

NEW YORK CITY DEPARTMENT OF BUILDINGS

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Buildings (DOB) is proposing to add a new rule regarding bathroom design prototypes.

When and where is the hearing? DOB will hold a public hearing on the proposed rule. The public hearing will take place at 10:00am on 11/16/15. The hearing will be in the 3rd floor conference room at 280 Broadway.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the DOB through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to dobrules@buildings.nyc.gov.
- **Mail.** You can mail comments to the New York City Department of Buildings, Office of the General Counsel, 280 Broadway, 7th floor, New York, NY 10007.
- **Fax.** You can fax comments to the New York City Department of Buildings, Office of the General Counsel, at 212-566-3843.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-393-2085. You can also sign up in the hearing room before the hearing begins on 11/16/15. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit comments by 11/16/15.

Do you need assistance to participate in the hearing? You must tell the Office of the General Counsel if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the addresses given above. You may also tell us by telephone at 212-393-2085. You must tell us by 11/9/15.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments and a summary of oral comments concerning the proposed rule will be available to the public at the Office of the General Counsel.

What authorizes DOB to make this rule? Sections 643 and 1043(a) of the New York City Charter and section BC 1101.3.2 of the New York City Building Code authorize DOB to make this proposed rule. This proposed rule was included in DOB's regulatory agenda for this Fiscal Year.

Where can I find DOB's rules? DOB's rules are in Title 1 of the Rules of the City of New York.

What rules govern the rulemaking process? DOB must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

Technical Policy and Procedure Notices (TPPN) 15 of 1988, 22 of 1988, and 1 of 1992 established bathroom and powder room prototypes acceptable to the Department for the purposes of compliance with Local Law 58 of 1987, which relates to providing facilities for people with disabilities.

Revisions to the City's Building Code adopted in Local Law 141 of 2013 repealed provisions in Local Law 58 of 1987 relating to facilities for people having physical disabilities that had been codified in subarticle 2 of article 2 of subchapter 4 of chapter 1 of title 27 (Local Law 58 of 1987). Local Law 141 of 2013 added a new section BC 1101.3 to the City's Building Code that allows the Department to designate by rule prototype layouts acceptable to the Department for bathrooms and powder rooms first occupied on or before March 13, 1991. Therefore, there is a need to promulgate a new rule to continue to permit the prototypes established by these TPPNs for projects that are subject to section 1101.3 of the New York City Building Code, in particular, item 2.1 of Section 1101.3.2.

This rule re-establishes most of the prototypes in the TPPNs as acceptable prototype bathrooms and powder rooms in alterations in buildings that were originally occupied on or before March 13, 1991. Alterations in buildings that were occupied after such date, or where full compliance with the bathroom and powder room prototypes cannot be achieved, are subject to Chapter 11 of the New York City Building Code and the most recent adopted accessibility standard, unless a waiver is granted pursuant to Section 1101.3.5 of the New York City Building Code.

The relevant TPPNs will be rescinded once this rule is effective.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter and section BC 1101.3.2 of the New York City Building Code, codified in Title 28 of the Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Title 1 of the Rules of the City of New York is amended by adding a new chapter 1100 and a new section 1101-01 to read as follows:

Chapter 1100
Accessibility

§1101-01 Bathroom and powder room design prototypes.

(a) Applicable standard with modifications. For alterations in buildings originally occupied:

(1) on or before March 13, 1991, in accordance with Item 2.1 of Section 1101.3.2 of the New York City Building Code ("Building Code"), bathroom and powder room prototypes contained herein shall be constructed and equipped as set forth in ANSI A117.1-1986, American National Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Handicapped People, subject to modifications provided in this rule.

(2) after March 13, 1991, or for bathrooms and powder rooms that do not fully comply with the prototypes in this section, the provisions of ANSI A117.1-2009, Accessible and Usable Buildings and Facilities, and Chapter 11 of the Building Code apply. If compliance with ANSI A117.1-2009 is a hardship, the applicant may request a waiver pursuant to the provisions of Section 1101.3.5 of the Building Code.

(b) Minimum number of accessible fixtures. In a bathroom complying with item 2.1 of Section 1101.3.2 of the Building Code, at least one lavatory, one water closet and either a bathtub or shower shall comply with ANSI A117.1-1986. In a powder room complying with item 2.1 of Section 1101.3.2 of the Building Code that contains only a lavatory and a water closet, such lavatory and water closet shall comply with ANSI A117.1-1986.

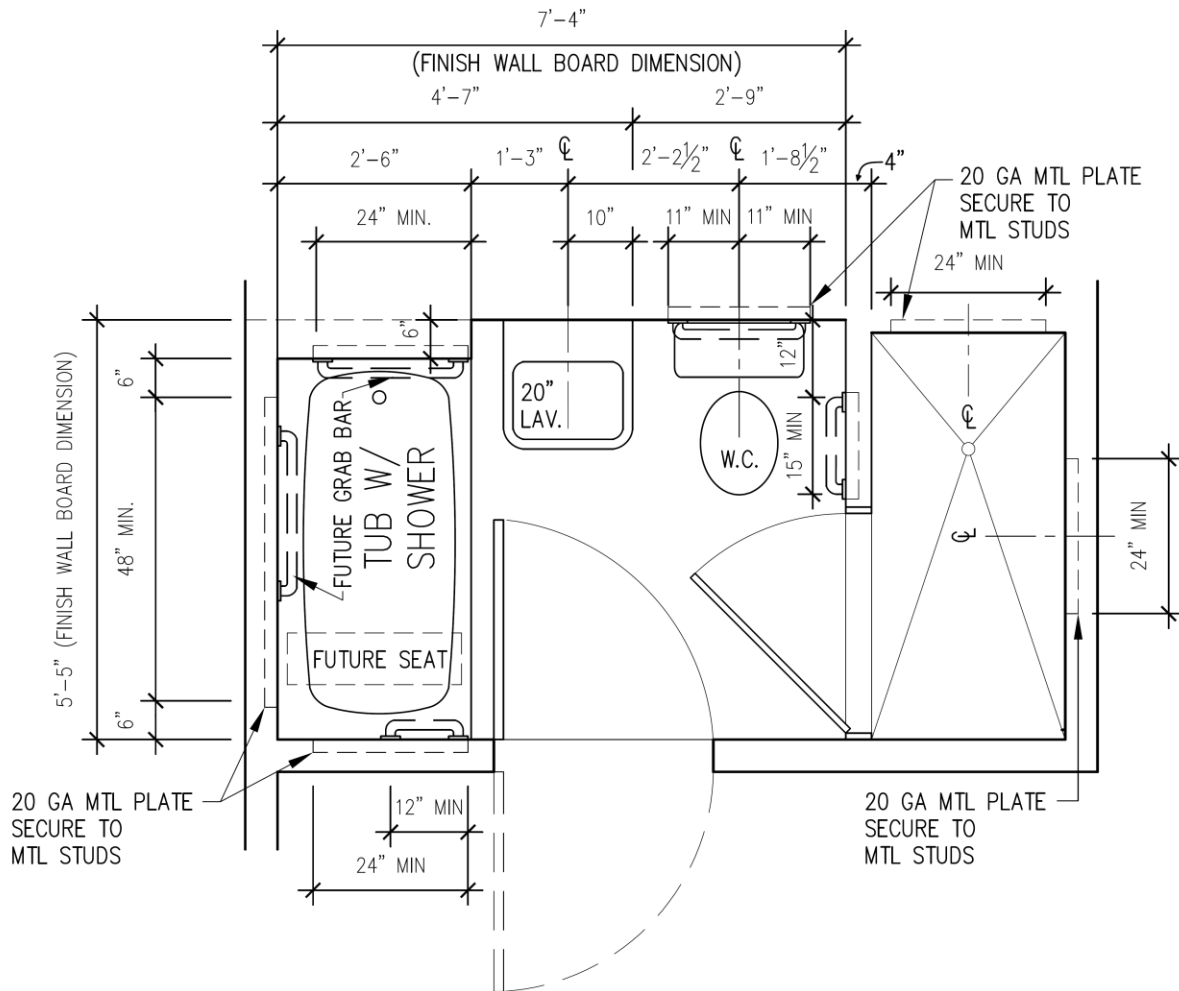
(c) Additional fixtures. An additional bathing fixture within such bathroom, as shown in Figure 1, need not fully comply with ANSI A117.1-1986 provided the following conditions are met:

(1) The three basic required fixtures are within an area of 5'-5" by 7'-4" minimum finished dimensions, and

(2) Any additional bathing fixture is provided with reinforcements for the installation of grab bars, and

(3) If a door is provided for accessing the additional bathing fixture, it is 2'-8" clear or as close to that dimension as possible, and

(4) The additional bathing fixture contains all other required features, including, but not limited to, reinforcement for future mounting of shower seat, shower faucet and control and shower spray unit.



MINIMUM BATHROOM REQUIRED W/ ADDITIONAL SHOWER

Scale: 1/2" = 1'-0"

Figure 1

(d) Prototypes. The prototypes in Figures 2 through 6 are acceptable as-of-right for bathrooms and powder rooms designed and constructed pursuant to item 2.1 of Section 1101.3.2 of the Building Code.

(e) Design drawing requirements.

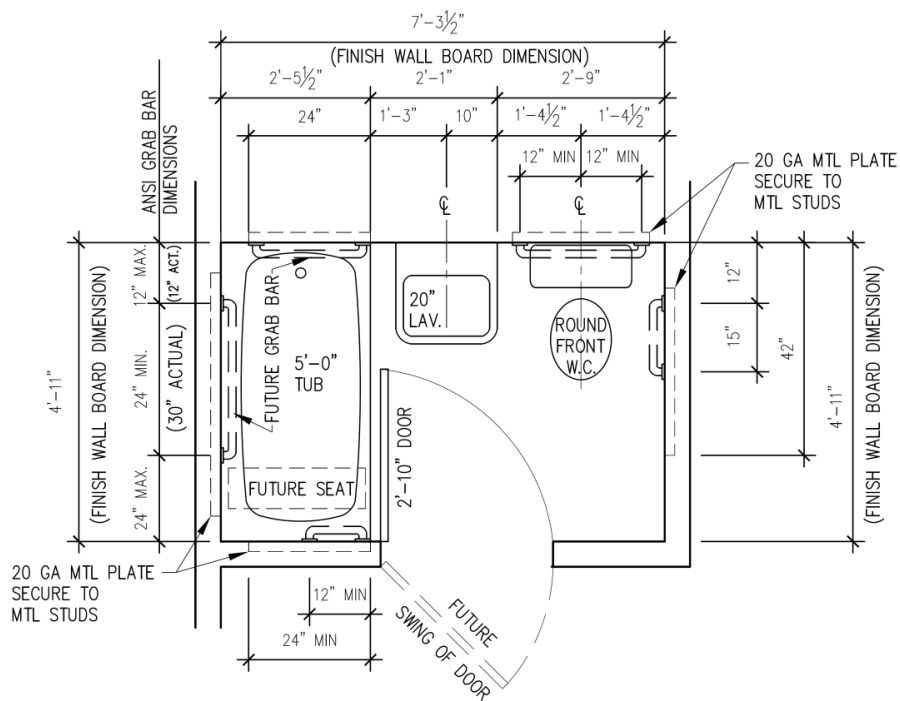
(1) The following items shall be indicated on the design drawings for the bathroom or powder room:

- (i) Future outward swing of the bathroom door indicated by a dotted line on the drawings and indications that such outward door swing does not obstruct a wheelchair user's access from the adjacent space.
- (ii) Dimensions of grab bar reinforcement at all required locations.
- (iii) Finished dimensions.

(2) General notes. The following notes shall be placed on the drawings:

- (i) Future outward door swing indicated by dotted line on drawings.
- (ii) Note on door schedule that the door and frames are provided with mortised hinge and latch blanks to permit future reversal of the door on the same frames using common hand tools and without further alterations to the door and frames.

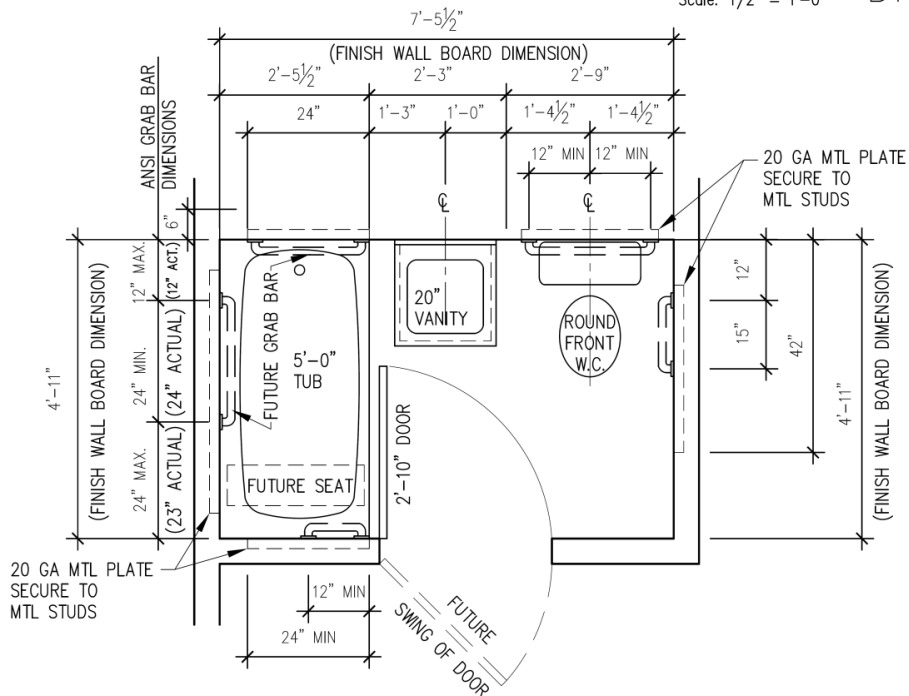
(f) Powder rooms. The prototypes in Figures 2 through 6 can also be considered acceptable powder room prototypes so long as the finished dimensions are measured as if there were a wall flush with the front face of the tub or shower.



BATHROOM PLAN W/ 20" LAVATORY

Scale: 1/2" = 1'-0"

'B1a'



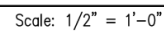
BATHROOM PLAN W/ 24" REMOVABLE VANITY CABINET

Scale: 1/2" = 1'-0"

'B1b'

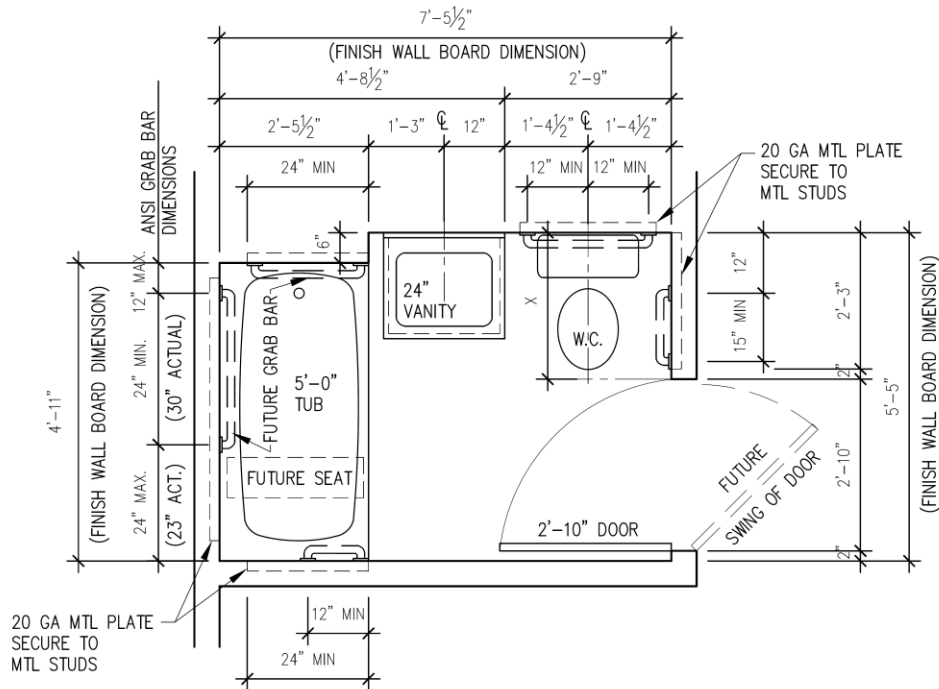
Figure 2

'B2a'



'B2b'

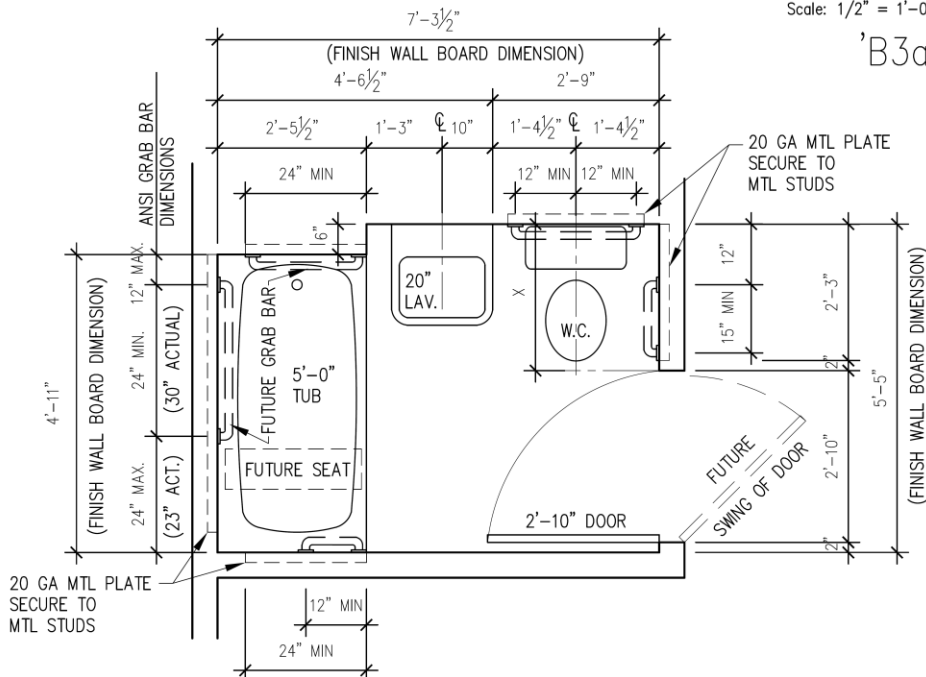
7



BATHROOM PLAN W/ 24" REMOVABLE VANITY CABINET

Scale: 1/2" = 1'-0"

'B3a'



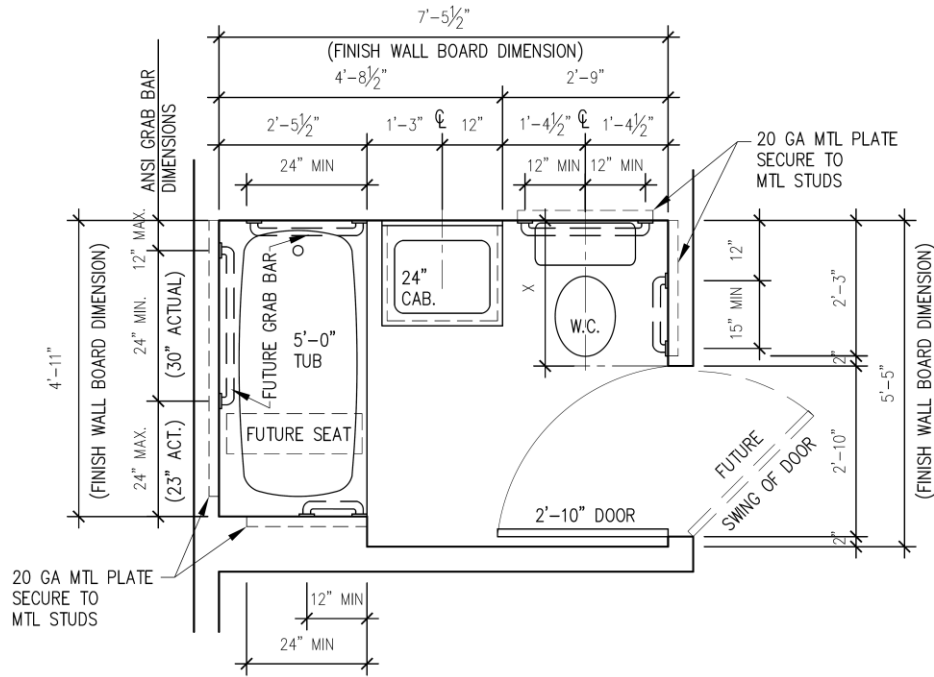
BATHROOM PLAN W/ 20" LAVATORY

Scale: 1/2" = 1'-0"

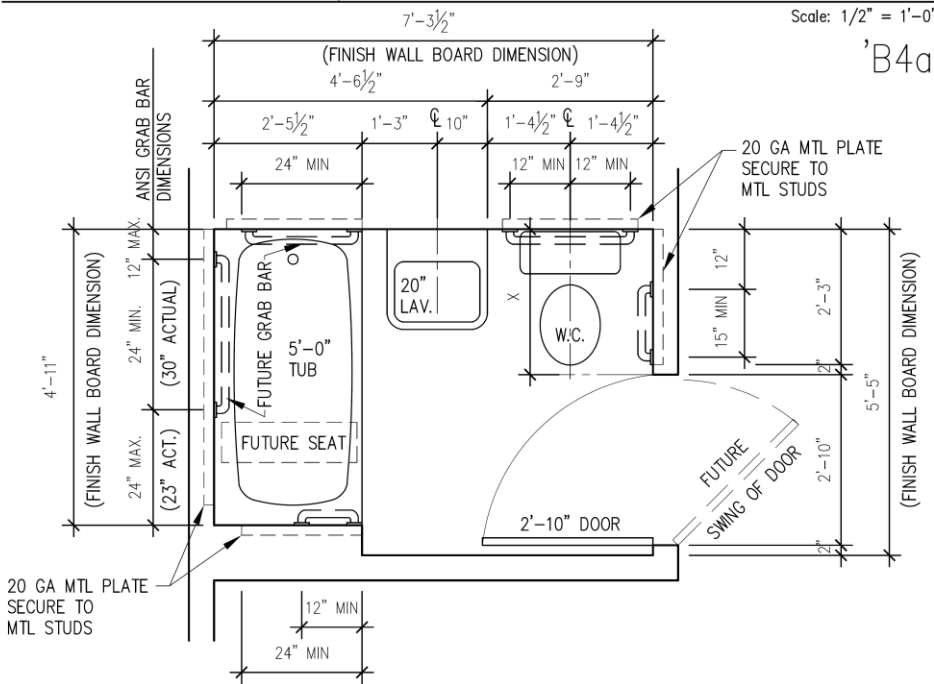
'B3b'

X = THE OUTER EDGE OF THE WATER CLOSET WILL NOT EXTEND INTO THE CLEAR SPACE REQUIRED FROM THE DOOR OPENING.

Figure 4



BATHROOM PLAN W/ 24" REMOVABLE VANITY CABINET

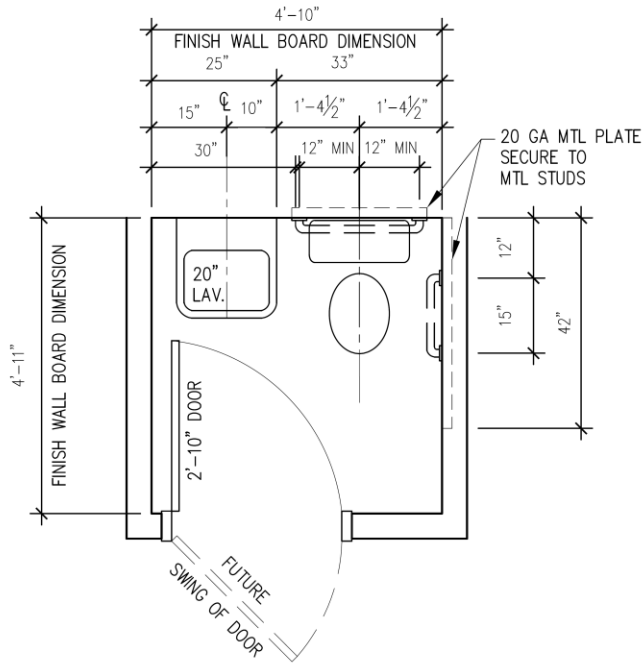


BATHROOM PLAN W/ 20" LAVATORY

Scale: 1/2" = 1'-0"

X = THE OUTER EDGE OF THE WATER CLOSET WILL NOT EXTEND INTO THE CLEAR SPACE REQUIRED FROM THE DOOR OPENING.

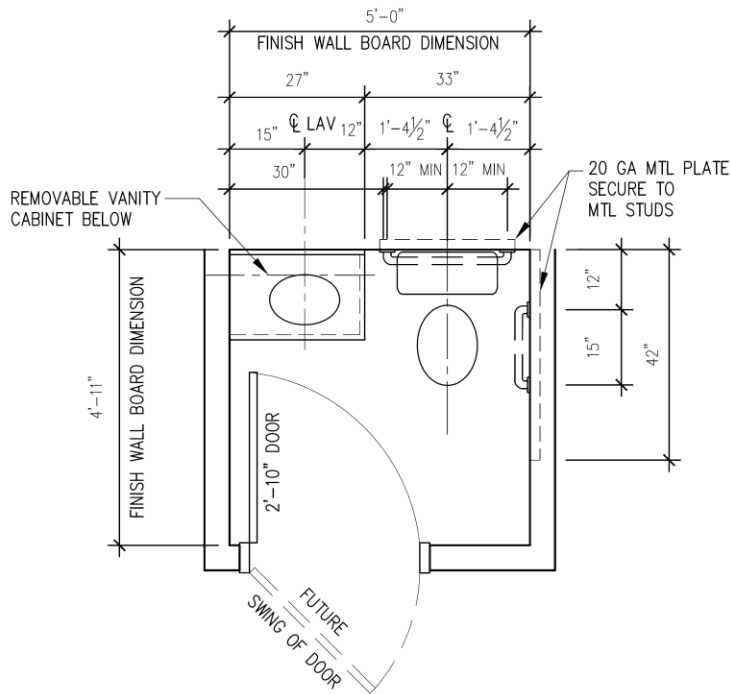
Figure 5



POWDER RM. PLAN W/ 20" LAVATORY

'B5a'

Scale: 1/2" = 1'-0"



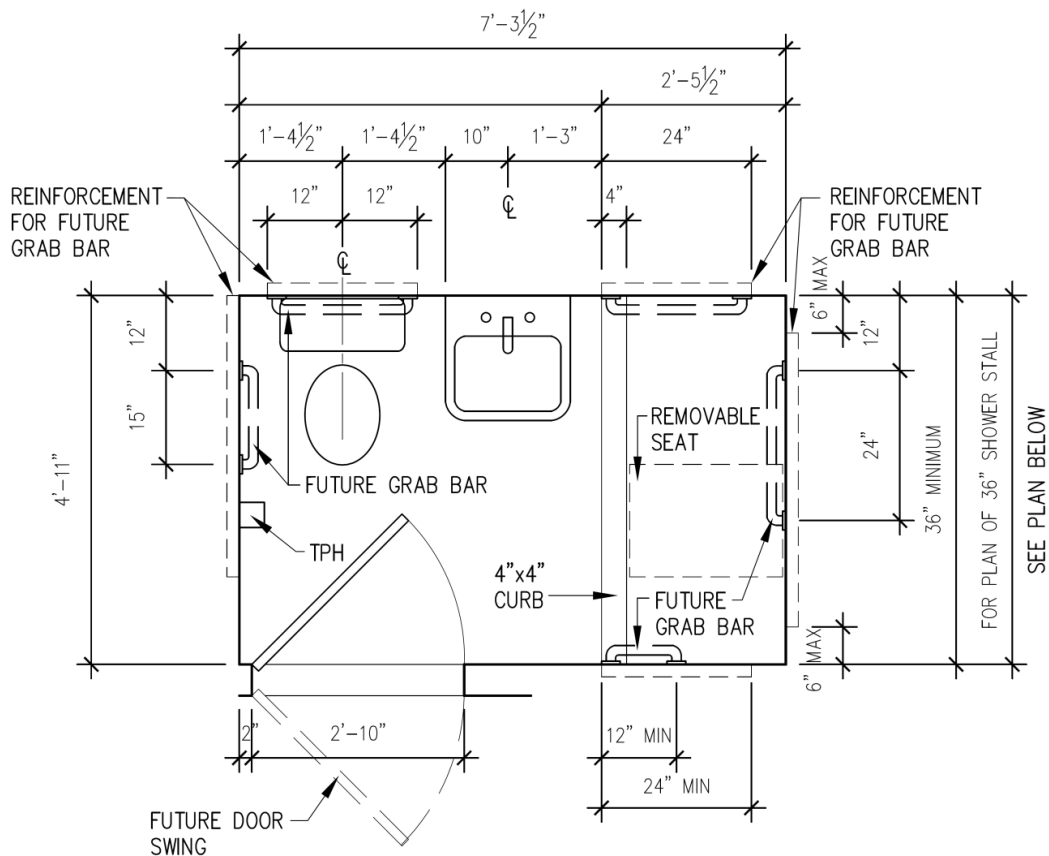
POWDER RM. PLAN W/ 27" REMOVABLE VANITY CABINET

'B5b'

Scale: 1/2" = 1'-0"

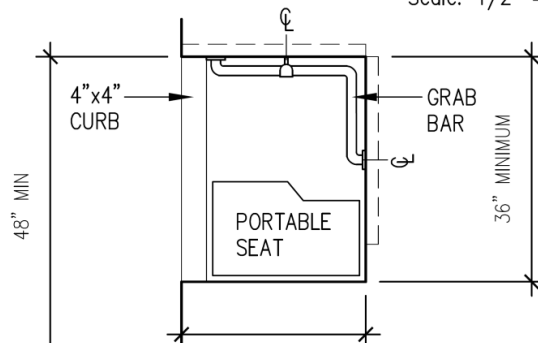
Figure 6

(g) Prototype for secondary bathrooms. The prototype of a bathroom with a stall shower shown in Figures 7 and 8, below, is acceptable as-of-right in secondary bathrooms designed and constructed pursuant to item 2.1 of Section 1101.3.2 of the Building Code.



PLAN: BATHROOM WITH SHOWER STALL

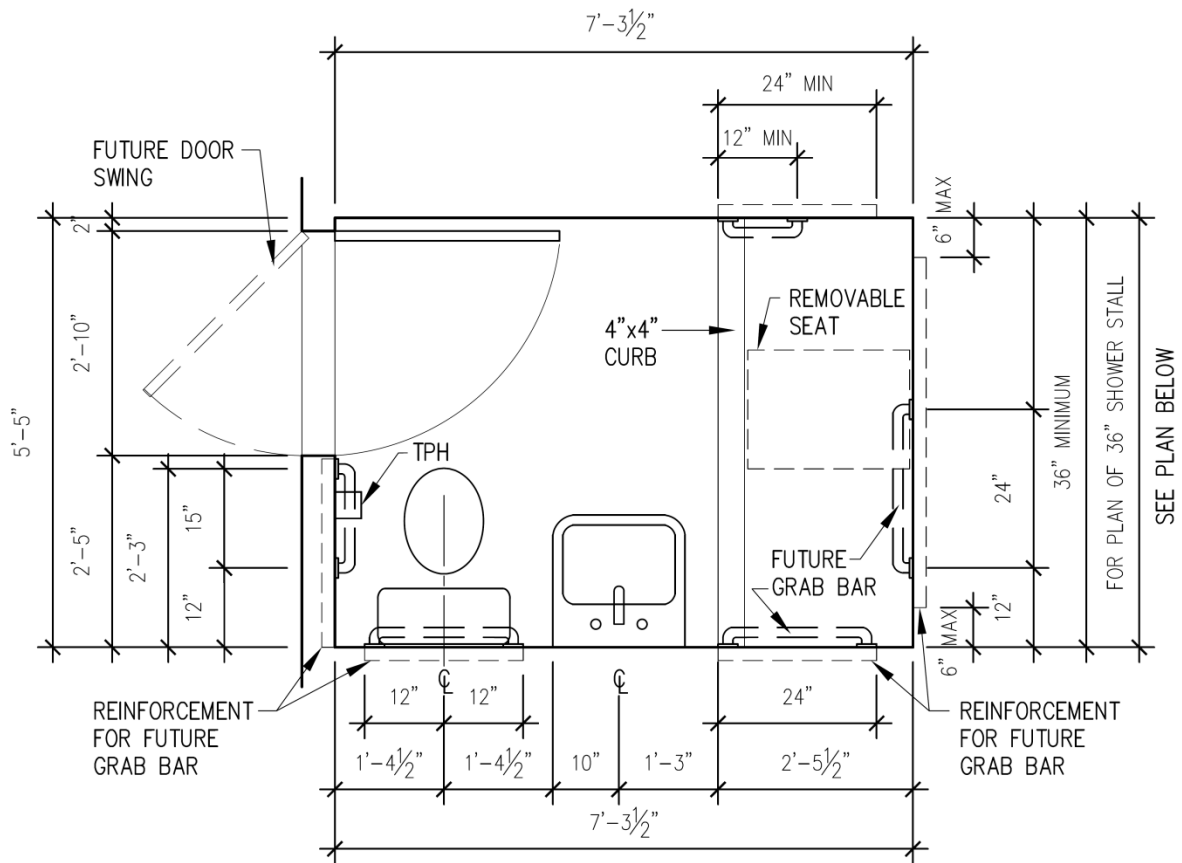
Scale: 1/2" = 1'-0"



PLAN: 36" SHOWER STALL

Scale: 1/2" = 1'-0"

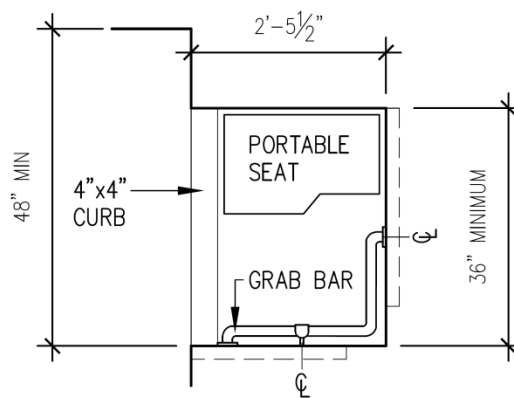
Figure 7



PLAN: BATHROOM WITH SHOWER STALL

Scale: 1/2" = 1'-0"

(SECONDARY BATHROOMS ONLY)



PLAN: 36" SHOWER STALL

Scale: 1/2" = 1'-0"

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Bathroom and Powder Room Design Prototypes

REFERENCE NUMBER: DOB-75

RULEMAKING AGENCY: DOB

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Katherine B. Vera
Mayor's Office of Operations

September 28, 2015
Date

NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028

CERTIFICATION PURSUANT TO
CHARTER §1043(d)

RULE TITLE: Accessible Bathroom Prototypes

REFERENCE NUMBER: 2015 RG 092

RULEMAKING AGENCY: Department of Buildings

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: September 25, 2015