

Common home improvements are the installation of a swimming pool, deck or porch. All decks and porches require a permit from the Department of Buildings; some pools, however, do not.

Here's what you should know before you begin.

▶ Installing a pool

The installation of two types of pools that are accessory to one- or two-family homes does not require a permit from the Department of Buildings. These are: 1) outdoor in-ground pools less than 400 square feet in area which have an existing slop sink for drainage, and 2) above-ground pools that are less than 48 inches deep and do not exceed 500 square feet in area.

Though a permit is not necessary for these pools, NYC Building Code standards still apply. For more information, see Rule 44 and sections 27-488 through 27-493 of the NYC Building Code. The NYC Building Code can be found on www.NYC.gov/buildings.

Regulations from other agencies may apply if the building is landmarked, or within a special natural area or historic district. Zoning laws concerning front, rear or side yard regulations for that neighborhood may also apply. For landmarks information, visit the Landmarks Preservation Commission at www.nyc.gov/landmarks. For zoning information, visit the Department of City Planning at www.nyc.gov/planning.

Other types of pools, and pools accessory to buildings that are not one- or two-family homes, require a Department of Buildings permit and must comply with the zoning laws and the other regulations mentioned above.

- A pool should be watertight and easy to clean. It must be built of non-absorbent materials with smooth surfaces and should be free of open cracks and open joints.
- Permanent markings showing the depth of the shallow end, break points, diving depth and deep end must be visible from both inside and outside the pool.
- The pool must be located at least five feet from any lot line, unless the lot itself is less than 25 feet wide. In that case, the pool may be located at least three feet from the side yard lot line and must be screened from the adjoining lots by a six-foot-high fence that is continuous, solid and opaque.
- There must be a continuous fence surrounding the pool, at least four feet high above the ground with a closed, childproof, self-closing gate.
- If a fence is metal, it must be grounded to prevent it from becoming electrically charged.
- No overhead electrical conductors should be installed within 15 feet of the pool.

▶ Installing a deck or porch

A deck or porch is a raised floor, supported by structural framing above the surrounding ground at the level of the first story of a house. The difference between them is that a porch provides for access to the building's primary entrance.

A deck or porch must be constructed without a roof. An outdoor structure with a roof is not a deck. It may be considered an additional room, and different zoning rules and NYC Building Code provisions apply.

Only a NYS licensed architect or engineer may design a deck or porch. The Department of Buildings must approve the plans and issue a permit before any work begins.

- Decks and porches must be located at or below the floor level of the first story of a house.
- A deck or porch may project up to eight feet beyond the face of the building into the required rear yard. Rear yard requirements can be found in the City's zoning laws on the website of the Department of City Planning at www.NYC.gov/planning.
- There must be at least three feet between the deck or porch and the property line on the sides.
- All decks and porches must have a railing at least 42 inches high.
- Spaces between railings and/or posts can be no greater than five inches.
- Elevated decks and porches must be braced at the columns and where the beams and columns connect.
- Decks and porches should be able to withstand a minimum of 40 pounds per square foot plus the weight of the deck or porch.
- Decks and porches must be properly anchored to a house or building. Nailing decks and porches instead of using proper anchors is a common mistake that often leads to accidents and can cause serious injuries.
- The Building Code restricts the use of wood material near lot lines and in multiple dwellings. The materials used must comply with NYC Building Code standards.
- A homeowner may construct a deck or porch, but is not allowed to perform plumbing or electrical work. If you use a contractor, the contractor should have a home improvement contractor's

license from the Department of Consumer Affairs (www.NYC.gov/consumers). Only a licensed electrician and licensed plumber can perform electrical or plumbing work, respectively. The Department of Buildings licenses plumbers and electricians (www.NYC.gov/buildings).

- No storage is permitted below a deck or porch.

▶ Deck and porch maintenance

Proper construction is important, but a deck or porch also needs regular maintenance to stay in safe condition. Overloaded or neglected decks and porches can sway and become unstable.

After the winter's freeze-and-thaw cycles end, it's a good idea to check for the following:

- Overall stability: unsteadiness or pulling away from the house or sloping
- Loose, rotted or missing wood railings or spindles
- Water saturation
- Missing nails or screws
- Missing, damaged or loose support beams and planking
- Wobbly handrails or guardrails
- Loose or missing anchors where the porch attaches to a house or building
- Pest infestation, such as termites or carpenter ants
- Cracking or chipped masonry
- Rusted metal connections

If you observe any of these conditions, the Department recommends that you consult with a licensed architect or engineer, who can perform a full assessment and advise you about making repairs.

Pool, Deck and Porch Installation Checklist

- Before beginning any type of construction or installation, consult with a New York State licensed engineer or architect. He or she can advise you if the desired project needs the approval of the Department of Buildings or any other city agency. Even if a Department of Buildings permit is not required, approval by other agencies, for example, the Landmarks Preservation Commission or NYC Department of City Planning, may be required before construction begins.
- Once the plans designed by a licensed professional are submitted to the Department and approved, a permit may be obtained.

Installing a swimming pool or erecting a deck or a porch without first obtaining approved plans and a permit from the Department of Buildings could result in a violation and/or penalties against the homeowner. The maximum penalty for working without a permit is \$2,500. The Department can require the homeowner to restore the property to its original condition or obtain a permit to legalize the work.

- If you hire a contractor, make sure that he or she has the proper credentials:

Construction: A homeowner may obtain the construction permit from the Department and perform the construction work. You will need a waiver of insurance requirements from the Borough Commissioner's office. However, if you employ other workers to assist you, then you will need to obtain insurance according to New York State

Workers' Compensation Board requirements.

Before you hire a construction contractor, check to see that the contractor has a home improvement contractor's license, issued by the Department of Consumer Affairs (www.NYC.gov/consumers).

Plumbing: Only a NYC licensed plumber may perform plumbing work. Before you hire a plumber, make sure the plumber has a license from the Department of Buildings (www.NYC.gov/buildings).

Electrical: Only a NYC licensed electrician may perform electrical work. Before you hire an electrician, make sure that the electrician has a license from the Department of Buildings (www.NYC.gov/buildings).

For general information about the construction, plumbing or electrical permit process, visit www.NYC.gov/buildings or contact any Department of Buildings borough office.

This brochure provides general guidelines. If you have specific questions, call the Department of Buildings office in your borough and consult with a licensed architect, engineer, plumber or electrician.

New York City Department of Buildings

Executive Offices / 212-566-5000
280 Broadway, New York, NY 10007

Manhattan Borough Office / 212-566-0042
280 Broadway, New York, NY 10007

Bronx Borough Office / 718-579-6920
1932 Arthur Avenue, Bronx, NY 10457

Brooklyn Borough Office / 718-802-3675
210 Joralemon Street, Brooklyn, NY 11201

Queens Borough Office / 718-286-0600
120-55 Queens Boulevard, Kew Gardens, NY 11424

Staten Island Borough Office / 718-816-2300
10 Richmond Terrace, Borough Hall, Staten Island, NY 10301

Department of Investigation (DOI) / 212-825-3330
80 Maiden Lane, New York, NY 10038

Call 311 for non-emergency complaints or information about Department of Buildings services.
Use 911 only for life threatening emergencies.

Visit NYC.gov/buildings to:

- Access comprehensive information about Buildings
- Check the status of a filing on the Building Information System (BIS)
- Download plan/work approval forms and the Building Code

Mission

The NYC Department of Buildings ensures the safe and lawful use of buildings and properties by enforcing the Building Code and Zoning Resolution. We facilitate development with integrity, efficiency and professionalism.

Michael R. Bloomberg, MAYOR

Patricia J. Lancaster, FAIA, COMMISSIONER



about

Installing Swimming Pools, Decks and Porches



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