictive declaration, or similar instrument with a federal, state, or local governmental entity or instrumentality for the **creation or preservation of affordable housing**, and an application for the approval of construction documents is submitted before December 31, 2027.

FINAL  
JEOPARDY!



**FINAL  
JEOPARDY!**

**POTENT  
POTABLES**

# FINAL JEOPARDY!

BC G106.4 INCLUDES A STIPULATION ON CERTIFICATES OF OCCUPANCY, THAT IT SHALL BE PROHIBITED EXCEPT FOR MAINTENANCE OR EMERGENCY PERSONNEL IN PORTIONS OF BUILDINGS PLANNED TO BE THIS.

# FINAL JEOPARDY!

## What is evacuated?

**G106.4 Dry floodproofed spaces.** The certificate of occupancy shall describe any dry floodproofed spaces as “dry floodproofed.” Where flood shields or other flood control devices are installed, the certificate of occupancy shall also provide notations describing these features. For evacuated buildings or evacuated portions of buildings utilizing the temporary stair or ramp provisions of Section G308.10.1, the certificate of occupancy shall note: “In portions of this building planned to be evacuated during flood conditions, occupancy shall be prohibited except for maintenance or emergency personnel.”

*Code*  
**JEPARDY!**  
**REVIEWING THE 2022 CODE**

*Contact Us...*

**CONSTRUCTIONCODES@BUILDINGS.NYC.GOV**

A low-angle photograph of several skyscrapers under construction against a blue sky with light clouds. The buildings are covered in orange and yellow safety netting and scaffolding. Several white tower cranes are positioned around the structures. The text 'nyc.gov/buildings' is overlaid in the center in a blue, outlined font.

[nyc.gov/buildings](https://nyc.gov/buildings)

build safe | live safe

**NYC** Buildings