

1 RCNY §37-01

CHAPTER 37 REFERENCE STANDARDS

§37-01 Rules of Procedure for Amending, Revising or Promulgating Reference Standards.

(a) **General.** Pursuant to Administrative Code §27-131.1, the Commissioner is empowered to issue or amend the building code reference standards, acting in consultation with the fire commissioner on all issues relating to fire safety. This rule establishes the procedure to be followed.

(b) **Definitions.**

(1) "Advisory Committee" shall mean the committee appointed by the Commissioner, consisting of members of the Department, the fire department, a registered architect, a professional engineer and representatives of the building and construction industry. The advisory committee shall be chaired by the Deputy Commissioner for Technical Affairs.

(2) "Task Force" shall mean a committee appointed by the mayor or the Commissioner to investigate a particular matter. Such committee shall include members of the public. The fire department shall be a member of any task force charged with investigating matters involving fire safety.

(c) **Initial Consultation with the fire department.** Where it is proposed to revise or amend reference standards 3-1, 3-2, 4-6, 5, 7-3, 8-1, 10-8, 10-9, 13-1, 13-2, 13-3, 13-6, 13-16, 14-11, 14-12, 14-13, 17, 18-1 and 19-1 and any other reference standard pertinent to fire safety, the fire department shall participate in preliminary meetings on proposed changes to these reference standards.

(d) **Review by advisory committee.** (1) Prior to publishing a proposed reference standard or amendment thereto, said proposal shall be distributed to the advisory committee for review and comment. In lieu of a review by the advisory committee, the Commissioner may direct a task force to review and comment on a proposed reference standard when said reference standard relates to the concerns of the task force.

(2) The advisory committee or task force shall review all proposed reference standards and shall timely comment on each draft submitted. The Department shall forward the advisory committee or task force a *[sic]* final draft of the reference standards relevant to fire safety to the fire department for review and comment.

(e) **Public notice and hearing.** (1) Upon receiving the comments of the advisory committee or task force, the full text of the proposed reference standard shall be published in the City Record at least twenty (20) days prior to the date set for a public hearing.

(2) Such published notice shall include a draft statement of the basis and purpose of the proposed reference standard, the time and place of public hearing and the final date for receipt of written comments.

(3) No proposed reference standard is to be published in the City Record unless comments required pursuant to §37-01(d)(2) have been received from the fire department or at least thirty (30) calendar days have elapsed from the submission of the final draft to the fire department, whichever is sooner.

(4) The final date for receipt of written comments regarding the proposed reference standard shall be five (5) calendar days after the public hearing.

(5) In the event substantive changes which may affect fire safety are made to the reference standard after the public hearing, the fire department shall review such draft and have ten (10) calendar days to comment.

(f) **Final publication.** (1) A reference standard shall become effective upon publication in the City Record after the close of the applicable comment period set forth in §37-01(e)(4) or (5), whichever is later.

(2) The reference standard as adopted shall be published in the next supplement to the compilation of "Building Code Reference Standards" and included as part of the Administrative Code.