NYC BUILDINGS
NYC Department of Buildings
280 Broadway, New York, NY 10007

Robert D. LiMandri
Acting Commissioner

280 Broadway, 7th Floor
New York, NY 10007
Phone: (212) 566-3103
Fax: (212) 566-3785
E-mail: **robertl@buildings.nyc.gov**

Statement of Substantial Need for Earlier Implementation

I hereby find, pursuant to §1043, subdivision e, paragraph 1(c) of the New York City Charter, and hereby represent to the Mayor, that there is substantial need for the implementation of new Section §101-01 of Title 1 of the Rules of the City of New York, governing the definition of existing building, upon the publication in the City Record of its Notice of Adoption.

This is one of the rules needed to implement the City's new Construction Codes. The rule clarifies an ambiguity created by the addition in Local Law 33 of 2007 of Administrative Code section 27-123.3, which defines an existing building in a way that differs from the definitions of the same term set forth in sections 27-123.1 and 27-123.2 of the Administrative Code. By making the rule effective upon publication, the City will more quickly clarify any potential ambiguity regarding the definition of existing building and promote efficient administration of the new Construction Codes.

Robert D. LiMandri
Acting Commissioner
Department of Buildings

APPROVED: _____
Michael R. Bloomberg
Mayor

DATE: 6/30/2008

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the addition of Section 101-01 to new Subchapter A of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding the definition of existing building.

This rule was first published on May 15, 2008 and a public hearing thereon was held on June 18, 2008.

Dated: 6/26/08, 2008
New York, New York

Robert D. LiMandri
Acting Commissioner

Section 1. Title 1 of the Rules of the City of New York is amended by adding a new subchapter A of chapter 100, to read as follows:

Subchapter A
Administration

§101-01 Definition of existing building. For the purposes of section 27-123.3 of the administrative code, the term "existing building" shall mean a building in existence prior to December 6, 1968 or a building constructed in accordance with the building laws and regulations in force prior to such date. For the purposes of section 27-123.1 of the administrative code, the term "existing building" shall mean a building in existence prior to the effective date of local law number 58 of 1987 (August 5, 1987). For the purposes of section 27-123.2 of the administrative code, the term "existing building" shall mean a building in existence prior to the effective date of local law number 10 of 1999 (March 24, 1999).

STATEMENT OF BASIS AND PURPOSE

The foregoing rule is adopted pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter.

The adopted rule clarifies an ambiguity created by the addition in Local Law 33 of 2007 of Administrative Code section 27-123.3, which defines an existing building in a way that differs from the definitions of the same term set forth in sections 27-123.1 and 27-123.2 of the Administrative Code. This rule makes clear that, notwithstanding the language of section 27-123.3, the provisions of Local Law 58 of 1987 apply to buildings in existence prior to the effective date of that local law (August 5, 1987), to the extent provided in section 27-123.1, and, further, that the provisions of Local Law 10 of 1999 apply to buildings in existence prior to the effective date of that local law (March 24, 1999), to the extent provided in section 27-123.2.