Int. No. 1321-A

By Council Member Sanchez (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to the enactment of the New York city existing building code, and to repeal chapter 1 of title 27 of such code comprising the 1968 building code

Be it as enacted by the Council as follows:

Section 1. Chapter 1 of title 27 of the administrative code of the city of New York is REPEALED.

§ 2. Title 28 of the administrative code of the city of New York is amended by adding a new chapter 12 to read as follows:

CHAPTER 12

THE NEW YORK CITY EXISTING BUILDING CODE

ARTICLE 1201

ENACTMENT AND UPDATE OF

THE NEW YORK CITY EXISTING BUILDING CODE

§ 28-1201.1 Update. No later than the third year after the effective date of this section and every third year thereafter, the commissioner shall submit to the city council proposed amendments that such commissioner determines should be made to this code to bring it up to date with the latest edition of the International Existing Building Code or otherwise modify the provisions thereof. In addition, prior to the submission of such proposal to the city council, such proposal shall be submitted to an advisory committee established by the commissioner pursuant to this title for review and comment.

§ 28-1201.2 Enactment of the New York city existing building code. The New York city existing building code based on the 2015 edition of the International Existing Building Code

published by the International Code Council, with changes that reflect the unique character of the city, is hereby adopted to read as follows:

THE NEW YORK CITY EXISTING BUILDING CODE

CHAPTER 1
ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION EBC 101
GENERAL

101.1 Title. This code shall be known and may be cited as the "New York City Existing Building Code," "NYCEBC" or "EBC." All section numbers in this code shall be deemed to be preceded by the designation "EBC."

101.2 Scope. The provisions of this code shall apply to the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

101.3 Intent. The intent of this code is to provide minimum standards to safeguard life or limb, health, property, public welfare and the environment insofar as they are affected by the repair, alteration, change of occupancy, addition and relocation of existing buildings. Refer to Chapter 1 of Title 28 of the *Administrative Code*.

101.4 Applicability. In accordance with Section 101.2, this code shall apply to the repair, alteration, change of occupancy, addition to and relocation of existing buildings as described in Sections 101.4.1 and 101.4.2.

101.4.1 Buildings not previously occupied. A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall be permitted to comply with the provisions of the laws in existence on the date of issuance of the original permit for the construction of the building or portion of the building unless such permit has expired pursuant to Section 28-105.9 of the *Administrative Code*.

101.4.2 Buildings previously occupied. The legal occupancy of any existing building or structure, including the use of any service equipment therein, shall be permitted to continue without change, unless a retroactive change is specifically required by Section 119 of this code, Chapter 3 of Title 28 of the *Administrative Code*, or other applicable laws and rules or as deemed necessary by the commissioner for the general safety and welfare of the occupants and the public.

101.4.2.1 Compliance of prior code buildings with the applicable retroactive requirements of the 1968 building code. In addition to the retroactive requirements described in Section 101.4.2, prior code buildings must comply with the applicable retroactive requirements of the 1968 building code and prior codes, including those requiring the installation of fire safety and building safety systems and the filing of reports verifying compliance of such installations by the specified dates. A violation of such provisions shall be a violation of this code.

101.4.2.2 Change in use or occupancy. Changes in the use or occupancy of any existing building shall comply with Chapter 10. Any changes made in the use or occupancy of a building or structure not in compliance with this code shall be prohibited and shall be a violation of this code. After a change in use or occupancy has been made in a building, the re-establishment of a prior use or occupancy that would not be lawful in a new building of the same construction class shall be prohibited unless and until all the applicable provisions of this code and other applicable laws and rules for such reestablished use or occupancy shall have been complied with. A change from a use prohibited by the provisions of this code or other applicable codes, laws and regulations, but which was permitted under prior codes, to another use prohibited by the provisions of this code shall be deemed a violation of this code.

101.4.2.3 Alteration of existing buildings. Alteration of existing buildings shall comply with Chapters 5 through 15, as applicable. Alteration of multiple dwellings, including conversion of prior code buildings to multiple dwellings, shall also comply with Appendix D.

101.4.2.4 Continuation of unlawful use or occupancy. The continuation of the unlawful use or occupancy of a building or structure contrary to the provisions of this code, or contrary to the provisions of prior codes or other applicable law or rule, shall be a violation of this code.

101.5 Administration and enforcement. Except as otherwise limited by the commissioner, administration and enforcement actions shall be in accordance with this code and the *Administrative Code*, including but not limited to approval of construction documents, issuance of permits and certificates of occupancy, tests and inspections, penalties and enforcement.

101.6 Safeguards during construction. Construction work covered in this code, including any related demolition, shall be governed by Chapter 33 of the *New York City Building Code* and the requirements of Chapter 15 of this code.

101.7 Encroachments into the public right of way. Encroachments into the public right of way shall be governed by Chapter 32 of the *New York City Building Code*.

101.8 Appendices. The appendices referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

SECTION EBC 102
APPLICABILITY

102.1 General. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where a general requirement conflicts with a specific requirement, the specific requirement shall govern. Where British and metric units of measurement conflict, the British units shall govern.

102.2 Other laws. The provisions of this code do not presumptively provide for matters that are contained in the *Charter*, the labor law, the multiple dwelling law, the zoning resolution, or the general city law. Where there is conflict or inconsistency between the requirements of this code and other applicable laws and rules, unless otherwise required, such conflict shall be resolved in favor of the more restrictive requirement.

102.3 Application of references. References to chapter or section numbers or to provisions not specifically identified by number shall be construed to refer to such chapter, section, or provision of this code.

102.4 Referenced codes, standards and other laws and regulations. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further described in Sections 102.4.1 through 102.4.4.

102.4.1 Referenced codes. The referenced codes include the *Administrative Code*, *New York City Building Code*, *New York City Electrical Code*, *New York City Fuel Gas Code*, *New York City Mechanical Code*, *New York City Plumbing Code*, *New York City Fire Code* and *New York City Energy Conservation Code*.

102.4.2 Other laws and regulations. Other laws and regulations that may be referenced in this code including codes, rules and regulations of New York city, New York state or Federal agencies.

102.4.3 Referenced standards. The standards referenced in this code and in the rules of the department shall be considered part of the requirements of this code to the prescribed extent of each such reference. Refer to Article 103 of Chapter 1 of Title 28 of the *Administrative Code* for additional provisions relating to referenced standards.

102.4.3.1 Editions of referenced standards. References to standards in this code shall be to the editions of those standards provided for in Chapter 16, or as otherwise provided by rule.

102.4.4 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

Exception: Where an appliance or equipment is listed, as such term is defined in Section 28-101.5 of the *Administrative Code*, and enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall govern.

102.5 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.6 Fire districts maps. The boundaries of fire districts shall be in accordance with the maps set forth in Appendix D of the *New York City Building Code*.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION EBC 103
DEPARTMENT OF BUILDINGS

103.1 General. Refer to the *Charter* and Chapter 1 of Title 28 of the *Administrative Code*.

SECTION EBC 104
DUTIES AND POWERS OF COMMISSIONER OF BUILDINGS

104.1 General. The commissioner shall have the authority to render interpretations of this code and to adopt rules, policies and procedures in order to clarify and implement its provisions. Such

interpretations, policies, procedures, and rules shall be in compliance with the intent and purpose of this code. See the *Charter* and Chapter 1 of Title 28 of the *Administrative Code* for additional provisions relating to the authority of the commissioner of buildings.

SECTION EBC 105
PERMITS AND WORK WITHOUT A PERMIT

105.1 General. Permits shall comply with this section and with Article 105 of Chapter 1 of Title 28 of the *Administrative Code*.

105.2 Required. Except as otherwise provided in Section 105.3, any owner or owner's authorized agent who intends to repair, add to, alter, relocate, demolish, or change the occupancy of a building or to repair, install, add, alter, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the department for construction document approval in accordance with Chapter 1 of Title 28 of the *Administrative Code* and this chapter and obtain the required permit.

105.3 Work exempt from permit. Exemptions from permit requirements of this code and as authorized in Chapter 1 of Title 28 of the *Administrative Code* and the rules of the department shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or rules. Permits shall not be required for the following:

1. Work exempt from permit as listed in Section 28-105.4 of the *Administrative Code* and rules of the department.
2. Minor alterations and ordinary repairs as described in Section 105.3.1 of this code.
3. Ordinary plumbing work as described in Section 105.3.1 of this code.

105.3.1 Minor alterations, ordinary repairs and ordinary plumbing work. A permit shall not be required for minor alterations, ordinary repairs and ordinary plumbing work, as such terms are defined in Section 202.

105.3.1.1 Work not constituting minor alterations or ordinary repairs. Minor alterations or ordinary repairs shall not include:

1. The removal or cutting away of any load bearing or required fire-rated wall, fire door, floor or roof construction, or any portion thereof;
2. The removal, cutting or modification of any beams or structural supports;
3. The removal, change or closing of any required exit;
4. The addition, rearrangement, relocation, removal or replacement of any parts of the building affecting loading or exit requirements, or light, heat, ventilation, or elevator requirements or accessibility requirements, or any fire suppression or fire protection system;
5. Additions to, alterations of, or rearrangement, relocation, replacement, repair or removal of any portion of a standpipe or sprinkler system, water distribution system, house sewer, private sewer, or drainage system, including leaders, or any soil, waste or vent pipe, or any gas distribution system;

6. The alteration or repair of a sign for which a permit is required; or

7. Any other work affecting health or the fire or structural safety of the building or the safe use and operation of the service equipment therein.

105.3.1.2 Ordinary plumbing work. Ordinary plumbing work is not required to be performed with a permit, provided that the licensed plumber performs such work in accordance with this code and all applicable laws and rules.

105.3.1.2.1 Documentation of ordinary plumbing work. The licensed plumber shall record the block, lot and address of each job, a description of the work performed at each address, and the location in each building where the ordinary plumbing work was performed. The licensed master plumber shall furnish a copy of such record to the building owner upon the completion of work. The licensed master plumber shall submit a report of completed ordinary plumbing work items in accordance with the requirements of the department.

105.3.1.2.2 Category 1 ordinary plumbing work. Category 1 ordinary plumbing work shall be performed in accordance with this code and shall be limited to the following items:

1. The relocation of up to two plumbing fixtures within the same room to a maximum of 10 feet (3048 mm) distant from the original location, and the replacement or alteration of related supply, waste, and vent piping associated with the fixture relocation, except in health care facilities.

2. The installation, replacement or repair of a food waste grinder (food waste disposal); secondary back flow preventer; and the replacement or repair of a sump pump.

3. The repair or replacement of a plumbing fixture; faucet or fixture fitting from the exposed stop valve to the inlet side of a trap not constituting an ordinary repair.

4. The repair of components of a plumbing appliance or plumbing appurtenance.

5. The replacement of a plumbing appurtenance.

6. The repair or replacement of plumbing piping, except gas piping, not longer than 25 feet (7620 mm), or connected piping previously repaired or replaced under this provision.

7. The repair or replacement of plumbing branch piping except gas piping, serving the dwelling unit and including the replacement of fixtures, limited to two bathrooms and 1 kitchen per dwelling unit.

105.3.1.2.3 Category 2 ordinary plumbing work. Category 2 ordinary plumbing work shall be performed in accordance with this code and the *New York City Fuel Gas Code*. Work shall not include nor extend beyond the existing appliance gas cock or appliance valve. Prior to performing any of the described work, the plumber shall be responsible for verifying that the existing gas cock or appliance valve is accessible, in good working condition with no noticeable corrosion or deterioration, and in the closed off position. Where a replacement appliance is connected to a chimney, the plumber

shall inspect the chimney and verify that it is in good operational condition. The replacement of any appliance must be in accordance with the manufacturer's instructions and all applicable listings. After such replacement, the plumber shall re-open the existing gas cock or appliance valve and perform a leak check on all newly made gas piping and tubing connections by means of a combustible gas indicator or a noncorrosive leak detection fluid. Category 2 ordinary plumbing work shall be limited to the replacement of the following items:

1. In residential buildings occupied by 5 families or fewer, the replacement of a gas water heater, gas furnace, or a gas fired boiler with a capacity of 350,000 BTU or less.
2. The replacement of gas-burning domestic appliances limited to ranges, ovens, stoves, barbecues, and clothes dryers.
3. The replacement of an appliance connector serving a domestic range, oven, stove, barbecue, or clothes dryer.

105.3.1.3 Repairs to fire alarm systems. Work constituting a repair to a fire alarm system that does not require a permit shall be performed in accordance with rules of the department.

105.3.1.4 Repairs to elevators and conveying systems. Work constituting a repair to elevator or conveying system shall be performed in accordance with rules of the department.

105.3.2 Compliance. No work shall make a building less compliant with this code and the *New York City Construction Codes*, *Energy Code*, *Electrical Code* and any other applicable laws, rules, and regulations than it was before the work was undertaken, reduce the structural, fire and life safety of the condition impacted, or create a new structural, fire or life safety hazard; otherwise, an application for a work permit shall be submitted to the department.

105.3.2.1 Owner's responsibility. It is the owner's responsibility to ensure that all work performed pursuant to Section 105.3 complies with all applicable provisions of law and that such work is performed in a safe and code compliant manner.

105.3.2.1.1 Protection of adjacent or adjoining properties. Building owners shall ensure the adjacent or adjoining properties are protected in accordance with Chapter 33 of the *New York City Building Code*.

105.3.2.1.2 Protection of occupied building. During construction in an occupied building, as applicable to the scope of work, the owner shall:

1. Maintain the means of egress free of any obstruction.
2. Provide means to dispose of debris, control dust and noise, and pest control.
3. Notify tenants of any interruption to building systems.
4. Maintain life safety systems in accordance with the *New York City Construction Codes* and the *New York City Fire Code*.
5. Maintain essential services such as heat, cold and hot water, gas, and electricity in residential buildings, other than one- and two-family residences. Where

disruption of service may occur due to the scope of work, the tenants shall be notified of the anticipated duration of such disruption.

6. Maintain the existing level of accessibility to building spaces and facilities.

105.3.2.2 Compliance with other agency and utility company requirements. The owner and the licensee, where required, shall be responsible for obtaining any required approval, permit or certification by other agencies or utilities having jurisdiction over the work performed. Related approvals and permits from other agencies and jurisdictions may include, but are not limited to, the following:

1. Asbestos certification as required by Article 106 of Title 28 of the *Administrative Code*.
2. Approval from the Department of Environmental Protection.
3. Approval from the Landmarks Preservation Commission.
4. Approval or permit from the Fire Department.
5. Permit from the Department of Transportation.

105.3.2.3 Work not requiring permits performed as an integral part of work requiring permits. Work types that may not require a permit but that are performed as an integral part of an alteration to the building that requires a permit shall be filed with the Department as part of such alteration subject to Chapter 5 and Chapters 8 through 14 of this code, as applicable.

105.3.2.4 Change in scope of work. Where a change in the scope of work during the course of construction results in work that requires a permit, work must stop until such time as a permit is issued.

105.3.2.5 Related approvals and permits. Where related permits are required in connection with the work scope such approvals and permits shall be obtained in accordance with Article 105 of Title 28 of the *Administrative Code*.

105.3.2.6 Building materials and systems. Building materials and systems shall comply with the requirements of this section.

105.3.2.6.1 Existing materials. Materials already in use in a building in compliance with requirements or approvals in effect at the time of their erection or installation shall be permitted to remain in use unless determined by this code to be unsafe pursuant to Section 115.

105.3.2.6.2 New and replacement materials, assemblies and details. New and replacement materials, assemblies and details permitted by the applicable code for new construction shall be used in accordance with Section 302.4.

105.3.2.6.3 Glazing in hazardous locations. Replacement glazing in hazardous locations shall comply with the safety glazing requirements of the *New York City Building Code*.

105.3.2.6.4 Used plumbing materials and supplies. Used plumbing materials and supplies shall not be re-used where prohibited by the *New York City Plumbing Code*.

105.3.2.7 Accessibility. Minor alterations to existing buildings that are performed without a permit shall comply with the accessibility requirements of Chapter 11 of the *New York City Building Code*. Such work shall not reduce the level of accessibility as described under Section 306.4.

Exception. Ordinary repairs do not need to comply with the accessibility requirements of Chapter 11 of the *New York City Building Code***.**

105.3.2.7.1 Provisions for accessibility modifications to certain features in dwelling units after occupancy. Modifications to certain features in dwelling units shall comply with Section 1107.2 of the *New York City Building Code*. Such features include bathtubs, showers, kitchen counters, appliances in kitchens and kitchenettes, refrigerators/freezers, kitchen and kitchenette storage, operable windows, storage facilities, and laundry equipment.

105.3.2.8 Energy conservation. Minor alterations and ordinary repairs to existing buildings or structures as defined in Section 202 are permitted without requiring the entire building or structure to comply with the energy requirements of the *New York City Energy Conservation Code*. The minor alterations and ordinary repairs shall conform with the existing building provisions of the *New York City Energy Conservation Code*.

105.4 Permits with respect to limited alteration applications. Permits shall be required for limited alteration applications, subject to Chapter 5 of this code, in accordance with Article 105 of Chapter 1 of Title 28 of the *Administrative Code*.

105.5 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other laws. Permits presuming to give authority to violate or cancel the provisions of this code or law shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the commissioner from requiring the correction of errors in the construction documents and other data. The commissioner is authorized to prevent occupancy or use of a structure in violation of this code or of any other ordinances of this jurisdiction.

SECTION EBC 106
CONSTRUCTION DOCUMENTS

106.1 General. In accordance with Article 104 of Chapter 1 of Title 28 of the *Administrative Code*, each application for a permit shall be accompanied by submittal documents which include but are not limited to construction documents; special inspection, structural investigation, and evaluation reports; and other data required by the department. Such submittal shall be prepared by a registered design professional. The department shall not issue a permit pursuant to this code unless and until it approves all required construction documents for such work. In addition to the requirements of Article 104 of Chapter 1 of Title 28 of the *Administrative Code*, the commissioner is authorized to require additional construction documents to be submitted by a registered design professional to determine compliance with this code and other applicable laws and rules.

Exception: Construction documents shall not be required to be prepared by a registered design professional if they are exempt from such requirement, as provided for in Chapter 5 of this code, Section 28-104.6 of the *Administrative Code*, or rules of the department.

106.2 Construction documents. Construction documents submitted in connection with alterations, additions, changes of use or occupancy and relocation of existing buildings shall comply with Article 104 of Chapter 1 of Title 28 of the *Administrative Code*, Section 107 of the *New York City Building Code* and with Sections 106.2.1 through 106.2.9 of this code.

106.2.1 Structural plans. Structural plans shall include the data and information described in Section 107.7 and Chapter 16 of the *New York City Building Code* as applicable to alterations, additions, changes of use or occupancy and relocation of existing buildings. Additional documents shall be submitted as required by Section 702. Structural calculations shall be made available to the department upon request.

106.2.2 Fire protection system(s) plans. Construction documents for fire protection systems shall include a plot plan to scale indicating the location of the system in relation to the rest of the building and shall comply with Section 107.9 of the *New York City Building Code*. Such plans shall not be required in connection with applications for limited standpipe alterations and limited sprinkler alterations subject to Chapter 5 of this code.

106.2.3 Means of egress. The construction documents for Alterations—Level 1, Alterations—Level 2, additions and changes of occupancy where the means of egress are affected shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code and Chapter 10 of the *New York City Building Code*, as applicable. The construction documents shall designate the number of occupants to be accommodated in every work area of every floor and in all affected rooms and spaces.

106.2.4 Exterior wall envelope. Construction documents for work affecting the exterior wall envelope shall describe the exterior wall envelope in sufficient detail to determine compliance with this code, the *New York City Building Code* and the *New York City Energy Conservation Code*. The construction documents shall provide, as required, details of the exterior wall envelope pertinent to the proposed work, including windows, doors, flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water-resistive membrane, and details around openings.

106.2.5 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of proposed work and existing structures on the site and distances from lot lines. Where the work involves horizontal additions or relocation of existing buildings, the site plan shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or lot. The commissioner is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or change of occupancy that will not affect site conditions. Additional details may be required by the department.

106.2.5.1 Zoning. Where the proposed work requires compliance with the *New York City Zoning Resolution*, the site plan shall include the entire zoning lot with details required to demonstrate compliance.

106.2.5.1.1 Multiple tax lots on a zoning lot. Where an existing building is being enlarged and the zoning lot comprises multiple tax lots, construction documents shall comply with Section 28-104.7.18 of the *Administrative Code*.

106.2.6 Energy efficiency. Construction documents shall include compliance documentation as required by the *New York City Energy Conservation Code*.

106.2.7 Mechanical and fuel gas systems plans. Construction documents for gas piping, heating, ventilation, refrigeration and other mechanical work to be performed shall be submitted as required by the *New York City Mechanical Code* and the *New York City Fuel Gas Code*.

106.2.8 Plumbing plans. Construction documents for plumbing work to be performed shall be submitted as required by the *New York City Plumbing Code*.

106.2.9 Special requirements. Certain types of work shall be included and identified in the construction documents in accordance with Sections 106.2.9.1 through 106.2.9.6, as applicable.

106.2.9.1 Identification of work involving relocation, moving or raising a building. Where an existing building is being relocated, moved, or the lowest above-grade floor or the lowest subgrade floor of a building is to be raised, lifted or elevated, such work shall be listed on the title sheet of the construction documents as subject to special inspection. Refer to Section 28-104.7.13 of the *Administrative Code*.

106.2.9.2 Identification of certain I-1 and I-2 occupancies and of certain adult homes, enriched housing, community residences and intermediate care facilities as exempt from temporary external generator connection requirements. Refer to Section 28-104.7.14 of the *Administrative Code*.

106.2.9.3 Identification of certain hospitals as exempt from temporary external boiler or chiller connection requirements. Refer to Section 28-104.7.15 of the *Administrative Code*.

106.2.9.4 Tenant protection plan. The title sheet of construction documents shall contain a statement that a tenant protection plan must be submitted in accordance with the requirements of Section 1503 of this code and Section 28-104.7.16 of the *Administrative Code* prior to the issuance of a permit for alteration, construction or partial demolition work in a building containing 1 or more occupied dwelling units.

106.2.9.5 Coastal zones and water-sensitive inland zones. Construction documents for work relating to alterations of existing buildings in coastal zones and water-sensitive inland zones shall comply with Section 28-104.9 of the *Administrative Code*.

106.2.9.6 Discharge of sewage and discharge and/or management of stormwater runoff. Applications for construction document approval shall comply with Sections 106.2.9.6.1 and 106.2.9.6.2.

106.2.9.6.1 Sewage. Applications for construction document approval shall include submittal documents relating to the availability and feasibility of a public sanitary or public combined sewer in accordance with Section 107.11.1 of the *New York City Building Code* and Section 107.6.1 of the *New York City Plumbing Code*, for the following types of applications:

1. Alterations that require an increase in size to an existing sanitary or combined sewer connection; and/or

2. Alterations requiring a new connection to a sanitary or combined sewer.

106.2.9.6.2 Stormwater. Applications for construction document approval shall include submittal documents relating to the availability and feasibility of a public combined or storm sewer or other approved method for stormwater discharge in accordance with Section 107.11.2 of the *New York City Building Code* and Section 107.6.2 of the *New York City Plumbing Code*, for the following types of applications:

1. Alterations of buildings proposing horizontal building enlargement; and/or
2. Alterations that increase impervious surfaces on the tax lot.

Exceptions:

1. Applications for construction document approval for the alteration of an existing building other than a one- or two-family dwelling need not include such submittal documents, where the increase in area of the footprint resulting from a proposed horizontal building enlargement and any proposed increase in impervious surfaces on a lot combined is less than or equal to 1,000 square feet (93 m^2), and on-site disposal of stormwater conforming to the provisions of the applicable laws and rules as determined by the department is proposed for such enlargement and/or increase in impervious surface. In such cases, the stormwater discharge may be accommodated by existing facilities. Construction documents shall include the amount of proposed increase in impervious area. For the purposes of this exception, the 1,000 square feet (93 m^2) area shall include all cumulative enlargements and increases in impervious surface area made on the same tax lot after July 1, 2008.

    1.1. This exception shall not apply where on-site disposal cannot be designed to conform to the provisions of the applicable laws and rules including but not limited to minimum required distances from lot lines or structures or subsoil conditions as determined by the department.

2. Applications for construction document approval for the alteration of an existing one- or two-family dwelling need not include such submittal documents, where the total area of a proposed horizontal building enlargement plus any proposed increase in impervious surfaces is less than or equal to 200 square feet (19 m^2). Construction documents shall include the amount of proposed increase in impervious surface area. For the purposes of this exception, the 200 square feet (19 m^2) area shall include all cumulative enlargements and increases in impervious surface area made on the same tax lot after July 1, 2008.

106.2.9.6.3 Post-construction stormwater management facilities. A post-construction stormwater management facility shall comply with Section 107.11.3 of the *New York City Building Code*.

106.3 Additional requirements. Alterations, additions, repairs, changes of occupancy and relocations of existing buildings shall comply with the following additional requirements as applicable:

1. Asbestos investigation pursuant to Article 106 of Chapter 1 of Title 28 of the *Administrative Code*.

2. Alteration or demolition of single room occupancy multiple dwellings pursuant to Article 107 of Chapter 1 of Title 28 of the *Administrative Code*.

3. Pavement plan pursuant to Article 108 of Chapter 1 of Title 28 of the *Administrative Code*.

4. Fire protection plan pursuant to Article 109 of Chapter 1 of Title 28 of the *Administrative Code*.

5. Site safety plan pursuant to Article 110 of Chapter 1 of Title 28 of the *Administrative Code*.

106.4 Phased or partial approval. In the case of construction documents for the alteration of a building, the commissioner may grant partial approval in accordance with Section 28-104.2.5 of the *Administrative Code*.

SECTION EBC 107
TEMPORARY STRUCTURES AND USES

107.1 General. Refer to Article 111 of Chapter 1 of Title 28 of the *Administrative Code*.

SECTION EBC 108
FEES

108.1 Payment of fees. A permit, inspection, or other service or privilege as regulated in this code shall not be valid until the fees prescribed by Article 112 of Chapter 1 of Title 28 of the *Administrative Code* or in rules have been paid, nor shall a renewal of a permit or other service or privilege or an amendment to a permit be released until the fee has been paid.

SECTION EBC 109
INSPECTIONS

109.1 General. Except as otherwise specified, inspections required by this code or by the department during the progress of work may be performed on behalf of the owner by approved agencies including, where applicable, by special inspectors. However, in the interest of public safety, the commissioner may direct that any of such inspections be performed by the department. All inspections shall be performed at the sole cost and expense of the owner. Refer to Article 116 of Chapter 1 of Title 28 of the *Administrative Code* and Section 110 of the *New York City Building Code*, for additional provisions relating to inspections.

109.1.1 Tenant protection plan compliance inspection. For buildings undergoing work for which a tenant protection plan is required by Section 1503, inspections shall be performed by the department to determine compliance with the tenant protection plan in accordance with Section 1503.11.

109.1.2 Architectural conditions assessment. Where an existing building is being altered and the work area exceeds 50 percent of the floor area, the design professional of record shall perform an assessment of certain building elements within the work area to evaluate their condition. Such assessment shall be performed in accordance with Section 803.10.

109.1.3 Structural conditions assessment. Initial and detailed conditions assessment shall be performed before and during the construction phase of the project as provided for in Section 704.

109.2 Special inspections. Work subject to special inspection shall comply with the applicable provisions of Chapter 17 of the *New York City Building Code*.

SECTION EBC 110
CERTIFICATE OF OCCUPANCY

110.1 General. Refer to Article 118 of Chapter 1 of Title 28 of the *Administrative Code*.

SECTION EBC 111
SERVICE UTILITIES

111.1 General. Refer to Article 119 of Chapter 1 of Title 28 of the *Administrative Code*.

SECTION EBC 112
RESERVED

SECTION EBC 113
VIOLATIONS

113.1 General. Refer to Chapter 2 of Title 28 of the *Administrative Code*.

SECTION EBC 114
STOP WORK ORDER

114.1 General. Refer to Article 207 of Chapter 2 of Title 28 of the *Administrative Code*.

SECTION EBC 115
RESERVED

SECTION EBC 116
EMERGENCY MEASURES

116.1 General. Refer to Chapter 2 of Title 28 of the *Administrative Code*.

SECTION EBC 117
DEMOLITION

117.1 General. Refer to Chapter 33 of the *New York City Building Code*.

SECTION EBC 118
MAINTENANCE OF BUILDINGS

118.1 General. The provisions of this section shall apply to maintenance and periodic inspections of existing buildings. The requirements of Chapter 3 of Title 28 of the *Administrative Code* relating to maintenance and periodic inspections of existing buildings shall also apply.

118.1.1 Requirements. All buildings and all parts thereof shall be maintained and periodically inspected in accordance with Section 118.2 of this code pursuant to Chapter 3 of Title 28 of the *Administrative Code*.

118.1.2 Owner's responsibilities. The owner shall be responsible at all times to maintain the building and its facilities and all other structures regulated by this code and other applicable codes in a safe and code-compliant manner and shall comply with the inspection and maintenance requirements of Chapter 3 of Title 28 of the *Administrative Code*.

118.1.3 Filing of reports. Reports required to be filed in accordance with Chapter 3 of Title 28 of the *Administrative Code*, shall be filed in writing or electronically as the commissioner may require.

118.2 Maintenance and periodic inspections. Maintenance and periodic inspections shall be required to be performed in accordance with Chapter 3 of Title 28 of the *Administrative Code* and Sections 118.2.1 through 118.2.21 of this code.

118.2.1 Parapets. A building's parapet shall be maintained in a safe condition as required by Article 301 of Chapter 3 of Title 28 of the *Administrative Code*.

118.2.2 Maintenance of exterior walls. A building's exterior walls and appurtenances thereof shall be maintained in a safe condition. All buildings greater than 6 stories shall comply with the maintenance requirement of Article 302 of Chapter 3 of Title 28 of the *Administrative Code*.

118.2.3 Periodic boiler inspections. Periodic boiler inspections shall be performed in accordance with Article 303 of Chapter 3 of Title 28 of the *Administrative Code*.

118.2.4 Elevators and conveying systems. Elevators and conveying systems shall be maintained in a safe condition and in accordance with ASME A17.3, as modified by Appendix K of the *New York City Building Code*. Every new and existing elevator or conveying system shall be inspected and tested in accordance with Article 304 of Chapter 3 of Title 28 of the *Administrative Code*.

118.2.5 Retaining walls, partition fences and other site structures. In addition to the requirements set forth in Chapter 33 of the *New York City Building Code*, the responsibility for maintaining and repairing retaining walls, partition fences and other site structures shall be in accordance with Article 305 of Chapter 3 of Title 28 of the *Administrative Code*.

118.2.6 Party walls. Party walls shall be maintained in accordance with Article 306 of Chapter 3 of Title 28 of the *Administrative Code*.

118.2.7 Workplace exits. Workplace exits shall be unobstructed in accordance with Article 307 of Chapter 3 of Title 28 of the *Administrative Code* and it shall be unlawful for an employer or the agent of an employer to lock the doors of a workplace or otherwise obstruct or prohibit exit from a workplace when such act may endanger the health or safety of any employee,

independent contractor or other individual in such workplace.

118.2.8 Energy audits and retro-commissioning of base building systems. Energy audits and retro-commissioning of base building systems shall be subject to Article 308 of Chapter 3 of Title 28 of the *Administrative Code*.

118.2.9 Benchmarking energy and water use. The energy and water use of city buildings and covered buildings shall be benchmarked in accordance with Article 309 of Chapter 3 of Title 28 of the *Administrative Code*.

118.2.10 Required upgrade of lighting systems. Lighting systems in covered buildings shall be upgraded as provided in Article 310 of Chapter 3 of Title 28 of the *Administrative Code*.

118.2.11 Installation of electrical sub-meters in tenant spaces. Sub-meters shall be installed in covered buildings as provided in Article 311 of Chapter 3 of Title 28 of the *Administrative Code*.

118.2.12 Carbon monoxide and smoke alarms. Required carbon monoxide and smoke alarms shall comply with the provisions of Article 312 of Chapter 3 of Title 28 of the *Administrative Code*.

118.2.13 Cooling towers. All owners of cooling towers shall comply with Article 317 of Chapter 3 of Title 28 of the *Administrative Code*.

118.2.14 Periodic inspection of gas piping systems. Building gas piping systems, other than gas piping systems of buildings classified in Occupancy Group R-3, shall be periodically inspected in accordance with Article 318 of Chapter 3 of Title 28 of the *Administrative Code*.

118.2.15 Maintenance and removal of small wind turbines. Maintenance and removal of small wind turbines or small wind turbine towers shall be in accordance with Article 319 of Chapter 3 of Title 28 of the *Administrative Code*.

118.2.16. Building energy and emission limits. Owners of covered buildings shall comply with the requirements for annual building emissions limits in Article 320 of Chapter 3 of Title 28 of the *Administrative Code.*

118.2.17 Energy conservation measure requirements for certain buildings. Owners of covered buildings shall comply with the energy conservation measures in Article 321 of Chapter 3 of Title 28 of *Administrative Code*.

118.2.18 Maintenance and removal of large wind turbines. Maintenance and removal of large wind turbines or large wind turbines tower shall be in accordance with Article 322 of Chapter 3 of Title 28 of the *Administrative Code*.

118.2.19 Periodic inspection of parking structures. Parking structures shall be maintained and periodically inspected in accordance with Article 323 of Chapter 3 of Title 28 of the *Administrative Code*.

118.2.20 Periodic inspection of dry floodproofing. Covered buildings and structures that are required to comply with the dry floodproofing of Appendix G of the *New York City Building Code* where human intervention is required to activate or implement the dry floodproofing system prior to a flood event shall comply with Article 324 of Chapter 3 of Title 28 of the *Administrative Code*.

118.2.21 Annual inspections to prevent contamination of mechanical systems. Covered buildings and structures with exhaust ducts under positive pressure, chimneys, and vents that extend into or pass through ducts or plenums shall be subject to annual inspection as required by Article 325 of Chapter 3 of Title 28 of the *Administrative Code*.

SECTION EBC 119
RETROACTIVE REQUIREMENTS

119.1 General. All existing buildings, structures and open uses shall comply with the retroactive requirements of the provisions of Article 315 of the *Administrative Code*, including all previously enacted retroactive requirements of the 1968 Building Code, as applicable. The department shall provide a list of such provisions on its website.

CHAPTER 2
DEFINITIONS

SECTION EBC 201
GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings indicated in this chapter.

201.2 Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *New York City Building Code*, the *New York City Electrical Code*, the *New York City Fire Code*, the *New York City Fuel Gas Code*, the *New York City Mechanical Code*, the *New York City Plumbing Code*, or the *New York City Energy Conservation Code*, such terms shall have meanings ascribed to them as in those codes.

201.3.1 Terms defined in the general administrative provisions. The following terms are defined in Section 28-101.5 of the *Administrative Code*:

1968 BUILDING CODE.

ACCEPTANCE OR ACCEPTED.

ADDITION.

ADMINISTRATIVE CODE.

ALTERATION.

APPROVAL OR APPROVED.

APPROVED AGENCY.

APPROVED FABRICATOR.

APPROVED INSPECTION AGENCY.

APPROVED TESTING AGENCY.

ARCHITECT.

BUILDING.

CHARTER.

CERTIFICATE OF COMPLIANCE.

CITY.

COMMISSIONER.

CONSTRUCTION DOCUMENTS.

DAY.

DEFERRED SUBMITTAL.

DEMOLITION.

DEMOLITION, FULL.

DEMOLITION, PARTIAL.

DEPARTMENT.

ENGINEER.

ENLARGEMENT.

ENVIRONMENTAL CONTROL BOARD or ECB.

EXISTING BUILDING OR STRUCTURE.

FABRICATED ITEM.

FIRE PROTECTION PLAN.

HEREAFTER.

HERETOFORE.

INSPECTION CERTIFICATE.

INTERIM CERTIFICATE OF OCCUPANCY.

LABEL.

LABELED.

LAND SURVEYOR.

LANDSCAPE ARCHITECT.

LETTER OF COMPLETION.

LISTED.

MAIN USE OR DOMINANT OCCUPANCY (OF A BUILDING).

MANUFACTURER'S DESIGNATION.

MARK.

MATERIALS.

OCCUPANCY.

OWNER.

PARTY WALL.

PERMIT.

PERSON.

PREMISES.

PRIOR CODE BUILDING OR STRUCTURE.

PROFESSIONAL CERTIFICATION.

PROGRESS INSPECTION.

PROJECT.

REGISTERED DESIGN PROFESSIONAL.

REGISTERED DESIGN PROFESSIONAL OF RECORD.

REQUIRED.

RETAINING WALL.

SERVICE EQUIPMENT.

SIGN-OFF.

SINGLE ROOM OCCUPANCY MULTIPLE DWELLING.

SPECIAL INSPECTION.

SPECIAL INSPECTION AGENCY.

SPECIAL INSPECTOR.

STRUCTURE.

SUBMITTAL DOCUMENTS.

SUPERINTENDENT OF CONSTRUCTION (CONSTRUCTION SUPERINTENDENT).

USE (USED).

UTILITY COMPANY OR PUBLIC UTILITY COMPANY.

UTILITY CORPORATION OR PUBLIC UTILITY CORPORATION.

WORK NOT CONSTITUTING MINOR ALTERATIONS OR ORDINARY REPAIRS.

WRITING (WRITTEN).

WRITTEN NOTICE.

ZONING RESOLUTION.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION EBC 202
DEFINITIONS

1938 BUILDING CODE. See Appendix D.

1968 BUILDING CODE. The building laws and regulations in effect prior to July 1, 2008.

ALTERATION. Any construction, addition, change of use or occupancy, relocation, moving or raising of an existing building or structure for the purpose of renovation or accommodation of a new use or function.

ALTERATION, LEVEL 1. An alteration made to an existing building or structure, other than an addition, a change of occupancy or relocation, moving or raising of a building, where the work area does not exceed 50 percent of the building area. Such Level 1 Alteration shall be subject to Chapter 8.

ALTERATION, LEVEL 2. An alteration made to an existing building or structure, other than an addition, a change of occupancy or relocation, moving or raising of a building, where the work exceeds 50 percent of the building area. Such Level 2 Alteration shall be subject to Chapter 9.

ALTERATION, LIMITED. Alterations filed with the Department pursuant to Chapter 5. Such alteration shall not include any associated alteration that would otherwise require the filing of a plan by a registered design professional.

AREA, BUILDING. For the purpose of calculating work area as a percentage of building area, building area shall be calculated to include the floor area of the entire building including above and below grade stories exclusive of vent shafts and courts. All measurements shall include thickness of exterior walls.

BASEMENT (MDL 4(38)). See Appendix D.

BSE-1N. An acronym for an earthquake type described in ASCE 41, the Basic Safety Earthquake-1 for use with the Basic Performance Objective to New Building Standards and taken as two thirds of BSE-2N at a site.

BSE-2N. An acronym for an earthquake type described in ASCE 41, the Basic Safety Earthquake-2.

BUILDING, MOVED. A building that is moved horizontally within the same lot.

BUILDING, RAISED. A building or portion thereof that is raised vertically by disconnecting it from its foundation or structural supports.

BUILDING, RELOCATED. A building or portion thereof that is relocated to a different lot on new foundation.

BUILDING, RELOCATABLE. A partially or completely assembled building constructed and designed to be reused multiple times and transported to different sites.

CELLAR (MDL 4(37)). See Appendix D.

CHANGE OF OCCUPANCY. A change in the use of the building or a portion of a building. A change of occupancy shall include any change of occupancy classification, any change from one group to another group within an occupancy classification or any change in use within a group for a specific occupancy classification, subject to Chapter 10.

CLASS A MULTIPLE DWELLING (MDL 4(8)). See Appendix D.

CLASS B MULTIPLE DWELLING (MDL 4(9)). See Appendix D.

CONVERTED DWELLING (MDL 4(10)). See Appendix D.

COURT (MDL 4(32)). See Appendix D.

COURT, INNER (MDL 4(32)). See Appendix D.

COURT, OUTER (MDL 4(32)). See Appendix D.

CUBICLE (MDL 4(21)). See Appendix D.

CURB LEVEL (MDL 4(33)). See Appendix D.

DANGEROUS. Any building, structure or portion thereof that meets any of the conditions described below shall be deemed dangerous:

1. The building or structure has collapsed, has partially collapsed, has moved off its foundation; is excessively leaning, bowing, or bulging; or lacks the necessary support of the ground.
2. There exists a significant risk of collapse, detachment or dislodgement of any portion, member, wall, appurtenance or ornamentation of the building or structure.

DEMAND. Loads and deflections imposed on structural elements in accordance with the load combinations of the *New York City Building Code*.

DEMAND CAPACITY RATIO. The numeric ratio of demand divided by the capacity of a structural system, member or connection.

DWELLING (MDL 4(4)). See Appendix D.

DWELLING UNIT. See Appendix D.

EQUIPMENT OR FIXTURE. Any plumbing, heating, electrical, ventilating, air conditioning, refrigerating and fire protection equipment; elevators, dumb waiters and escalators; and boilers, pressure vessels and other mechanical facilities or installations that are related to building services. Equipment or fixture shall not include manufacturing, production or process equipment, but shall include connections from building service to process equipment.

FACILITY (ACCESSIBILITY). For the purpose of applying the accessibility provisions, a facility is all or any portion of buildings, structures, site improvements, elements and pedestrian or vehicular routes located on a site.

FACILITY (OCCUPANCY). For the purpose of applying occupancy requirements, a facility shall mean the building or portion thereof that is occupied by 1 primary use and where spaces within such facility may change in purpose or function without changing the primary use of the facility.

FIRE ESCAPE (MDL 4(42)(c)). See Appendix D.

FIRE-RETARDED (MDL 4(29)). See Appendix D.

FIREPROOF (MDL 4(26)). See Appendix D.

FIREPROOF MULTIPLE DWELLING (MDL 4(25)). See Appendix D.

FLOOD HAZARD AREA. See Chapter 2 of the *New York City Building Code*.

FLOOR SPACE (MDL 4(18)). See Appendix D.

FRAME DWELLING (MDL 4(28)). See Appendix D.

FRONT/REAR WALL. An exterior masonry wall that faces a street or backyard. Typically, it has more window openings and is shorter in length than the masonry walls in the perpendicular direction. See also SIDE WALL.

GRAVITY LOAD. Gravity loads are forces resulting from the self-weight of a building and its use, including dead, live, snow, rain and ice loads.

HEIGHT (MDL 4(35)). See Appendix D.

HOME IMPROVEMENT CONTRACTOR. A person licensed to engage in the home improvement business by the Department of Consumer and Worker Protection in accordance with Subchapter 22 of Chapter 2 of Title 20 of the *Administrative Code*.

HOTEL (MDL 4(12)). See Appendix D.

LATERAL FORCE-RESISTING SYSTEM. Denotes structural systems specifically designated to resist loads imposed on a structure by seismic action, wind or retained earth and water.

LIMITED ALTERATION APPLICATION. Application for limited oil-burning appliance

alterations, limited plumbing alterations, limited sprinkler alterations, limited standpipe alterations, limited home improvement alterations, limited window replacement alterations, limited reroofing replacement alterations or limited elevator alterations, filed with the department pursuant to Chapter 5 of this code. Such work shall not include any associated work that would otherwise require an alteration permit including, but not limited to, any construction of fire rated partitions and enclosures.

Category 1 work shall be limited to a new installation into an existing building or system. The utilization of this category shall be limited by an annual monetary cap.

Category 2 work shall include any existing system(s) or components that are replaced, repaired or altered. This category shall not be limited by a monetary cap.

Category 3 work shall include any work of an existing system that does not require mandatory department inspection and is subject to fees as determined by the department.

LIMITED ELEVATOR ALTERATIONS. An alteration to an existing elevator that is limited in scope, subject to Chapter 5 of this code.

LIMITED HOME IMPROVEMENT ALTERATIONS. An alteration to an existing one- or two-family dwelling that is limited in scope, subject to Chapter 5 of this code.

LIMITED OIL-BURNING APPLIANCE ALTERATIONS. An alteration to an oil burner/boiler system that is limited in scope and/or value, subject to Chapter 5 of this code.

LIMITED PLUMBING ALTERATIONS. An alteration to a plumbing or fuel gas piping system that is limited in scope and/or value, subject to Chapter 5 of this code.

LIMITED REROOFING ALTERATIONS. A reroofing alteration that is limited in scope, subject to Chapter 5 of this code.

LIMITED SPRINKLER ALTERATIONS. An alteration to a sprinkler system that is limited in scope and or value, subject to Chapter 5 of this code.

LIMITED STANDPIPE ALTERATIONS. An alteration to an existing combined standpipe system that is limited in scope and/or value, subject to Chapter 5 of this code.

LIMITED WINDOW REPLACEMENT ALTERATIONS. A window replacement alteration that is limited in scope, subject to Chapter 5 of this code.

LIVING ROOM (MDL 4(18)). See Appendix D.

LODGING HOUSE (LH) (MDL 4(14)). See Appendix D.

LOT LINE AIR SHAFT. An interior court enclosed by building walls except for 1 lot line, adjoined by another interior court of similar size and shape on the adjacent lot, both forming an air shaft between the two existing buildings with window openings upon this shaft that may or may not be used for light and ventilation.

MDL. See Appendix D.

MINOR ALTERATIONS. Minor changes or modifications in a building or any part thereof, excluding additions thereto, that do not in any way affect health or the fire or structural safety of the building or the safe use and operation of the service equipment therein. Minor alterations shall not include any of the work described as "work not constituting minor alterations or ordinary repairs." Minor Alterations are subject to Section 105.3.

MULTIPLE DWELLING (MDL 4(7)). See Appendix D.

NONCOMBUSTIBLE MATERIAL. A material that, under the conditions anticipated, will not ignite or burn when subjected to fire or heat. Materials that pass ASTM E 136 are considered noncombustible materials.

NON-FIREPROOF MULTIPLE DWELLING (MDL 4(27)). See Appendix D.

ORDINARY REPAIRS. Replacements or renewals of existing work in a building, or of parts of the service equipment therein, with the same or equivalent materials or equipment parts that are made in the ordinary course of maintenance and that do not in any way affect health or the fire or structural safety of the building or the safe use and operation of the service equipment therein. Ordinary repairs shall include the repair or replacement of any plumbing fixture, piping or faucets from any exposed stop valve to the inlet side of a trap. Ordinary repairs shall not include any of the work described as "work not constituting minor alterations or ordinary repairs." Ordinary repairs are subject to Section 105.3.

ORDINARY PLUMBING WORK. The installation, relocation, repair and removal of certain plumbing work that may be performed without a permit provided the licensed plumber provides the department with monthly reports of work performed in accordance with Section 105.3.1.2.

PRIMARY FUNCTION. A primary function is a major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to, the customer services lobby of a bank, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public accommodation or other private entity using the facility are carried out. Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors and restrooms are not areas containing a primary function.

PRIOR CODE BUILDING OR STRUCTURE. A building or structure that is subject to Exception 1 or 2 of Section 28-101.4 of the *Administrative Code*.

PUBLIC HALL (MDL 4(17)). See Appendix D.

PUBLIC ROOM OR PART (MDL 4(17)). See Appendix D.

PUBLIC VESTIBULE (MDL 4(17)). See Appendix D.

REAR WALL. See FRONT/REAR WALL.

REAR YARD (MDL 4(32)). See Appendix D.

REPAIR. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

REROOFING. The process of recovering or replacing an existing roof covering. See "Roof recover" and "Roof replacement."

ROOF RECOVER. The process of installing an additional roof covering over a prepared existing roof covering without removing the existing roof covering.

ROOF REPAIR. Reconstruction or renewal of any part of an existing roof for the purposes of its maintenance.

ROOF REPLACEMENT. The process of removing the existing roof covering, repairing any damaged substrate and installing a new roof covering.

ROOMING HOUSE, FURNISHED ROOM HOUSE (MDL 4(13)). See Appendix D.

SIDE WALL. An exterior masonry wall that is not the front or rear wall.

SINGLE ROOM OCCUPANCY (MDL 4(16)). See Appendix D.

SMOKE-STOP DOOR. A door or set of doors placed in a corridor to restrict the spread of smoke and to retard the spread of fire by reducing draft.

STORY (MDL 4(36)). See Appendix D.

STREET WALL (MDL 4(34)). See Appendix D.

STRUCTURAL ALTERATION. Work performed on a structural element or that increases the loading on a structural element in an existing building.

STRUCTURAL ELEMENT. Any member or portion of a building structure or non-building structure, or its connections or foundations, that resist structural loads defined in Chapter 16 of the *New York City Building Code*.

SUBSTANTIAL DAMAGE. See Chapter 2 of the *New York City Building Code.*

SUBSTANTIAL IMPROVEMENT. See Chapter 2 of the *New York City Building Code.*

TECHNICALLY INFEASIBLE. An alteration of a facility that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features that are in full and strict compliance with the minimum requirements for new construction and that are necessary to provide accessibility.

TENEMENT (MDL 4(11)). See Appendix D.

TENEMENT, NEW LAW (NL) (MDL 4(11)). See Appendix D.

TENEMENT, OLD LAW (OL) (MDL 4(11)). See Appendix D.

UNSAFE. Buildings, structures or equipment that are unsanitary; that are deficient due to inadequate means of egress facilities, inadequate light and ventilation; that constitute a fire hazard; in which the structure or individual structural members meet the definition of "Dangerous"; that are otherwise dangerous to human life or the public welfare; or that involve illegal or improper occupancy or inadequate maintenance shall be deemed unsafe. A vacant structure that is not secured against entry shall be deemed unsafe.

WORK AREA. That portion or portions of a building consisting of all reconfigured spaces as indicated on the construction documents and described in Chapter 6.

CHAPTER 3
APPLICABILITY AND GENERAL PROVISIONS

SECTION EBC 301
ADMINISTRATION

301.1 General. The repair, alteration, partial demolition, removal, change of occupancy or relocation, moving, or raising of or addition to existing buildings and structures shall comply with

this chapter and the applicable chapters of this code based on the scope of work. Sections 301.1.1 through 301.1.5 shall not be applied in combination with each other unless specifically required by this code.

301.1.1 Work not requiring permits. Work not requiring permits, including minor alterations and ordinary repairs, shall comply with this chapter, as applicable, and Section 105.3.

301.1.2 Limited alterations. Limited alterations shall comply with this chapter, as applicable, and Chapter 5 of this code.

301.1.3 Work area compliance method. Alterations, additions and changes in occupancy including relocated, moved or raised buildings or structures, as classified in Chapter 6, shall comply with the applicable provisions of this chapter, Chapters 7 through 11 and Chapter 14.

301.1.4 Building safety performance and scoring method. For alterations made to existing buildings constructed prior to July 1, 2008, the registered design professional of record shall be permitted to comply with Chapter 13 as an alternative to compliance with the fire safety and means of egress provisions of this chapter and Chapters 8 through 11, as shown in Table 301.1.4. In order for the building to be considered in compliance with this method, the evaluation performed in accordance with Chapter 13 shall yield a passing score for each category set forth in Section 1304, in accordance with rules promulgated by the Department.

TABLE 301.1.4
APPLICABILITY OF CHAPTER 13

CHAPTER/SCOPE OF WORK	SECTIONS THAT MAY BE SATISFIED BY COMPLIANCE WITH CHAPTER 13
Chapter 3, Provisions for all compliance methods	304 Fire protection 305 Means of egress
Chapter 8, Level 1 alteration	803 Building elements and materials 804 Fire protection 805 Means of egress
Chapter 9, Level 2 alteration	903 Building elements and materials 904 Fire protection 905 Means of egress
Chapter 10, Change of occupancy	1003 Building elements and materials 1004 Fire protection 1005 Means of egress
Chapter 11, Additions	1102 Heights and areas 1104 Fire protection 1105 Means of egress

301.1.5 Relocated, moved or raised buildings. Relocated, moved or raised buildings,

including relocatable buildings, shall comply with this chapter, as applicable, and Chapter 14.

SECTION EBC 302
GENERAL PROVISIONS

302.1 Applicability. The provisions of Sections 302 through 314 shall apply to all repairs, alterations, additions, and relocations of buildings and structures and changes of occupancy.

302.2 Additional codes. Repairs, alterations, additions and changes of occupancy to, or relocation of existing buildings and structures shall comply with the provisions for repairs, alterations, additions and changes of occupancy or relocation of buildings, respectively, in this code and the *New York City Building Code*, *New York City Energy Conservation Code*, *New York City Fuel Gas Code*, *New York City Mechanical Code*, *New York City Plumbing Code* and *New York City Electrical Code*. Where provisions of such other codes conflict with provisions of this code, the provisions of this code shall take precedence.

302.3 Existing materials. Materials already in use in a building in compliance with requirements or approvals in effect at the time of their erection or installation shall be permitted to remain in use unless determined by the commissioner to be unsafe.

302.4 New and replacement materials, assemblies and details. Except as otherwise required or permitted by this code, materials, assemblies, and details permitted by the *New York City Construction Codes* shall be used. Hazardous materials, assemblies and details shall not be used where the requirements of the *New York City Construction Codes* applicable to new construction would not permit their use in buildings of similar occupancy, purpose and location. New or replacement materials for buildings and spaces located below the design flood elevation in flood hazard areas shall be governed by Appendix G of the *New York City Building Code*.

> **Exception:** For partial and restorative repairs, where such repairs are necessitated by deteriorating façade or roof conditions and are required by the *New York City Construction Codes*, like materials, assemblies and details are permitted if no unsafe condition is created and the registered design professional determines that compliance with the *New York City Energy Conservation Code* would overload or burden building systems or lead to unsafe conditions such as freeze-thaw cracking, blockage of a cavity, condensation, or mold. Insulation where present shall be restored in kind, and additional insulation need not be added to the repaired assembly as may be required by the *New York City Energy Conservation Code*, if the aforementioned negative conditions would be created. This exception applies to partial and restorative repairs, and not to whole building or full elevation replacement, which would require compliance with Chapter 4 of the *New York City Energy Conservation Code*.

302.5 Occupancy and use. When determining the appropriate application of the referenced sections of this code, the occupancy and use of a building shall be determined in accordance with Chapter 3 of the *New York City Building Code*.

> **302.5.1 Occupancy classification in prior code buildings.** For prior code buildings, the prior codes' occupancy classifications shall be translated into occupancy classifications established by Chapter 3 of the *New York City Building Code*.

302.6 Existing buildings in fire districts. Alterations, additions, changes of use or occupancy and relocations of existing buildings inside the fire district, as described in Appendix D of the *New*

York City Building Code, shall be subject to Chapter 6 of the *New York City Building Code*, and Sections 302.6.1 and 302.6.2 and other applicable provisions of this code.

302.6.1 Group H-1 prohibited. New Group H-1 occupancies shall be prohibited within the fire district. Change of occupancy classification to, or enlargement of, Group H-1 occupancies shall be prohibited within the fire district.

302.6.2 Changes to buildings. An existing building shall not be hereafter altered, increased in height or area, changed to a new use or occupancy, relocated or moved into the fire district unless such building is of a type of construction permitted for new buildings within the fire district in accordance with the *New York City Building Code* and Chapters 8, 9, 10, 11 and 14 of this code.

302.7 Work that increases floor surface area of an existing building by more than 110 percent. Where proposed work at the completion of construction will increase the amount of floor surface area of an existing building by more than 110 percent over the amount of existing floor surface area, such entire building shall be made to comply with the provisions of the *New York City Building Code* as if it were a new building hereafter erected.

302.7.1 Floor surface area to remain. For the purpose of determining the amount of existing floor surface area to remain, the following shall be excluded from the measured square footage:

1. The square footage of floors or portions thereof removed during the course of the work when such floors are removed together with the supporting beams, joists, decking and slabs on grade.
2. The square footage of floors or portions thereof installed together with the supporting beams, joists, decking and slabs on grade less than 12 months prior to submission of the application for construction document approval for the proposed work including floors installed pursuant to a work permit signed off less than 12 months before such submission.

302.7.2 Calculation of increase in floor surface area. To determine the percentage by which the floor surface area is increased, the following formula shall be used:

$$I = (FSA_P - FSA_R) / FSA_R \times 100$$

(Equation 3-1)

where:

I = percent increase in floor surface area.

FSA_P = floor surface area proposed upon completion.

FSA_R = floor surface area to remain after removals.

302.7.2.1 Chapters 8, 9 and 11. Where a Level 1 alteration, Level 2 alteration or addition made to an existing building results in an increase in floor surface area of more than 110 percent, such building shall comply with Section 302.7.

302.7.3 Changes in scope of work. In cases where changes in the scope of work during the course of construction would result in increasing the floor surface area at the completion of construction by more than 110 percent over the amount of existing floor surface area as determined pursuant to Section 302.7, such entire building shall be made to comply with the

provisions of the *New York City Building Code* as if hereafter erected and such work shall be refiled in accordance with Section 28-105.2 of the *Administrative Code*.

302.7.4 Definitions. The following term shall have the following meaning unless the context or subject matter requires otherwise:

FLOOR SURFACE AREA. For the purpose of calculating floor surface area in accordance with Section 302.7, floor surface area is the gross square foot area of all floor and roof surfaces, including roofs of bulkheads and superstructures, of a building or structure at any level, including cellar, attic and roof. Where such surfaces are sloped, the measurement shall be the horizontal projected area thereof.

302.7.5 Effect on zoning resolution. The provisions of Section 302.7 shall not be construed to affect the status of any nonconforming use or non-complying bulk otherwise permitted to be retained pursuant to the *New York City Zoning Resolution*.

302.8 Applicability of previous codes. Codes in effect prior to November 7, 2022, shall not apply to work on an existing building filed after the effective date of this code.

Exceptions:

1. Existing conditions. The provisions of codes in effect prior to November 7, 2022, remain applicable to the extent they establish the lawful existing conditions of a building, and such provisions remain enforceable by the department. Any alteration to change such existing conditions shall be in accordance with a lawful permit issued by the department to alter the building in accordance with this code.

2. Retroactive provisions of the 1968 building code. Retroactive provisions of the 1968 building code remain applicable to existing prior code buildings and enforceable by the department.

302.9 Mechanical, fuel gas, plumbing and fire protection systems. Except as permitted by this code, alterations, additions or repairs to installations of mechanical, fuel gas, plumbing or fire protection systems shall conform to the requirements for new construction without requiring the existing installation to comply with all of the requirements of the *New York City Construction Codes* applicable to new systems. Alterations, additions, or repairs shall not cause an existing installation to become unsafe, hazardous, or overloaded.

302.9.1 Minor additions, alterations, renovations and repairs. Except as permitted by this code, minor additions, alterations, renovations and repairs to existing installations of mechanical, fuel gas, plumbing and fire protection systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is approved.

302.9.2 Maintenance. Installations of mechanical, fuel gas, plumbing and fire protection systems or parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe and sanitary condition. Devices or safeguards that are required by the *New York City Construction Codes* shall be maintained in compliance with the applicable provisions under which they were installed.

302.9.3 Compliance with structural requirements. Installations of mechanical, fuel gas, plumbing, and fire protection systems and parts thereof shall comply with Section 307.2.

302.9.4 Required insulation of certain concealed piping exposed during alteration or

repair. Where concealed existing piping is exposed in the course of the alteration or repair of a building, the owner of the building shall provide for the insulation of the exposed piping. The exposed piping shall be insulated to the extent required by the *New York City Energy Conservation Code* for newly installed pipe of the same specifications and serving the same function as the exposed pipe. The entire exposed length of the piping shall be insulated as well as any further length of concealed pipe that can be directly accessed through openings made in the course of such alteration or repair.

Exceptions:

1. Exposed pipe with one-inch (25-mm) thick continuous coverage of existing insulation in good condition.
2. Where the length of concealed pipe which may be directly accessed through openings made in the course of such alteration or repair is less than 3 feet (914 mm).
3. Where there is not sufficient space to insulate pipes to the extent required by the *New York City Energy Conservation Code* due to conflicts with existing construction, pipes shall be insulated to the extent that space allows.

302.9.5 Work that increases sanitary or stormwater load. Work that increases either the sanitary load or stormwater discharge of a plumbing system shall comply with Sections 310.8 and 310.9 of this code.

302.10 Flood hazard areas. Alterations, additions, changes of occupancy and relocation, moving or raising of existing buildings in flood hazard areas shall comply with the requirements of Appendix G of the *New York City Building Code* to the extent required therein.

302.10.1 Flood hardening. Work performed for the purposes of flood hardening shall comply with Appendix G of the *New York City Building Code*.

302.11 Special inspections. Work subject to special inspection shall comply with the applicable provisions of Chapter 17 of the *New York City Building Code*.

SECTION EBC 303
BUILDING ELEMENTS AND SPECIAL CONSTRUCTION

303.1 General. The addition to, installation and replacement of building elements shall comply with the applicable provisions of the *New York City Building Code* for new construction and Sections 303.2 through 303.10 of this code.

303.2 Fire resistive elements. The fire-resistance ratings of existing building elements and materials shall not be reduced.

Exception: Where the building is fully sprinklered, the fire-resistance ratings of building elements may be modified to meet the fire-resistance rating requirements of the *New York City Building Code* provided that equivalent fire protection is maintained. The registered design professional of record shall demonstrate that:

1. The building elements subject to the fire resistance rating modification comply with the applicable provisions of Chapters 7 and 10 of the *New York City Building Code*

including protection of openings thereto.

2. The installation of sprinkler system was not and will not be used to compensate for any non-compliant condition.

303.3 Roof recovering and replacements. In existing buildings, roof recovering and replacement shall comply with Chapter 15 of the *New York City Building Code* and Sections 303.3.1 through 303.3.5 of this code.

303.3.1 Installation and materials. Work involving the recovering or replacing of an existing roof covering shall be governed by Section 1511 of the *New York City Building Code*.

303.3.2 Cool roofs. Work involving the recovering or replacing of an existing roof covering shall be permitted to be performed in accordance with the solar reflectance requirements in Chapter 15 of the *New York City Building Code*.

303.3.3 Vegetative roofs, roof gardens and landscaped roofs. Work involving vegetative roofs, roof gardens and landscaped roofs shall be permitted to be performed pursuant to Chapter 15 of the *New York City Building Code*.

303.3.4 Solar photovoltaic panels/modules. Work involving the installation or alteration of solar photovoltaic panels/modules shall be performed in accordance with the solar reflectance requirements in Chapter 15 of the *New York City Building Code*.

303.3.5 Sustainable roofing zones. Work involving the replacing of an entire existing roof deck or roof assembly shall be permitted to be performed in accordance with Chapter 15 of the *New York City Building Code*.

303.4 Chimneys and vents. Chimneys and vents shall be constructed in accordance with Chapter 21 of the *New York City Building Code*, Chapter 8 of the *New York City Mechanical Code*, or Chapter 5 of the *New York City Fuel Gas Code*, as applicable.

303.4.1 Responsibility of owner of taller building. Whenever a building is erected, enlarged, or increased in height so that any portion of such building, except chimneys or vents, extends higher than the top of any previously constructed chimneys or vents within 100 feet (30 m), the owner of such new or altered building shall alter such chimneys or vents in accordance with the requirements of Chapter 21 of the *New York City Building Code*, Chapter 8 of the *New York City Mechanical Code*, or Chapter 5 of the *New York City Fuel Gas Code*, as applicable.

303.5 Mold resistance. Alterations, repairs, additions and relocations of buildings shall comply with Sections 2506 and 2509 of the *New York City Building Code* relating to areas subject to moisture or water damage.

303.6 Interior environment. Alterations, additions, conversions and changes of use or occupancy shall comply with Chapter 12 of the *New York City Building Code* and this code. Occupancy Groups I-1, R-1 and R-2 shall also comply with Appendix D of this code.

303.7 Window guards. Where the alteration of a Group R-2 building includes the repair or replacement of windows, the replacement windows shall be subject to applicable requirements of the New York City Department of Health and Mental Hygiene with regard to window guards.

303.8 Emergency escape and rescue openings. Replacement windows in sleeping rooms located below the 4th story and in below-grade stories shall comply with the requirements of Section 1030 of the *New York City Building Code*.

Exception: Replacement windows that are the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening shall be permitted to be of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.

303.9 Special construction. Special building construction, including but not limited to membrane structures, temporary structures, pedestrian walkways and tunnels, automatic vehicular gates, awnings, canopies, sun control devices, marquees, signs, telecommunications towers and antennas, swimming pools and enclosures, sidewalk cafés, and fences, that is part of an alteration of or addition to an existing building shall comply with the provisions of Chapter 31 of the *New York City Building Code*.

303.10 Exterior glazing. Where the alteration of a building includes the replacement of all exterior glazing, such alteration shall comply with Section 1403.8 of the *New York City Building Code*.

SECTION EBC 304
FIRE PROTECTION

304.1 Fire protection systems. Except as otherwise provided by this section, alterations, repairs, changes of occupancy, and additions made to existing buildings and systems shall be governed by Chapter 9 of the *New York City Building Code* and this code.

304.1.1 Additions, alterations or repairs of existing systems. Additions, alterations or repairs of existing fire protection systems shall conform with Section 804 or Sections 505 and 506, as applicable for limited sprinkler and standpipe alterations.

304.1.2 Requirements based on change of occupancy or use. Fire protection systems shall be provided for the space or building subject to change of occupancy or use in accordance with Section 1004.

304.1.3 Requirements for building additions. Fire protection systems shall be provided for the addition or the entire building in accordance with Section 1104.

304.1.4 Requirements based on level of alterations. Fire protection systems shall be provided to buildings and spaces based on the level of alteration in accordance with the provisions of Sections 804 and 904 of this code.

304.2 Painting requirements for sprinkler systems. Sprinkler systems shall be painted in accordance with Sections 304.2.1 through 304.2.3.

Exception: Where otherwise not required by Section 903.6 of the *New York City Building Code*.

304.2.1 Alterations. Cross connections and risers for independent (stand-alone) existing sprinkler systems that are exposed during alterations shall be painted red and the handles of valves serving such existing sprinkler systems shall be painted green. Where the alteration requires a hydrostatic pressure test, such painting shall be completed prior to such test.

304.2.2 Combination standpipe and sprinkler systems. Where a standpipe system is used as a combination standpipe and sprinkler system, the sprinkler risers and cross connections that are also used for the standpipe system shall be painted red and the handles of valves serving such combination system shall be painted yellow.

304.2.3 Certification of completion of system painting. For all buildings where sprinkler and combination sprinkler and standpipe systems are not subject to a special inspection pursuant to Chapter 17 of the *New York City Building Code*, a licensed master plumber, licensed master fire suppression piping contractor, registered design professional or an individual holding an appropriate certificate of fitness from the Fire Department for the operation and/or maintenance of such system shall certify on forms provided by the Department that all required painting has been completed in accordance with Section 304.2. Such certification shall be maintained on the premises and made available for inspection by the Department and the Fire Department.

304.3 Painting requirements for standpipe systems. The painting requirements for standpipe systems shall be in accordance with Sections 304.3.1 through 304.3.3.

Exception: Where otherwise not required by Section 905.11 of the *New York City Building Code*.

304.3.1 Alterations. Existing handles of valves serving existing standpipe systems and existing unpainted standpipe risers that are exposed during alterations shall be painted red. Where the alteration requires a hydrostatic pressure test, such painting shall be completed prior to such test.

304.3.2 Combination standpipe and sprinkler systems. Where a standpipe system that is used as a combination standpipe and sprinkler system is required to be painted, the sprinkler risers and cross connections that are also used for the standpipe system shall be painted red, and the handles of valves serving such combination standpipe and sprinkler system shall be painted yellow.

304.3.3 Certification of completion of system painting. For all buildings where standpipe and combination sprinkler and standpipe systems are not subject to a special inspection pursuant to Chapter 17 of the *New York City Building Code*, a licensed master plumber, licensed master fire suppression piping contractor, registered design professional or an individual holding an appropriate certificate of fitness from the Fire Department for the operation and/or maintenance of such system shall certify on forms provided by the Department that all required painting has been completed in accordance with Section 304.3. Such certification shall be maintained on the premises and made available for inspection by the Department and the Fire Department.

304.4 Fire Department connections. Wherever the Fire Department connection is not visible to approaching fire apparatus, the Fire Department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the Fire Department.

SECTION EBC 305
MEANS OF EGRESS

305.1 General. Alterations, repairs, additions, changes of occupancy or relocations of existing buildings that require changes to means of egress shall be subject to the applicable provisions of Chapters 8 through 11, Chapter 14 and this section.

305.2 Minimum requirements. It shall be unlawful to alter a building in a manner that will reduce the number of exits or the capacity of the means of egress to less than required by Chapter 10 of the *New York City Building Code* and this code.

305.3 Maintenance. Means of egress shall be maintained in accordance with the *New York City Fire Code*.

305.3.1 Workplace exits. Except as specifically provided for in Chapter 10 of the *New York City Building Code*, no employer or agent of an employer shall lock the doors of or otherwise prohibit exit from any workplace, when by so doing the health or safety of any employee, independent contractor or other individual working in such workplace may become endangered by fire or other hazardous condition. Refer to Section 118.2.7.

305.4 Inadequate exits for existing structures. An existing structure that is not provided with means of egress as required by Chapter 10 of the *New York City Building Code* and this code, and in which the means of egress are, in the opinion of the commissioner, inadequate for the safety of the occupants, shall be provided with means of egress or fire protection as directed by the commissioner.

305.5 Special provisions for prior code buildings. Alterations, additions, changes of occupancy or relocations of prior code buildings that require changes to means of egress shall be permitted to comply with Sections 305.5.1 through 305.5.19 of this code. Other means of egress components that are not addressed in Sections 305.5.1 through 305.5.19 or in Sections 805, 905, 1005 or 1105 shall comply with Chapter 10 of the *New York City Building Code*.

Exception. Prior code buildings or spaces that are required by this code to provide means of egress in accordance with Chapter 10 of the *New York City Building Code* as new construction.

305.5.1 Occupant load and exit capacity. The occupant load and exit capacity of prior code buildings or spaces shall be determined in accordance with Chapter 10 of the *New York City Building Code*.

Exception: The following alterations shall not be required to determine a new occupant load in accordance with Chapter 10 of the *New York City Building Code* and shall be permitted to maintain the existing means of egress that complies with the code under which the building was constructed:

1. Level 1 alterations that maintain existing occupant loads as documented by an existing certificate of occupancy or existing approved plans.
2. Level 2 alterations in buildings 2 stories or less in height, with not more than 1 cellar, and an area of 10,000 square feet or less per story, that maintain existing occupant loads as documented by an existing certificate of occupancy or existing approved plans.

305.5.2 Accessible means of egress. Accessible means of egress are not required in prior code buildings where the level of alterations does not trigger full building compliance with the accessibility provisions of the *New York City Building Code*.

305.5.3 Remoteness. Alterations that result in the same or a lesser hazard occupancy category as described in Section 1005 may maintain the existing remoteness of exits. However, the remoteness of relocated or added exits shall comply with Chapter 10, and Chapter 4 where applicable to high-rise buildings, of the *New York City Building Code*.

305.5.4 Travel distance. The maximum travel distance measured from the most remote point within a story along the natural and unobstructed path of egress travel to an exterior exit door at the level of exit discharge, an entrance to an interior exit stairway, interior exit ramp, exit passageway, horizontal exit, exterior exit stairway, or exterior exit ramp shall not exceed the limits specified in Chapter 10 of the *New York City Building Code*.

Exceptions:

1. Travel distances from Occupancy Groups F and S shall comply with Table 305.5.4(1).
2. Travel distances within Occupancy Group A shall comply with Table 305.5.4(2).

TABLE 305.5.4(1)
TRAVEL DISTANCES FOR F AND S OCCUPANCIES

Occupancy group of building or space		Maximum Travel Distance (feet)	
		Unsprinklered	Sprinklered
Factory	F-1	125	175
	F-2	150	200
Storage	S-1	100	150
	S-2	125	175

For SI: 1 foot = 304.8 mm

TABLE 305.5.4(2)
MAXIMUM TRAVEL DISTANCE WITHIN ASSEMBLY SPACE (FT)[a]

Occupancy group of building or space	Primary	Secondary
A-1[b]	100	125
A-2	85[d]	125[d]
A-3[c]	100[d]	125[d]
A-4[c]	100	125
A-5	175	250

For SI: 1 foot = 304.8 mm

a. Where an assembly space is provided with an exit access doorway that opens directly to a safe area in accordance with Chapter 10 of the *New York City Building Code*, the primary and secondary travel distances shall be permitted to be measured to such exit access doorway. The travel distance from such safe area shall be in accordance with this section based on the occupancy classification of the main occupancy of the building or portion thereof to which the assembly space is ancillary to. When an exit opening from an assembly space discharges into another space, including a corridor, that does not meet the requirements of Chapter 10 of the *New York City Building Code* for a safe area, the travel distance shall include the distance within the space or corridor to an exit.

b. Required exits from stage shall be within a travel distance limitation of 125 feet.

c. Required exits from stage shall be within a travel distance limitation of 150 feet.

d. Where a Place of Assembly is completely equipped with automatic sprinkler system, this distance may be increased 50 percent.

305.5.5 Means of egress doors. Repairs, alterations to and replacement of existing means of egress doors shall not reduce the fire resistance rating or dimensions of existing doors.

305.5.6 Alteration of corridors. Alterations to corridors shall comply with Section 805 of this code and Section 28-307.2 of the *Administrative Code*.

305.5.7 Dead end corridors. Dead end corridors in work areas shall comply with Section 805.

305.5.8 Existing smoke-stop doors in corridors. Existing smoke-stop doors in corridors shall be maintained in corridors exceeding 300 feet (91 m) in length for Occupancy Group E, and 150 feet (46 m) in length for Occupancy Groups I-1, I-2, R-1 and R-2.

Exception. Smoke-stop doors may be eliminated in existing buildings provided with fire protection systems in accordance with Chapter 9 of the *New York City Building Code*. This exception does not apply to smoke-stop doors at elevator lobbies.

305.5.9 Exit passageways. Alterations to exit passageways shall comply with Chapter 10 of the *New York City Building Code*. Not more than 50 percent of the total number of vertical exits provided for a building may be served by a single exit passageway, except as provided for in Section 305.5.10. No openings other than exit doors shall be permitted in exit passageways, except as permitted by Section 305.5.10.

305.5.10 Street floor lobbies. The alteration of existing street floor lobbies serving as exit passageways in prior code buildings shall comply with the following provisions:

1. 100 percent of the total number of vertical exits provided in a prior code building may be served by an existing street floor lobby, if egress continues to be provided in 2 different directions from the discharge points of all vertical exits to open exterior spaces that are remote from each other.
2. Street floor lobbies shall be sized to accommodate the existing and new occupant load and egress capacity of all stairs and communicating spaces on the lobby floor that exit through them. Street floor lobbies shall not be decreased in width.
3. Openings between street floor lobbies, and elevators or communicating spaces, shall comply with the requirements of Chapter 10 of the *New York City Building Code* for protected areas.

Exceptions to Item 3:

1. Existing openings that open into an existing street floor lobby may be modified provided that the required fire-resistance ratings of such openings are not reduced and the total percentage of the linear length of such openings along the street floor lobby perimeter do not increase.
2. Existing show windows may be modified provided that the existing required fire-resistance ratings of display area enclosures are not reduced and the square footage of such enclosures within the street floor lobby do not increase.
3. The occupancy group of communicating spaces with openings into an existing street floor lobby may be changed to any other occupancy group within relative

hazard category 3 as listed in Table 1005.2.

305.5.11 Stairs. New or relocated stairs shall comply with Chapter 10 of the *New York City Building Code* unless otherwise provided for in this code. Alteration or vertical extension of existing stairs shall comply with Section 305.5.11.1 of this code.

Exception: The requirements for smoke proof enclosures and pressurization of stairways in Chapter 10 of the *New York City Building Code* shall not apply unless the building is required to comply with the provisions of this code as if it were a new building hereafter erected.

305.5.11.1 Stair width. The width of existing stairs shall be measured as the clear width between walls, grilles, guards, or newel posts. Stair stringers may project into the required width not more than 2 inches (51 mm) on each side of the stair. Alterations to existing stairs shall maintain a minimum width of 44 inches (1118 mm).

Exceptions:

1. Existing interior stairs may be not less than 36 inches (914 mm) wide when serving not more than 30 occupants per stair on any floor in buildings classified in Occupancy Groups R-1 and R-2, or where serving buildings classified in Occupancy Group R-3 and exceeding 4 stories in height, or when serving not more than 60 occupants per stair on any floor in buildings classified in Occupancy Groups B, F and S.
2. Existing interior stairs may be not less than 30 inches (762 mm) wide when serving mezzanines having an occupant load not exceeding 25 persons or when located in buildings classified in Occupancy Group R-3 not more than 3 stories in height. Existing interior stairs in 4 story buildings classified in Occupancy Group R-3 shall be a minimum of 33 inches (838 mm) in width.
3. Existing interior stairs in buildings or building sections having a building area of 4,000 square feet (371 m^2) or less, and occupancy above the first floor of 50 persons or less, shall be a minimum width of 36 inches (914 mm).
4. Means of egress serving technical production areas in connection with an assembly space shall comply with Chapter 4 of the *New York City Building Code*.

305.5.11.2 Riser height and tread depth. Riser height and tread depth for new stairs and vertical extension of existing stairs shall comply with Chapter 10 of the *New York City Building Code*. Alteration or replacement within the same shaft made to existing stairs where the existing space and construction does not allow a reduction in pitch or slope shall be permitted to maintain the existing riser height and tread depth and shall comply with Table 305.5.11.2. Riser height and tread depth shall be constant from story to story.

TABLE 305.5.11.2
MAXIMUM RISER HEIGHT AND MINIMUM TREAD DEPTH
IN PRIOR CODE BUILDINGS[a]

OCCUPANCY CLASSIFICATION OF BUILDING	MAXIMUM RISER HEIGHT	MINIMUM TREAD DEPTH[b]
Group R-3 with closed risers	8-1/4"	9" plus 1-1/4" nosing
Group R-3 with open risers	8-1/4"	9" plus 1/2" nosing
Group R-2 limited to 3 dwelling units	8-1/4"	9" plus 1-1/4" nosing
Group A[c]	7-1/2"	9-1/2" plus nosing
Group I-2	7"	10" plus nosing
All other occupancies [d]	7-3/4"	9-1/2" plus nosing

For SI: 1 inch = 25.4 mm

a. The sum of 2 risers plus 1 tread exclusive of nosing shall be not less than 24 inches (610 mm) nor more than 25-1/2 inches (648 mm).

b. Treads may be undercut a dimension equal to the nosing. A nosing shall not be required when the tread depth is 11" (279 mm) or deeper.

c. For Occupancy Group A, stepped aisles, stairs, and stairways within the Place of Assembly and special occupancy structures, refer to Section 305.5.18.

d. The proportions and dimension of risers and treads may be adjusted in Occupancy Group E to suit the age of occupants, subject to the approval of the commissioner.

305.5.12 Fire towers. Balconies and vestibules of existing fire towers shall comply with the requirements of Sections 305.5.12.1 and 305.5.12.2 of this code and Section 28-307.3 of the *Administrative Code*.

305.5.12.1 Alterations to fire towers. Installation of mechanical equipment, piping, and electrical conduit other than for the purpose of serving the fire tower is prohibited. Where smokeproof enclosures would be required pursuant to Sections 403 or 405 of the *New York City Building Code* for new construction, existing fire towers shall not be altered to violate such requirements.

305.5.13 Handrails. Where handrails are altered or added, they shall comply with Chapter 10 of the *New York City Building Code*.

Exception: Handrails shall not be required to comply with Section 1014.6 of the *New York City Building Code* regarding full extensions of the handrails where such extensions would be hazardous because of plan configuration.

305.5.14 Security grilles. The installation and replacement of security grilles shall comply with Chapter 10 of the *New York City Building Code*.

305.5.15 Guards. Where the alteration or repair of a building involves the addition or replacement of guards, such guards shall comply with Chapters 10 and 16 of the *New York City Building Code*.

305.5.16 Fire escapes. New fire escapes shall not be installed except as permitted by this section.

Exceptions:

1. Fire escapes for Occupancy Group R-2 buildings as permitted by Appendix D of

this code.

2. Fire escapes for Occupancy Groups B, F or M buildings constructed prior to December 6, 1968 as permitted by the commissioner.

3. Prior code group homes constructed after December 6, 1968.

Existing fire escapes shall be permitted to remain provided they are properly maintained in a safe and code compliant condition.

305.5.16.1 Fire escape details. Repairs, alterations to, replacement of existing and construction of new fire escapes shall comply with this section, except as provided for in Appendix D for residential fire escapes in multiple dwellings. Fire escapes constructed, repaired, altered, or replaced shall comply with rules of the Department and the following requirements:

1. **Height limitations.** No fire escape shall be permitted on buildings exceeding 6 stories or 75 feet (23 m) in height.

2. **Capacity**. The fire escape shall not serve more than 50 percent of the occupant load of the area or floor served.

   Exception. Fire escapes shall not serve new or existing Group A occupancies exceeding 74 persons.

3. **Stairs.** The minimum width of fire escape stairs shall be 22 inches (559 mm). Treads shall have a minimum depth of 8 inches (203 mm), exclusive of a required 1 inch (25 mm) nosing. The maximum height of risers shall be 8 inches (203 mm). No flight of stairs shall exceed 12 feet (4 m) in height between landings and every new stair shall be placed at an angle of 45 degrees or less.

4. **Landings.** Landings shall be provided at each story served by fire escapes. The minimum width of landings shall be 3 feet (914 mm), and the minimum length shall be 4 feet 6 inches (1372 mm). Floor openings in landings shall be at least 22 inches (559 mm) by 28 inches (711 mm).

5. **Handrails and guards**. Handrails having a minimum height of 32 inches (813 mm) above the tread nosing shall be provided on both sides of stairs, and guards having a minimum height of 36 inches (914 mm) shall be provided on all open sides of stairs and landings. Openings in guards shall be of such dimensions as to prevent the passage of a 4 inch diameter ball (102 mm).

6. **Construction.** Fire escapes shall be constructed of noncombustible materials adequately protected against deterioration by corrosion or other effects of exposure to the weather and shall be designed to comply with the requirements of Chapter 16 of the *New York City Building Code*.

7. **Access**. Access to fire escapes shall be by doors or windows having a minimum clear opening of 24 inches (610 mm) in width and 30 inches (762 mm) in height. Such doors or windows shall have a fire protection rating of three-quarters of an hour.

8. **Discharge**. The top landing of fire escapes shall be provided with a stair or gooseneck ladder leading to the roof, except that this requirement shall not apply

to buildings having a roof pitch of more than 20 degrees. The lowest landing of fire escapes shall be not more than 16 feet (5 m) above grade and shall be provided with a stair to grade, which may be counterbalanced. Where the fire escape is erected on a building wall other than the street wall, discharge to the street shall be provided through a fireproof passageway leading directly to the street.

9. **Removal of fire escapes**. Existing fire escapes serving as second means of egress shall not be removed unless an approved second means of egress is provided in compliance with the *New York City Building Code*, or where permitted by Appendix D of this code.

305.5.17 Escalators. In prior code buildings, an existing escalator previously approved for use as a means of egress component shall be permitted to continue to be used as a means of egress component in lieu of interior stairs. Alterations or relocations of such escalators shall be subject to the requirements of Sections 305.5.17.1 through 305.5.17.4. Where an altered or relocated escalator does not meet the requirements of those sections, an additional stairway or stairways complying with Chapter 10 of the *New York City Building Code* shall be provided. New, relocated, or existing escalators not previously approved for such use, shall not be used as a means of egress component.

305.5.17.1 Capacity and width. Such escalator shall not serve more than 50 percent of the required egress capacity for each story served. The egress capacity of such escalator shall be calculated at 0.3 inches (7.62 mm) of tread width per occupant. The minimum tread width of such escalator shall be 40 inches (1016 mm).

305.5.17.2 Sprinkler system. Such buildings shall be equipped throughout with an automatic sprinkler system in accordance with Chapter 9 of the *New York City Building Code*.

305.5.17.3 Enclosure. Such escalator shall be enclosed in accordance with Chapter 10 of the *New York City Building Code* as required for interior exit stairways.

305.5.17.4 Operation. Such escalator shall be connected to a fire alarm system at all stories served, so that activation of the fire alarm system shall cause the escalator to gradually stop operating.

305.5.18 Places of Assembly. Places of Assembly in existing buildings shall comply with Sections 305.5.18.1 through 305.5.18.3.

305.5.18.1 Existing Places of Assembly. Alterations, changes of occupancy or additions made to existing Places of Assembly shall comply with Chapters 3, 8, 9, 10 and 11, as applicable.

305.5.18.1.1 Work limited to change in seating arrangements, stages and platforms. Where the work within an existing approved Place of Assembly space is limited to modifications of stages, platforms, and seating arrangements, including moveable and fixed seating, seating support structures, bleachers, grandstands, folding and telescopic seating, such work shall be deemed a Level 1 alteration regardless of the size of the work area. Such work shall comply with the following conditions:

1. The work shall be performed in compliance with Sections 410 and 1029 of the *New York City Building Code*, as applicable;

2. There is no change to use, occupancy, exits, or increase in the existing occupant load;

3. The work is not associated with any other alteration to the space or systems serving the space; and

4. Where the work results in a change to the approved Place of Assembly application or permit, such application shall be amended as required by Article 117 of Title 28 of the *Administrative Code*.

305.5.18.1.1.1 Compliance with Chapter 8. Work described by Section 305.5.18.1.1 shall comply with the following provisions of Chapter 8 within the work area:

1. Section 803.4 (Interior finish).

2. Section 803.5 (Guards), limited to the assembly space.

3. Section 803.10 (Architectural investigation) limited to investigation of exits from the Place of Assembly.

4. Sections 805.7 (Means of Egress lighting), 805.8 (Exit signs) and 805.9 (Handrails).

5. Section 806 (Accessibility).

305.5.18.2 Existing special occupancy structures. Existing motion picture theaters, theaters, concert halls, operas, and similar places of assembly accommodating more than 300 persons that were established under Article 13 of the 1938 Building Code, including those constructed prior to 1938, shall not be subject to the filing requirements for a place of assembly application and Place of Assembly Certificate of Operation set forth in Article 117 of Title 28 of the *Administrative Code* and Section 1029 of the *New York City Building Code*.

Current seating plans approved by the Department shall be posted in such Places of Assembly. Modifications to the existing seating arrangements or exit access shall require new seating plans to be approved by the Department.

Exception: Alterations to such existing special occupancy structures exceeding the limitations of Section 305.5.18.1.1 shall be subject to Chapter 10 of the *New York City Building Code*, and Chapters 8 and 9 of this code to the extent of the alteration, but shall be permitted to maintain the existing means of egress provided the egress capacity is sufficient for the occupant load in accordance with Chapter 10 of the *New York City Building Code*. In addition, such places of assembly shall be subject to the filing requirements for a place of assembly application and Place of Assembly Certificate of Operation set forth in Article 117 of Title 28 of the *Administrative Code*.

305.5.18.3 New Places of Assembly in existing buildings. New Places of Assembly in existing buildings shall comply with Chapter 10 of this code and Sections 410 and 1029 of the *New York City Building Code*, as applicable, but shall be permitted to use the existing means of egress provided the egress capacity is sufficient for the occupant load in accordance with Chapter 10 of the *New York City Building Code*. The required capacity of a means of egress system shall not be diminished along the path of egress travel.

Such new Places of Assembly shall be subject to Article 117 of Title 28 of the *Administrative Code*, including the filing requirements of a Place of Assembly application and Place of Assembly Certificate of Operation.

305.5.19 Balconies. In prior code residential buildings classified as Group R-2, existing balconies serving as a second means of egress from dwelling units shall be maintained in accordance with this section. New balconies in such buildings shall be permitted to serve as a second means of egress from dwelling units where permitted by this code. Such balconies shall comply with the following conditions:

1. Each balcony shall serve at least 2 dwelling units.
2. Each balcony shall be protected along its outer side by parapets or guards not less than 3 feet 6 inches (1066 mm) high. Openings in new guards or parapets shall not allow passage of a sphere 4 inches (102 mm) in diameter.
3. The balcony floor shall be solid and provided with drains to prevent the accumulation of water.
4. The dwelling units served by balconies shall be separated from each other by construction having at least a 2-hour fire-resistance rating. Such separation shall extend at least 3 feet (914 mm) beyond the outside face of the exterior wall of the building, although such projection may be reduced to 2 feet 6 inches (762 mm) provided that any window opening on each such balcony served by the fire separation shall be at least 2 inches (51 mm) from such fire separation for every 1 inch (25.4 mm) that such separation is less than 36 inches (914 mm). An opening at least 20 inches (508 mm) wide shall be provided between the end of this separation and the balcony parapet or guard, and the opening shall be maintained free and unobstructed for the full height of the balcony, except that privacy screens openable from either side shall be permitted in the opening.
5. Access from dwelling units to the balconies shall be through doors having glass panels at least 2 feet (610 mm) wide and 4 feet (1220 mm) high, without muntins, screens, or other obstructions to hinder entry by breaking the glass panels. The doors shall be lockable only from the inside by devices that can be easily released from the outside after breaking the glass. A combination lock or a lock required to be opened by a key, removable device, or tool shall not be permitted.

305.6 Means of egress illumination. Where the alteration of a building or portion thereof includes modifications to the means of egress illumination, such illumination levels shall comply with Chapter 10 of the *New York City Building Code*.

305.6.1 Emergency lighting in Places of Assembly. Existing emergency lighting installed in accordance with prior codes in Places of Assembly shall be maintained. Any modifications to such emergency lighting shall comply with Chapter 10 of the *New York City Building Code*.

305.7 Luminous egress path markings. In a high-rise prior code building, where the level of alterations, additions, or change of occupancy trigger compliance with Section 905, 1005, or 1105 of this code, luminous egress path markings shall be provided in accordance with Chapter 10 of the *New York City Building Code*.

Exceptions:

1. Egress paths serving Group R-2 occupancies need not provide luminous egress path markings.

2. Where means of egress lighting upgrade is required in accordance with Section 905, and such means of egress contains existing photoluminescent exit path markings tested in laboratory conditions with 2 foot-candles (22 lux) of activating illumination, the illumination level shall not be less than 2 foot-candles (22 lux), unless replaced with luminous path markings that comply with Chapter 10 of the *New York City Building Code*.

3. Where an addition is subject to Section 1105 of this code, and the existing portion of the stairs contains existing photoluminescent exit path markings tested in laboratory conditions with 2 foot-candles (22 lux) of activating illumination, the illumination level shall not be less than 2 foot-candles (22 lux), unless replaced with luminous path markings that comply with Chapter 10 of the *New York City Building Code*.

305.8 Flood hazard areas. In flood hazard areas, temporary flood shields shall be permitted in accordance with Appendix G of the *New York City Building Code*, and temporary stairs and ramps shall be permitted to provide ingress and egress in accordance with Appendix G of the *New York City Building Code*.

SECTION EBC 306
ACCESSIBILITY

306.1 Compliance. Alterations, including minor alterations, repairs excluding ordinary repairs, and alterations affecting an area containing a primary function, changes of use or occupancy, additions and relocation of existing buildings, shall comply with Chapter 11 of the *New York City Building Code* and this code.

Exceptions: The provisions of Chapter 11 of the *New York City Building Code* are not applicable to:

1. Group R-3 occupancies in buildings with first occupancy on or before March 13, 1991.

2. Group R-3 occupancies in buildings with first occupancy after March 13, 1991, that were originally constructed as a single structure with fewer than 4 dwelling or sleeping units**.**

306.1.1 Requirements based on the extent of alterations. Accessible features and construction governed by Chapter 11 of the *New York City Building Code* shall be provided:

1. To the entire building undergoing alterations, as if the building were hereafter erected in accordance with Sections 302.7 or 906 as applicable; or

2. To the portion of the building being altered or repaired, excluding ordinary repairs, to the extent of the alteration, including minor alterations in accordance with Section 105, Chapter 5, Section 806 or Section 906, as applicable.

306.1.2 Alterations affecting an area containing a primary function. Alterations affecting an area containing a primary function shall comply with Section 806.3.

306.1.3 Change in occupancy or how a space is used. Accessibility in buildings or portions

of buildings undergoing a change of occupancy or use, as described in Section 1001.3, shall comply with Section 1006.

306.1.4 Additions to existing buildings. Additions to existing buildings shall comply with Section 1106.

306.2 Special accessibility provisions. Existing buildings or spaces shall comply with the applicable requirements of Sections 119 and 306.2.1 through 306.2.6.

306.2.1 Directional signage. Directional signage shall be provided in accordance with Section 1111.2 of the *New York City Building Code*.

306.2.2 Identifying signage. Identifying accessibility signage shall be provided in accordance with Section 1111.1 of the *New York City Building Code*.

306.2.3 Other signs. Signage indicating special accessibility provisions shall comply with Section 1111.3 of the *New York City Building Code*.

306.2.3.1 Prior code buildings with inaccessible entrances. At prior code buildings with 1 or more inaccessible entrances, signage stating that a portable ramp is available, if provided by the building, shall be provided at each inaccessible building entrance and shall contain the phone number to request such ramp. The use of a portable ramp by any building must comply with all applicable laws and any such ramp shall comply with Section 405 (Ramps) of ICC A117.1, except to the extent the commissioner has waived a requirement pursuant to Section 28-313.3.1 of the *Administrative Code*. All signage posted pursuant to this section shall comply with Section 1111 of the *New York City Building Code* and be maintained in good condition. Nothing in this section shall be construed to authorize the provision of a portable ramp where such provision would not otherwise be lawful.

306.2.4 Limited Use Limited Application (LULA) elevators in existing buildings. In existing buildings, LULA elevators shall comply with Section 408 (Limited-use / Limited-Application Elevators) of ICC A117.1 and with Part 5.2 of ASME A17.1, as modified by Appendix K of the *New York City Building Code*. LULA elevators shall be limited to a maximum rise of not more than 25 feet (7620 mm) and shall be permitted to be a part of the required accessible route as follows:

1. In spaces complying with Section 1109.7.1 of the *New York City Building Code* where a LULA is permitted in new construction;
2. Where the total floor area of the entire building is less than 10,000 square feet (929 m^2); or
3. Where it serves an individual occupancy of less than 10,000 square feet (929 m^2) in buildings of 10,000 square feet (929 m^2) or more.

306.2.5 Lifts in existing buildings. In existing buildings, platform (wheelchair) lifts installed in accordance with Section 410 (Platform Lifts) of ICC A117.1, ASME A18.1, and Chapter 30 of the *New York City Building Code*, shall be permitted to be a part of the required accessible route.

306.3 Waiver of requirements. The commissioner may waive the requirements of Chapter 11 of the *New York City Building Code* or the accessibility provisions of this code, for the alteration of existing buildings, provided that such waiver would not significantly adversely affect provisions

for health, safety and security and that equally safe and proper alternatives are prescribed and, further, that such waiver is based upon a specific finding that strict compliance with the requirement:

1. Would create an undue economic burden;
2. Would not achieve its intended objective;
3. Would be technically infeasible or legally impossible;
4. Would be unnecessary in light of alternatives that ensure the achievement of the intended objective or which, without a loss in the level of safety, achieve the intended objective more efficiently, effectively or economically; or
5. Would entail a change so slight as to produce a negligible additional benefit consonant with the purposes of this chapter.

306.3.1 Application process. Each application for a waiver shall be made to the commissioner in writing, setting forth each requirement sought to be waived and the specific reason or reasons for such waiver request. The commissioner shall determine, under all of the circumstances presented by such application, which of such requirements may appropriately be waived. The commissioner shall render such determination in writing, which shall set forth in detail, the commissioner's findings and conclusions with respect to each requirement sought to be waived. A copy of such written determination shall be forwarded to the applicant. Such written determination shall be filed with the Department and shall be available for public inspection.

306.3.2 Waiver recommendation. The Mayor's Office for People with Disabilities or its successor agency shall be consulted by and shall advise the commissioner concerning each application for a waiver under Section 306.3.

306.4 Existing facilities. The provisions of this code shall not impose a requirement for greater accessibility than that which would be required for new construction. No work made to existing facilities, including ordinary repairs, shall:

1. Cause existing accessible facilities to be reduced or diminished to less than those that would be required for new construction; and
2. Reduce or have the effect of reducing or diminishing the level of accessibility of a facility or portion of a facility.

SECTION EBC 307
STRUCTURAL

307.1 General. Repair, alteration, partial demolition, removal, change of occupancy, relocation, moving, raising of or additions to existing buildings shall be subject to the provisions of Chapter 7. The applicability of Chapter 7 shall not be limited only to planned structural work and shall include structural elements in need of repair discovered during the course of construction.

307.1.1 Condition assessment and remediation. Where the scope of work triggers condition assessment or remediation work in accordance with Section 704 or 708, such assessment or remediation work shall be performed as required.

307.2 Non-structural building elements, equipment and systems. The installation of non-

structural building elements, systems and equipment shall be subject to Sections 307.2.1 and 307.2.2.

307.2.1 Seismic support. In existing buildings of seismic design categories C and D as defined in the *New York City Building Code*, new building elements, equipment and systems shall be provided with seismic supports as required by Section 1613 of the *New York City Building Code*.

Exceptions:

1. One- and two-family dwellings 3 stories or less in height.
2. The seismic force-resisting systems of wood-frame buildings that conform to the provisions of Section 2308 are not required to be analyzed as specified in this section.
3. Agricultural storage structures intended only for incidental human occupancy.
4. Structures that require special consideration of their response characteristics and environment that are not addressed by this code or ASCE 7, as modified by the *New York City Building Code*, and for which other regulations provide seismic criteria, such as vehicular bridges, electrical transmission towers, hydraulic structures, buried utility lines and their appurtenances and nuclear reactors.

307.2.2 Wind resistance. New building elements, equipment, appliances and supports that are exposed to wind shall be designed and installed to resist the wind pressures determined in accordance with Chapter 16 of the *New York City Building Code*.

307.2.3 Loading. Modifications resulting in an increase in loads on a structural member shall not be permitted without prior verification that such member is capable of supporting such additional loads in accordance with Chapter 7.

SECTION EBC 308
ELECTRICAL

308.1 General. Electrical work, installation of and work on emergency and standby power systems, and the increase in size of electrical service in alterations of parking garages and open parking lots shall be governed by the applicable provisions of the *New York City Electrical Code*, Chapter 27 of the *New York City Building Code*, this section, and the applicable provisions of Chapters 8, 9, 10 and 11 of this code.

308.2 Group A occupancies in prior code buildings. Where a stationary generator is not otherwise required, the power source for emergency power to the voice/alarm communication system may be served by a gas generator or an uninterruptable power source (UPS) in accordance with the *New York City Electrical Code*.

308.3 Optional standby power systems in existing buildings. The installation of optional standby power systems shall comply with Sections 308.3.1 and 308.3.2.

308.3.1 Required loads for optional standby systems. Where an optional standby power system is installed in an existing building, it shall supply power to the loads listed under Section 2702.4 of the *New York City Building Code*. Such loads shall be connected to the optional standby power system unless such loads are already supplied by a functioning emergency

power system or legally required standby system. All installations and connections shall be in accordance with the *New York City Electrical Code*. If an optional standby power system is used to supply required standby power loads, it shall comply with Section 2702.4.2 and 2702.4.3 of *New York City Building Code*. Natural gas from the public utility shall be permitted as the fuel supply for optional standby power systems if such optional standby power system is supplying only optional standby loads. If an optional standby power system is supplying emergency or standby loads, the natural gas supply shall be taken ahead of the main, provided that an outside gas cut-off valve is separate from other gas services installed in accordance with Section E.6 of Appendix E of the *New York City Fuel Gas Code*.

308.3.2 Additional optional standby power system. Where a functioning emergency power system or required standby system is in place and provides power to all required emergency or required standby power loads, any additional optional standby power system installed need not supply power to such emergency or required standby power loads.

308.4 Emergency power requirements for fire pumps. New or replacement fire pumps in existing buildings shall be connected to an emergency power system in accordance with Sections 308.4.1 and 308.4.2.

308.4.1 Existing buildings equipped with an emergency power system. In an existing building equipped with an emergency power system, new or replacement fire pumps shall be connected to the emergency power system where Chapter 27 of the *New York City Building Code* requires fire pumps to be connected to the emergency power system.

308.4.2 Existing buildings not equipped with an emergency generator. In an existing building that is not equipped with an emergency power system, but where fire pumps are required to be connected to an emergency power systems in accordance with Chapter 27 of the *New York City Building Code*, a new emergency power system shall be installed to supply power to the new fire pump.

Exception: A new emergency power system need not be installed where the scope of alteration does not involve a change in the main use or dominant occupancy of the building, provided that electrical power to the motor is taken ahead of the main from the street side of the house service switch, and

1. The scope of alteration does not include modifications to an existing fire pump; or
2. The scope of alteration includes the replacement of an existing fire pump with a new fire pump of the same or smaller capacity.

308.5 Parking garages and open parking lots. Where an alteration of a parking garage or an open parking lot includes an increase in the size of the main electric service that serves such parking garage or open parking lot, such alteration shall include provisions for the installation of electric vehicle charging stations in accordance with Section 406 of the *New York City Building Code*, as applicable.

SECTION EBC 309
MECHANICAL

309.1 General. In addition to the general requirements of Section 302.9, the installation of and work on existing mechanical systems including appliances, equipment, and components shall

comply with the *New York City Mechanical Code*, this section, and the applicable provisions of Chapters 8, 9, 10 and 11 of this code.

309.2 Special provisions for prior code buildings. In addition to the requirements of Section 302.9, the provisions of Sections 309.2.1 through 309.2.4 shall apply to prior code buildings.

309.2.1 Air duct and transfer openings. In cases where the building's passive fire-resistance protection design, including rated construction, corridors and fire separations, complies with prior codes, the air duct and transfer openings shall be protected based on the fire resistive rating of the assembly being penetrated, as required by prior code. Where a prior code building has been fully sprinkler protected, air duct and transfer opening protectives shall be provided in accordance with required fire-resistance ratings for assemblies as reduced in accordance with Section 303.2 of this code. Damper hour ratings and installation requirements shall comply with Section 607 of the *New York City Mechanical Code*.

309.2.2 Guards and access to roofs and elevated structures. The provisions of Sections 304.11 and 306.5 of the *New York City Mechanical Code* relating to guards and to permanent means of access, respectively, shall not apply where new equipment or appliances replace existing equipment or appliances in the same location.

309.2.3 Vibration isolators for cooling towers. Where an existing cooling tower is replaced and physical limitations prohibit compliance with the vibration isolator requirements of Section 313.3.7 of the *New York City Mechanical Code,* such isolators may be omitted. Such physical limitations must be verified by the registered design professional and included in construction documents, supported with field conditions, calculations and manufacturer specifications. The installations shall comply with all other requirements of the *New York City Noise Control Code*.

309.2.4 Noncombustible fill for cooling towers. Where an existing exterior cooling tower with combustible fill, located within 15 feet (4572 mm) of the lot line is replaced, such replacement shall be permitted to have combustible fill, notwithstanding the provisions of Section 908.3.2 of the *New York City Mechanical Code*.

309.3 Boiler identification. Where an existing boiler or burner is replaced, the appliance shall be identified with a nameplate permanently affixed to the appliance. Such nameplate(s) shall be securely attached to the front of the boiler or placed in a conspicuous location on the boiler. In no case shall these numbers or identification be removed until the boiler is permanently discontinued. No person, except a boiler inspector authorized by the department, or department inspector, shall be authorized to deface or remove any boiler identification number on a boiler.

SECTION EBC 310
PLUMBING

310.1 General. In addition to the general requirements of Section 302.9, alterations, additions or repairs of installations of plumbing systems shall conform to the requirements for new installations without requiring the existing installation to comply with all of the requirements of the *New York City Plumbing Code*, this section, and the applicable provisions of Chapters 8, 9, 10, and 11 of this code. Alterations, additions, or repairs shall not cause an existing installation to become unsafe, hazardous, or overloaded.

310.2 Plumbing fixtures. The number of existing plumbing fixtures shall be increased where the alteration work results in an occupant load increase greater than 10 percent, when calculated in accordance with Chapter 10 of the *New York City Building Code*, and Section 403 of the *New York City Plumbing Code* requires the additional installation of more than 1 plumbing fixture.

310.3 Existing piping used for grounding. Existing metallic water service piping used for electrical grounding shall not be replaced with nonmetallic pipe or tubing until other approved means of grounding is provided.

310.4 Rehabilitation of piping systems. Cured in Place pipe (CIPP) and epoxy spray pipe lining systems shall not be used.

310.5 Reuse of piping. Piping that has been utilized for any purpose other than conveying potable water shall not be utilized for conveying potable water.

310.6 Abandonment of existing building sewer connections. All abandoned building sewers shall require plug permits from the Department of Environmental Protection and shall be securely sealed at a point inside the curb line and as close thereto as practicable.

310.7 Sanitary drainage. Where an alteration or addition made to an existing building affects the sanitary drainage system, such work shall comply with the requirements of the Department of Environmental Protection, Chapter 7 of the *New York City Plumbing Code* and rules of the Department.

310.7.1 Individual private on-site sewage disposal system. Installation, alteration, and maintenance of individual private on-site sewage disposal systems serving one- and two-family dwellings and nonresidential properties receiving less than 1,000 gallons of sewage per day shall be subject to *New York City Plumbing Code* and rules of the Department.

310.7.1.1 Expansion of existing septic systems. Where an alteration is proposed that will result in an increase in the number of bedrooms in one- and two-family dwellings or the daily flow rate in all other properties, thereby increasing the load on the existing septic system, such alteration shall comply with rules of the Department.

310.7.1.2 Where public sewers are made available to premises with private sewage disposal system. When public sewers are made available to premises with individual on-site private disposal systems, such private sewage disposal system shall be abandoned in a manner prescribed by the commissioner, and the owner shall connect the building house sewer to the available public sewer within 6 months of the date of notification that the sewer has been accepted to receive flow by the agency or agencies having jurisdiction.

310.8 Storm drainage. Alterations of buildings proposing horizontal building enlargement or alterations that increase impervious surfaces on the tax lot shall comply with the applicable provisions of Chapter 11 the *New York City Plumbing Code* and the requirements of the Department of Environmental Protection.

310.8.1 Increases in existing impervious surfaces. Whenever impervious surfaces on the lot are increased, such impervious surfaces shall drain into a storm sewer system, or a combined sewer system, or to an approved place of disposal in accordance with the *New York City Plumbing Code* and Section 106 of this code.

310.8.2 Private on-site stormwater disposal. Installation of private on-site stormwater disposal shall comply with Section 1114 of the *New York City Plumbing Code*.

310.9 Secondary (emergency) roof drains. Existing secondary (emergency) means of overflow shall not be removed or reduced in capacity. Where alterations are being made to existing roofs with existing storm drainage, the addition of secondary (emergency) drainage shall not be required where:

1. The alterations do not result in the addition of new perimeter construction where no such parapet or similar construction previously existed which extends above the roof in such a manner that water will be entrapped if the existing drains allow buildup for any reason;
2. The alterations do not increase the impervious area of the roof; or
3. The additional impervious area does not result in exceeding the existing flow of the storm drainage system, or portion thereof, when sized in accordance with Section 1106 of the *New York City Plumbing Code*.

SECTION EBC 311
FUEL GAS

311.1 General. In addition to the general requirements of Section 302.9, the installation of and work on all fuel gas piping, appliances, equipment, and systems shall be governed by the applicable provisions of this code. All work not specifically addressed in this section shall be in accordance with the *New York City Fuel Gas Code*. The scope covered by this section includes piping systems from the point of delivery to the connections with the appliances and includes the design, materials, components, fabrication, assembly, installation, testing, inspection, operation and maintenance of such piping systems in existing buildings.

311.1.1 Meters and service piping. Service piping includes the fuel-gas piping up to the point of delivery. Meters and service piping shall comply with the requirements of 16 NYCRR Part 255 and Appendix E of the *New York City Fuel Gas Code*. In addition, meters, regulators and service piping located within buildings shall be located in accordance with the structural integrity, firestopping, and fire protection provisions of this code.

311.1.2 Existing installations. Except as otherwise provided for in this section or elsewhere in this code, a provision in this code shall not require the removal, alteration or abandonment of, nor prevent the continued utilization and maintenance of existing installations of fuel gas systems lawfully in existence on the effective date of this code.

311.2 Special provisions for prior code buildings. Fuel gas piping work in prior code buildings shall comply with the requirements of this section. Where compliance with Sections 311.2.1 and 311.2.2 is not feasible, compliance with the *New York City Fuel Gas Code* is required.

311.2.1 Repair or replacement of existing fuel gas piping. For prior code buildings, the repair or replacement of existing fuel gas piping located in existing public corridors, exit enclosures, interior stairways, fire-resistance-rated construction, or spaces containing fire pumps in the same location shall be permitted where the following conditions are met:

1. The piping system must have been shut down and locked by the utility in response to an emergency condition;
2. Minor deviation from the existing location is permissible within 5 feet from the original piping location;

3. When an existing gas piping system located within a space containing a fire pump is replaced, all piping must be separated from the space by an enclosure equivalent to the fire resistance and, where applicable, impact resistance requirements of the space in which the piping is located; and

4. The existing installation must have been constructed in accordance with the code requirements in effect at the time of the installation.

311.2.2 Alterations, additions and new fuel gas piping. For prior code buildings, the alteration, addition or installation of new fuel gas piping in existing public corridors, exit enclosures, interior stairways, fire-resistance-rated construction, or spaces containing fire pumps shall be permitted where the following conditions are met:

1. New fuel gas piping located in exit enclosures, interior stairways, fire-resistance-rated construction, a space containing a fire pump, townhouses or within a public corridor above the lowest level or above the lowest residential level of a building must be separated from the space by an enclosure meeting the fire resistance rating and, where applicable, impact resistance requirements of the space in which the piping is located;

2. New fuel gas piping located in a public corridor at the lowest level or lowest residential level of a building shall not be required to be separated by an enclosure;

3. All new valves shall be accessible for maintenance and inspection; and

4. All new piping joints must be welded.

311.2.3 Guards and access to roofs and elevated structures. The provisions of Sections 306.5 and 306.6 of the *New York City Fuel Gas Code*, relating to guards and permanent means of access, respectively, shall not apply where the equipment or appliances replace existing equipment or appliances in the same location.

311.2.4 Seismic supports. For prior code buildings, the determination as to whether seismic design requirements shall apply to a repair or replacement shall be made in accordance with Section 307.

311.2.5 Wind resistance. For prior code buildings, the determination as to whether wind pressure design requirements shall apply to a repair or replacement shall be made in accordance with Section 307.

311.2.6 Drips. Existing drips on piping systems shall be permitted to remain.

Exception: An existing drip shall be removed when an alteration or repair connection is made at the drip.

311.2.7 Gas piping supplying domestic cooking appliances. Existing ½ inch diameter piping supplying gas to a domestic cooking appliance shall be permitted to be utilized and remain, provided it has adequate capacity for all appliances served.

311.3 Gas piping in townhouses. When originally constructed in accordance with the *New York City Construction Codes* in effect prior to October 1, 2014, gas piping downstream of the point of delivery and extending through a townhouse unit to serve another townhouse unit shall be permitted to remain. Alterations, repairs, replacements and new piping installations of such piping shall comply with this section.

311.3.1 Minor deviations. Minor deviations from the existing installation location are permissible only to the extent of replacing existing piping within 5 feet from the original location.

311.3.2 Valves. All valves shall be accessible for maintenance and inspection.

311.3.3 Joints. All new joints located within the townhouse containing, but not served by such gas piping must be welded.

Exception: For the purpose of repairs and replacements, joints shall not be required to be welded.

311.4 Gas piping installations. The installation of gas piping shall comply with Sections 311.4.1 through 311.4.3 of this code.

311.4.1 Identification. All new gas piping installed in existing buildings and existing gas piping exposed during the course of work, when subject to testing, whether or not the piping is intended to be enclosed when construction is completed, shall be identified in accordance with Chapter 4 of the *New York City Fuel Gas Code*.

311.4.2 Prohibited locations. Gas piping shall not be installed in locations prohibited by Section 404 of the *New York City Fuel Gas Code*.

Exception: In prior code buildings, existing gas piping and meters lawfully constructed in accordance with the prior codes that are not in compliance with Section 404 of the *New York City Fuel Gas Code*, shall be permitted to be altered, provided that the following conditions are met:

1. All gas valves shall be accessible for maintenance and inspection; and
2. Gas pressure shall not exceed ½ psi (14 inches w.c.).

311.4.3 Inspection and testing of piping. Prior to acceptance and operation, all gas piping installations shall be inspected and pressure tested in accordance with Section 406 of the *New York City Fuel Gas Code* and this section to determine that the materials, design, fabrication and installation practices comply with the requirements of this section and the *New York City Fuel Gas Code*.

SECTION EBC 312
ELEVATORS AND CONVEYING SYSTEMS

312.1 General. The installation of, alterations to and work on elevators, conveying systems, and amusement rides shall be governed by Chapter 30 and referenced standards as modified by Appendix K of the *New York City Building Code*, rules of the Department, and this code.

312.2 Existing elevators and conveying systems. All existing and altered elevators and conveying systems shall comply with ASME A17.3, as modified by Appendix K, Chapter K3 of the *New York City Building Code*, and be maintained and periodically inspected and tested in accordance with Sections 118 and 119 of this code.

312.3 Change of use of an existing elevator. Where an existing elevator is subject to a change in use, such change shall comply with Section 3001.4 of the *New York City Building Code*.

312.4 Existing shafts. In prior code buildings, elevator cabs installed in existing shafts shall be

permitted to be smaller than that required by Chapter 30 of the *New York City Building Code*, where necessary to fit in the existing shaft.

Exception: An existing elevator shaft shall be enlarged or a new elevator shaft shall be constructed to accommodate an elevator cab in compliance with Chapter 11 of the *New York City Building Code* where the entire building is required to be accessible pursuant to Sections 302.7, 906, 1006 or 1106 as applicable.

312.5 Signage. When an existing or new passenger elevator is being serviced, repaired, inspected, tested, or is out of service, "CAUTION" sign tapes shall be provided in accordance with Section 3011.1 of the *New York City Building Code*.

312.6 Additional provisions for existing buildings. Existing buildings shall also comply with Sections 312.6.1 through 312.6.6.

312.6.1 Removal of existing hoistway smoke venting. Existing hoistway smoke venting may be eliminated when all of the following conditions are met:

1. The entire building is protected with a sprinkler system in accordance with the *New York City Building Code*;
2. Each elevator lobby and elevator machine room is provided with smoke detection that is connected to the building fire alarm system;
3. Any elevator cars within the existing hoistway where the venting is removed shall have emergency recall in accordance with the *New York City Building Code*; and
4. The elimination of the venting does not impede the elevator operation.

312.6.2 New hoistways serving an occupied floor more than 120 feet (36 576 mm) above the lowest level of Fire Department vehicle access. Where 1 or more new hoistways serving an occupied floor more than 120 feet (36 576 mm) above the lowest level of Fire Department vehicle access are proposed in an existing building, at least 1 elevator serving the same stories penetrated by the new hoistway shall meet all the requirements of Section 3007 of the *New York City Building Code* as a fire service access elevator. Wires or cables that are located outside of the elevator hoistway shall be protected in the manner described in Section 3007.8.1 of the *New York City Building Code*.

Exceptions:

1. Where the existing building has an existing fire service access elevator meeting the requirements of Section 3007 of the *New York City Building Code*.
2. Where new hoistways are added in floors above the alternate level for Phase I and Phase II as defined in ASME A17.1, as amended by Appendix K of the *New York City Building Code*, the elevators are not required to meet the requirements of Section 3007 of the *New York City Building Code*.

312.6.3 Elevator car to accommodate ambulance stretcher. Where 1 or more new hoistways are proposed in an existing prior code building with 5 or more stories above, or 4 or more stories below grade plane, or underground buildings described in Section 405.1 of the *New York City Building Code*, at least 1 elevator serving the same stories that are penetrated by the new hoistway shall meet the requirements of Section 3002.4.2 of the *New York City Building Code*.

312.6.4 Limited Use Limited Application (LULA) elevators in prior code buildings. In prior code buildings, LULA elevators shall be limited in use as described in Section 306.2.4 with maximum rise of 25 feet (7.6 m.), maximum capacity of 1400 pounds (635 Kg) and maximum speed of 30 feet/min (0.15 m/sec.). LULA elevators shall not be used for any other purpose that is not referenced in Chapter 30 of the *New York City Building Code*.

312.6.5 Connection to standby power. Where 1 or more new hoistways are proposed in an existing prior code building identified in Section 3002.4.1 of the *New York City Building Code*, at least 1 elevator serving the same stories that are penetrated by the new hoistway shall be connected to a standby power source in accordance with Chapter 27 and Section 3003.1 of the *New York City Building Code*.

312.6.6 Connection with existing fire alarm. In buildings with an existing fire alarm system, when existing elevators are being upgraded and such upgrades include the installation of a new operational controller, such elevators shall be connected to the fire alarm system in accordance with NFPA 72, as amended by Appendix Q of the *New York City Building Code*, as required by ASME A17.1, as amended by Appendix K of the *New York City Building Code*.

SECTION EBC 313
ENERGY CONSERVATION

313.1 Energy efficiency. All work related to energy efficiency shall be regulated by the *New York City Energy Conservation Code* and this code.

SECTION EBC 314
MULTIPLE DWELLINGS

314.1 Applicability of the New York State Multiple Dwelling Law (MDL) and Appendix D. Existing buildings classified in Occupancy Groups I-1, R-1 and R-2, containing 3 dwelling units or more shall be identified as multiple dwellings, subject to the MDL and Appendix D of this code. See Sections D101.1 and D102.

314.2 Definitions. Terms unique to existing multiple dwellings as such terms are used in Appendix D shall have the meaning ascribed to them in Section D201 of this code.

314.3 Classification. Existing multiple dwellings shall be classified in accordance with Section D103 of this code based on year constructed, year converted, terms of occupancy and applicability of other laws.

314.4 Compliance. Alteration, repair, change of use or occupancy and additions to multiple dwellings shall comply with this code including Appendix D.

CHAPTER 4

RESERVED

CHAPTER 5
LIMITED ALTERATIONS

SECTION EBC 501
GENERAL

501.1 Scope. The provisions of this chapter shall govern certain alterations made to building systems, elements or material that are limited in scope and or value, as set forth in the definition of limited alteration in Chapter 2, and are limited to work described in Sections 503 through 510. Such limited alterations shall comply with this chapter.

501.2 Applicant. In accordance with Section 28-104.6 of the *Administrative Code*, the applicant for approval of construction documents for limited alterations may be other than a registered design professional.

501.3 Additional categories of limited alterations. The commissioner may promulgate rules to identify additional work of limited scope or value that is subject to this chapter.

SECTION EBC 502
COMPLIANCE

502.1 General. All limited alteration work shall comply with this code and other codes as applicable.

502.2 Applicants for permits. Applicants for limited alteration permits shall meet the minimum qualifications appropriate for the work filed in accordance with Articles 408, 410, 412, 418, and 421 of Title 28 of the *Administrative Code* and this code.

502.3 New and replacement materials, assemblies and details. New and replacement materials, assemblies and details permitted by the applicable code for new construction shall be used in accordance with Section 302.4.

> **Exception:** Provided no unsafe condition is created, like materials, assemblies and details shall be permitted for limited alterations.

502.4 Inspections. All work associated with limited alterations shall be tested and inspected in accordance with the applicable provisions of this code, the *Administrative Code*, the *New York City Building Code*, the *New York City Plumbing Code*, the *New York City Fuel Gas Code*, the *New York City Mechanical Code*, the *New York City Electrical Code*, the *New York City Fire Code* and the *New York City Energy Conservation Code*, including their referenced standards, as applicable.

502.5 Emergency work. Emergency work shall be in accordance with Section 28-105.4.1 of the *Administrative Code*.

502.6 Construction documents. The department may promulgate rules to establish construction document submission requirements for limited alteration applications relating to demonstrating compliance with the applicable requirements.

502.7 Penetrations of floor/ceiling assemblies and fire-resistance-rated assemblies. Where penetrations of floor/ceiling assemblies and assemblies required to have a fire-resistance rating are required as part of a limited alteration application scope of work, such penetrations shall be

protected in accordance with the requirements of Sections 502.7.1 through 502.7.6. Where such penetrations cannot be protected in accordance with the requirements of Sections 502.7.1 through 502.7.6, the work shall not be permitted under a limited alteration application.

502.7.1 Stair enclosures. Penetrations through a stair enclosure or a stair landing shall not be permitted as part of a limited alteration application.

Exceptions:

1. Limited standpipe alteration work pursuant to Section 506.
2. Limited sprinkler alteration work pursuant to Section 505.

502.7.2 Prescriptive methods. Penetrations of floor/ceiling and wall assemblies required to have a fire-resistance rating by steel, ferrous or copper conduits, pipes, tubes, or vents no greater than 6 inches (152 mm) in diameter with a total cross-sectional area of opening of 144 square inches (92 903 mm^2) or less shall be permitted to be sealed by 1 of the following methods without certification by a manufacturer of those performing the installation:

1. **Concrete or masonry walls or floors.** The annular space around penetrations in a single concrete or masonry wall/floor by steel, ferrous or copper conduits, pipes, tubes or vents shall be sealed with concrete, grout or mortar installed through the full thickness of the floor or the thickness required to maintain the fire-resistance rating.
2. **For walls and floors in prior code buildings.** In prior code buildings, the annular space around penetrations through walls and floors shall be permitted to be of materials and thickness matching the adjacent existing construction in a manner in which they can be shaped, tightly fitted, and permanently secured in position, provided, however, that any firestopping sealant used in conjunction with such penetrations shall be noncombustible.

502.7.3 Fire-resistant penetrations and joints. Penetration into or through fire-rated wall/horizontal assemblies shall be permitted to be installed in accordance with the requirements of this section. Such penetrations shall be protected by an approved through-penetration fire stop system installed and tested in accordance with ASTM E 814 or UL 1479, with a minimum positive pressure differential of 0.01 inch (2.49 Pa) of water. The system shall have an F rating of 2 hours minimum for walls/horizontal penetrations. For horizontal penetration, the system shall have a T rating of 2 hours minimum where penetration is not contained and located inside rated wall cavities. The required ratings for both F and T rating shall not be less than the required rating of the floor/horizontal assemblies penetrated. Such installers shall be certified by the manufacturer of the firestopping assembly for the specific assembly.

502.7.3.1 Manufacturer certification. The licensee responsible for the penetration shall obtain certification for the installation of the approved through-penetration fire stop system from the manufacturer of such fire stop system and provide proof of the certification in a form and manner acceptable to the department. The department may accept other certifications as specified by rules.

502.7.4 Electrical boxes. Penetrations by listed electrical boxes of any material may be permitted provided such boxes have been tested for use in fire-resistance-rated assemblies and installed in accordance with the instructions included in the listing.

502.7.5 Additional methods and qualifications. The department may approve additional

methods of firestopping in conjunction with limited alteration applications, and/or qualifications for those installing firestopping as part of a limited alteration application by rule.

502.7.6 Certification by permit holder. The permit holder shall certify to the department that the firestopping installation meets the requirements of Section 502.7, including proper restoration of any abandoned openings resulting from the work.

SECTION EBC 503
LIMITED OIL-BURNING APPLIANCE ALTERATIONS

503.1 Filing. Limited oil-burning appliance alterations shall be filed and performed by a licensed oil-burning equipment installer meeting the requirements of Article 412 of Title 28 of the *Administrative Code*.

503.2 Categories of work. Limited oil-burning appliance alterations shall be limited to the types of work set forth in Sections 503.2.1 and 503.2.2.

503.2.1 Category 1. An addition to an existing oil-burning appliance meeting the following conditions:

1. The total cost of the proposed category 1 work in the building does not exceed $50,000 in any 12-month period; and
2. The proposed work is limited to the installation of:
    1. Oil equipment;
    2. Oil-fired appliances, located within the same enclosure or room as the existing oil-burning appliance;
    3. Unit heaters; or
    4. Oil piping including no more than 2 above-ground oil tanks each with a capacity of no more than 330 gallons (1249 L), provided such oil tanks also comply with the capacity limits established in Section 1305.11 of the *New York City Mechanical Code*. The newly installed tanks shall be listed and labeled in accordance with UL 80 or UL 142, or meet the alternative tank design and construction standards contained in Section 1305.14 of the *New York City Mechanical Code*.

503.2.2 Category 2. An alteration, repair, replacement or removal of existing oil-burning appliances, piping, and equipment that is not subject to cost or duration limitations and that is limited to the following:

1. Replacement of oil burners, oil-burning appliances or water heaters in which the heat input per appliance does not exceed 3 million Btu/h (879 kW).
2. Relocation of an oil burner, oil-burning appliance or water heater within the same enclosure or room.
3. Placement of a temporary Department of Buildings registered oil-fired mobile boiler and corresponding fuel oil storage tank with associated piping at a site for emergency heating.
4. Placement of a temporary fuel oil storage tank with a capacity of 5,000 gallons (18 927

L) or less at a site for emergency use and connected to an existing oil-burning appliance.

5. Repair, replacement or relocation of oil equipment, appliances or oil piping including no more than 2 above-ground oil tanks, each with a capacity of no more than 330 gallons (1249 L) provided such oil tanks also comply with the capacity limitations of Section 1305.11 of the *New York City Mechanical Code*. The replacement tanks shall have a UL listing or labeling or meet the alternative tank design and construction standards contained in Section 1305.14 of the *New York City Mechanical Code*. Any such relocation shall be only within the same enclosure or room.

6. The change of grade of fuel oil.

SECTION EBC 504
LIMITED PLUMBING ALTERATIONS

504.1 Filing. Limited alterations made to a plumbing, fire suppression or fuel gas piping system or service shall be filed and performed by a licensed master plumber meeting the requirements of Article 408 of Title 28 of the *Administrative Code*.

504.2 Categories of work. Limited plumbing alterations shall be limited to the types of work set forth in Sections 504.2.1 and 504.2.2.

504.2.1 Category 1. An addition to an existing plumbing or fuel gas piping system or service where the total cost of the proposed Category 1 work in the building does not exceed $50,000 in any 12-month period and where the proposed work is limited to the following:

1. The addition of not more than 10 plumbing fixtures or fixture connections in a building within any 12-month period, including any associated plumbing necessary to serve such additional fixtures or fixture connections. The installation of the new fixtures shall be in compliance with Section 310.7 and not cause an existing system to become overloaded. If required, additional permits for construction shall be obtained in accordance with Section 105;

2. The installation of new fuel gas piping in conjunction with the addition of not more than 6 unit heaters or 6 infrared heaters;

3. The installation of new fuel gas piping in conjunction with the addition of gas appliances, when limited to:

    3.1. Two Category 1 vented water heaters;

    3.2. Gas pilots;

    3.3. One gas barbecue in conjunction with an R-3 occupancy group; or

    3.4. One pool heater in conjunction with an R-3 occupancy group;

4. The installation of new fuel gas piping to supply a lawfully existing appliance;

5. The installation of up to 5 new sprinkler heads supplied by an existing domestic water system within any 12-month period;

6. Installation of a new single domestic gas dryer that is vented directly through an exterior wall in a building occupied exclusively as a one- or two-family dwelling not

more than 4 stories in height; as provided for in rules of the department. Clothes dryer exhaust shall be installed in accordance with Section 504 of the *New York City Mechanical Code*; and

7. The installation of piping serving electric water heaters. Electrical work shall be filed and performed in accordance with the *New York City Electrical Code*.

504.2.2 Category 2. The repair, replacement of or alteration to an existing plumbing or fuel gas piping system that is not subject to cost or duration limitations and that is limited to the following:

1. The repair, replacement of or alteration of existing plumbing or fuel gas piping serving the same number of fixtures and appliances;
2. The in-kind replacement of plumbing fixtures and gas equipment. This shall not preclude plumbing work that is an ordinary repair or ordinary plumbing work from being filed as a limited alteration application;
3. The relocation of plumbing fixtures, and the replacement of plumbing fixtures that includes the installation and alteration of piping serving the fixture. This shall not preclude the relocation and replacement of plumbing fixtures that is an ordinary repair or ordinary plumbing work from being filed as a limited alteration application;
4. The installation or replacement of primary backflow preventers;
5. The installation of a fat, oil, and grease interceptor not exceeding a capacity of 200 lbs. (90 kg);
6. The replacement of a fat, oil, and grease interceptor with 1 having the same capacity and not exceeding a maximum of 1,000 lbs. (454 kg);
7. In-kind replacement of lawfully existing gas-fired appliances with a heat input of 3 million Btu/h (879 kW) or less;
8. Replacement of lawfully existing gas burners with a heat input of 3 million Btu/h (879 kW) or less;
9. Relocation of a lawfully existing gas burner/boiler within the same, unaltered fire-rated enclosure or room. Through-penetrations for piping shall be fire stopped in accordance with the requirements of Chapter 7 of the *New York City Building Code*. New through-penetrations for vents serving direct vent appliances shall be prohibited under category 2 work in buildings other than Occupancy Group R-3 not more than 4 stories in height;
10. Replacement of lawfully existing gas appliances with a heat input of 350,000 Btu/h (103 KW) or less with the following appliances that are vented directly through exterior walls serving buildings occupied exclusively as one- or two-family dwellings not more than 4 stories in height:
    - 10.1 Boilers;
    - 10.2 Water heaters;
    - 10.3 Furnaces;
11. In-kind replacement of a lawfully existing direct-vent gas appliances with a heat input of 350,000 Btu/h (103 KW) or less with the following appliances that are vented

directly through exterior walls:

11.1. Boilers;

11.2. Water heaters;

11.3. Furnaces;

12. Replacement of lawfully existing gas-fired domestic clothes dryers or pool heaters with a heat input of 350,000 Btu/h (103 KW) or less;

13. Installation of gas-fired salamanders for temporary heat during construction;

14. Placement of a registered gas-fired temporary boiler with associated gas piping at a site for emergency heating and/or hot water;

15. Replacement of up to 30 existing sprinkler heads providing that orifice sizes, type and deflector positions remain the same, and all such sprinkler heads are supplied by a domestic water system;

16. Rearrangement of not more than 20 sprinkler heads in areas classified in light hazard occupancy, as such term is defined in NFPA 13 as modified by Appendix Q of the *New York City Building Code*, provided such areas are already sprinklered and supplied by a domestic water system and such areas will remain in such occupancy;

17. Rearrangement of not more than 20 sprinkler heads in restaurant service areas classified in Group 1 ordinary hazard occupancy, as such term is defined by NFPA 13 as amended by Appendix Q of the *New York City Building Code*, provided such areas are already sprinklered and supplied by a domestic water system and such areas will remain in such occupancy; and

18. Rearrangement of not more than 20 sprinkler heads in mercantile areas classified in Group 2 ordinary hazard occupancy, as such term is defined by NFPA 13 as amended by Appendix Q of the *New York City Building Code*, provided such areas are already sprinklered and supplied by a domestic water system and such areas will remain in such occupancy.

SECTION EBC 505
LIMITED SPRINKLER ALTERATIONS

505.1 Filing. Limited alterations made to sprinkler systems shall be filed and performed by a master fire suppression piping contractor, meeting the requirements of Article 410 of the *Administrative Code*.

505.2 Categories of work. Limited sprinkler alterations shall be limited to the types of work set forth in Sections 505.2.1 through 505.2.3.

505.2.1 Category 1. An alteration to an existing sprinkler system where the total cost of the proposed Category 1 work in the building does not exceed $50,000 in any 12-month period, the fire rating of the area where the new sprinkler heads are being installed is not being altered and the proposed work is limited to the installation of up to 5 new sprinkler heads off of an existing sprinkler system.

505.2.2 Category 2. An alteration, repair or replacement of an existing sprinkler system or combined sprinkler standpipe system that is not subject to cost or duration limitations and that is limited to:

1. Replacement of sprinkler heads, provided that orifice sizes, type and deflector positions remain the same;
2. Replacement of parts required for the operation of a sprinkler system or combined sprinkler standpipe system;
3. Changes that do not alter the type of sprinkler system;
4. Repair, replacement or relocation of piping that does not affect the operation of the sprinkler system provided that orifice sizes, type and deflector positions remain the same;
5. Rearrangement of not more than 30 sprinkler heads in areas classified in light hazard occupancy, as such term is defined in NFPA 13 as modified by Appendix Q of the *New York City Building Code*, provided such areas are already sprinklered and such areas will remain in such occupancy;
6. Rearrangement of not more than 30 sprinkler heads in restaurant service areas classified in Group 1 ordinary hazard occupancy, as such term is defined in NFPA 13 as amended by Appendix Q of the *New York City Building Code,* provided such areas are already sprinklered and such areas will remain in such occupancy;
7. Rearrangement of not more than 30 sprinkler heads in mercantile areas classified in Group 2 ordinary hazard occupancy, as such term is defined by NFPA 13 as modified by Appendix Q of the *New York City Building Code*, provided such areas are already sprinklered and such areas will remain in such occupancy;
8. Rearrangement of sprinkler heads in a storage area under 200 square feet classified as Group 1 ordinary hazard, as defined by NFPA 13 as modified by Appendix Q of the *New York City Building Code*, provided such areas are already sprinklered and such areas will remain in such occupancy;
9. Unlimited cut and cap of an existing sprinkler system associated with a permitted demolition or gut renovation;
10. Relocation of a fire department connection as part of a combined system; and
11. Relocation of class II auxiliary hose connections and cabinets within 10 feet (3048 mm) of their original location, provided that the existing covered area is not affected.

505.2.3 Category 3. An alteration, repair or replacement of components of an existing sprinkler system that may be performed without the requirement of associated department inspections and that is limited to:

1. Direct replacement of drain piping;
2. Direct replacement of water flow, valve tamper, high-low pressure and similar switches, provided that any electrical wiring is performed in accordance with the provision of the *New York City Electrical Code* and this code;
3. Direct replacement of fire suppression related valves, gauges and controls; and

4. Repair or replacement of fire pump system components of same type and capacity including seals and repacking of pump shafts. This allowance does not include the full replacement of a fire pump.

SECTION EBC 506
LIMITED STANDPIPE ALTERATIONS

506.1 Filing. Limited standpipe alterations shall be filed and performed by a licensed master fire suppression piping contractor or licensed master plumber meeting the requirements of Articles 410 or 408 of Title 28 of the *Administrative Code*, respectively.

506.2 Categories of work. Limited standpipe alterations shall be limited to the types of work set forth in Section 506.2.1.

506.2.1 Category 2. An alteration, replacement or repair to an existing standalone or combined standpipe system that is limited to the following:

1. Repair, replacement, rearrangement or relocation of components and piping required for the operation of a standalone or combined standpipe system;
2. Relocation of standalone or combined standpipe auxiliary hose sources and cabinets within 10 feet (3048 mm) of their original location, provided that the existing covered area is not affected and provided that such relocation complies with this code for a new installation;
3. Unlimited cut and cap of an existing standalone or combined standpipe system for a demolition or gut renovation; and
4. Relocation of a fire department connection as part of a standalone system.

SECTION EBC 507
LIMITED HOME IMPROVEMENT ALTERATIONS

507.1 Filing. In a one- and two-family dwelling, the work specified in Section 507 shall be permitted to be filed as limited home improvement alterations and performed by a homeowner or home improvement contractor. The commissioner may promulgate rules to specify more types of work that can be filed as limited home improvement alterations.

Exceptions:

1. Buildings located in a special flood hazard area.
2. Where the scope of work includes any of the following:
   - 2.1 Cutting away of gravity load bearing elements.
   - 2.2 Removal of portions of fire walls or materials pertaining to them.
   - 2.3 New flooring materials weighing more than 5 psf (24 kgf/m²).
   - 2.4 Installation of any element weighing more than 100 lbs. (45 kg) and supported on an area less than 1 square foot (0.09 m²) or not more than 1 joist.
   - 2.5 Partial removal of partition walls that exceed 6 feet (1.83 m), where work occurs in bearing brick masonry townhouses and where the distance between side walls is greater

than 20 feet (6 m).

2.6 Removal without replacement of material pertaining to a fire separating wall or floor.

2.7 Removal of any portion of a nonload-bearing, nonfire-resistance-rated wall or partition exceeding 45 square feet (4.18 m^2).

2.8 Removal and in-kind replacement of more than 1 individual deteriorated framing member of loadbearing studs or joists, or 1 unit of masonry in a wall, floor, or ceiling in any 10 foot (3 m) by 10 foot (3 m) area.

2.9 The temporary removal and replacement of a beam or header in a nonload-bearing partition having a clear span greater than 3 feet 6 inches (1 m).

507.1.1 Performance of work. When filed in accordance with Section 507.2, all work subject to Section 507 shall be performed by the homeowner or a home improvement contractor. Work filed by the homeowner shall by performed by the homeowner. Where any other work is to be performed by a contractor, such other work shall be performed pursuant to a separate work permit or limited alteration permit.

507.1.1.1 Electrical work. Electrical work associated with the home improvement shall be filed and performed by a licensed electrician in accordance with this code and the *New York City Electrical Code*.

507.1.1.2 Plumbing work. Plumbing work associated with the home improvement shall be filed and performed by a licensed plumber in accordance with this code and the *New York City Plumbing Code*.

507.1.2 Changes in scope of work. During construction, where a change in the scope of work results in work that is subject to additional permit requirements, work must stop until an amended limited home improvement permit or other applicable permit is issued.

507.2 Covered work. Limited home improvement alterations shall be limited to the types of work set forth in Sections 507.2.1 through 507.2.3.

507.2.1 Alterations filed by homeowners or home improvement contractors. Alterations, repairs and replacement work made to one- and two-family dwellings that are limited to the following:

1. Constructing a storage closet. Such closet shall not:

1.1. block an existing window;

1.2 include a window;

1.3 exceed 20 square feet in area (1.85 m^2);

1.4 block a sprinkler head or smoke/carbon monoxide detector; or

1.5. rReduce the minimum clear dimension of the habitable room to less than 8 feet (2438 mm) or reduce the area of the habitable room to less than 80 square feet (7 m^2).

2. Adding insulation material to attics, provided the insulation R-values are in compliance with the *New York City Energy Conservation Code*.

507.2.2 Alterations filed by home improvement contractor. Alterations, replacement and repairs made to one- and two-family dwellings filed and performed by home improvement contractors that are limited to the following work:

1. Construction of attached rear yard decks with a maximum projection of 8 feet (2438 mm) into rear yard from the rear face of the building wall and maximum height of 5 feet (1524 mm) above grade, complying with the *New York City Zoning Resolution* with regard to location and the *New York City Building Code* with regard to construction, including but not limited to structural strength, fire separation distance, stairs, handrails and guards.
2. Installation of a central air conditioning system in compliance with the *New York City Energy Conservation Code* with maximum capacity of 5 tons. The air conditioning equipment shall be located where permitted in accordance with the *New York City Zoning Resolution*. Separate electrical permits shall be obtained by a licensed electrician.

507.2.3 Alteration to existing kitchen, bathroom, or toilet room. Limited home improvement alterations for the renovation or the replacement of a lawfully existing kitchen, bathroom, or toilet room shall be limited to one- and two-family dwellings in buildings not more than 3 stories, including a basement. The renovation or replacement of a lawfully existing kitchen, bathroom, or toilet room shall be limited to the following:

1. Removal and replacement of cabinets.
2. Removal and replacement of plumbing fixtures.
3. Removal and replacement of appliances.
4. Removal, replacement, and installation of wall, floor, and ceiling finishes and insulation materials.

SECTION EBC 508
LIMITED WINDOW REPLACEMENT ALTERATIONS

508.1 Filing. Limited window replacement alterations shall be filed and performed by a home improvement contractor qualified in accordance with requirements established by the commissioner or by a general contractor meeting the requirements of Article 418 of Title 28 of the *Administrative Code*. Replacements that are not filed by such contractors shall not qualify as limited window replacement alterations and must be filed as or part of a Level 1 or Level 2 alteration, as applicable.

508.1.1 Work exempt from permit. See Section 105.3 for window replacements exempt from permit for one- and two-family dwellings.

508.2 Covered work. Limited window replacement alterations shall be limited to the replacement of the sash and the covering where the existing openings are not to be modified in size. Where replacement window work does not comply with Section 508.2, such replacement shall be filed as or part of a Level 1 or Level 2 alteration, as applicable.

Exception: Replacement of windows required to be fire-rated pursuant to any provisions of law shall not be filed as a limited window replacement alteration.

508.3 Compliance. Windows shall comply with all applicable requirements of the *New York City Construction Codes* for new construction, including the *New York City Energy Conservation Code* and Chapters 12, 16 and 33 of the *New York City Building Code*.

508.3.1 Residential light and air. Replacement windows serving dwelling units in Group I-1, R-1, R-2 or R-3 occupancies shall not reduce the area of glazing or operable area below the standards established in Chapter 12 of the *New York City Building Code*, except where different requirements are provided in Appendix D of this code for certain multiple dwelling classifications, in which case such different requirements shall apply.

508.3.2 Emergency escape and rescue openings. Replacement windows in Group R-2 and R-3 occupancies shall comply with Section 303.8.

508.3.3 Window guards. Replacement of windows in Group R-2 occupancies shall comply with Section 303.7.

SECTION EBC 509
LIMITED REROOFING ALTERATIONS

509.1 Filing. Limited reroofing alterations shall be filed and performed by a home improvement contractor qualified in accordance with requirements established by the commissioner or by a general contractor meeting the requirements of Article 418 of the Title 28 of the *Administrative Code*. Reroofings that are not filed by such contractors shall not qualify as limited reroofing alterations and must be filed as or part of a Level 1 or Level 2 alteration, as applicable.

509.1.1 Work exempt from permit. See Section 105.3 for reroofing not required to be performed pursuant to a permit for one- and two-family dwellings.

509.2 Covered work. Limited reroofing alterations shall be limited to the following:

1. Roof repair, as such term is defined in Chapter 2;
2. Reroofing of less than 1,000 square feet (92 m^2);
3. Installation of coatings designed to increase reflectivity and/or prolong the service life of the existing roof covering;
4. Installation of insulation above the roof deck/sheathing, provided that, based on the scope of the work, the *New York City Energy Conservation Code* does not require additional thermal insulation for the roof; and
5. Replacement of existing deteriorated roof sheathing that is:
   - 5.1. limited to not more than 10 percent of all existing roofs on the building for buildings with roof areas totaling less than 1,300 square feet (120 m^2);
   - 5.2. limited to 130 square feet (12 m^2) for buildings with roof areas totaling more than 1,300 square feet (120 m^2); or
   - 5.3. limited to 65 contiguous square feet (6 m^2) in any location.

509.2.1 Increases in scope of work. Where changes in the scope of work during the course of reroofing would result in exceeding the limitations of Section 509.2, Items 1 through 5, such work shall be refiled as part of a Level 1 or Level 2 alteration, as applicable.

509.3 Compliance. Materials and methods of application used for recovering or replacing an existing roof covering shall comply with the requirements of Section 1511 of the *New York City Building Code*.

SECTION EBC 510
LIMITED ELEVATOR ALTERATIONS

510.1 Filing. Limited elevator alterations shall be filed and performed by a licensed elevator agency director meeting the requirements of Article 421 of Title 28 of the *Administrative Code*.

510.1.1 Application. Limited elevator alteration applications shall be filed with the department for repairs, replacements and modifications for damaged, broken or worn parts that are necessary for normal elevator maintenance as described in Section 510.2.

510.1.2 Other work. Any elevator repair, replacement or modification work that requires an electrical/mechanical safety load test shall not be filed as limited elevator alteration. See Section 510.3 for additional work that must be filed as a Level 1 alteration.

510.2 Covered work. Limited elevator alterations shall include the items of work covered by those provisions of ASME A17.1, as modified by Appendix K of the *New York City Building Code*, identified in Table 510.2 of this code.

TABLE 510.2
LIMITED ELEVATOR ALTERATIONS

A17.1 Section	Name of A17.1 Section	A17.1 Sub-section	Name of A17.1 Sub-section
8.6.2	Repairs	8.6.2.6	Repairs involving SIL rated device(s)
8.6.3	Replacements	8.6.3.14	Replacements involving SIL rated device(s)
8.7.2	Alterations to electric elevators	8.7.2.12	Power operation of hoistway doors
8.7.2	Alterations to electric elevators	8.7.2.13	Door reopening device
8.7.2	Alterations to electric elevators	8.7.2.14	When alterations to the car enclosure cause an increase or decrease of the deadweight of the car by less than 5%, see ASME section 8.7.2.15.2)
8.7.2	Alterations to electric elevators	8.7.2.21	Suspension means and their connections
8.7.2	Alterations to electric elevators	8.7.2.23	Car and counterweight buffers and bumpers
8.7.2	Alterations to electric elevators	8.7.2.24	Guide rails, supports, and fastenings
8.7.2	Alterations to electric elevators	8.7.2.25	Regrooving of machine sheaves

8.7.3	Alterations to hydraulic elevators	8.7.3.12	Power operation of hoistway doors
8.7.3	Alterations to hydraulic elevators	8.7.3.13	Door reopening device
8.7.3	Alterations to hydraulic elevators	8.7.3.25	Suspension ropes and their connections
8.7.3	Alterations to hydraulic elevators	8.7.3.27	Car buffers and bumpers
8.7.3	Alterations to hydraulic elevators	8.7.3.28	Guide rails, supports, and fastenings
8.7.6	Alterations to Escalators	8.7.6.1.5 (c)	Balustrades. Any alteration to the balustrades shall conform to 6.1.3.3 for the altered components.
8.7.6	Alterations to Escalators	8.7.6.1.5 (d)	Skirt Deflector Devices. Any alteration or addition of skirt deflector devices shall conform to 6.1.3.3.10
8.7.6	Alterations to Escalators	8.7.6.1.6	Any alteration to the handrails or handrail system shall require conformance with 6.1.3.2.2, 6.1.3.4.1 through 6.1.3.4.4, 6.1.3.4.6, 6.1.6.3.12, and 6.1.6.4.
8.7.6	Alterations to Escalators	8.7.6.1.7 (a)	Any alteration to the step system shall require conformance with 6.1.3.3.5, 6.1.3.5 (except as specified in 8.7.6.1.7(b)), 6.1.3.6, 6.1.3.8, 6.1.3.9.4, 6.1.3.10.4, 6.1.3.11, 6.1.6.3.3, 6.1.6.3.9, 6.1.6.3.11, 6.1.6.3.14, and 6.1.6.5.
8.7.6	Alterations to Escalators	8..7.6.1.7 (b)	Steps having a width less than 560 mm (22 in.) shall not be reduced in width by the alteration.
8.7.6	Alterations to Escalators	8.7.6.1.8	Any alteration of the comb plates shall require conformance with 6.1.6.3.13.
8.7.6	Alterations to Escalators	8.7.6.1.10	Any alteration to the tracks shall result in the escalator’s conforming with 6.1.3.8, 6.1.3.9.4, 6.1.3.10.1, and 8.7.1.4.
8.7.6	Alterations to Escalators	8.7.6.1.13	Any alteration to or addition of operating and or safety devices shall conform to 6.1.6 for that device.

8.7.6	Alterations to Escalators	8.7.6.1.14	An alteration to or addition of lighting, access, or electrical work shall conform with the specific requirements within 6.1.7 for that change.
8.7.6	Alterations to Moving Walk	8.7.6.2.5 (c)	Balustrades. Any alteration to the balustrades shall require conformance with 6.2.3.3.
8.7.6	Alterations to Moving Walk	8.7.6.2.6	An alteration to the handrails or handrail system shall require conformance with 6.2.3.2.3, 6.2.3.4, 6.2.6.3.10, and 6.2.6.4.
8.7.6	Alterations to Moving Walk	8.7.6.2.7 (a)	An alteration to the treadway system shall require conformance with 6.2.3.2.3, 6.2.3.3.5, 6.2.3.3.6, 6.2.3.5, 6.2.3.6 (except as specified in 8.7.6.2.7(b)), 6.2.3.8, 6.2.3.9, 6.2.3.10.4, 6.2.3.11.4, 6.2.3.11.5, 6.2.3.12, 6.2.6.3.3, 6.2.6.5, and 6.2.6.3.9.
8.7.6	Alterations to Moving Walk	8.7.6.2.7 (b)	The minimum width of the moving walk shall be permitted to be less than that required by 6.2.3.7. The existing width, if less than required by 6.2.3.7, shall not be decreased by the alteration.
8.7.6	Alterations to Moving Walk	8.7.6.2.8	An alteration of the comb plates shall require conformance with 6.2.3.8 and 6.2.6.3.11.
8.7.6	Alterations to Moving Walk	8.7.6.2.10	Any alteration to the tracks shall result in the moving walk's conforming to 6.2.3.9, 6.2.3.10, 6.2.3.11.1, and 8.7.1.4.
8.7.6	Alterations to Moving Walk	8.7.6.2.13	An alteration to or addition of operating and/or safety devices shall conform with the specific requirements within 6.2.6 for that device.
8.7.6	Alterations to Moving Walk	8.7.6.2.14	An alteration to or addition of lighting, access, or electrical work shall conform with the specific requirements within 6.2.7 for that change.

a. All references to A17.1 refer to ASME A17.1, as amended by Appendix K of the *New York City Building Code*.

510.3 Level 1 alteration work. Limited elevator alterations shall not include items of work covered by those provisions of ASME A17.1 as modified by Appendix K of the *New York City Building Code*, identified in Table 812.1 of this code. Such work shall be filed as a Level 1 Alteration.

CHAPTER 6
CLASSIFICATION OF WORK

SECTION EBC 601
GENERAL

601.1 Scope. The provisions of this chapter shall be used in conjunction with Chapter 3 and Chapters 7 through 14 and shall apply to the alteration, addition and change of occupancy of existing structures, including relocated, moved or raised buildings, as referenced in Sections 301.1.3 and 301.1.5. Work performed on an existing building shall be classified in accordance with this chapter.

601.1.1 Compliance with other chapters. Where elected by the registered design professional of record in accordance with Section 301.1.4, Chapter 13 may be used simultaneously with Chapters 8 through 11 and 14 for alterations, additions and changes of occupancy made to existing buildings.

601.2 Work area. The work area, as defined in Chapter 2, shall be identified on the construction documents by the registered design professional of record for the purpose of determining the applicability of the requirements of Chapters 8 and 9. For the purpose of calculating work area as a percentage of building area, building area shall be calculated in accordance with the definition of such term in Chapter 2.

601.2.1 Permit applications that have not been signed off. For the purpose of calculating the total work area, alteration applications that have not been signed off shall be cumulatively considered in accordance with Sections 601.2.1.1 and 601.2.1.2.

601.2.1.1 Cumulative work area. For the purpose of determining the level of alteration for a newly filed application, the total work area shall include, on a cumulative basis, all applications filed after the effective date of the local law that added this section that have not been signed off.

601.2.1.2 Project specific work area. For the purpose of determining total work area for Level 2 alterations exceeding 75 percent of building area, the total work area shall include related applications filed after the effective date of the local law that added this section that are associated with the project scope and are not yet signed off.

601.2.2 Minor alterations, ordinary repairs and limited alterations. Where minor alterations, ordinary repairs and limited alterations, as described in Chapter 5, are included as part of the same scope of a Level 1 or Level 2 alteration, all such work shall be included for the purpose of determining the work area to the extent such work contributes to work area pursuant to Section 601.2.3.

601.2.3 Determination of work area. Work areas shall be determined in accordance with Sections 601.2.3.1 through 601.2.3.3.

601.2.3.1 Interior work. Work area shall be the entire horizontal area of the room or space being reconfigured. Reconfiguration shall include, but not be limited to, the items listed below, or as otherwise determined by the department to secure the beneficial purposes of this code:

1. Removal, relocation or installation of interior partitions, walls, doors, or ceilings.

2. Construction, removal, or relocation of stairs, ramps, or stair or ramp enclosures.

3. Construction, removal, reduction, or extension of a mezzanine level in compliance with Section 505 of the *New York City Building Code*.

4. Increase or decrease in the clear ceiling height of a space or a floor.

5. Creation of openings between levels, stories, or spaces. The work area shall include the opening and the area of the rooms or spaces impacted by the alteration.

6. Sealing or creation of operable skylights that are required for ventilation in roofs. The work area shall include the interior space impacted by such alteration to the roof. For the purposes of applying the requirements of Chapter 9 and requirements in Chapter 8 for work areas greater than 50 percent of the floor area, the work area shall be calculated as 10 times the area of the skylight where such skylight is 10 percent or less of the area of the room or space.

7. Sealing or creation of operable windows that are required for ventilation and doors in exterior walls. The work area shall include the interior space impacted by such alteration to the building exterior walls. For the purposes of applying the requirements of Chapter 9 and requirements in Chapter 8 for work areas greater than 50 percent of the floor area, the work area shall be calculated as 10 times the area of the exterior wall opening where such opening is 10 percent or less of the area of the room or space.

8. Creation or enclosure of vertical openings and shafts.

9. Construction or enlargement of elevator hoistways. The work area shall include the hoistway being constructed or enlarged and the rooms or spaces impacted by the alteration.

Exceptions:

1. Incidental work made to existing walls, shafts and ceilings associated with the installation of plumbing, mechanical, fuel gas, electrical and fire protection systems shall not be included in the determination of work area.

2. Where the space being reconfigured constitutes 10 percent or less of the total area of a room or floor that the reconfigured space is a part of, the work area shall be limited to the space being reconfigured. This exception does not apply to items 6 and 7 of this section.

601.2.3.2 Exterior work (Building envelope). Alteration of the exterior walls and roof shall not be considered as work area in determining Level 1 and Level 2 alterations. However, where the alteration of the building exterior impacts the interior spaces of the building by creating or sealing of operable windows, skylights or doors, work area shall be determined in accordance with Section 601.2.3.1.

601.2.3.2.1 Changing the size of windows, skylights or doors that are required for natural light or ventilation. Where the exterior work includes changing the size of windows, skylights or doors that are required for natural light or ventilation and no interior work occurs, the interior spaces impacted by such work shall not be considered as work area. Such work shall comply with Section 803.7.

601.2.3.3 Stand-alone systems. Work area shall not include the installation of, alteration of or additions to plumbing, mechanical, electrical, vertical transportation systems, fuel gas, or fire protection systems.

Exception: The construction of or alterations made to create toilet rooms, mechanical equipment rooms and floors, boiler rooms and similar spaces, shall be counted as work areas in accordance with Section 601.2.3.1.

SECTION EBC 602
ALTERATION—LEVEL 1

602.1 Scope. Level 1 alteration is any alteration made to a building where the work area as determined in accordance with Section 601.2 does not exceed 50 percent of the building area.

602.1.1 Building systems. Installation of new mechanical, plumbing, fuel gas, fire protection and vertical transportation systems in existing buildings or alterations to such systems, other than limited alterations subject to Chapter 5, shall be classified as a Level 1 alteration unless included as part of a Level 2 alteration.

602.2 Application. Level 1 alterations shall comply with the provisions of Chapter 8 and, as applicable, with the provisions of Chapters 3 and 7.

SECTION EBC 603
ALTERATION—LEVEL 2

603.1 Scope. Level 2 alteration is any alteration made to a building where the work area exceeds 50 percent of the building area.

603.1.1 Work area contributing to Level 2 alteration. For the purpose of determining Level 2 alteration, work area shall be calculated pursuant to Section 601.2.

Exception. For categories of work established by rule.

603.2 Application. Level 2 alterations shall comply with the provisions of Chapter 8 for Level 1 alterations as well as the provisions of Chapter 9 and, as applicable, with the provisions of Chapters 3 and 7.

SECTION EBC 604
CHANGE OF OCCUPANCY

604.1 Scope. Change of occupancy provisions apply where the activity is classified as a change of occupancy as defined in Chapter 2.

604.2 Application. Changes of occupancy shall comply with the provisions of Chapter 10 and, as applicable, with the provisions of Chapters 3 and 7.

SECTION EBC 605
ADDITIONS

605.1 Scope. Provisions for additions shall apply where work is classified as an addition as defined in Chapter 2.

605.2 Application. Additions to existing buildings shall comply with the provisions of Chapter 11 and, as applicable, with the provisions of Chapters 3 and 7.

SECTION EBC 606
RELOCATED, MOVED OR RAISED BUILDINGS

606.1 Scope. Provisions for relocated, moved or raised buildings shall apply to relocated, moved or raised buildings as defined in Chapter 2.

606.2 Application. Relocated, moved or raised buildings shall comply with the provisions of Chapter 14 and, as applicable, with the provisions of Chapters 3 and 7.

SECTION EBC 607
STRUCTURAL

607.1 Compliance with Chapter 7. Work listed under Sections 602 through 606 shall comply with Chapter 7 as applicable.

CHAPTER 7
STRUCTURAL

SECTION EBC 701
GENERAL

701.1 Scope. This chapter shall govern structural alterations of existing buildings, structures and parts thereof as a result of or in connection with repairs, alterations, partial demolition, change of occupancy, additions, removal, relocation, raising or moving of buildings and parts thereof and all other structures. Structural considerations related to alterations shall be performed according to this chapter.

Exceptions:

1. Where the structural alteration resulting from in-kind replacement of façade elements does not result in modifications to the load path, stiffness or strength of the existing buildings, structures and parts thereof, the provisions of Chapter 7 do not apply.
2. One- and two- family dwellings 3 stories or less in height where the existing building is of conventional light frame construction, excluding buildings with nogging walls, are not required to comply with the provisions of Sections 703.4, 703.5, 703.7, 704, and 705.6.

701.2 Conformance. Structural alterations of existing buildings, structures, or parts thereof shall be made to comply with this code. Structural alterations of existing buildings, structures, or parts thereof shall not decrease the structural stability or the load carrying capacity of existing buildings, except as allowed by this code.

701.3 Applicability of the *New York City Building Code*. Structural analysis, design and construction work in existing buildings shall be in accordance with the *New York City Building Code* requirements unless otherwise noted in this code. For purposes of calculating demand-capacity ratios, the demand shall consider applicable load combinations in the *New York City Building Code*. Where this code requires comparison of demand or capacity, all calculations will be in accordance with the current *New York City Building Code*, all loads applied to both existing and new portions of the structure shall be in accordance with Section 705 of this code and capacity evaluation in accordance with Section 707 of this code.

701.4 Relevant time period. For purposes of this chapter, structural alterations not yet signed off, and structural alterations signed off within the previous 5 years, shall be considered as part of the current structural alteration.

Exception: Where the commissioner determines the physical construction work for such a signed-off structural alteration was completed more than 5 years prior to the approval of construction documents for the current structural alteration.

701.5 Responsibility to report. Any dangerous condition observed shall be reported to the department as required by Section 28-301.1 of the *Administrative Code*. Such dangerous condition shall also be conveyed to the owner of the building and shall be immediately remedied.

SECTION EBC 702
CONSTRUCTION DOCUMENTS

702.1 Requirements. Construction documents shall be in conformance with Article 104 of Chapter 1 of Title 28 of the *Administrative Code* as well as Sections 107 and 1603 of the *New York City Building Code* and Chapter 7 of this code.

702.2 Additional drawing requirements. For all structural elements within the area of structural work that are altered or that have their demand increased or stability decreased, drawings are required to include, where applicable to the scope of work, the information below. Where element sizes and any other required information is not known it shall be indicated as such and the requirements for field verification shall be stated. Notes on the drawing shall indicate the source of the information.

1. Existing structural element sizes and types where known.
2. The material properties used in design and analysis and the source of the values.
3. Foundation sizes and types.
4. Subsurface capacities.
5. Details for the repair of structural elements.
6. Existing detailing of the structural elements within the area of the structural scope.
7. Any assumptions made about the building permitted in accordance with Section 704.2 to be confirmed in accordance with Section 704.3.1.

SECTION EBC 703
GENERAL DESIGN REQUIREMENTS

703.1 General. All structural alterations shall comply with this section and Sections 704 through 710, as applicable. All new structural elements and their connections shall comply with the *New York City Building Code*.

703.1.1 Underpinning and alternative methods of support of buildings and adjacent property. Underpinning and alternative methods of support of buildings and adjacent property shall comply with the requirements of Chapters 18 and 33 of the *New York City Building Code*.

703.1.2 Separated buildings and structures. Where the structural alteration is completely separated from an existing building or structure by a joint, only this isolated part shall be made to comply with the *New York City Building Code* as a new building. Unless determined by calculations, the joint shall be twice of that indicated in Section 1613.4 of the *New York City Building Code*.

703.1.3 Repairs due to accidental events. Unless otherwise specified in this code, where damage to structural elements was the result of fire, vehicular impact, extreme environmental events or adjoining construction, structural repairs are permitted to only restore the structure to the condition prior to the event provided a registered design professional submits a report that such damage has not affected more than 20 percent of the structure.

703.2 Buildings required to comply as hereafter erected. For buildings subject to structural alterations that increase existing floor surface area of an existing building by more than 110 percent as described in Section 302.7 of this code, the structure of such entire building shall be made to

comply with the structural provisions of the *New York City Building Code* as if it were a new building hereafter erected.

703.3 Entire buildings required to comply with loading provisions. For buildings subject to structural alterations that meet any of the criteria listed below, the structure of such entire building shall be made to comply with the structural loading provisions of the Section 705:

1. Structural alterations in which gravity load-carrying structural elements are affected by work that involves a change to the gravity load path that supports more than 55 percent of the total floor and roof area of the building or structure. The areas to be counted toward the 55 percent shall include mezzanines, penthouses, and in-filled courts and shafts tributary to the altered structural elements.

2. Where a building or portion greater than 10 percent thereof, or greater than 20,000 square feet, is subject to a change of occupancy that results in the building being assigned to a higher Risk Category, based on Table 1604.5 of the *New York City Building Code*. For buildings with an S_{DS} less than 0.33, increased seismic loads due solely to an increase in Risk Category, where the change in Risk Category is to Risk Category II or III, need not be considered.

3. Where the total dead and live load of the entire building increases by more than 50 percent, unless the applicant demonstrates that the increased load is less than the original design load for the existing building or that the building demonstrates the existing capacity to withstand the new loads.

4. Where the wind base shear or overturning in either orthogonal direction increases by more than 50 percent, unless the applicant demonstrates that the increase in total wind load is less than the original design load for the existing building or that the building possesses the existing capacity to withstand the new loads.

5. Where the seismic base shear or overturning in either orthogonal direction increases by more than 50 percent, unless the applicant demonstrates that the increase in total seismic load is less than the original design load for the existing building or that the building possesses the existing capacity to withstand the new loads.

703.4 Increased demand on existing structural elements and foundations. Alterations not meeting the criteria in Sections 703.2 or 703.3 shall comply with Sections 703.4.1 and 703.4.2.

703.4.1 Effects on structural elements. Any existing structural element for which a structural alteration causes an increase in demand, or causes a decrease in capacity, including stability, shall be made to comply with the structural loading provisions of Section 705. The effect of the additional loads or decreasing capacity shall be considered through the load path until resolved in the subgrade.

Exceptions:

1. If the structural alteration does not increase the seismic mass of the building by more than 10 percent, nor decreases the lateral earthquake load resisting capacity of the building by more than 10 percent in either orthogonal direction, additional earthquake loads on the building's lateral load resisting system due to the alteration need not be considered.

2. If the structural alteration does not increase the wind sail area of the building in

each orthogonal direction by more than 10 percent, nor decrease the lateral wind load resisting capacity of the building by more than 10 percent in any direction, the additional wind loads need not be considered beyond the point that they have been delivered to the building structure's main wind force resisting system.

3. Where a change in occupancy of less than 10 percent of a building area, or less than 20,000 square feet (1858 m^2), requires a building to design for an increased snow, wind or seismic load due solely to being assigned a higher Risk Category, other than Risk Category IV, based on Table 1604.5 of the *New York City Building Code*, such change to the loads need not be considered.
4. Increased seismic loads due solely to an increase in Risk Category, where the change in Risk Category is to Risk Category II or III need not be considered. This exception shall not apply to buildings with an S_{DS} greater than 0.33.
5. An increase in demand on an element due to an increased dead load effect within the element due solely from the addition of a second layer of roof covering weighing 3 pounds per square foot (0.1437 kN/ m^2) or less over an existing single layer of roof covering need not be cause to alter the element.

703.4.2 Effects on foundations. Effects on foundations shall comply with Sections 703.4.2.1 and 703.4.2.2 of this code. Bearing values shall be as required by Chapter 18 of the *New York City Building Code*.

703.4.2.1 New foundation elements. New foundation elements shall comply with Chapter 18 of the *New York City Building Code*.

703.4.2.2 Existing foundation elements. Any existing foundation element subjected to an increased load shall be made to comply with Chapter 18 of the *New York City Building Code* with the following exceptions.

Exceptions:

1. Where the existing foundation design capacity is not known, structural alterations which increase the gravity load by 5 percent or less need not be made to comply. Where the gravity load is increased between 5 and 10 percent the registered design professional of record shall consider the impact of potential additional building movement.
2. Structural alterations which increase the wind or seismic load by less than 20 percent need not be made to comply.

Exceptions 1 or 2 shall not be applicable a) where settlement or foundation movement is observed or has been documented, or b) where the proposed work reduces the bearing capacity of the soil strata providing support.

703.5 Stability. Structural alterations shall comply with Sections 703.5.1, 703.5.2, and 703.5.3, as applicable.

703.5.1 Stability index. Where a structural alteration reduces the lateral stiffness of a building by more than 10 percent, the building's lateral system or the altered elements of its lateral system shall have a stability index less than 0.25. Where the stability index is between 0.1 and 0.25, structural analysis and design shall include second order effects.

The stability index shall be determined as follows:

Using factored loads or service loads $\mathbf{Q} = \frac{\alpha(\sum \mathbf{P})\,\Delta}{Vh}$

Where:

Δ = horizontal inter-story drift at a given story

$(\sum \mathbf{P})$ = total vertical gravity loads at and above a given story

V = horizontal shear at a given story associated with Δ

h = story height

$\alpha = 1.0$ where using factored loads and α=1.5 where using service loads

Exception: Where a structural alteration is performed on an unreinforced masonry building with wood-framed floors constructed prior to 1903, apply Section 703.5.3.

703.5.1.1 Reduction of stiffness. No structural alteration shall reduce or modify the lateral stiffness of a building, or story within a building, unless it is demonstrated that the altered building structure, or story as applicable, has a stability index less than 0.10 or the altered building structure is made to comply with the structural provisions of the *New York City Building Code*.

703.5.2 Buildings or stories initially out-of-plumb. Where a structural alteration increases the lateral loads on a building or story, or reduces the lateral stiffness of a building or story, the analysis of the altered building or altered story shall include the effects of pre-existing horizontal out-of-plumbness in excess of 1 percent in the existing structural system. The initial out-of-plumbness shall be reported in accordance with Section 704 as appropriate and be evaluated to ensure the existing building is capable to sustain it prior to the alteration design. The pre-existing horizontal out-of-plumbness values shall be analyzed for their effect on the altered lateral system and their effects shall be additive to the drifts and forces due to wind and earthquake loading calculated in accordance with Section 705. Out of plumbness for each floor shall be measured from the floor elevations above and below to the most out-of-plumb location in the floor.

703.5.3 Structural alterations of unreinforced masonry buildings with wood-framed floors constructed prior to 1903. Structural alterations of unreinforced masonry buildings with wood-framed floors constructed prior to 1903 shall comply with Sections 703.5.3.1 through 703.5.3.6:

703.5.3.1 Reduction to in-plane stiffness. Where a perimeter wall of a building is altered such that its in-plane stiffness is reduced by more than 30 percent, the building's lateral system shall be made to resist a load of 20 psf in any direction. This notional 20 psf load shall be used in allowable load combinations in lieu of the earthquake and wind with a multiplier of 1 and should not be considered applied simultaneously on parallel walls.

703.5.3.2 Walls. Where the front or rear walls, or side walls fronting the public right of way, of a building are altered resulting in a final ratio of total horizontal length of opening area to total horizontal length of 50 percent or greater at any floor, the building's lateral system shall be made to resist a load of 20 psf in any direction. This notional 20 psf load shall be used in allowable load combinations in lieu of the earthquake and wind with a multiplier of 1 and should not be considered applied simultaneously on parallel walls.

703.5.3.3 Calculations. For purposes of calculating reduction of lateral strength or stiffness of an existing building only, all existing bearing and non-bearing, interior or exterior, partitions shall be considered as part of the structure of the building. Where an interior wood stud or masonry or terra cotta cross wall of a building is removed, the building's lateral system shall be reinforced with a structural system equivalent in stiffness and strength capacity to that of the removed wall calculated using the methods indicated in ASCE 41.

703.5.3.4 Floor-to-floor heights. Where the floor-to-floor heights of a building are increased as a result of an alteration such that the ratio of floor height to wall thickness exceeds 10, such walls shall be evaluated in accordance with TMS 402 including the effect of a 20 psf (LRFD) out-of-plane environmental load.

703.5.3.5 Verification of connections. Where any of the provisions of Sections 703.5.3.1 through 703.5.3.4 are triggered, it shall be verified that there are connections of the floor and roof framing to the posts and surrounding walls, including to the unreinforced masonry walls parallel to joists. Where no connections are present, connections shall be installed to provide a tensile capacity of 200 plf.

703.5.3.6 Exposed walls. The review of the structural stability of any exposed wall, including party walls after the neighboring structure has been removed, shall consider the engagement of perpendicular elements such as walls, floors and roofs. If the attachment of perpendicular elements is not anchored, connections shall be provided as required in Section 703.5.3.5.

703.6 Exceptions from detailing requirements. Exceptions from detailing requirements are permitted as allowed by Sections 703.6.1 and 703.6.2. Drawings shall include a statement as to non-compliant elements.

703.6.1 Exception from continuity detailing requirements. Notwithstanding the requirements of Sections 703.2 and 703.3, existing structural elements need not comply with the continuity detailing requirements of the *New York City Building Code* unless required by Section 708 of this code.

703.6.2 Exception from seismic detailing requirements. Notwithstanding the requirements of Sections 703.2 and 703.3, existing structural elements need not comply with the seismic detailing requirements of the *New York City Building Code* unless required by Section 708 of this code.

703.7 Seismic separation requirements. For altered buildings that must comply with Section 703.2 or 703.3 and are adjacent to or sharing unreinforced masonry walls, the structural requirements for seismic separation between the altered and existing structures shall be as follows:

1. For alterations erected adjacent to lot line unshared unreinforced masonry bearing walls, the structural separation shall comply with Section 1613.4.1 of the *New York City Building Code*, except that existing lot line unshared masonry walls that are otherwise allowed to remain need not be demolished to provide for seismic separation.
2. Where an existing building shares an unreinforced masonry party wall, there shall be no building separation between the altered and existing structure. The entire altered structure shall be designed to include an additional seismic load to account for the support of the party wall with connections capable of carrying a service (ASD) horizonal tension or

compression load of 200 plf applied along each floor level, or a service (ASD) or 20 psf area load applied onto the party wall, whichever is larger. The connections shall be at the level of the floors of the adjoining building and shall not be set a distance larger than 8ft horizontally. Where floors do not exist, the distance between connections shall not exceed 15 ft vertically.

3. No structural separation is required where:

3.1. The neighboring structures are capable of transferring forces resulting from impact through diaphragms located at the same elevation.

3.2. The structures are capable of resisting all required vertical and lateral forces considering the loss of any elements or components damaged by impact of the structures.

3.3. An altered building, including its extension, is not required by this code to comply with seismic design.

3.4. A party wall is shared by buildings less than 3 stories regardless of whether the design is governed by seismic demands.

SECTION EBC 704
CONDITION ASSESSMENT

704.1 General. Condition assessments shall be performed in accordance with Section 704 for all structural alterations.

704.1.1 Area of structural condition assessment. The condition assessment shall include the area where structural work is being performed and all structural elements that may be affected by the alteration as required by Section 703.

704.1.2 Visual assessment. For all buildings 7 stories or less, a visual assessment from the exterior of the building shall be performed. Such visual assessment may be performed from the adjacent ground and need not require the use of magnifying devices.

704.2 Structural alterations requiring data collection and an initial condition assessment. An initial structural condition assessment shall be performed for all structural alterations, where an increase in the demand capacity ratio is introduced to an existing structure, or where required by Sections 907.2, 1007.2 or 1103.3, by the registered design professional of record prior to the submission of the application for construction document approval. During the initial structural condition assessment, the registered design professional of record shall collect and verify accessible data needed for performing the design.

704.2.1 Data collection and initial structural condition assessment. The initial structural condition assessment shall cover the readily accessible and visible portions of the area of structural assessment specified in Section 704.1.1. The registered design professional of record shall identify the existing elements and verify if the available information sufficiently describes the existing structure and shall supplement such information with accessible observations. The initial structural condition assessment shall document any deteriorations, deficiencies, or potentially unsafe conditions that may have to be addressed during the development of the application for construction document approval. Where required information for the design is

inaccessible, assumptions shall be included on the drawings required by Section 702.2. All assumptions are required to be confirmed during the detailed structural condition assessment required by Section 704.3.

704.2.2 Initial structural condition assessment. The registered design professional of record shall produce a document that includes the following at a minimum, as applicable:

1. Material types of structural elements and strength.
2. Size, spacing and geometry of the structural elements within the area of the structural condition assessment.
3. Continuity of load paths with observations to the lowest level of the building.
4. The physical condition of the existing primary and secondary structural elements in the load path of the alteration where accessible and visibly observable.
5. Any deterioration of structural elements, including but not limited to rot, corrosion, loss of cohesion, displacement and cracking, plumbness, alignment and displacement.
6. Signs of moisture infiltration and related damage, or deformations due to possible overloading.
7. Presence of bowing; or building lean or deflections in excess of 1 percent.
8. Elements with significant unbraced lengths.
9. The remediation items enumerated in Section 708 that are potentially relevant to the building and work in question and a plan to investigate such conditions.
10. Indications of settlement in the building.
11. A list of documents consulted during the course of the condition assessment.
12. Notation of any assumption to be verified during performance of the detailed structural condition assessment in accordance with Section 704.3. Such assumptions shall also be noted on the drawings required by Section 702.2 and filed with the department.
13. Identification of the need for any further testing, surveying or monitoring.

The document shall be maintained at the site for the duration of the job and made available to the commissioner upon request.

704.3 Structural alterations requiring detailed structural condition assessment. A detailed structural condition assessment shall be performed by the registered design professional of record for all structural alterations where existing structural elements are to be altered or an increase in the demand capacity ratio is introduced to an existing structure.

704.3.1 Detailed structural condition assessment. The detailed structural condition assessment shall include the area of assessment specified in Section 704.1.1 or other elements as specified in Section 702.2 that are to be identified in the submittal to the department. The detailed condition assessment shall confirm all design assumptions including those of the initial structural condition assessment. The detailed structural condition assessment shall be performed and filed in accordance with Section 704.3.2 at a point before, and revised as needed during, the construction phase of the project, when structural elements or support systems are exposed such that they are accessible for detailed assessment. Structural elements shall be

exposed where indicated on the drawings and as needed to satisfy the requirements of Section 703.

704.3.2 Investigation and detailed condition assessment. The registered design professional of record shall submit a document containing the detailed structural condition assessment to the department after the relevant structural elements or support systems are exposed for detailed assessment but before the structural alterations are begun. The document shall be amended if required by the registered design professional of record after the completion of the construction phase. Where during the alteration process any immediate life/safety condition of concern is observed, such condition shall be communicated to the department as required by Section 28-301.1 of the *Administrative Code*. Such immediately hazardous condition shall also be conveyed to the owner of the building and shall be immediately remedied. The document shall include:

1. Description of structure and materials.
2. Identification of structural elements reviewed.
3. Description of physical condition of structural elements, including the location of deterioration.
4. Identification of methods used for the condition assessment, such as but not limited to visual observations, probing, borings, test pits, nondestructive testing and laboratory testing of materials.

   4.1 Any documentation produced as a result of the investigation described in item 4 shall be included in the document.
5. Identification of deficiencies and causes of deficiencies.
6. Identification of elements and conditions different from the assumptions used in the design.
7. Life/safety conditions of concern should be addressed immediately. The timing of all other repairs should be discussed.
8. The remediation items enumerated in Section 708 that were investigated and the determinations of such investigation.
9. List of all design assumptions previously made from Sections 702.2 and 704.2 with confirmation or change to plans as required.
10. Any information from the initial condition assessment required by Section 704.2 not otherwise included.

704.3.2.1 Observed deficiencies outside the scope of work. Where, in the course of the alteration, deficiencies not related to the scope of work are observed, the detailed document shall provide a discussion of the severity of any observed deficiencies.

704.4 Use of assessment. The results of the condition assessments shall be used in the design of the work. Deterioration of structural elements shall be analyzed for conformance with this code and repaired as required. A revised document shall be filed with the department when structural changes or observations differ from the originally submitted documents.

SECTION EBC 705
LOADS

705.1 General. Loads shall comply with the *New York City Building Code* unless otherwise noted in Sections 705.2 through 705.6.

705.2 Dead loads. The existing dead loads shall be confirmed by a rational approach relying upon accepted references, available information including design documents, in-situ and non-destructive testing, or design codes and standards of practice.

705.3 Live loads. Uniform and concentrated live loads shall be in conformance with Section 1607 of the *New York City Building Code.*

Exception: For buildings or portions thereof designed to live load criteria in effect prior to July 1, 2008, that are not being modified or structurally altered, design uniform live loads shown in Table 705.3 shall be permitted.

TABLE 705.3
MINIMUM DESIGN LIVE LOADS FOR BUILDINGS CONSTRUCTED IN ACCORDANCE WITH 1968BUILDING CODE or BUILDING CODE PREDATING 1968

(Occupancy classifications are as defined by the *New York City Building Code*)

LIVE LOAD OCCUPANCY	MINIMUM DESIGN LIVE LOAD (PSF)
Commercial Space - Corridors (Above Ground Floor)	75
Manufacturing	100
Marquees	60
Storage (Light)	100
Storage (Heavy)	150
Wholesale Stores	100

705.4 Evaluation of snow, ice and rain loads. Snow, rain on snow, ice loads including snow drift, sliding and unbalanced snow conditions shall be calculated according to the *New York City Building Code* and ASCE 7.

705.4.1 Snow sliding. Where a vertical or horizontal alteration is performed, the altered building shall be designed to limit displacement of snow through sliding.

705.4.2 Special consideration. Where existing buildings adjacent to a vertical or horizontal alteration have roofs with wood, steel truss or cold formed steel joists spanning 25 ft or less, a visual condition assessment of such adjacent building, as relevant to snow, ice or rain loading, shall be performed. Such visual assessment may be taken from the adjacent altered building's roof and from the adjacent ground and need not require the use of magnifying devices. The owner of the building causing the vertical or horizontal alteration shall provide the results of the condition assessment to the owner of such adjacent building.

705.5 Wind loads. Wind loads shall be determined in accordance with the *New York City Building Code.*

705.6 Seismic loads. Seismic design shall be in accordance with either the *New York City Building Code* or ASCE 41, with each code followed in its entirety, as specified below:

1. Demand and capacity determined in accordance with the *New York City Building Code*.
2. Demand and capacity determined in accordance with ASCE 41, using a Tier 3 procedure and the two-level performance objective indicated in Table 705.6 for the applicable Risk Category. Site Class shall be determined in accordance with Chapter 16 of the *New York City Building Code*. Liquefaction evaluation shall be performed in accordance with Chapter 18 of the *New York City Building Code*.

TABLE 705.6
PERFORMANCE OBJECTIVES FOR USE IN ASCE 41 FOR COMPLIANCE WITH *NEW YORK CITY BUILDING CODE*-LEVEL SEISMIC FORCES

RISK CATEGORY (Based on *New York City Building Code* Table 1604.5)	**STRUCTURAL PERFORMANCE LEVEL FOR USE WITH BSE-1N EARTHQUAKE HAZARD LEVEL**	**STRUCTURAL PERFORMANCE LEVEL FOR USE WITH BSE-2N EARTHQUAKE HAZARD LEVEL**
I	Life Safety (S-3)	Collapse Prevention (S-5)
II	Life Safety (S-3)	Collapse Prevention (S-5)
III	Damage Control (S-2)	Limited Safety (S-4)
IV	Immediate Occupancy (S-1)	Life Safety (S-3)

SECTION EBC 706
FLOOD HAZARD AREAS

706.1 General. Within areas of special flood hazard in accordance with Section 28-104.9.4 of the *Administrative Code*, all work for any activity regulated by Appendix G of the *New York City Building Code* shall be governed by such Appendix.

SECTION EBC 707
IN-PLACE MATERIAL, COMPONENT PROPERTIES AND ARCHAIC STRUCTURAL SYSTEMS

707.1 General. Methods of design and properties of in-place structural materials, components, and assemblies, including archaic structural systems, shall be determined according to Appendix H or other requirements specified in this code.

SECTION EBC 708
REMEDIATION WORK

708.1 General. Remediation work shall be performed within the work area as required by Section 708.1.1 and for conditions identified during the course of work independent of work area as required by Section 708.1.2.

708.1.1 Requirements within the work area. Where during the project structural elements and systems within the work area are exposed by the removal of finishes from walls or floors and applicable structural elements, the following shall be verified and remedied within the work area:

1. **Ceilings, flooring or sub-floor removals in unreinforced masonry structures.** In structures with unreinforced masonry bearing walls and wood-framed or cold-formed joist floors, where ceilings or floorings are removed and the connection of the joist to the wall is exposed, or where anchors are added to party walls as required by Section 703.7, it shall be verified that there are connections of the wood framed or cold-formed joist floor to the wall including to the unreinforced masonry walls parallel to joists. Where no connections are present, connections shall be installed that comply with the requirements of the *New York City Building Code*, or Chapter A1 of Appendix A of this code.

2. **Ceilings or sheathing removals in wood-framed structures.** Where ceilings or sheathing are removed in wood-framed structures, it shall be verified that there is fastening of the wood-framed floor to the wall, including walls parallel to joists. Where no fastening is present, connections shall be made to comply with Chapter 23 of the *New York City Building Code*.

3. **Sill plates in light-frame construction.** Where a sill plate in light-frame construction is exposed, it shall be verified that the sill plate is connected to the foundation in conformance with the *New York City Building Code*. Where the condition does not conform to the *New York City Building Code*, connections shall be installed to provide 200 plf tension and shear capacity, or in accordance with Chapter A3 of Appendix A of this code.

4. **Cripple walls in light-frame construction.** Where the work on a light-frame building exposes the cripple wall, it shall be verified that the cripple wall is in conformance with Chapter 23 of the *New York City Building Code*. Where the condition does not conform to the *New York City Building Code*, it shall be made to conform, or a connection shall be installed in accordance with Chapter A3 of Appendix A of this code.

5. **Headers and trimmers in stair openings**. Where headers and trimmers around existing stair openings within the work area have deteriorated or have deflected 2 inches (50.8 mm), they shall be reviewed for compliance with the strength provisions of the *New York City Building Code*, and brought into compliance if required.

6. **Soft stories in unreinforced masonry structures**. Where a first floor exterior street or rear wall in an unreinforced masonry bearing wall structure is found to not be present, or if this street or rear masonry wall has been removed in the past, the structure shall be reinforced as required at the soft story to provide adequate gravity and lateral

capacity. The altered structure shall be designed for wind loads of Section 705, or be made to conform with Chapter A4 of Appendix A of this code.

7. **Existing openings in masonry bearing walls.** Where existing openings in masonry bearing walls located at the lot line are exposed by architectural removals in the course of the work, the openings shall be checked for compliance with the structural provisions of the *New York City Building Code*. If found non-compliant, the conditions shall be addressed.

8. **Areas with water piping.** Where areas with existing water piping exist within the work area, and the structure is wood framed, the joists and deck beneath the area shall be reviewed for moisture-related or plumbing-related damage, and repaired as required.

9. **Bearing of wood structural elements including beams, stair headers, joists and trusses.** Where the wood structural element ends that are bearing in masonry pockets are exposed during the project, the condition of the structural elements that are bearing shall be verified, and repaired as required.

10. **Sills at foundations.** Where sills at foundations are exposed within the work area by removals during the project, the sill conditions shall be verified, and repaired, in accordance with the *New York City Building Code*, or Chapter A3 of Appendix A of this code.

11. **Brick nogging walls.** Where a brick nogging wall is exposed while opening the siding or interior finishes of a building and rot or other deterioration is found, that stud, or header as applicable, shall be replaced or sistered. Remedial work shall include all studs or headers placed within 2 feet of a deteriorated wood stud or header. The remediation shall continue until non-deteriorated studs or headers are found. All observed deteriorated mortar between nogging bricks or bricks and wood stud shall be pointed in a manner sufficient to prevent smoke or fire transmission. Facades of wood shingles shall not be covered with other materials without an examination of the condition of underlying studs.

708.1.2 Requirements independent of work area. The following remediation work shall occur subject to the requirements and conditions of each item:

1. **Roof sheathing removals in unreinforced masonry structures.** In unreinforced masonry bearing wall and wood-framed floor structures where the sheathing of the roof is removed and the connection of the joist to the wall is exposed, or where anchors are added to party walls as required by Section 703.7, it shall be verified that there are connections of the roof to the wall including to the unreinforced masonry walls parallel to joists. Where no connections are present, connections shall be installed within the area of roof sheathing removal that comply with the requirements of the *New York City Building Code*, or are installed in accordance with Chapter A1 of Appendix A of this code.

2. **Sheathing removals in wood-framed structures.** Where sheathing is removed in wood-framed structures, it shall be verified that there is connection of the roof to the wall including walls parallel to joists. Where no connection is present, connections within the area of roof sheathing removal shall be made to comply with Chapter 23 of the *New York City Building Code*.

3. **Bracing of unreinforced masonry parapets.** Where a permit is issued for reroofing or roof replacement of more than 25 percent of the roof area, or the repair of a parapet, on a building that has parapets constructed of unreinforced masonry greater than 24" high above the roof plane, the remediation work shall include installation of parapet reinforcing on all such parapets to resist the lateral forces as specified in Sections 703.5 and 703.6 unless an evaluation demonstrates compliance with such requirements. The remediation shall be based on calculations using loads and methods indicated in Chapter 16 of the *New York City Building Code*, or prescriptive methods in Chapter A1 of Appendix A of this code.

Exceptions:

1. Parapets abutting an existing building wall.
2. The parapet abuts an adjacent roof not greater than 6 feet lower than the base of the parapet.

4. **Bond-breaking flashing in masonry parapets.** Where horizontal thru-wall flashing is exposed by removals in masonry parapets greater than 24" high above the roof plane, the bond-breaking effect of existing or new horizontal flashing within the parapet shall be structurally evaluated, and if found insufficient, the parapets within the area of removals shall be remediated.

5. **Brick chimneys.** Where reroofing includes more than 50 percent of area of the roof, the portions of all chimneys above the roof plane shall be examined and repaired or repointed as necessary in accordance with the *New York City Building Code*, or Chapter A1 of Appendix A of this code.

6. **Cornices framed with wood.** Where roofing is removed at wood-framed cornices with sheet metal or wood enclosure, it shall be verified that the wood or sheet metal enclosure has not decayed or deteriorated and fasteners are adequate and in good condition. If bracing for the portion above the top of the façade wall is found not present or adequate, it shall be installed within the area of roofing removal unless it can be demonstrated that it is not needed.

7. **Bowstring wood trusses.** Where a building with bowstring wood trusses is undergoing an alteration, the tension demand-capacity ratio of bottom chord and web members shall be confirmed for all bowstring trusses in the building using wood allowable values in accordance with Chapter 23 of the *New York City Building Code*, even when the loads are the same or decreased. It shall be confirmed that no damage exists at end bearing or other connections. It shall be confirmed that a continuous, structurally sound lateral bracing of trusses is secured and in place. The structure shall be repaired or strengthened as required.

   Exception: Where bowstring trusses have already been previously evaluated and reports accepted by the department, the tension demand-capacity ratio of bottom chord and web members need not be re-evaluated as long as no new loads are added to the truss.

SECTION EBC 709
PEER REVIEW

709.1. General. When required, peer reviews shall be performed in accordance with the requirements of Section 1618 of the *New York City Building Code* for structural peer review, and Section 1818 of the *New York City Building Code* for geotechnical peer review.

709.2 Structural peer review – where required. A structural peer review of the primary structure shall be performed for the following:

1. Where the alteration meets the requirements for peer review pursuant to Section 1618.2 of the *New York City Building Code*.
2. When the altered building is required to meet the structural requirements for a new building in accordance with Section 703.2 of this code, and the altered building meets the requirements of Section 1618.2 of the *New York City Building Code*.
3. Altered buildings taller than 7 stories where the work involves transferring a column or a column transfer removal that supports in aggregate more than 15 percent of the building area, or where the work involves transferring on 1 element a portion of a wall that portion of which supports more than 25 percent of the building area. In this case, only the design and sequence of the transfer and related load path, including the method of load transfer to the subgrade, shall be subject to peer review.
4. Buildings where a structural peer review is requested by the commissioner.

709.3 Geotechnical peer review - where required. A geotechnical peer review shall be performed for the following:

1. Where a structural peer review is required pursuant to Section 709.2;
2. When the altered building is required to meet the structural requirements for a new building in accordance with Section 703.2, and the structure is of Risk Category III or IV where the Seismic site class is determined to be Site Class F.
3. Where performance-based foundation design is utilized in the design of the alteration.
4. Buildings where a geotechnical peer review is requested by the commissioner.

SECTION EBC 710
STRUCTURAL INTEGRITY

710.1 Prescriptive requirements. Prescriptive structural integrity requirements of Section 1616 of the *New York City Building Code* shall be followed for all new structural elements.

710.2 Key Element Analysis. A Key Element Analysis in accordance with Sections 1617 and 1618 of the *New York City Building Code* shall be performed for the following:

1. Where the alteration meets the requirements of Section 1617.1 of the *New York City Building Code.*
2. When the altered building is required to meet the requirements for a new building in accordance with Section 703.2 of this code, and the altered building meets the requirements of Section 1617.1 of the *New York City Building Code.*
3. Altered buildings taller than 7 stories where the work involves transferring a column or a column transfer removal that supports in aggregate more than 15 percent of the building

area, or where the work involves transferring on 1 element a portion of a wall that portion of which supports more than 25 percent of the building area. In this case, only the design and sequence of the transfer and related load path, including the method of load transfer to the subgrade, shall be subject to key element analysis.

4. When specifically ordered by the commissioner.

CHAPTER 8
ALTERATIONS—LEVEL 1

SECTION EBC 801
GENERAL

801.1 Scope. Level 1 alterations as described in Section 602 shall comply with the requirements of Chapter 3 and this chapter.

801.2 Compliance. All new construction elements, components, systems, and spaces shall comply with the requirements of the *New York City Building Code* as new construction, except as specifically stated in this chapter and Chapter 3 as applicable.

801.2.1 Building safety performance and scoring method. As an alternative to compliance with any provision of Sections 803, 804 or 805, the registered design professional of record shall be permitted to elect to comply with Chapter 13 and the rules of the department in accordance with Section 301.1.4.

801.3 New and replacement materials, assemblies and details. Materials, assemblies and details for all new work shall comply with Section 302.4.

SECTION EBC 802
RESERVED

SECTION EBC 803
BUILDING ELEMENTS AND MATERIALS

803.1 Scope. The requirements of this section are limited to work areas in which Level 1 alterations are being performed, except that they shall apply beyond the work area where specified. The registered design professional of record shall be responsible to verify existing fire-resistive rating conditions of building elements. Use of prior codes to establish lawful existing conditions shall be permitted in accordance with Section 302.8.1.

803.2 Shafts and vertical openings. Existing shafts and vertical openings shall comply with the provisions of Chapter 7 of the *New York City Building Code* except as stated in Sections 803.2.1 through 803.2.3 of this code for prior code buildings. Where Chapter 7 of the *New York City Building Code* allows for a reduction of the existing fire resistance rating, the registered design professional of record shall demonstrate compliance with Section 303.2 of this code.

803.2.1 Existing shafts and vertical openings in prior code buildings. Existing interior vertical openings, including shafts connecting 2 or more floors, shall meet the requirements of Sections 803.2.1.1 through 803.2.1.12. Existing shafts and vertical openings that were lawfully enclosed in accordance with a prior code shall not be reduced in fire-resistance rating to meet the requirements of this section.

Exceptions:

1. Where vertical opening enclosure is not required by the *New York City Building Code*.
2. Interior vertical openings other than stairways may be sealed at the floor and ceiling

of the work area by construction that is substantively similar to that of the existing floor-ceiling assembly of the work area.

3. An enclosure shall not be required where:

3.1. The opening connects the main floor and a mezzanine; or

3.2. All of the following conditions are met:

3.2.1. The communicating area has a light hazard occupancy or has an ordinary hazard occupancy in accordance with NFPA 13 as modified by Appendix Q of the *New York City Building Code*;

3.2.2. The communicating area is protected throughout by an automatic sprinkler system;

3.2.3. The communicating area is limited to 2 levels and the lowest or next to the lowest level is a street floor;

3.2.4. The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants. Such open and unobstructed area shall be at least 80 percent of the floor area at each level without intervening partitions;

3.2.5. Exit capacity is sufficient to provide egress simultaneously for all occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity. The maximum travel distance for all occupants of all levels shall be 75 feet (22 860 mm) within the communicating areas;

3.2.6. Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level; and

3.2.7. The communicating areas are occupied by a single tenant.

803.2.1.1 Group A occupancies. A minimum 1-hour rated enclosure shall be provided to protect all vertical openings not exceeding 3 stories where occupied by the same tenant and when the building is protected throughout by an approved automatic fire sprinkler system. Convenience stairs connecting such stories shall not be considered part of a required means of egress from each story.

803.2.1.2 Group B occupancies. A minimum 1-hour rated enclosure shall be provided to protect all vertical openings not exceeding 3 stories. This enclosure shall not be required for buildings not exceeding 3,000 square feet (279 m^2) per floor where both of the following conditions are met:

1. The building is protected throughout by an approved automatic fire sprinkler system; and

2. Convenience stairs connecting such stories shall not be considered part of a

required means of egress from each story.

803.2.1.3 Group E occupancies. An enclosure shall not be required for vertical openings not exceeding 3 stories when the building is protected throughout by approved automatic fire sprinkler system and approved fire alarm system.

803.2.1.4 Group F occupancies. An enclosure shall not be required for vertical openings not exceeding 3 stories where a vertical opening is necessary for manufacturing operations, direct access is provided to at least 1 enclosed stairway and the building is protected throughout by an approved automatic sprinkler system.

803.2.1.5 Group H occupancies. An enclosure shall not be required for vertical openings not exceeding 3 stories where a vertical opening is necessary for manufacturing operations, every floor level has direct access to at least 2 remote enclosed stairways or other approved exits and the building is protected throughout by an approved automatic fire sprinkler system and approved fire alarm system.

803.2.1.6 Group M occupancies. A minimum 1-hour rated enclosure shall be provided to protect all vertical openings not exceeding 3 stories. This enclosure shall not be required in buildings protected throughout by an approved automatic sprinkler system and any convenience stair connecting such stories shall not be considered part of a required means of egress from each story.

Exception: Malls designed and constructed under prior codes.

803.2.1.7 Group R-1 occupancies. An enclosure shall not be required for vertical openings not exceeding 3 stories where such openings serve public areas and the building is protected throughout by an approved automatic sprinkler system and approved fire alarm system.

803.2.1.8 Group R-2 and I-1 occupancies. A minimum 1-hour rated enclosure shall be provided to protect all vertical openings not exceeding 3 stories. However, vertical openings need not be enclosed within dwelling units in accordance with the following:

1. Vertical openings within dwelling units connecting 2 stories.
2. Vertical openings within dwelling units connecting 3 stories in:
    2.1. Combustible buildings protected throughout by an automatic sprinkler system;
    2.2. Noncombustible buildings where the dwelling unit containing the vertical opening is protected by an automatic sprinkler system.

803.2.1.9 Group R-3 occupancies. An enclosure shall not be required for vertical openings or shafts in dwellings not exceeding 3 stories above a basement or where the building is protected throughout by an approved automatic sprinkler system.

803.2.1.10 Group S occupancies. An enclosure shall not be required for vertical openings for:

1. Buildings connecting not more than 2 floor levels;
2. Buildings connecting not more than 3 floor levels and the structure is equipped throughout with an approved automatic sprinkler system; or

3. Open parking garages and ramps where vertical opening protection is not otherwise required.

803.2.1.11 Vertical openings exceeding 3 stories. Where vertical openings exceed the limits of Sections 803.2.1.1 through 803.2.10 of this code for Occupancy Groups A, B, E, F, H, M, R-1, R-2, R-3 or S, such openings shall be permitted to be enclosed in accordance with Chapter 7 of the *New York City Building Code* where the building is protected throughout by an approved automatic sprinkler system. In Occupancy Groups R-1 and R-2 buildings, such enclosure shall not be less than what is required by Appendix D of this code. Buildings in Occupancy Groups E, H and R-1 shall also be provided with fire alarm systems.

803.2.1.12 Group I-2, I-3, and I-4 occupancies. Vertical openings and shaft enclosures shall be permitted to comply with the *New York City Building Code* where the building is protected throughout by an approved automatic sprinkler system and approved fire alarm system. Existing shafts and vertical openings that are lawfully enclosed in accordance with prior codes shall be considered in compliance with this section.

803.2.2 Supplemental shaft and floor opening enclosure requirements. Where the work area on any floor exceeds 50 percent of that floor area, the enclosure requirements of Section 803.2 shall apply to vertical openings other than stairways throughout the floor.

Exception: Vertical openings located in occupied spaces under separate tenancy that are entirely outside the work area.

803.2.3 Supplemental stairway enclosure requirements in prior code buildings. Where the work area on any floor exceeds 50 percent of that floor area, stairways that are part of the means of egress serving the work area shall, at a minimum, be enclosed with 1-hour fire rated construction on the highest work area floor and all floors below.

Exception: Where stairway enclosure is not required by the *New York City Building Code*.

803.2.4 Requirements for non-egress convenience stairway or escalator opening. In an existing building equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 of the *New York City Building Code*, a shaft enclosure is not required for an escalator opening or stairway which is not a portion of the means of egress and which is protected in accordance with the Section 712 of the *New York City Building Code*.

803.3 Smoke compartments. In Group I-2 occupancies where the work area is on a story used for sleeping rooms for more than 30 persons sleeping or receiving care or treatment, the story shall be divided into not less than 2 compartments by smoke barrier walls in accordance with Section 407.5 of the *New York City Building Code* as required for new construction.

803.4 Interior finish. The interior finish of walls and ceilings in exits and corridors in any work area shall comply with the requirements of the *New York City Building Code*.

Exception: In prior code buildings, existing interior finish materials that do not comply with the interior finish requirements of the *New York City Building Code* shall be permitted to be treated with an approved fire-retardant coating in accordance with the manufacturer's instructions to achieve the required rating. The fire-retardant coating shall be listed by a Nationally Recognized Testing Laboratory.

803.4.1 Supplemental interior finish requirements. Where the work area on any floor

exceeds 50 percent of the floor area, Section 803.4 shall also apply to the interior finish in exits and corridors serving the work area throughout the floor.

Exception: Interior finish within occupied spaces under separate tenancy that are entirely outside the work area.

803.5 Guards. Every portion of a floor or walking surface, such as a balcony or a loading dock, that is more than 30 inches (762 mm) above the floor or grade below and is not provided with guards, or those in which the existing guards are not adequate in strength and attachment in accordance with the applicable sections of Chapter 16 of the *New York City Building Code*, shall be provided with guards designed and installed in accordance with Chapter 10 of the *New York City Building Code*.

803.6 Vaults and reinforced spaces. Where an alteration to an existing building or space involves the installation of a steel-plated or similarly reinforced or secured vault-like interior in a building or portion thereof, such alteration shall comply with the fire protection requirements of Chapter 9 of the *New York City Building Code*.

803.7 Windows in Occupancy Groups I-1, R-1, R-2 and R-3. Where the alteration of an existing building in Occupancy Groups I-1, R-1, R-2 or R-3 includes the replacement of windows, the replacement windows shall be subject to the requirements of Sections 803.7.1 through 803.7.3.

803.7.1 Light and air requirements for replacement windows. Replacement windows serving dwelling units in Group I-1, R-1, R-2 or R-3 occupancies shall not reduce the area of glazing or operable area below the requirements of Chapter 12 of the *New York City Building Code*, except where different requirements provided in Appendix D of this code for certain multiple dwelling classifications apply.

Exception. Where replacement windows installed within an existing window frame in R-3 occupancy are required to comply with the *New York City Energy Conservation Code*, the required window size may be reduced by the thickness of the existing frame. Where replacement of windows in R-3 occupancy requires replacement with a frame/mullions that are larger than the original frame/mullions and results in reduction in glazed area/daylight opening, the new window shall be allowed on condition the new window conforms with all other code requirements. Such reduction shall be minimized to the extent possible.

803.7.2 Window guards in Group R-2 occupancies. Replacement windows shall be subject to the requirements of Section 303.7 of this code and Section 1015.9 of the *New York City Building Code* with regard to window guards.

803.7.3 Emergency escape and rescue openings. Replacement windows in Group R-2 and R-3 occupancies shall comply with Section 303.8.

803.8 Protection of window openings on lot line air shafts in Group R-2 occupancies. In prior code buildings, where there are windows that open onto a lot line air shaft as defined in Chapter 2 within the work area and any part of such window is less than 3 feet (914 mm) from the lot line or less than 6 feet (1829 mm) from another window on the adjacent building, such window shall be protected in the manner described by Sections 803.8.1 or 803.8.2. For the purpose of this section, separation distance to adjacent buildings shall be measured in any direction to the nearest edges of window openings.

803.8.1 Methods of protection. Within the work area, windows opening on lot line air shafts

shall be protected by 1 of the following methods:

1. The window shall be a fire window assembly meeting the requirements of Sections 705.8.2 and 716.6 of the *New York City Building Code*, and if the window is operable or is required to be operable by Chapter 12 of the *New York City Building Code*, the window shall be automatic-closing.

2. Where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 of the *New York City Building Code*, the window shall be protected by a water curtain using automatic sprinklers approved for that use in accordance with Section 705.8.2 (Exception) of the *New York City Building Code*; or

3. The window is protected by a fire shutter complying with Sections 705.8.2 and 716.6 of the *New York City Building Code*.

803.8.2 A new sprinkler system is to be installed. Where the installation of a new sprinkler system is proposed throughout a building containing air shaft windows, such windows shall be protected on the interior side, in accordance with Section 705.8.2 (Exception) of the *New York City Building Code*.

803.9 Existing buildings in fire districts. Alterations made to existing buildings shall comply with Section 302.6 and Sections 803.9.1 through 803.9.3.

803.9.1 Construction type. Every existing building, room, or space hereafter altered shall be of a construction type as indicated in Chapter 6 of the *New York City Building Code* including the required fire resistance rating of bearing walls, floors, roofs and their supporting structural members.

803.9.2 Roof covering. Roof covering in the fire district shall conform to the requirements of Class A or B roof coverings as defined in Section 1505 of the *New York City Building Code*.

803.9.3 Existing one- or two-family dwellings. Where an existing one- or two-family detached, zero lot line or semi-detached dwelling of 3 stories or less in height and 2,500 square feet (232 m^2) or less in area located within Zoning Districts R-1 through R-5 within Lower Density Growth Management Areas as defined by the *New York City Zoning Resolution* constructed of Type VA construction, is damaged, only the damaged portions shall be required to be reconstructed to conform to Type VA construction where such buildings are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 of the *New York City Building Code*.

803.10 Architectural condition assessment. Where a building is being altered and the work area exceeds 50 percent of the floor area, the registered design professional of record shall visually assess the condition of fire-resistant building elements and assemblies within the work area, and egress elements serving the work area on that same story. The results and findings of the assessment shall be incorporated in the scope of work as needed. Where the assessment reveals unsafe conditions or deteriorated building elements, such elements shall be remediated, and the unsafe conditions corrected. Such building elements and assemblies shall include:

1. Exit doors: fire rating, self-closing mechanism and as required by Section 805, as applicable.

2. Shafts and vertical openings enclosures.

3. Exit stair enclosure and material combustibility.

4. Fire walls and fire-rated partitions including penetrations and protection of windows and doors.

5. Protection of lot line windows.

6. Fire escape and access thereto, including attachment to exterior wall, stairs, balconies, fire protection of windows and railings.

Such condition assessment need not be repeated for the same work area unless required by the commissioner.

Exception: Alterations of one- and two-family dwellings in occupancy group R-3.

803.10.1 Hazardous conditions. All conditions noted as hazardous to life, safety or health that are not immediately corrected shall be brought to the immediate attention of the commissioner.

803.11 Bearing of joists. For non-fireproof buildings erected prior to December 6, 1968, the ends of floor and roof joists and beams shall not be supported on stud partitions, whether wood stud or metal stud. The ends of such joists and beams shall be supported on masonry, girders, trimmer or header beams. When supported on masonry walls, such joists and beams shall be cut to a bevel of 3 inches (914 mm) in their depth and shall have a bearing of at least 4 inches (102 mm) on the masonry. When supported on girders, such joists and beams shall have bearings of at least 4 inches (102 mm), and may be supported by metal stirrups, hangers or bolted hardwood cleats. Tail beams over eight feet (2438 mm) long and trimmer and header beams shall be hung in approved metal stirrups or hangers and shall be spiked unless supported on a wall or girder.

Exception: For buildings that are fully sprinklered and that comply with the height and area limitations of Chapter 5 of the *New York City Building Code*, connection details for joists and beams shall be permitted to comply with the *New York City Building Code*.

SECTION EBC 804
FIRE PROTECTION

804.1 Scope. The requirements of this section shall be limited to work areas in which Level 1 alterations are being performed, except that, where specified, they shall apply throughout the floor on which the work areas are located or otherwise beyond the work area.

804.2 Automatic sprinkler systems. Automatic sprinkler systems shall be provided in accordance with the requirements of Sections 804.2.1 through 804.2.8 of this code. Installation requirements, materials and methods shall be in accordance with Chapter 9 of the *New York City Building Code*.

804.2.1 High-rise buildings. In high-rise buildings, work areas that have exits or corridors shared by more than 1 tenant or that have exits or corridors serving an occupant load greater than 30 shall be provided with automatic sprinkler protection in the entire work area where the work area is located on a floor that has a sufficient sprinkler water supply from an existing standpipe, combined standpipe or a sprinkler riser serving that floor.

Exception: If a building does not have sufficient water supply for design of a fire sprinkler system available to the floor without installation of a new fire pump or new water source connection, work areas shall be protected throughout all occupiable spaces not including

those in sleeping units or individual dwelling units, and throughout common areas and work spaces such as corridors, lobbies, storage rooms, and equipment rooms, by a partial coverage smoke detection system that activates the occupant notification system in accordance with Sections 907.4, 907.5 and 907.6 of the *New York City Building Code*.

804.2.1.1 Supplemental automatic sprinkler system requirements. Where the work area on any floor exceeds 50 percent of that floor area, Section 804.2.1 shall apply to the entire floor on which the work area is located.

Exception: Occupied spaces under separate tenancy that are entirely outside the work area.

804.2.2 Occupancy Groups A, B, E, F-1, H, I, M, R-1, R-2, S-1 and S-2. In buildings with occupancies in Occupancy Groups A, B, E, F-1, H, I, M, R-1, R-2, S-1 and S-2, work areas that have exits or corridors shared by more than 1 tenant or that have exits or corridors serving an occupant load greater than 30 shall be provided with automatic sprinkler protection where both of the following conditions apply:

1. The work area is required to be provided with automatic sprinkler protection in accordance with the *New York City Building Code* as applicable to new construction; and
2. The work area exceeds 50 percent of the floor area and is located on a floor that has a sufficient sprinkler water supply from an existing standpipe, combined standpipe or a sprinkler riser serving that floor.

Exception: If a building does not have sufficient water supply for design of a fire sprinkler system available to the floor without installation of a new fire pump or new water source connection, work areas shall be protected throughout all occupiable spaces not including those in sleeping units or individual dwelling units, and throughout common areas and work spaces such as corridors, lobbies, storage rooms, and equipment rooms, by a partial coverage smoke detection system that activates the occupant notification system in accordance with Sections 907.4, 907.5 and 907.6 of the *New York City Building Code*.

804.2.2.1 Mixed uses. In work areas containing mixed uses, 1 or more of which requires automatic sprinkler protection in accordance with Section 804.2.2, such protection shall not be required throughout the work area provided that the uses requiring such protection are separated from those not requiring protection by fire-resistance-rated construction having a minimum 2-hour rating for Occupancy Group H and a minimum 1-hour rating for all other occupancy groups.

804.2.3 Sprinkler protection required. Work areas located in above or below grade stories where such stories are required to be sprinklered in accordance with Sections 903.2.11.1 through 903.2.11.3 of the *New York City Building Code* shall be sprinklered where the building has a sufficient water supply without installation of a new fire pump.

804.2.3.1 Supplemental automatic sprinkler system requirements. Where the work area on any above or below grade story exceeds 50 percent of the area of that story, Section 804.2.3 shall apply to the entire story on which the work area is located.

Exception: Occupied spaces under separate tenancy that are entirely outside the work

area.

804.2.4 Other required automatic sprinkler systems. In buildings and areas listed in Table 903.2.11.10 of the *New York City Building Code*, work areas that have exits or corridors shared by more than 1 tenant or that have exits or corridors serving an occupant load greater than 30 shall be provided with an automatic sprinkler system where both of the following conditions apply:

1. The work area is required to be provided with an automatic sprinkler system in accordance with the *New York City Building Code* applicable to new construction; and
2. The building has sufficient water supply available to the floor for the design of an automatic sprinkler system without installation of a new fire pump or new water service connection.

804.2.5 Supervision. Automatic sprinkler systems required by this section shall be supervised in accordance with Chapter 9 of the *New York City Building Code*.

804.2.6 Corridor ratings. Where an approved automatic sprinkler system is installed throughout the story, and throughout the stories immediately above and below the work area, the required fire-resistance rating for any corridor located on the story of the work area shall be permitted to be reduced in accordance with the *New York City Building Code*.

Exception: Where the dead-end corridor length exceeds that permitted by the *New York City Building Code*, the required fire-resistance rating for the entire corridor shall not be permitted to be reduced.

804.2.7 Protection of lot line air shaft openings. Where a sprinkler system is being installed in a building, lot line shaft openings shall be protected in the manner described by Section 803.8.

804.2.8 Special provisions for prior code buildings. In addition to compliance with Sections 804.2.1 through 804.2.7, existing sprinkler system and components in prior code buildings may comply with Sections 804.2.8.1 and 804.2.8.2.

804.2.8.1 Existing single compartment fire reserve tanks. Existing single compartment fire reserve tanks with a volume of 15,000 gallons (56781 L) or more that are to be replaced shall be compartmented and sized in conformance with the *New York City Building Code*.

Exception: Existing single compartment fire reserve tanks, with a volume of 15,000 gallons (56781 L) or more, constructed in accordance with the prior codes, shall be permitted to remain.

804.2.8.2 Automatic sprinkler existing water supply. The water supply demand for a sprinkler system shall be calculated in accordance with the *New York City Building Code* and shall include the demand incurred by any new sprinkler heads installed and any existing sprinklers that shall remain. The existing water supply shall be permitted to remain provided that the newly calculated sprinkler system water supply demand does not exceed the existing system water supply capacity.

Exception: Where the existing sprinkler system water supply demand is calculated by taking the reduction in size of the calculated remote area of operation as permitted by NFPA 13 as modified by Appendix Q of the *New York City Building Code*, and such

system is supplied by a fixed duration water supply of less than 5,000 gallons (18927 L), a supplemental water supply demand calculation shall be made without taking the area reduction.

804.2.8.2.1 Existing water supply insufficient to meet newly calculated demand. Where the newly calculated water supply demand exceeds the existing system water supply capacity, the existing water supply shall be modified to provide the newly required sprinkler system demand. Where the addition or modification of water reserve tanks is impracticable, a reduction of storage to a 20-minute duration in light hazard occupancies shall be permitted, as approved by the department, provided that the reduction in size of the calculated remote area of operation as described in the exception to Section 804.2.8.2 is not taken, and that mechanical automatic means of makeup to the storage tank are installed in accordance with the following:

1. Automatic means of makeup for a tank fire reserve shall be capable of pumping water into the tank, for a period of 20 minutes, at a rate sufficient to equal the difference between the normal 30-minute demand and the alternate 20-minute demand. The demand required shall be calculated for the most demanding remote area from the riser without taking the reduction in size of the remote area otherwise permitted by NFPA 13 as modified by Appendix Q of the *New York City Building Code*;
2. Where the domestic water house pumps are used for makeup, at least 2 pumps, each of sufficient capacity to meet the makeup requirement, shall be provided; and
3. A low water alarm, listed for its use, shall be located at a point 500 gallons (1893 L) above the fire level reserve.

804.3 Standpipes. Where the alteration work includes the addition or replacement of an entire exit stair shaft that is a required means of egress, the entire interior exit stair shaft shall be equipped with a standpipe in accordance with Section 905 of the *New York City Building Code*.

804.3.1 Connection of fire pumps to emergency power system. The installation of new or replacement of existing fire pumps shall comply with Section 308.4 relating to connection to emergency power system in existing buildings.

804.4 Fire alarm and detection. An approved fire alarm system shall be installed in accordance with Sections 804.4.1 through 804.4.7. An approved automatic fire detection system shall be installed in accordance with the provisions of this code and NFPA 72 as modified by Appendix Q of the *New York City Building Code*. Devices, combinations of devices, appliances and equipment shall be approved. The automatic fire detectors shall be smoke detectors, except that an approved alternative type of detector shall be installed in spaces such as boiler rooms, where products of combustion are present during normal operation in sufficient quantity to actuate a smoke detector.

804.4.1 Occupancy requirements. A fire alarm system shall be installed in accordance with Sections 804.4.1.1 through 804.4.1.5. Existing alarm-notification appliances shall be automatically activated in accordance with the building's existing approved fire alarm sequence of operations.

Exception: Occupancies with an existing, previously approved fire alarm system.

804.4.1.1 Occupancy Group E and Group I-4. Where the work area exceeds 10 percent of the portion of the building occupied by occupancy Groups E or I-4 or 25 percent of the area of the floor in which the work area is located, a manual and automatic fire alarm system shall be installed throughout the floor. The installation shall be in accordance with the *New York City Building Code* and the fire alarm control unit shall be designed to accommodate expansion for the entire occupancy. Once the fire alarm coverage exceeds 50 percent of the entire occupancy, the fire alarm installation shall be extended throughout the occupancy.

Exception: Where a fire alarm system cannot be installed in accordance with the *New York City Building Code*, the system shall be approved by both the Commissioner and the Fire Commissioner.

804.4.1.2 Occupancy Group I-1. Where the work area exceeds 10 percent of the portion of the building occupied by occupancy Group I-1 residential care/assisted living facilities or 25 percent of the area of the floor in which the work area is located, a manual and automatic fire alarm system shall be installed throughout the floor in accordance with the *New York City Building Code* and the fire alarm control unit shall be designed to accommodate expansion for the entire occupancy for existing Group I-1 occupancies. Once the fire alarm coverage exceeds 50 percent of the entire occupancy, the fire alarm installation shall be extended throughout.

Exception: Where a fire alarm system cannot be installed in accordance with the *New York City Building Code*, the system shall be approved by both the Commissioner and the Fire Commissioner.

804.4.1.3 Occupancy Group I-2. A fire alarm system shall be installed throughout Group I-2 occupancies in accordance with the *New York City Building Code*.

804.4.1.4 Occupancy Group I-3. Where the work area exceeds 10 percent of the portion of the building occupied by occupancy Group I-3 or 25 percent of the area of the floor in which the work area is located, a manual and automatic fire alarm system shall be installed throughout the floor. The installation shall be in accordance with the *New York City Building Code* and the fire alarm control unit shall be designed to accommodate expansion for the entire occupancy. Once the fire alarm coverage exceeds 50 percent of the entire occupancy, the fire alarm installation shall be extended throughout.

Exception: Where a fire alarm system cannot be installed in accordance with the *New York City Building Code*, the system shall be approved by both the Commissioner and the Fire Commissioner.

804.4.1.5 Occupancy Group R-1. A fire alarm system shall be installed in Group R-1 occupancies in accordance with the requirements of the *New York City Building Code* for Group R-1 occupancies.

804.4.2 Control Units. Where the capacity of the existing fire alarm system is not sufficient to support the alteration work in accordance with this section, and a new distributed control panel is added to the system, such new panel may be installed in a similar manner with installation and wiring comparable to the existing, approved fire alarm system. Such control panels shall comply with NFPA 72 as modified by Appendix Q of the *New York City Building Code* with respect to alarm reset capabilities, and any addressable initiating devices connected

to the new distributed control panel shall report individually to the primary fire alarm control unit within the building.

804.4.3 Smoke detection. Smoke detection shall be provided in work areas in accordance with Sections 804.4.3.1 and 804.4.3.3.

804.4.3.1 Smoke detection in individual sleeping and dwelling units. Individual sleeping units and individual dwelling units in any work area in Group R and I-1 occupancies, where applicable, shall be provided with smoke detection in accordance with the *New York City Building Code*.

Exceptions:

1. Interconnection of smoke alarms outside of the work area to those installed inside the work area in accordance with this code shall not be required.
2. Existing I-1 occupancies that utilize smoke alarms for individual sleeping units or individual dwelling units are permitted to install smoke alarms in the work area in lieu of smoke detectors.

804.4.3.1.1 Smoke and carbon monoxide alarms in dwelling units during alterations involving removal of existing interior finishes in prior code buildings. Smoke and carbon monoxide alarms complying with the location, interconnection and power source requirements of Chapter 9 of the *New York City Building Code* shall be provided throughout a dwelling unit when alteration work results in the removal of existing and/or installation of new interior wall or ceiling finishes permitting the installation of concealed wiring for all the required alarms throughout the dwelling unit.

804.4.3.2 Smoke detection in other spaces. Where required by Chapter 9 of the *New York City Building Code*, in buildings that have an existing approved fire alarm system, smoke detection shall be provided in the following spaces when such spaces are included within the work area:

1. In each mechanical equipment, electrical, transformer, telephone equipment or similar room, in elevator machine rooms and in elevator lobbies.
2. In air distribution systems in accordance with Section 606 of the *New York City Mechanical Code*.

804.4.3.3 Smoke detectors in elevator lobbies and elevator landings of Group R-2 occupancies. Where a new or upgraded fire alarm system is installed in a Group R-2 occupancy building in accordance with Chapter 9 of the *New York City Building Code*, the smoke detectors required to be installed at elevator lobbies, elevator landings, elevator machine rooms, or elevator hoistways shall be programmed to initiate Phase I emergency operations.

804.4.4 Location of fire alarm control equipment. Fire alarm equipment and associated wiring shall be located in spaces within buildings in accordance with the *New York City Building Code*.

Exception. In prior code buildings, fire alarm control equipment and associated wiring may be installed in exit enclosures provided that such installations do not reduce the egress width below that required by code and a smoke detector need not be installed at the location

of such fire alarm control unit.

804.4.5 Existing Mini class "E" and Advisory class "E" systems in prior code buildings. Replacement of existing Mini class E and Advisory class E systems shall be made to comply with Chapter 9 of the *New York City Building Code* for that building or space.

804.4.6 Existing fire alarm systems in prior code places of assembly used as a cabaret. Replacement of existing fire alarm systems in cabarets shall be made to comply with Chapter 9 of the *New York City Building Code* for that building or space.

804.4.7 Fire alarm system alterations and replacements in existing buildings. Existing, approved fire alarm systems undergoing alterations or being replaced shall comply with the requirements of Section 804.4.7.1 through 804.4.7.5. For the purpose of applying the following sections, alteration applications that have not been signed off shall be cumulatively considered.

804.4.7.1 Replacement of the Fire Command Center (FCC), Fire Command Station (FCS) or Fire Alarm Control Panel (FACP). Where the scope of work constitutes the replacement in kind of the FCC, FCS or FACP, full replacement of the fire alarm system shall not be required provided that the following conditions are met:

1. The sequence of operations shall match that of the existing system.
2. Where the existing power capacity is not adequate, a new connection that complies with the *New York City Electrical Code* shall be provided to the replacement equipment.

804.4.7.2 Relocation of the Fire Command Center (FCC), Fire Command Station (FCS) or Fire Alarm Control Panel (FACP). Where the scope of work constitutes the relocation of the FCC, FCS, or FACP, the work shall comply with Section 804.4.7.1 and the following additional requirements:

1. The new proposed location shall be approved by the fire commissioner.
2. Existing power wiring and existing fire alarm system wiring may be utilized. Splicing of existing power wiring and existing fire alarm system wiring is prohibited.
3. Where an FCC, FCS or FACP is relocated, proximity requirements for related systems and controls shall be maintained including, but not limited to, elevator control panels and mechanical fan control panels.

804.4.7.3 System technology upgrade. A system technology upgrade to an existing, approved fire alarm system shall comply with Sections 804.4.7.3.1 through 804.4.7.3.8. Where the scope of work includes upgrade or replacement of the Fire Command Center (FCC), Fire Command Station (FCS), or Fire Alarm Control Panel (FACP), and also includes the upgrade, replacement or addition of fire alarm control unit(s), a system replacement is not required provided that no more than 2 of the following thresholds are exceeded:

1. More than 75 percent of existing notification appliances are replaced in kind.
2. Power-limited fire alarm (PLFA) wiring between control unit(s) and initiating devices or notification appliances is replaced in more than 25 percent of the building's floor area.

3. More than 75 percent of the sum of existing initiating devices and existing emergency control function interface equipment are altered or replaced in kind. The percentage calculation shall not include any initiating devices being added to comply with selective coverage smoke detection requirements of Section 907.2 of the *New York City Building Code*.

4. More than 75 percent of the sum of existing warden telephone stations and firefighter telephones are replaced in kind.

804.4.7.3.1 Control units. New or upgraded control units may be located in the same room or location as the existing control units.

804.4.7.3.2 Circuits. Fire alarm system wiring used to interconnect control units shall meet the class and survivability requirements of the *New York City Building Code* applicable to new systems.

804.4.7.3.3 Smoke detection. Selective coverage smoke detection as required by Section 907.2 of the *New York City Building Code* shall be installed.

804.4.7.3.4 Notification appliance circuits. All notification appliance circuits shall be supervised upon completion of the system technology upgrade.

804.4.7.3.5 Operation sequence. The system's operation sequence shall be modified to comply with that required for a new building of the same characteristics.

804.4.7.3.6 Power connections. Where the existing power capacity serving the existing fire alarm system is not adequate to power the upgraded fire alarm system, new AC power connections shall be provided for all upgraded fire alarm control equipment in accordance with the *New York City Electrical Code*.

804.4.7.3.7 Wiring. Existing wiring not affected by the upgrade shall be permitted to remain.

804.4.7.3.8 Existing to remain. Existing, functional initiating devices and notification appliances not affected by the upgrade shall be permitted to remain.

804.4.7.4 System replacement. Where the scope of work includes a full replacement of the existing, approved fire alarm system, the system shall be installed in accordance with Section 907 of the *New York City Building Code* and in accordance with the applicable sections of the *New York City Electrical Code*.

804.4.7.5 Emergency and standby power for fire alarm upgrades and replacements in prior code buildings. Where a fire alarm system is being altered or replaced in accordance with Section 804.4.7, and where the existing building does not have an on-site generator for emergency or standby power loads, installation of a generator to provide secondary power to the fire alarm system shall not be required. However, where the existing building does have an on-site generator for emergency or standby power loads, connection of the upgraded fire alarm system to the existing generator in accordance with Chapter 27 of the *New York City Building Code* shall be required.

SECTION EBC 805
MEANS OF EGRESS

805.1 Scope. The requirements of this section shall be limited to work areas that include exits or corridors shared by more than 1 tenant within the work area in which Level 1 alterations are being performed, except that, where specified for supplemental requirements, they shall apply throughout the floor on which the work areas are located or otherwise beyond the work area.

805.2 General. The means of egress shall comply with the requirements of this section and Section 305.

805.3 Number of exits. The number of exits shall be in accordance with Sections 805.3.1 through 805.3.3.

805.3.1 Minimum number. Every story utilized for human occupancy on which there is a work area that includes exits or corridors shared by more than 1 tenant within the work area shall be provided with the minimum number of exits based on the occupancy and the occupant load in accordance with the *New York City Building Code* and Section 305.5.1 of this code. In addition, the exits shall comply with Sections 805.3.1.1 through 805.3.1.3.

805.3.1.1 Single-exit buildings. Only 1 exit is required from buildings and spaces when permitted by Section 1006.3 of the *New York City Building Code*.

805.3.1.1.1 Prior code buildings. In prior code buildings, 1 means of egress shall be permitted from floors in:

1. One- and two-family dwellings classified in Occupancy Group R-3.
2. Buildings classified in Occupancy Group B that are not more than 60 feet (18 288 mm) in height, have a gross area of 2,000 square feet (186 m²) or less per floor, and have a maximum travel distance of 50 feet (15 240 mm) on any floor.
3. Buildings classified in Occupancy Group R-2 that are of noncombustible construction, have a gross area of 2,000 square feet (186 m²) or less per floor, and have a maximum travel distance of 50 feet (15 240 mm) on any floor.
4. Buildings classified in Occupancy Group R-1 or R-2 that are not more than 2 stories and not more than 30 feet (9 144 mm) in height and have a maximum travel distance of 80 feet (24 384 mm), and the corridors and stair enclosure are provided with automatic sprinkler protection.
5. Buildings classified in Occupancy Group R-2 occupied exclusively by not more than one family on each story without boarders, roomers or lodgers and that are not more than 3 stories and not more than 40 feet (12 192 mm) in height, and the stair enclosure is provided with automatic sprinkler protection and without openings between any garage and the exit passageway.
6. Buildings classified in Occupancy Group R-2 that are not more than 3 stories and not more than 40 feet (12 192 mm) in height and occupied by not more than 4 families on each story, and the building is protected with an automatic sprinkler system.
7. Buildings constructed pursuant to codes prior to the 1968 Building Code with a floor area of 2500 square feet (232.25 m^2) or less and 75 feet (22 860 mm) or less in height, only 1 required stairway need be provided when the occupancy on any floor above grade is 1 person for each 50 square feet (4.6 m^2) or more

of floor area.

805.3.1.2 Multilevel dwelling units. Multilevel dwelling units occupying a part of not more than 2 floors in buildings classified in Occupancy Group R-2 shall comply with Chapter 10 of the *New York City Building Code*.

Exception: In multilevel dwelling units occupying a part of not more than 2 floors in prior code buildings classified in Occupancy Group R-2, an exit shall not be required from every level of the dwelling unit provided that all of the following conditions are met:

1. The building is of noncombustible construction;
2. One level of the dwelling unit shall be the exit level with exit access doorway to 2 means of egress or as permitted by Section 805.3.1.1.1, and the other level is provided with a balcony connecting such level to an adjacent dwelling unit, in accordance with Section 305.5.19;
3. The maximum travel distance within the dwelling unit does not exceed 50 feet (15 240 mm) from any room within such dwelling unit measured to the centerline of the exit access door providing access to the 2 means of egress; and
4. The connecting stair shall be at least 2 feet 6 inches (762 mm) in width and terminate not more than 20 feet (6096 mm) from the exit access door on the exit level. However, a greater width may be required pursuant to Chapter 11 of the *New York City Building Code*.

805.3.1.3 Fire escapes required. Where permitted by Section 305.5.16 in prior code buildings, an existing fire escape or newly constructed fire escape shall be accepted as providing 1 of the required means of egress.

805.3.2 Mezzanines. Mezzanines in the work area and with an occupant load that exceeds that permitted by Table 805.4.1.1 or in which the travel distance to an exit exceeds 75 feet (22 860 mm) shall have access to at least 2 independent means of egress.

Exception: Travel distance may be extended to 100 feet (30 480 mm) including path of travel along connecting stair where the building is protected throughout with an automatic sprinkler system.

805.3.3 Main exit— Occupancy Group A. All buildings classified in Occupancy Group A with an occupant load of 300 or more shall be provided with a main entrance capable of serving as the main exit with an egress capacity of at least one-half of the total occupant load. The remaining exits shall be capable of providing one-half of the total required exit capacity.

Exceptions:

1. Where there is no well-defined main exit or where multiple main exits are provided, exits shall be permitted to be distributed around the perimeter of the building provided that the total width of egress is not less than 100 percent of the required width.
2. Existing places of assembly with valid Place of Assembly Certificates of Operation in prior code buildings.

3. Existing special occupancy structures.

805.4 Egress doorways. Egress doorways in any work area shall comply with Section 1006 of the *New York City Building Code* and Sections 805.4.1 through 805.4.5 of this code.

805.4.1 Required number of exits or exit access doorways. Work areas shall be provided with exits or exit access doorways in accordance with the requirements of Section 1006.2 of the *New York City Building Code* except as stated in Sections 805.4.1.1 and 805.4.1.2 of this code.

805.4.1.1 Required number of exits and exit access doorways in prior code buildings. In any work areas in prior code buildings, all rooms and spaces having an occupant load not greater than specified in Table 805.4.1.1 shall be permitted to have 1 exit access doorway. In work areas in prior code buildings, rooms and spaces having an occupant load greater than specified by Table 805.4.1.1 shall have a minimum of 2 exit access doorways.

TABLE 805.4.1.1
MAXIMUM OCCUPANT LOAD FOR SPACES WITH ONE EXIT ACCESS DOOR IN PRIOR CODE BUILDINGS

OCCUPANCY GROUP CLASSIFICATION	MAXIMUM OCCUPANT LOAD WITH 1 EXIT ACCESS DOOR
H	10
S	50
M	74
F	50
B	74
A	74
E	74
I-1, I-2, I-3, I-4	15
R-1, R-2, R-3	20

805.4.1.2 Occupancy Group I-2. In buildings classified as Group I-2 occupancy, any patient sleeping room or suite of patient rooms greater than 1,000 square feet (93 m^2) within the work area shall have a minimum of 2 egress doors.

805.4.2 Door swing. In the work area, all means of egress doors serving rooms or spaces requiring more than 1 exit access door shall swing in the direction of exit travel. All means of egress doors from work areas that include an automatic teller machine ("ATM") shall swing in the direction of exit travel.

805.4.2.1 Supplemental requirements for door swing. Where the work area exceeds 50 percent of the floor area, door swing shall comply with Section 805.4.2 throughout the floor.

Exception: Means of egress within or serving only an occupied space under separate tenancy that is entirely outside the work area.

805.4.3 Door closing. In any work area, all doors opening onto an exit passageway at grade or an exit stairway shall be self-closing or automatic-closing by listed closing devices.

Exception: Where exit enclosure is not required by the *New York City Building Code*.

805.4.3.1 Supplemental requirements for door closing. Where the work area exceeds 50 percent of the floor area, door closing shall comply with the following requirements:

1. New or existing fire doors opening from the work area to exit stairways, exit passageways at grade or exit discharge shall comply with Section 805.4.3; and
2. The building owner shall certify, in a form acceptable to the department, that all other fire doors throughout the exit stairway from the level of the work area to the exit discharge, including fire doors to exit passageways and exit discharge, are self-closing or automatic-closing in accordance with Section 716.5.9 of the *New York City Building Code*.

805.4.4 Panic hardware. In any work area, and in the egress path from any work area to the exit discharge, in buildings or portions thereof classified as Group H occupancies, Groups A and E occupancies with an occupant load greater than 74, and non-accessory tenant spaces or accessory rooms or spaces used for assembly purposes permitted to be classified as Group B occupancies, all required exit doors equipped with latching devices shall be equipped with approved panic hardware.

805.4.4.1 Supplemental requirements for panic hardware. Where the work area exceeds 50 percent of the floor area, panic hardware shall comply with Section 805.4.4 throughout the floor.

Exception: Means of egress within an occupied space under separate tenancy that is entirely outside the work area.

805.4.5 Emergency power source in Occupancy Group I-3. Power-operated sliding doors or power-operated locks for swinging doors shall be operable by a manual release mechanism at the door. Emergency power shall be provided for the doors and locks in accordance with Chapter 27 of the *New York City Building Code*.

Exceptions:

1. Emergency power is not required in facilities with 10 or fewer locks complying with the exception to Section 408.4.1 of the *New York City Building Code*.
2. Emergency power is not required where remote mechanical operating releases are provided.

805.5 Openings in corridor walls. Openings in interior or public corridor walls in any work area shall comply with Sections 805.5.1 through 805.5.4.

Exception: Openings in corridors where such corridors are not required to be rated in accordance with the *New York City Building Code*.

805.5.1 Corridor doors. Corridor doors in the work area shall be constructed to comply with Section 1010 of the *New York City Building Code*.

Exceptions:

1. Existing doors in buildings protected throughout with an approved automatic

sprinkler system shall be required only to resist smoke, be reasonably tight fitting and shall not contain louvers.

2. In group homes with a maximum of 15 occupants that are protected with an approved automatic smoke detection system, closing devices may be omitted.

3. Door assemblies having a fire-resistance rating of at least 3/4 of an hour.

4. In prior code buildings classified in Occupancy Group E, in which an approved interior fire alarm system is installed and in which regular supervised fire drills are held, the doors to rooms or spaces devoted exclusively to nonhazardous uses in Occupancy Group E need not be fire rated, provided they are swinging, self-closing $1^3/_4$-inch solid core wood, and have a maximum area of 720 square inches (18 288 mm^2) of ¼" thick laminated safety glass or fire-rated glass.

805.5.2 Transom openings. Transom openings shall not be permitted in corridor walls**.** All existing transom openings in corridor walls within the work area shall be sealed with materials consistent with the corridor construction.

Exception: Existing transom openings in corridor walls that are not required to be rated in accordance with Chapter 10 of the *New York City Building Code*.

805.5.3 Other corridor openings. Except as provided in Section 805.5.1 and 805.5.2, in any work area, any sash, grille, or opening in a corridor, and any window in a corridor not opening to the street, yard or court shall be sealed or replaced with materials or assemblies consistent with the corridor construction.

805.5.4 Supplemental requirements for corridor openings. Where the work area on any floor exceeds 50 percent of the floor area, the requirements of Sections 805.5.1 through 805.5.3 shall apply throughout the floor.

Exception: Interior corridors in occupied spaces under separate tenancy that are entirely outside the work area.

805.6 Dead-end corridors. Dead-end corridors in any work area shall not exceed 20 feet (6096 mm).

Exceptions:

1. Existing buildings that are protected throughout by sprinkler and fire alarm systems shall be permitted to comply with the requirements of Chapter 10 of the *New York City Building Code*.

2. Dead-end corridors in prior code buildings shall be permitted to comply with Table 805.6.

TABLE 805.6
MAXIMUM LENGTH OF DEAD-END CORRIDOR (FT.)

Occupancy Group		**Max. Dead-End Length (ft)[a]**
Assembly	A	30

Business	B	50
Educational	E	30[b]
Factory	F	50
High Hazard	H	NP
Institutional	I-1, I-2, I-4	30[c]
	I-3	40
Mercantile	M	50
Residential	R-1, R-2	40
	R-3	NR
Storage	S1	50
	S2	NR
Utility	U	NR

For SI: 1 foot = 304.8 mm.

NP – Not Permitted NR – Not Required

Notes:

a. Except in occupancy group I, when a corridor is completely enclosed in construction having a two-hour fire resistance rating, with all corridor doors being self-closing and having a fire protection rating of 1 and one-half hours, the permissible length of dead ends may be increased 100 percent above the length listed in Table 805.6.

b. There shall not be more than 1 classroom on each side of a corridor between an exit and the end of the corridor (dead end).

c. There shall be no patient bedrooms between an exit and the end of the corridor (dead end).

805.7 Means-of-egress lighting. Means-of-egress lighting shall be in accordance with this section, as applicable.

805.7.1 Artificial lighting required. Means of egress in all work areas shall be provided with artificial lighting in accordance with the requirements of Chapter 10 of the *New York City Building Code*.

Exception: Modifications to existing places of assembly subject to the limitations of Section 305.5.18.1 of this code in prior code buildings and in existing motion picture theaters, theaters, concert halls, operas and similar places of assembly accommodating more than 300 persons that were established under Article 13 of the 1938 Building Code, including those constructed prior to 1938, shall be provided with lighting in compliance with the requirements applicable when the building was erected, or under the applicable requirements for the place of assembly when the place of assembly permit was issued, whichever is more restrictive. In addition, such existing places of assembly are permitted to comply with the requirements of Chapter 10 of the *New York City Building Code*.

805.7.2 Supplemental requirements for means-of-egress lighting. Where the work area on any floor exceeds 50 percent of that floor area, means of egress lighting throughout the floor shall comply with Section 805.7.1.

Exceptions:

1. Means of egress within or serving only an occupied space under separate tenancy that is entirely outside the work area.

2. Existing means of egress lighting may be maintained where work is limited to change in seating arrangements, stages and platforms in existing places of assembly in prior code buildings pursuant to Section 305.5.18.1.1.

3. Existing means of egress lighting may be maintained in temporary places of assembly pursuant to Section 305.5.18.

805.8 Exit signs. Exit signs shall be in accordance with this section, as applicable.

805.8.1 Work areas. Means of egress in all work areas shall be provided with exit signs in accordance with the requirements of Chapter 10 of the *New York City Building Code*.

Exception: In existing motion picture theaters, theaters, concert halls, operas and similar places of assembly accommodating more than 300 persons that were established under Article 13 of the 1938 Building Code, including those constructed prior to 1938, requirements for exit sign graphics pursuant to Chapter 10 of the *New York City Building Code* shall not apply to existing exit signs installed under the 1938 Building Code or codes prior to the 1938 Building Code. Existing exit sign graphics may remain or be replaced with similar graphics.

805.8.2 Supplemental requirements for exit signs. Where the work area on any floor exceeds 50 percent of that floor area, means of egress throughout the floor shall comply with Section 805.8.1.

Exceptions:

1. Means of egress within an occupied space under separate tenancy that is entirely outside the work area.

2. In existing motion picture theaters, theaters, concert halls, operas and similar places of assembly accommodating more than 300 persons that were established under Article 13 of the 1938 Building Code, including those constructed prior to 1938, requirements for exit sign graphics pursuant to Chapter 10 of the *New York City Building Code* shall not apply to existing exit signs installed under the 1938 Building Code or codes prior to the 1938 Building Code. Existing exit sign graphics may remain or be replaced with similar graphics.

805.9 Handrails. The requirements of Sections 805.9.1 shall apply to handrails from the work area floor to, and including, the level of exit discharge.

805.9.1 Minimum requirement. In prior code buildings, every required exit stairway that is part of the means of egress for any work area in which the existing handrails are not adequate in strength and attachment in accordance with the applicable sections of Chapter 16 of the *New York City Building Code* shall be provided with handrails designed and installed in accordance with Section 305.5.13 of this code.

805.10 Refuge areas. Where alterations affect the configuration of an area utilized as a refuge area, the capacity of the refuge area shall not be reduced below that required in Sections 805.10.1 and 805.10.2.

805.10.1 Capacity. The required capacity of refuge areas shall be in accordance with Sections 805.10.1.1 through 805.10.1.3.

805.10.1.1 Occupancy Group I-2. In Group I-2 occupancies, the required capacity of the

refuge areas for smoke compartments in accordance with Section 407.5.1 of the *New York City Building Code* shall be maintained.

805.10.1.2 Occupancy Group I-3. In Group I-3 occupancies, the required capacity of the refuge areas for smoke compartments in accordance with Section 408.6.2 of the *New York City Building Code* shall be maintained.

805.10.1.3 Ambulatory care. In ambulatory care facilities required to be separated by Section 422.2 of the *New York City Building Code*, the required capacity of the refuge areas for smoke compartments in accordance with Section 422.4 of the *New York City Building Code* shall be maintained.

805.10.2 Horizontal exits. The required capacity of the refuge area for horizontal exits in accordance with Section 1026.4 of the *New York City Building Code* shall be maintained.

805.11 Guards. The requirements of Section 805.11.1 shall apply to guards from the work area floor to, and including, the level of exit discharge but shall be confined to the egress path of any work area.

805.11.1 Minimum requirement. Every open portion of a stairway, landing or balcony that is more than 30 inches (762 mm) above the floor or grade below and is not provided with guards, or those portions in which existing guards are judged to be in danger of collapsing, shall be provided with guards designed and installed in accordance with Chapter 10 of the *New York City Building Code*.

805.12 New egress stairs. Where the work area includes the construction of a new egress stair in a new shaft, such new stair shall comply with all the requirements of Chapter 10 of the *New York City Building Code*.

805.12.1 Replacement of stair within an existing shaft. Existing stairs may be replaced within the existing shaft provided that they comply with Sections 305.5.11, 305.5.13 and 305.5.15.

805.13 Escalators. Replacement or alteration of existing escalators that were approved to be used as a second means of egress in prior code buildings shall be permitted to serve such purpose in compliance with Section 305.5.17. No new escalators shall be used as a component of a required means of egress.

SECTION EBC 806
ACCESSIBILITY

806.1 General. A building, facility, or element that is altered shall comply with Chapter 11 of the *New York City Building Code*, Section 306 of this code and this section.

806.1.1 Extent of application. An alteration of an existing element, space, or area of a facility shall not be required to provide a greater level of accessibility than that which would be required for new construction. Alterations shall not reduce or have the effect of reducing accessibility of a facility or portion of a facility.

806.2 Compliance. A facility that is altered shall comply with the applicable provisions in Sections 806.2.1 through 806.2.14 of this code and Chapter 11 of the *New York City Building Code* to the extent of the alteration, unless it is technically infeasible. Where compliance with this section

is technically infeasible, the applicant of record shall seek a commissioner's waiver in accordance with Section 306.3 of this code.

A facility that is constructed or altered to be accessible shall be maintained accessible during occupancy.

Exceptions:

1. Where Chapter 11 of the *New York City Building Code* would exempt the altered element or space from compliance, if it were new construction.
2. Accessible means of egress required by Chapter 10 of the *New York City Building Code* are not required to be provided in existing facilities.

806.2.1 Entrances and accessible routes. Where an alteration includes alterations to an entrance or a route that would be required to be accessible by this code, such entrance and route shall be made accessible in accordance with Chapter 11 of the *New York City Building Code*.

806.2.2 Elevators. Altered elements of existing elevators shall comply with ASME A17.1/CSA B44 as amended by Appendix K of the *New York City Building Code* and ICC A117.1. Where such altered elevator is part of a bank of elevators that are programmed to respond to the same hall call control panel, similar elements of the other elevators shall also be altered to comply.

806.2.3 Platform lifts in existing buildings. In existing buildings, platform (wheelchair) lifts installed pursuant to Section 306.2.5 shall be permitted to be a part of the required accessible route.

806.2.4 Limited Use/Limited-Application (LULA) Elevators in existing buildings. In existing buildings, a LULA installed pursuant to Section 306.2.4 shall be permitted to be a part of the required accessible route.

806.2.5 Stairways and escalators in existing buildings. Where an escalator or stairway is added where none existed previously, an accessible route shall be provided between the levels served by the escalator or stairways in accordance with Section 1104.4 of the *New York City Building Code*.

Exception: Where the levels to be connected by an escalator or stairway are already provided with an accessible route.

806.2.6 Ramps. Where steeper slopes than allowed by Section 1012.2 of the *New York City Building Code* are necessitated by space limitations, the slope of ramps in or providing access to existing facilities shall comply with Table 806.2.6 of this code.

TABLE 806.2.6
RAMPS

SLOPE	MAXIMUM RISE
Steeper than 1:10 but not steeper than 1:8	3 inches
Steeper than 1:12 but not steeper than 1:10	6 inches

For SI: 1 inch = 25.4 mm.

806.2.7 Dining areas. An accessible route to raised or sunken dining areas or to all parts of outdoor seating areas is not required provided that the same services and decor are provided in an accessible space usable by any occupant and not restricted to use by people with a disability. The raised, sunken, or outdoor seating areas not provided with an accessible route shall not exceed 25 percent of the total combined area for accessible dining areas.

806.2.8 Dwelling and sleeping units. Where dwelling or sleeping units are altered, they shall comply with Sections 806.2.8.1 through 806.2.8.2.

806.2.8.1 Alterations to dwelling or sleeping units in occupancy Group I-1, I-2, I-3 or R-1. Where dwelling or sleeping units are altered in occupancy Group I-1, I-2, I-3 or R-1, the requirements of Section 1107 of the *New York City Building Code* shall apply only to the spaces being altered.

Exception: Where the dwelling or sleeping units included in the work area exceeds more than 50 percent of the dwelling or sleeping units in the building and under single ownership, the requirements of Section 1107 of the *New York City Building Code* shall apply to all the dwelling or sleeping units under that single ownership.

806.2.8.2 Alterations to dwelling or sleeping units in Occupancy Group R-2. Where dwelling or sleeping units are altered in Occupancy Group R-2, the requirements of Section 1107 of the *New York City Building Code* shall apply only to the spaces being altered.

806.2.9 Toilet and bathing rooms. Where it is technically infeasible to alter existing toilet and bathing rooms to be accessible, an accessible family or assisted-use toilet or bathing room constructed in accordance with the requirements of Sections 1109.2.1 through 1109.2.1.6 of the *New York City Building Code* is permitted; however, the family or assisted-use toilet or bathing room shall be located on an accessible route, on the same floor and in the same area as the existing toilet or bathing rooms. At the inaccessible toilet and bathing rooms, directional signs indicating the location of the nearest family or assisted-use toilet room or bathing room shall be provided. These directional signs shall include the dynamic accessibility symbol and sign characters shall meet the visual character requirements in accordance with ICC A117.1.

806.2.10 Dressing, fitting and locker rooms. Where it is technically infeasible to provide accessible dressing, fitting or locker rooms at the same location as similar types of rooms, 1 accessible room on the same level shall be provided. At the dressing, fitting or locker rooms, directional signs indicating the location of the nearest accessible dressing, fitting and locker room shall be provided. These directional signs shall include the dynamic accessibility symbol and sign characters shall meet the visual character requirements in accordance with ICC A117.1. Where separate sex facilities are provided, accessible rooms for each sex shall be provided. Separate sex facilities are not required where only unisex rooms are provided.

806.2.11 Fuel dispensers. Operable parts of replacement fuel dispensers shall comply with the applicable requirements of Chapter 11 of the *New York City Building Code*.

Exception: Where existing curbs make compliance technically infeasible, operable parts may be permitted to be 54 inches (1372 mm) maximum measured from the surface of the vehicular way where fuel dispensers are installed on existing curbs.

806.2.12 Thresholds. The maximum height of thresholds at doorways shall be in accordance with ICC A117.1.

806.2.13 Amusement rides. Where the structural or operational characteristics of an amusement ride are altered to the extent that the amusement ride's performance differs from that specified by the manufacturer or the original design, the amusement ride shall comply with requirements for new construction in accordance with Section 1110.4.8 of the *New York City Building Code*.

806.2.14 Electric vehicle charging stations. In an alteration where electric vehicle charging stations are added or altered, the charging station shall be located along an accessible route and comply with Section 1106.8 of the *New York City Building Code*.

Exception: In existing facilities with no accessible route, electrical vehicle charging stations are not required to be located along an accessible route.

806.3 Alterations affecting an area containing a primary function. Where an alteration affects the accessibility to or contains an area of primary function, the route to the primary function area, including entrances, shall be accessible in accordance with this section and Section 806.3.1. The accessible route to the primary function area shall include toilet facilities and drinking fountains serving the area of primary function. The costs of providing the accessible route are not required to exceed 25 percent of the costs of the alterations affecting the area of primary function.

Exceptions:

1. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets and signs.
2. This provision does not apply to alterations limited solely to mechanical systems, electrical systems, installation or alteration of fire protection systems and abatement of hazardous materials.
3. This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of a facility.
4. This provision does not apply to altered areas limited to Type B or Type B+NYC dwelling and sleeping units.

806.3.1 Path of travel prioritization. The cost of improvements along the path of travel shall be prioritized in accordance with the following:

1. Accessible entrances.
2. Accessible route to the altered area.
3. Accessible toilet facilities.
4. Accessible drinking fountains and bottle-filling stations.
5. Accessible telephones.
6. Additional items such as parking, storage and alarms.

SECTION EBC 807
STRUCTURAL

807.1 General. Structural elements and systems within buildings undergoing Level 1 alterations shall comply with Chapter 7.

SECTION EBC 808
ELECTRICAL

808.1 New installations. All newly installed electrical equipment and wiring relating to work done in any work area shall comply with all applicable requirements of the *New York City Electrical Code* and as provided for in Sections 808.3 through 808.5 of this code.

808.2 Existing installations. Existing wiring and equipment supplying the work area that is found to be defective shall be upgraded in Group A-1, A-2, A-5, H and I occupancies to meet the requirements of the *New York City Electrical Code*. For purposes of this section, the term "defective wiring" means wiring methods and materials that do not conform to the requirements of Article 110 of the *New York City Electrical Code* and present an imminent danger to occupants. Examples of defective wiring include unprotected conductors or oversized overcurrent protection devices that are unsuitable for the environment they are installed in, and obsolete wiring methods such as knob and tube. For purposes of this section, the term "defective equipment" means any electrical equipment or its installations that are found to be dangerous to human life or property. Examples of defective equipment include ungrounded and unbonded equipment; equipment that is overloaded and inadequate to serve the connected loads; unapproved or unlisted equipment; deteriorating equipment; and equipment that is corroded or shows signs of water damage.

808.3 Residential occupancies. Any work within a dwelling unit in Group R-2 and R-3 occupancies that involves the removal of wall coverings (such as gypsum-board and plaster) or relocation / addition of walls and partitions in the work area must conform to the requirements of Sections 210.52 and 210.70 of the *New York City Electrical Code* with respect to the required receptacle outlets and lighting outlets in the dwelling unit. Any work within a dwelling unit in Group R-2 and R-3 occupancies that does not involve the removal of wall coverings (such as gypsum-board and plaster) or relocation / addition of walls and partitions in the work area shall require the installation of new receptacle outlets and lighting outlets in any work area in accordance with the requirements of Sections 808.3.1 through 808.3.6.

808.3.1 Enclosed areas. All enclosed areas, other than closets, kitchens, basements, garages, hallways, laundry areas, utility areas, storage areas and bathrooms shall have a minimum of 2 duplex receptacle outlets or 1 duplex receptacle outlet and 1 ceiling or wall-type lighting outlet.

808.3.2 Kitchens. Kitchen areas shall have a minimum of 2 duplex receptacle outlets.

808.3.3 Laundry areas. Laundry areas shall have a minimum of 1 duplex receptacle outlet located near the laundry equipment and installed on an independent circuit.

808.3.4 Ground fault circuit interruption. Newly installed receptacles shall be provided with ground fault circuit interruption as required by the *New York City Electrical Code*.

808.3.5 Minimum lighting outlets. At least 1 lighting outlet shall be provided in every bathroom, hallway, stairway, attached garage, and detached garage with electric power, and to illuminate outdoor entrances and exits. Such lighting outlets, and associated controls, shall comply with any applicable requirements of the *New York City Electrical Code*.

808.3.6 Utility rooms and basements. At least 1 lighting outlet shall be provided in utility rooms and basements where such spaces are used for storage or contain equipment requiring service.

808.4 Space for equipment. In Group R-2 and R-3 occupancies, working space and dedicated space for electrical equipment including, but not limited to, panelboards, control panels and equipment disconnecting means in which there are exposed live parts when covers are opened or removed for troubleshooting, maintenance or similar activities, shall be provided in accordance with Article 110 of the *New York City Electrical Code*.

808.5 Smoke and carbon monoxide alarms in dwelling or sleeping units. Installation of smoke and carbon monoxide alarms in dwelling and sleeping units pursuant to Section 804.4.3.1 of this code shall comply with the applicable provisions of NFPA 72 as modified by Appendix Q of the *New York City Building Code* and *New York City Electrical Code*.

SECTION EBC 809
MECHANICAL

809.1 General. Mechanical elements and systems within the work area undergoing alteration Level 1 or within rooms or spaces where work on a stand-alone system as described in section 601.2.3.3 occurs shall comply with this section and Section 309.

809.1.1 Compliance of an entire mechanical system as new construction. An entire mechanical system shall be required to comply with the *New York City Mechanical Code* for new construction when either:

1. The work area exceeds 50 percent of the area served by that system; or
2. 50 percent of the capacity of terminal distribution elements connected to that system is altered or replaced.

Exception: Mechanical system components that serve only an occupied space under separate tenancy that is entirely outside the work area.

809.2 Applicability of *New York City Mechanical Code*. Alteration of mechanical systems including new components, equipment and appliances shall comply with the *New York City Mechanical Code* and Sections 309 and 809.2.1 through 809.15 of this code.

809.2.1 Work on mechanical systems not addressed in Chapter 1. Work on mechanical systems and elements not addressed in Chapter 1 of this code shall be governed by Chapter 1 of the *New York City Mechanical Code*.

809.2.2 Work on mechanical systems not addressed in Chapter 3. Work on mechanical systems and elements not addressed in Chapter 3 of this code shall be governed by Chapter 3 of the *New York City Mechanical Code*.

Exceptions: The following shall apply to any work on mechanical systems and elements:

1. Equipment, appliances and supports that are exposed to wind shall be designed to resist wind pressure determined in accordance with Section 307.2.
2. The determination as to whether seismic supports apply to an alteration shall be made in accordance with Section 307.2.
3. The guard provisions and access to roofs and elevated equipment shall comply with Section 309.2.2.

809.3 Ventilation. Ventilation shall comply with Chapter 4 of the *New York City Mechanical*

Code.

Exception: Connection to existing outdoor air intake openings that are to remain unmodified in size and that are not considered in compliance with Section 401.4 of the *New York City Mechanical Code* shall be permitted to remain provided that they continue to function as required for the existing approved use and comply with the separation requirements between intake and exhaust openings.

809.4 Exhaust systems. Exhaust systems shall comply with Chapter 5 of the *New York City Mechanical Code* and this section.

Exceptions:

1. Connection to existing exhaust openings that are to remain unmodified in size and that are not considered in compliance with Section 501.3 of the *New York City Mechanical Code* shall be permitted to remain provided that they continue to function as required for the existing approved use. Such openings shall comply with the separation requirements between intake and exhaust openings.
2. Replacement of existing fans of the same capacity and motor horsepower.
3. In kind replacement of fans or manual controls as part of an existing manual post fire smoke exhaust system in prior code buildings.
4. Modification of toilet exhaust branch ductwork and risers where the fan systems serving this duct distribution remain as existing.
5. Connection to existing commercial kitchen exhaust ductwork that is to be reused provided that the duct system has been in continuous service and not dormant or abandoned for more than 1 year. The existing ductwork system shall be tested in accordance with Section 506.3.2.5 of the *New York City Mechanical Code*.

809.5 Duct systems. Duct systems shall comply with Chapter 6 of the *New York City Mechanical Code* and this section.

Exception: Replacement of existing fans of the same capacity and motor horsepower.

809.5.1 Ducts and air transfer openings. All new and existing duct penetrations and air transfer openings within the work area shall comply with Chapter 6 of the *New York City Mechanical Code*. The work area boundary shall not be altered so as to exclude these penetrations and openings. All new and existing duct penetrations and air transfer openings that are part of the same duct or fan system and within the same room or space as a duct system altered as part of work on a stand-alone system shall comply with Chapter 6 of the *New York City Mechanical Code*.

809.5.1.1 Shaft and wall penetrations. Connections of new or altered ducts to a duct system which penetrates an existing shaft located on the same floor shall require such nearby shaft penetrations to comply with Chapter 6 of the *New York City Mechanical Code* when any of the following occurs:

1. The penetrations in shafts and walls are located within or enclosing the work area, within or enclosing a space adjacent to the work area, or within or enclosing the room or space in which work on a stand-alone system alters or adds ducts.

2. The shaft and wall penetrations are located within 10 feet (3.05 m) of the work area where the intervening space is a common or public use area. Such distance shall be measured from the inside face of the wall or ceiling comprising the work area boundary.

3. The shaft and wall penetrations are located within 10 feet (3.05 m) of the room or space in which work on a stand-alone system alters or adds ducts and where the intervening space is a common or public use area. Such distance shall be measured from the furthest edge of the system component being altered or installed.

4. The shaft riser design airflow capacity delivered to the floor is increased by more than 10 percent.

5. The work area exceeds 50 percent of the floor area. Compliance shall be required for all penetrations located on the floor where the work area is located, including penetrations located within common or public use areas, except that compliance shall not be required for penetrations in spaces under separate tenancy.

6. The room or space in which work on a stand-alone system alters or adds duct exceeds 50 percent of the floor area. Compliance shall be required for all penetrations located on that floor, including penetrations located within common or public use areas, except that compliance shall not be required for penetrations in spaces under separate tenancy.

809.6 Fire dampers. New and existing fire dampers in the work area, or in the room or space in which work on a stand-alone system which includes duct alterations occurs, shall be operationally tested in accordance with the procedures outlined in NFPA 80.

809.7 Smoke dampers. New and existing smoke dampers in the work area, or in the room or space in which work on a stand-alone system which includes duct alterations occurs, shall be operationally tested in accordance with the procedures outlined in NFPA 105.

809.8 Combustion, ventilation, and dilution air. Combustion, ventilation, and dilution air shall comply with Chapter 7 of the *New York City Mechanical Code* and this section.

Exception: Existing combustion, ventilation and dilution air intakes less than 30 inches (762 mm) above grade may be reused provided they comply with all of the following:

1. An areaway shall be provided, or an existing areaway shall be extended a minimum of 30 inches (762 mm) above adjacent grade where grade is measured from the top of the areaway.

2. A grating with equivalent free area equal to the boiler room wall intake opening shall be provided at the top of the areaway or a guard complying with Section 1015 of the *New York City Building Code* shall be provided around the perimeter of the areaway.

3. The bottom of the boiler room wall intake opening shall be a minimum of 30 inches (762 mm) above the bottom of the areaway, or mechanical ventilation in compliance with Section 706 of the *New York City Mechanical Code* shall be provided.

4. Carbon monoxide alarms and detectors shall be installed within the mechanical or boiler room to shut down the appliances upon carbon monoxide detection in accordance with Section 915 of the *New York City Building Code*.

5. Manual restart of the appliance shall be required after shutdown by carbon monoxide detection.

809.9 Chimneys and vents. Chimney and vent systems shall comply with Chapter 8 of the *New York City Mechanical Code* and this section.

Exceptions:

1. Existing connectors that are below the boiler outlet or below the boiler floor to connect to the vertical chimney shall be permitted to be replaced in kind notwithstanding the pitch requirements of Section 803.10.5 of the *New York City Mechanical Code* provided the existing connector is replaced to comply with the remaining requirements of Section 803 of the *New York City Mechanical Code* and the connector is tested in accordance with Section 810 of the *New York City Mechanical Code*.

2. Existing chimneys and vents. Where an appliance is permanently disconnected from an existing chimney or vent that is to remain in service or where an appliance is connected to an existing chimney or vent during the process of a new appliance installation, the chimney or vent shall comply with Sections 801.18.1 through 801.18.4 of the *New York City Mechanical Code*.

809.10 Specific appliances. Specific appliances shall comply with Chapter 9 of the *New York City Mechanical Code* and this section.

Exceptions:

1. Vibration isolators for replacement cooling towers may be omitted in accordance with Section 309.2.3.

2. Combustible fill shall be permitted in replacement cooling towers in accordance with Section 309.2.4.

809.11 Boilers, water heaters and pressure vessels. Boilers, water heaters and pressure vessels shall comply with Chapter 10 of the *New York City Mechanical Code*, 12 NYCRR Parts 4 and 14 as amended, and this section.

Exceptions:

1. The required clearances around equipment shall be permitted to be modified or reduced for in-kind replacement of boilers or appliances, in an existing boiler room, that do not comply with the required clearances, provided that plans shall demonstrate that the clearances are technically infeasible and that, at a minimum, the manufacturer's required clearances shall be provided.

2. In-kind replacement of boilers shall not require the installation of a floor drain where a floor drain did not already exist and where there is a means of liquid disposal.

809.11.1 Chimney test. Where new or altered equipment or appliances are connected to an existing chimney, the chimney shall be tested in accordance with Chapter 8 of the *New York City Mechanical Code*, Chapter 5 of the *New York City Fuel Gas Code* or Chapter 21 of the *New York City Building Code*, as applicable.

809.11.2 Fuel burning appliances in dwelling units. When fuel burning appliances providing heat or hot water are replaced or installed within a dwelling unit in buildings of Occupancy

Group R-2, interlocked carbon monoxide detection with a manual reset shall be installed in accordance with the *New York City Building Code*.

809.12 Refrigeration. Refrigeration shall comply with Chapter 11 of the *New York City Mechanical Code*.

809.13 Hydronic piping. Hydronic piping shall comply with Chapter 12 of the *New York City Mechanical Code* and this section.

809.13.1 Existing high-pressure steam and high temperature hot water piping systems. Existing high-pressure steam and high temperature hot water piping systems shall be maintained, inspected, repaired, relocated and altered in compliance with Section 1211.3 of the *New York City Mechanical Code*.

809.14 Fuel oil piping and storage. Fuel oil piping and storage shall comply with Chapter 13 of the *New York City Mechanical Code* and this code.

Exceptions:

1. Minor repairs, including but not limited to the replacement of a gasket, valve, pump or pump set, repair of a valve packing gland or tightening of flange bolts shall not require hydrostatic testing.

2. In-kind replacements of the same capacity of existing boilers and/or generators with no fuel oil system alteration or modification shall not require the entire existing fuel oil system to comply with Chapter 13 of the *New York City Mechanical Code*. The existing fuel oil system can continue to be used if it is in compliance with applicable codes and laws in effect when the system was installed.

3. Manual fuel oil fill operations for generators in prior code buildings shall comply with the following requirements when lawfully constructed prior to December 6, 1968, provided that all of the following conditions are satisfied:

   3.1 The emergency generator and diesel fuel storage tanks must be authorized for use by a valid Fire Department fuel oil permit.

   3.2 The combined total quantity of diesel fuel stored in the emergency generator storage tank(s) and any diesel fuel stored in reserve portable drums or containers shall not exceed 330 gallons (1249.2 L) on any given story.

   3.3 The maximum diesel fuel reserve storage in portable drums or containers shall not exceed 60 gallons (227.1 L) any given story and shall be stored in spaces conforming to Section 1305.13.3, Items 1 through 5, and 7 of the *New York City Mechanical Code*. Any empty drums or containers shall be removed immediately and disposed of in a legal manner.

   3.4 Diesel fuel shall be transferred in sealed portable drums or containers satisfying Sections 5003.10.2 and 5003.10.3 of the *New York City Fire Code*. The transfer of diesel fuel and the manual filling of the generator storage tanks shall be conducted by, or supervised by, a person holding a FDNY Certificate of Fitness C-98 for storage and use of combustible liquids. The transfer of diesel fuel from lower to upper stories or roof shall only be via the building freight elevator utilizing hand trucks. Transfer via any passenger elevator shall be prohibited.

3.5 The transfer of diesel fuel from the sealed portable container to the emergency generator fuel storage tank shall be performed using a hand crank pump satisfying the provisions of Section 5705.2.5 of the *New York City Fire Code*.

3.6 The DOB Boiler Division shall, upon satisfactory inspection, issue to the owner DOB form 16A "Certificate of Approval for Oil Burning Installation" indicating that the application involves the manual transfer and filling of the emergency generator diesel fuel storage tank(s) from portable drums or containers and that an FDNY Certificate of Fitness is required when such manual transfer is performed. A copy of the completed form shall be transmitted by the DOB Boiler Division to the Fire Department district office of the Bureau of Fire Prevention.

4. In-kind replacements of fuel oil storage tanks of the same capacity and not exceeding 1375 gallons (5205 L) in rooms without ventilation shall be permitted without requiring such replacement to comply with the ventilation requirements of Chapter 13 of the *New York City Mechanical Code*.

5. Existing oversized fuel oil headers exceeding the limits of Section 1305.9 of the *New York City Mechanical Code* shall be permitted to remain provided all of the following conditions are satisfied:

5.1 The existing fuel oil header is in compliance with prior applicable codes and laws.

5.2 The original header installation contains future valved, capped outlets for the connection of an additional generator.

5.3 The new work shall be connected to an existing valve.

5.4 The existing oversized fuel oil header is not being modified or altered.

5.5 The Fire Department shall be notified, in writing, of fuel oil header capacities exceeding the limits of Section 1305.9 of the *New York City Mechanical Code*.

6. In prior code buildings, where a dedicated, fire-rated room enclosure is technically infeasible, the replacement of existing indoor concrete encased fuel oil tanks with protected fuel oil tanks of the same capacity listed in accordance with UL 2085 shall be permitted.

809.14.1 Existing fuel oil piping system to comply with current code. An existing fuel oil piping system shall be made to comply with the *New York City Mechanical Code* if any of the following apply:

1. The addition of a generator is not provided for by future valved, capped outlets on a header.

2. The addition or replacement of fuel oil piping exceeds 50% of the existing system piping lengths.

3. The addition of fuel oil pumping exceeds 50% of existing pumping capacity.

809.14.2 Outdoor fuel oil piping in existing buildings. Outdoor fuel oil piping supplying existing buildings, including both horizontal and vertical piping, utilizing pumps to transfer fuel oil to appliances at levels above the lowest floor or to storage tanks at levels above the lowest floor in buildings shall comply with the following:

1. Vertical piping shall be located a minimum of 10 feet (3048 mm) from lot lines or a 2-hour fire-rated-enclosure shall be provided.

2. Vertical piping shall be located a minimum of 3 feet (914 mm) from building openings and combustible construction.

3. Vertical outdoor fuel oil piping shall be enclosed in a fully welded outer containment of at least No. 10 standard Gage steel sized in accordance with Section 1305.9.3.2 of the *New York City Mechanical Code*.

4. Horizontal outdoor fuel oil piping shall comply with Section 1305.9.3 of the *New York City Mechanical Code*.

5. In addition to the requirement of Section 1305.9.4 of the *New York City Mechanical Code*, a drain pipe shall also be provided from the lowest point in the vertical outdoor containment enclosure to a minimum 55-gallon (208 L) container with a leak detection alarm, arranged so as to sound an alarm and stop the transfer pump. The container may be located immediately inside the building.

6. Materials and supports directly exposed to the weather shall be stainless steel or other corrosion resistive material.

7. Details shall be provided for piping supports and connections to building structure.

8. Penetrations of building walls shall be encased in a protective pipe sleeve. The annular space between the piping and the sleeve shall be sealed with an approved noncombustible material in accordance with the *New York City Building Code*.

9. Piping shall be grounded in accordance with Section 250.104(B) of the *New York City Electrical Code*.

10. Piping shall be protected from vehicle impact and physical damage.

11. Flexible fuel oil piping systems shall not be utilized unless such systems are provided with continuous leak detection and are listed and labeled in accordance with UL 1369.

12. Piping shall not encroach into the minimum width or height of means of egress.

13. Roof access shall comply with Section 306.5 of the *New York City Mechanical Code*.

14. Piping shall be identified by a permanent label or tag at intervals not more than 40 feet (12 192 mm) in length and at all changes of direction. The label or tag shall be located outside of the enclosure.

15. Fuel oil piping on building roofs shall comply with the requirements of the *New York City Mechanical Code*.

809.14.3 Ventilation of fuel oil storage tank rooms. Replacement of tanks in prior code buildings may utilize an existing gravity ventilation system complying with the following:

1. Independent supply and exhaust openings or ducts discharging to the outside shall be provided; and

2. The total net free area of supply and exhaust openings shall be equal to at least 1 percent of the floor area of the room equally divided between the supply and exhaust.

809.15 Solar systems. Solar systems shall comply with Chapter 14 of the *New York City Mechanical Code*.

SECTION EBC 810
PLUMBING

810.1 General. Plumbing systems including elements and system components, piping and fixtures within the work area in buildings undergoing alteration Level 1 or within rooms or spaces where work on stand-alone systems as described in Section 601.2.3.3 occurs shall comply with the *New York City Plumbing Code*, Section 310 of this code and this section, as applicable.

810.2 Insulation of concealed piping. To the extent required by the *New York City Energy Conservation Code*, where concealed existing piping is exposed during a Level 1 alteration, such piping shall be insulated as required by Section 302.9.4 of this code.

SECTION EBC 811
FUEL GAS SYSTEMS

811.1 General. Alterations made to fuel gas systems including piping, appliances and components shall be in compliance with Section 311 and this section, as applicable.

811.2 Fuel burning appliances in dwelling units. Installation of fuel burning appliances in dwelling units shall require the installation of carbon monoxide detection in accordance with Section 915.1 of the *New York City Building Code*.

SECTION EBC 812
ELEVATORS AND CONVEYING SYSTEMS

812.1 General. Alterations made to existing elevators and conveying systems shall comply with Chapter 30 and ASME A17.1 as modified by Appendix K of the *New York City Building Code*, as applicable, and this section. Work listed in Table 812.1 shall be considered a Level 1 Alteration.

TABLE 812.1 – Level 1 Alteration Work[a]

A17.1 Section	Name of A17.1 Section	A17.1 Sub-section	Name of A17.1 Sub-section
8.6.3	Replacements	8.6.3.10	Replacement of Hydraulic Jack, Plunger, Cylinder, Tanks, and Anticreep Leveling Device
8.6.3	Replacements	8.6.3.11	Replacement of Valves and Piping
8.7.2	Alterations to Electric Elevators	8.7.2.1	Hoistway Enclosures
8.7.2	Alterations to Electric Elevators	8.7.2.7	Machinery Spaces, Machine Rooms, Control Spaces, and Control Rooms

8.7.2	Alterations to Electric Elevators	8.7.2.8	Electrical Equipment, Wiring, Pipes, and Ducts in Hoistways and Machine Rooms
8.7.2	Alterations to Electric Elevators	8.7.2.9	Machinery and Sheave Beams, Supports, and Foundations
8.7.2	Alterations to Electric Elevators	8.7.2.10	Entrances and Hoistway Openings
8.7.2	Alterations to Electric Elevators	8.7.2.11	Hoistway Door Locking Devices, Access Switches, and Parking Devices (Including replacing door operators)
8.7.2	Alterations to Electric Elevators	8.7.2.14	New Car Enclosures (Including replacing cab panels when deadweight of the car is increased or decreased by more than 5%. See ASME Section 8.7.2.15.2)
8.7.2	Alterations to Electric Elevators	8.7.2.15	Car Frame and Platforms
8.7.2	Alterations to Electric Elevators	8.7.2.16	Capacity, Loading, and Classification
8.7.2	Alterations to Electric Elevators	8.7.2.17	Change in Rise or Rated Speed
8.7.2	Alterations to Electric Elevators	8.7.2.18	Car and Counterweight Safeties
8.7.2	Alterations to Electric Elevators	8.7.2.19	Speed Governors and Governor Ropes
8.7.2	Alterations to Electric Elevators	8.7.2.20	Ascending Car Overspeed and Unintended Car Movement Protection
8.7.2	Alterations to Electric Elevators	8.7.2.22	Counterweights
8.7.2	Alterations to Electric Elevators	8.7.2.25	Driving Machines and Sheaves (Except regrooving of sheaves, which can be considered as an LAA. See Table 510.2)
8.7.2	Alterations to Electric Elevators	8.7.2.26	Terminal Stopping Devices
8.7.2	Alterations to Electric Elevators	8.7.2.27	Operating Devices and Control Equipment (Including adding Phase I or Phase II recall, replacing car operating panels or hall buttons)
8.7.2	Alterations to Electric Elevators	8.7.2.28	Emergency Operations and Signaling Devices

8.7.3	Alterations to Hydraulic Elevators	8.7.3.7	Machine Rooms, Machinery Spaces, Control Spaces, and Control Rooms
8.7.3	Alterations to Hydraulic Elevators	8.7.3.8	Electrical Wiring, Pipes, and Ducts in Hoistways and Machine Rooms
8.7.3	Alterations to Hydraulic Elevators	8.7.3.9	Machinery and Sheave Beams, Supports, and Foundations
8.7.3	Alterations to Hydraulic Elevators	8.7.3.10	Hoistway Entrances and Openings
8.7.3	Alterations to Hydraulic Elevators	8.7.3.11	Hoistway Door Locking Devices (Including replacing door operators)
8.7.3	Alterations to Hydraulic Elevators	8.7.3.14	Car Frames and Platforms
8.7.3	Alterations to Hydraulic Elevators	8.7.3.15	Safeties
8.7.3	Alterations to Hydraulic Elevators	8.7.3.16	Governors and Governor Ropes
8.7.3	Alterations to Hydraulic Elevators	8.7.3.17	Change in Type of Service
8.7.3	Alterations to Hydraulic Elevators	8.7.3.18	Change in Class of Loading
8.7.3	Alterations to Hydraulic Elevators	8.7.3.19	Carrying of Passengers on Freight Elevators
8.7.3	Alterations to Hydraulic Elevators	8.7.3.20	Increase in Rated Load
8.7.3	Alterations to Hydraulic Elevators	8.7.3.21	Increase in Deadweight of Car (More than 5%)

8.7.3	Alterations to Hydraulic Elevators	8.7.3.22	Change in Rise or Rated Speed
8.7.3	Alterations to Hydraulic Elevators	8.7.3.23	Hydraulic Equipment
8.7.3	Alterations to Hydraulic Elevators	8.7.3.24	Valves, Pressure Piping, and Fittings
8.7.3	Alterations to Hydraulic Elevators	8.7.3.26	Counterweights
8.7.3	Alterations to Hydraulic Elevators	8.7.3.29	Tanks
8.7.3	Alterations to Hydraulic Elevators	8.7.3.30	Terminal Stopping Devices
8.7.3	Alterations to Hydraulic Elevators	8.7.3.31	Operating Devices and Control Equipment (Including adding Phase I or Phase II Recall, replacing car operating panels or hall buttons)
8.7.4	Alterations to Elevators with Other Types of Driving Machines	8.7.4	Alterations to Elevators with Other Types of Driving Machines
8.7.5	Alterations to Special Application Elevators	8.7.5	Alterations to Special Application Elevators
8.7.6	Alterations to Escalators and Moving Walks	8.7.6	Alterations to Escalators and Moving Walks
8.7.7	Alterations to Dumbwaiters and Material Lifts	8.7.7	Alterations to Dumbwaiters and Material Lifts
8.11.1.4	Installations Placed Out of Service	8.11.1.4	Installations Placed Out of Service

a. All references to A17.1 refer to ASME A17.1, as amended by Appendix K of the *New York City Building Code*.

SECTION EBC 813
ENERGY CONSERVATION

813.1 Minimum requirements. Level 1 alterations made to existing buildings or structures are permitted without requiring the entire building or structure to comply with the energy requirements of the *New York City Energy Conservation Code*. Level 1 alterations shall conform to the energy requirements of Chapters R5 or C5, Existing Buildings, of the *New York City Energy Conservation Code,* as applicable.

SECTION EBC 814
INTERIOR ENVIRONMENT

814.1 Ventilation requirements for enlarged bathrooms, toilet rooms, kitchens, and kitchenettes. For bathrooms, toilet rooms, kitchens and kitchenettes undergoing enlargement, natural or mechanical ventilation sized in accordance with the *New York City Mechanical Code* shall be provided for the proposed floor area.

Exceptions:

1. Bathrooms and toilet rooms enlarged to meet the accessibility requirements of the *New York City Building Code* and that increase the room size by less than 50 percent of the existing floor area shall be permitted to maintain the existing means of ventilation without an increase provided no additional plumbing fixture is being proposed.
2. Kitchens and kitchenettes enlarged to meet the accessibility requirements of the *New York City Building Code* shall be permitted to maintain the existing means of ventilation without an increase in ventilation size provided no additional cooking appliance load is being proposed.

CHAPTER 9
ALTERATIONS—LEVEL 2

SECTION EBC 901
GENERAL

901.1 Scope. Level 2 alterations as described in Section 603 shall comply with the requirements of this chapter and Chapter 3.

901.2 Compliance. In addition to the provisions of this chapter, level 2 alteration work shall comply with all of the requirements of Chapter 8. The requirements of Sections 803, 804 and 805 shall apply to Level 2 alteration work within all work areas whether or not they include exits and corridors shared by more than 1 tenant and regardless of the occupant load, except as otherwise provided in Sections 903, 904, and 905.

901.2.1 Building safety performance and scoring method. The design professional of record may elect to comply with Chapter 13 as an alternative to compliance with any of the requirements of Sections 903, 904 and 905, including Sections 803, 804 and 805, in accordance with Section 301.1.4.

901.2.2 Work that increases floor surface area of an existing building by more than 110 percent. Where a Level 2 alteration made to an existing building causes the existing floor surface area to be increased by more than 110 percent pursuant to Section 302.7, such building shall comply with the *New York City Building Code* as if hereafter erected.

SECTION EBC 902
SPECIAL USE AND OCCUPANCY

902.1 Uses and occupancies subject to Chapter 4 of the *New York City Building Code*. Except as stated in Section 901.2.2 of this code, where an existing building occupied by a use or occupancy that is identified in Chapter 4 of the *New York City Building Code* is undergoing a level 2 alteration, such alteration work within the work area shall comply with the applicable requirements of Chapter 4 of the *New York City Building Code* and this section.

902.1.1 High-rise buildings. Within work areas in buildings having occupied floors more than 75 feet (22 860 mm) above the lowest level of fire department vehicle access, alteration work shall comply with applicable provisions of Section 403 of the *New York City Building Code* and Sections 902.1.1.1 through 902.1.1.7 of this code.

902.1.1.1 Smoke detection systems control and ducts and air transfer openings. All duct and air transfer openings within the work area and all fan systems serving the work area shall be newly installed or made to comply with Sections 606 and 607 of the *New York City Mechanical Code*.

Exception: The standby power requirements of Sections 606 and 607 of the *New York City Mechanical Code* shall not apply if both of the following conditions are met:

1. Standby power systems do not exist or existing standby power systems have insufficient capacity to serve this load.
2. New standby or emergency power is not required by Section 902.1.1.7 of this code.

902.1.1.2 Elevators. Where there is an elevator or elevators for public use, at least 1 elevator serving the work area shall comply with this section. Existing elevators with a travel distance of 25 feet (7620 mm) or more above or below the main floor or other level of a building and intended to serve the needs of emergency personnel for fire-fighting or rescue purposes shall be provided with emergency operation in accordance with ASME A17.3 as amended by Appendix K of the *New York City Building Code*. New elevators shall be provided with Phase I emergency recall operation and Phase II emergency in-car operation in accordance with ASME A17.1/CSAB44.1 as amended by Appendix K of the *New York City Building Code*.

902.1.1.3 Additional exit stairway. In existing buildings erected pursuant to the laws in effect prior to December 31, 2014, with a height exceeding 420 feet (128 m), where the work area exceeds 75 percent of the building area, the requirements for additional exit stairway of Section 403.5.2 of the *New York City Building Code* shall apply.

Exceptions:

1. In buildings where at least 50 percent of passenger elevators intended for general public use, including other elevators serving all floors, are used for occupant self-evacuation in compliance with Sections 3008.1 through 3008.11 of the *New York City Building Code*.
2. Existing fully sprinklered buildings shall be considered in compliance with Section 3008.3.2 of the *New York City Building Code*.

902.1.1.4 Structural integrity of exit enclosures and elevator hoistway enclosures. Where the work area includes stairs or elevator hoistway enclosures, the design professional of record shall determine compliance of the enclosures with the structural integrity provisions of Section 403.2.3 of the *New York City Building Code*. Where the existing wall assembly of such enclosures do not meet the requirements of Section 403.2.3 of the *New York City Building Code*, the occupied side of such wall assembly within the work area shall comply with 1 of the methods provided in Section 403.2.3.2. In prior code buildings, existing concrete, masonry or masonry equivalent exit and elevator hoistway enclosures shall be deemed to comply with the structural integrity requirements of Section 403.2.3 of the *New York City Building Code*.

Exception: New, relocated or altered exit and elevator hoistway enclosures shall comply with all of the requirements of Section 403.2.3 of the *New York City Building Code*.

902.1.1.5 Smokeproof exit enclosures. In prior code buildings, where the work area exceeds 75 percent of the building area, smokeproof exit enclosures shall be provided for all exit stairways throughout the building in accordance with Sections 403.5.4, 909.20 and 1023.11 of the *New York City Building Code*.

902.1.1.6 Elevator lobbies in prior code buildings. Elevator lobbies required by Section 403.6.3 shall be constructed in accordance with Section 3006.1.1 or Section 3006.1.2 of the *New York City Building Code,* as applicable, on each floor being altered where the work area exceeds 50 percent of that floor.

Exceptions.

1. Elevator lobbies shall not be required for elevators that are located within other occupied tenant spaces that are not subject to alteration work.

2. Notwithstanding Exception 1, where the work area exceeds 75 percent of the building area, elevator lobbies shall be constructed in accordance with Section 3006.1.1 or Section 3006.1.2 of the *New York City Building Code*, as applicable, on all floors served by elevators.

902.1.1.6.1 Access to an exit stair not available. Except as permitted by Section 902.1.1.6.2, where the elevator lobby cannot provide access to an exit, a red telephone shall be installed in the vestibule near the elevator doors in the elevator lobby to communicate with the main lobby fire command station or building manager's office or to a central service station when the building is not attended. The phone shall provide two-way communication in accordance with Section 907.2.13.3 of the *New York City Building Code* and shall comply with the requirements of NFPA 72 as modified by Appendix Q of the *New York City Building Code*. A sign shall be posted near the phone. The sign shall read "In Case of Fire or Other Emergency, Use This Phone to Contact Lobby or Building Manager or Central Service Station".

902.1.1.6.2 Locking of lobby doors. Where locking devices are proposed on elevator lobby doors for security reasons to prevent access that leads to an exit, such locking devices shall be installed in accordance with Appendix K of the *New York City Building Code*.

902.1.1.7 Emergency and standby systems. Where an existing building is undergoing a Level 2 alteration and the work area exceeds 75 percent of the building area, the building shall comply with Chapter 27 of the *New York City Building Code*.

902.1.2 Boiler and furnace equipment rooms. Boiler and furnace equipment rooms located within single occupancy or mixed occupancy existing buildings of Occupancy Groups I-1, I-2, I-4, R-1 or R-2 shall be enclosed by fire-resistance-rated construction in accordance with Section 509 of the *New York City Building Code*.

SECTION EBC 903
BUILDING ELEMENTS AND MATERIALS

903.1 Existing shafts and vertical openings. Existing shafts and vertical openings, including stairways, shall be enclosed and protected in accordance with the *New York City Building Code* from the highest level within the work area, including the level of exit discharge and all floors below the level of exit discharge. Where the proposed alteration results in a reduction in the existing fire-resistive rating, the registered design professional of record shall demonstrate compliance with Section 303.2 of this code.

903.1.1 Prior code buildings. In prior code buildings, existing shafts and vertical openings, including stairways, shall be enclosed and protected in accordance with Section 803.2.1 from the highest level within the work area including the level of exit discharge and all floors below.

903.2 Fire separations in Group R-3. Fire separation in Group R-3 occupancies shall be in accordance with Section 903.2.1.

903.2.1 Separation required in R-3 occupancy. Where the work area in any attached one- or two-family dwellings results in the removal of wall or ceiling finishes exposing the existing fire separation that was constructed in accordance with Appendix M of the *New York City Building Code* or department issued memorandum on the same subject matter, special inspection shall be performed in accordance with Section 1705.17 of the *New York City Building Code* on the side of the dwelling unit wall that is part of the work area to determine whether the assembly is in compliance with Chapter 7 of the *New York City Building Code*. Any wall or portions thereof separating the dwelling units that are identified as not continuous from the foundation to the underside of the roof sheathing shall be constructed to provide a continuous fire separation using construction materials consistent with the existing wall or complying with the requirements for new structures. Such work shall be limited to the side of the dwelling unit wall that is part of the work area.

903.3 Interior finish. The interior finish of walls and ceilings in exits and corridors in any work area or exit serving the work area, between the highest floor on which there is a work area and the floor of exit discharge, shall comply with the requirements of Section 803.4.

Exception: Interior finish of walls and ceilings in corridors and exits within tenant spaces that are entirely outside the work area.

903.4 Protection of window openings on lot line air shafts in Group R-2 buildings. Where a prior code building is undergoing a Level 2 alteration and the building contains windows that open onto a lot line air shaft as defined in Chapter 2, and any part of such window is less than 3 feet (914 mm) from the lot line or less than 6 feet (1829 mm) from another window on the adjacent building, all such windows shall be protected in accordance with Section 803.8. For the purpose of this section, separation distance to adjacent buildings shall be measured in any direction to the nearest edges of window openings.

Exception. Windows located in occupied tenant spaces outside the work area.

903.4.1 Work areas exceeding 75 percent of the building area. Where the work area exceeds 75 percent of building area, all windows opening on lot line air shafts shall be protected in accordance with Section 803.8 throughout the building.

903.5 Existing buildings in fire districts. Alterations made to existing buildings shall comply with Sections 302.6 and 803.9.

SECTION EBC 904
FIRE PROTECTION

904.1 General. Existing buildings undergoing a Level 2 alteration shall be provided with fire protection systems in accordance with this section, Section 304 and Section 804, as applicable.

904.1.1 Compliance within the work area. See Sections 904.2 and 904.4.

904.1.2 Compliance throughout the building. The entire building shall comply with Chapter 9 of the *New York City Building Code* as if hereafter erected where:

1. The Level 2 alteration work is covered by Section 901.2.2 of this code; or
2. The Level 2 alteration work area exceeds 75 percent of the building area.

904.2 Automatic sprinkler systems. Except as stated in Sections 904.2.1 through 904.2.3, an automatic sprinkler system shall be provided in the work area in accordance with Section 804.2 regardless of the occupant load, the percentage of the work area per floor, and whether or not the work area includes exits or corridors serving more than 1 tenant. The design and installation of the system shall be in accordance with Chapter 9 of the *New York City Building Code*, except as permitted for prior code buildings in Section 804.2.8 of this code.

904.2.1 High-rise buildings. Where a prior code high-rise building is undergoing a Level 2 alteration, an automatic sprinkler system shall be provided in work areas as required by Chapter 9 of the *New York City Building Code*. Prior code buildings with existing sprinkler systems may use the provisions of Section 804.2.8 of this code.

904.2.2 Rubbish and linen chutes. Rubbish and linen chutes located in the work area shall be provided with an automatic sprinkler system where protection of the rubbish and linen chute would be required under the provisions of the *New York City Building Code* for new construction.

904.2.3 Upholstered furniture or mattresses. Work areas shall be provided with an automatic sprinkler system in accordance with the *New York City Building Code* where any of the following conditions exist within the work area:

1. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet (232 m^2).
2. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet (464 m^2).
3. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m^2).

904.3 Reserved.

904.4 Fire alarm and detection systems. Fire alarm and detection systems shall be provided throughout the work area in accordance with Section 907 of the *New York City Building Code* as required for new construction.

SECTION EBC 905
MEANS OF EGRESS

905.1 General. Except as stated in Section 901.2.2, the means of egress shall comply with the requirements of Sections 305 and 805 within the work area that includes exits and corridors regardless of the number of tenants served by such exits and corridors. The means of egress shall also comply with Sections 905.1.1 and 905.1.2.

905.1.1 Means-of-egress lighting. All interior exit stairways and ramps from the highest work area floor to the exit discharge shall be provided with artificial lighting in accordance with the requirements of Chapter 10 of the *New York City Building Code*.

905.1.2 Exit signs. Means of egress from the highest work area floor to the exit discharge shall be provided with exit signs in accordance with the requirements of Chapter 10 of the *New York City Building Code*.

905.2 Existing combustible stairs in prior code buildings. Where a prior code building of Occupancy Group R-1 or R-2 is undergoing a Level 2 alteration and the work area exceeds 75 percent of the building area, existing exit stairs constructed of combustible materials shall be replaced in their entirety with non-combustible construction, including stairs, landings, handrails and guards. The replacement stair shall meet the requirements of Chapter 10 of the *New York City Building Code*. Where the size of the existing shaft does not allow for full compliance with Chapter 10 of the *New York City Building Code* in regards to required dimensions, the replacement stair may comply with Section 805.12.1 of this code.

Exception: Prior code buildings that are fully sprinklered and comply with the fire protection requirements of Chapter 9 of the *New York City Building Code*.

SECTION EBC 906
ACCESSIBILITY

906.1 General. Within the work area, a building, facility or element that is altered shall comply with Chapter 11 of the *New York City Building Code*, this section and Sections 306 and 806 of this code.

Exception: Where the commissioner grants a waiver from certain requirements of Chapter 11 of the *New York City Building Code* pursuant to Section 306 of this code.

906.1.1 Applicability of Chapter 11 of the *New York City Building Code* to the entire building. Where a building is undergoing a Level 2 alteration, the entire building shall comply with the provisions of Chapter 11 of the *New York City Building Code* as if hereafter erected.

Exception: In a building of Occupancy Group R-2, where the dwelling or sleeping units included in the work area exceed more than 50 percent of the dwelling or sleeping units in the building and are under a single ownership, all common use facilities serving those dwelling or sleeping units shall comply with the requirements of Chapter 11 of the *New York City Building Code*.

SECTION EBC 907
STRUCTURAL

907.1 General. Where existing buildings are undergoing Level 2 alterations including structural alterations, the provisions of Chapter 7 shall apply.

907.2. Structural condition assessment. Level 2 alterations shall require an initial structural condition assessment pursuant to Section 704.3. Where the Level 2 alteration includes a structural alteration, a detailed structural condition assessment pursuant to Section 704.4 is also required.

SECTION EBC 908
ELECTRICAL

908.1 General. All electrical equipment and wiring within work areas shall comply with all applicable requirements of the *New York City Electrical Code*, this section and Sections 308 and 808 of this code.

908.1.1 Compliance of the entire electrical system as new construction. Where the building is undergoing a Level 2 alteration and the work area exceeds 75 percent of the building area, the entire electrical system shall comply with the provisions of the *New York City Electrical Code* for new construction.

SECTION EBC 909
MECHANICAL

909.1 General. Mechanical elements and systems within work areas in buildings undergoing a Level 2 alteration shall comply with Section 309, Section 809 and this section.

909.2 Applicability of *New York City Mechanical Code*. Where an existing building is undergoing a Level 2 alteration, all existing mechanical systems within the work area, including components, equipment and appliances, shall comply with *the New York City Mechanical Code*, this section and Section 809.2 of this code.

909.2.1 Ventilation. Ventilation systems serving work areas of a Level 2 alteration shall be newly installed or altered to comply with requirements of Chapter 4 of the *New York City Mechanical Code* for new construction.

909.2.2 Exhaust systems. Exhaust systems serving work areas of a Level 2 alteration shall be newly installed or altered to comply with requirements of Chapter 5 of the *New York City Mechanical Code* for new construction.

909.2.3 Compliance of ventilation, exhaust, and duct systems as new construction. Where the building is undergoing a Level 2 alteration and the work area exceeds 75 percent of the building floor area, all ventilation, exhaust and duct systems shall be newly installed or altered to comply with the provisions of Chapters 4, 5 and 6 of the *New York City Mechanical Code* for new construction.

SECTION EBC 910
PLUMBING

910.1 General. Plumbing elements and systems within work areas in buildings undergoing a Level 2 alteration shall comply with Section 310, Section 810 and this section.

910.1.1 Compliance of the entire plumbing system as new construction. Where the building is undergoing a Level 2 alteration and the work area exceeds 75 percent of the building area, the entire plumbing system shall comply with the provisions of the *New York City Plumbing Code* for new construction.

Exception. Plumbing system components that are found to be in code-compliant condition upon inspection and certification by a licensed master plumber shall be permitted to remain.

SECTION EBC 911
FUEL GAS

911.1 General. Fuel gas elements and systems within work areas in buildings undergoing a Level 2 alteration shall comply with Section 311, Section 811, and this section.

911.1.1 Compliance of entire fuel gas system as new construction. Where the building is undergoing a Level 2 alteration and the work area exceeds 75 percent of the building floor area, the entire fuel gas system shall comply with the provisions of the *New York City Fuel Gas Code* for new construction.

Exception. Fuel gas system components that are found to be in code-compliant condition upon inspection and certification by a licensed master plumber shall be permitted to remain.

SECTION EBC 912
ENERGY CONSERVATION

912.1 Minimum requirements. Level 2 alterations to existing buildings or structures are permitted without requiring the entire building or structure to comply with the energy requirements of the *New York City Energy Conservation Code.* Level 2 alterations shall conform to the energy requirements of Chapters R5 or C5 of the *New York City Energy Conservation Code*, as applicable.

CHAPTER 10
CHANGE OF OCCUPANCY

SECTION EBC 1001
GENERAL

1001.1 Scope. The provisions of this chapter shall apply where a change of occupancy occurs, as defined in Section 202, and as described in this chapter.

1001.2 Certificate of occupancy. A change of occupancy of a building or space shall not be made without the approval of the department. A certificate of occupancy shall be issued for a change of occupancy when required by Section 28-118 of the *Administrative Code*.

1001.3 Change of occupancy. As used in this chapter, the term "Change of Occupancy" shall include:

1. A change of occupancy classification. This includes a change from 1 Group to another Group (for example: B to E, A-2 to B, R-1 to R-2, or A-3 to A-1)

2. A change of use within the same Occupancy Group, which shall mean:
    1.1. A change that requires compliance with different code requirements.
    1.2 A change that triggers more restrictive fire protection requirements.
    1.3. A change of how a space is being used within a facility.

1001.4 Compliance. Where a building or portion thereof is subject to a change of occupancy as described in Section 1001.3, such building or portion thereof shall comply with Sections 1001.4.1 and 1001.4.2.

1001.4.1 Change of occupancy classification. Where the occupancy classification of a building or portion thereof is changed, the provisions of Sections 1002 through 1012 shall apply to such change.

1001.4.2 A change of use within the same Occupancy Group. Where the use of a building or space is changed to a different use within the same Occupancy Group that requires compliance with different code requirements, such building or space shall comply with the applicable provisions of Sections 1002 to 1012 and Chapters 8 or 9 as applicable. For the purposes of complying with Chapters 8 or 9, work area shall be considered that portion of the building subject to change.

1001.5 Existing buildings within the fire districts. A change of occupancy of an existing building within the fire district shall not be made unless such change is permitted in the fire district for the building construction type. A change of occupancy to Group H-1 is prohibited within fire districts.

SECTION EBC 1002
SPECIAL USE AND OCCUPANCY

1002.1 Compliance with Chapter 4 of the *New York City Building Code*. Where the character or use of an existing building or part of an existing building is changed to a special use or occupancy category subject to Chapter 4 of the *New York City Building Code*, such building, or part thereof, shall comply with all of the applicable requirements of Chapter 4 of the *New York City Building Code*.

1002.2 Incidental use areas. Where the use of a space is changed to 1 of the incidental uses listed in Table 509 of the *New York City Building Code*, such change shall be subject to Section 509 of the *New York City Building Code*.

SECTION EBC 1003
BUILDING ELEMENTS AND MATERIALS

1003.1 General. Building elements and materials in portions of buildings undergoing a change of occupancy classification shall comply with this section.

1003.2 Heights and areas. Hazard categories with regard to height and area shall be in accordance with Table 1003.2.

TABLE 1003.2
HEIGHTS AND AREAS HAZARD CATEGORIES

RELATIVE HAZARD	OCCUPANCY CLASSIFICATIONS
1 (Highest Hazard)	H
2	A-1, A-2, A-3, A-4, I, R-1, R-2
3	E, F-1, S-1, M
4 (Lowest Hazard)	B, F-2, S-2, A-5, R-3, U

1003.2.1 Height and area for change to higher hazard category. When a change of occupancy classification is made to a higher hazard category (lower number) as shown in Table 1003.2, heights and areas of buildings and structures shall comply with the requirements of Chapter 5 of the *New York City Building Code* for the new occupancy classification.

Exception: For high-rise buildings constructed pursuant to building codes in existence prior to the effective date of the 2014 *New York City Construction Codes*, and are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 of the *New York City Building Code*, the fire-resistance rating of the existing building elements that were allowed to be reduced in accordance with Table 601 of the *New York City Building Code* may be maintained. However, any proposed change to the construction classification of the building or fire-resistance rating of the building elements shall be made to comply with Section 403.2.1 of the *New York City Building Code*.

1003.2.1.1 Fire wall alternative. In groups other than Groups H, F-1, and S-1, fire barriers and horizontal assemblies constructed in accordance with Sections 707 and 711 of the *New York City Building Code* shall be permitted to be used in lieu of fire walls to subdivide the building into separate buildings for the purpose of complying with the area limitations required for the new occupancy where all of the following conditions are met:

1. The buildings are protected throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 of the *New York City Building Code*;

2. The maximum allowable area between fire barriers, horizontal assemblies, or any combination thereof shall not exceed the maximum allowable area determined in

accordance with Chapter 5 of the *New York City Building Code* without an increase allowed for an automatic sprinkler system in accordance with Section 506 of the *New York City Building Code*; and

3. The fire-resistance rating of the fire barriers and horizontal assemblies shall be not less than that specified for fire walls in Table 706.4 of the *New York City Building Code*.

Exception: Where horizontal assemblies are used to limit the maximum allowable area, the required fire-resistance rating of the horizontal assemblies shall be permitted to be reduced by 1 hour provided the height and number of stories increases allowed for an automatic sprinkler system by Section 504 of the *New York City Building Code* are not used for the buildings.

1003.2.2 Fire barriers. Where a change of occupancy classification is made to a higher hazard category (lower number) as shown in Table 1003.2, fire barriers in separated mixed use buildings shall comply with the fire-resistance requirements of the *New York City Building Code*.

Exception: In prior code buildings subject to verification by the registered design professional of record, where the fire barriers are required to have a 1-hour fire-resistance rating, existing wood lath and plaster in good condition, existing one-half-inch-thick (12.7 mm) gypsum wallboard or other materials acceptable to the department shall be permitted.

1003.2.3 Height and area for change to equal or lesser hazard category. Where a change of occupancy classification is made to an equal or lesser hazard category (higher number) as shown in Table 1003.2, the height and area of the existing building shall be deemed acceptable.

1003.3 Exterior wall fire-resistance ratings. Hazard categories with regard to fire-resistance ratings of exterior walls shall be in accordance with Table 1003.3.

TABLE 1003.3
EXPOSURE OF EXTERIOR WALLS HAZARD CATEGORIES

RELATIVE HAZARD	OCCUPANCY CLASSIFICATION
1 (Highest Hazard)	H
2	F-1, M, S-1
3	A, B, E, I, R
4 (Lowest Hazard)	F-2, S-2, U

1003.3.1 Exterior wall rating for change of occupancy classification to a higher hazard category. Where a change of occupancy classification is made to a higher hazard category (lower number) as shown in Table 1003.3, exterior walls shall have fire resistance and exterior opening protectives as required by the *New York City Building Code*.

Exception: A 2-hour fire-resistance rating shall be allowed where the building does not exceed 3 stories in height and is classified as 1 of the following Occupancy Groups: A-2 and A-3 with an occupant load of less than 300, B, F, M, or S.

1003.3.2 Exterior wall rating for change of occupancy classification to an equal or lesser hazard category. When a change of occupancy classification is made to an equal or lesser hazard category (higher number) as shown in Table 1003.3, existing exterior walls, including openings, shall be accepted.

1003.3.3 Opening protectives. Openings in exterior walls shall be protected as required by the *New York City Building Code*. Where openings in the exterior walls are required to be protected because of their distance from the lot line, the sum of the area of such openings shall comply with the allowable area of Table 705.8 of the *New York City Building Code*.

Exceptions. The following exceptions shall apply to existing openings:

1. Existing openings that are not in compliance with the area limitations of Section 705.8 of the *New York City Building Code* can be maintained provided that they are protected in accordance with Sections 715.4 and 715.5 of the *New York City Building Code*.

2. Protected openings shall not be required in buildings of Group R-2 and R-3 occupancies that are located not less than 3 feet (914 mm) from the lot line. The allowable area of openings per story shall be in accordance with the fire separation distance as indicated in Table 705.8 of the *New York City Building Code*.

3. Exterior opening protectives are not required where an automatic sprinkler system has been installed throughout provided the area limitations of Section 705.8 of the *New York City Building Code* are not exceeded.

4. Exterior opening protectives are not required where the change of occupancy classification is made to an equal or lesser hazard category (higher number) as shown in Table 1003.3 provided the area limitations of Section 705.8 of the *New York City Building Code* are not exceeded.

1003.4 Enclosure of vertical shafts. Enclosure of vertical shafts shall be in accordance with Sections 1003.4.1 through 1003.4.4.

1003.4.1 Minimum requirements. Vertical shafts shall be designed to meet the *New York City Building Code* requirements or the requirements of this section.

1003.4.2 Stairways. When a change of occupancy classification is made to a higher hazard category (lower number) as shown in Table 1005.2, interior stairways shall be enclosed as required by the *New York City Building Code*.

Exception: In prior code buildings, where the *New York City Building Code* allows for reduction in fire rating of stair enclosures below the existing fire rating of such stair enclosure, such reduction shall not be permitted unless the building or portion thereof subject to the change is protected with an automatic sprinkler system from the highest floor undergoing the change of occupancy to and including the level of exit discharge.

1003.4.3 Other vertical shafts. Interior vertical shafts other than stairways, including but not limited to elevator hoistways and service and utility shafts, shall be enclosed as required by the *New York City Building Code* when there is a change of occupancy classification to a higher hazard category (lower number) as specified in Table 1005.2.

Exception. In prior code buildings, existing 1-hour interior shaft enclosures shall be accepted where a higher rating is required and the building or portion thereof subject to the change in occupancy classification is protected with an automatic sprinkler system from the highest floor undergoing the change to and including the level of exit discharge.

1003.4.4 Openings. When there is a change of occupancy classification to a higher hazard category (lower number) as shown in Table 1005.2, all openings into existing vertical shaft enclosures shall be protected by fire assemblies having a fire protection rating corresponding to the vertical shaft rating, but not less than 1 hour, and shall be maintained self-closing or be automatic-closing by actuation of a smoke detector. All other openings, including duct and air transfer openings, shall be fire protected in an approved manner. Existing fusible link-type automatic door-closing devices shall be permitted in all shafts except stairways if the fusible link rating does not exceed 135°F (57°C).

1003.4.4.1 Window openings on lot line air shafts. Where an existing building or portion thereof, classified in Occupancy Group R-1 or R-2, is undergoing a change in occupancy classification, all window openings on a lot line air shaft, as described in Section 803.8, shall be protected in accordance with Section 803.8.

1003.5 Interior finish. Where work is being done in areas of the building undergoing the change of occupancy classification, the interior finish of walls, floors, and ceilings shall comply with the requirements of the *New York City Building Code* for the new occupancy classification.

SECTION EBC 1004
FIRE PROTECTION

1004.1 Change of occupancy classification or change of use within the same Occupancy Group. Fire protection systems governed by Chapter 9 of the *New York City Building Code* shall be provided in accordance with Sections 1004.1.1 and 1004.1.2.

1004.1.1 Change in the main use or dominant occupancy of the building. Where there is a change to the main use or dominant occupancy of the building, the entire building shall comply with the requirements of Chapter 9 of the *New York City Building Code* as if hereafter erected.

1004.1.2 Partial change of occupancy classification or a change in use that triggers more restrictive fire protection requirements in Chapter 9 of the *New York City Building Code*. Where a portion of an existing building is changed to a new occupancy classification or to a use that requires compliance with a more restrictive fire protection requirement as per Chapter 9 of the *New York City Building Code*, such portion of the building shall comply with the requirements of Chapter 9 subject to the separation conditions as indicated in Sections 1004.1.2.1 and 1004.1.2.2.

1004.1.2.1 Change without separation. Where the portion of the existing building subject to the change is not separated from the remainder of the building with fire barriers or horizontal assemblies having a fire-resistance rating as required in the *New York City Building Code* for the separate occupancy or use, the entire nonseparated area shall comply with all of the requirements of Chapter 9 applied throughout the nonseparated area for the most restrictive occupancy classification or use in the nonseparated area and with the requirements of this chapter.

1004.1.2.2 Change with separation. Where the portion of the existing building subject to the change is separated from the remainder of the building with fire barriers or horizontal assemblies having a fire-resistance rating as required in the *New York City Building Code* for the separate occupancy, that portion shall comply with all of the requirements of Chapter 9 for the new occupancy classification or use and with the requirements of this chapter.

SECTION EBC 1005
MEANS OF EGRESS

1005.1 General. Means of egress in portions of buildings undergoing a change of occupancy classification shall comply with Sections 1005.2 through 1005.6.

1005.2 Hazard categories. Hazard categories with regard to life safety and means of egress shall be in accordance with Table 1005.2.

TABLE 1005.2
MEANS OF EGRESS HAZARD CATEGORIES

RELATIVE HAZARD	OCCUPANCY CLASSIFICATIONS
1 (Highest Hazard)	H
2	I-2, I-3, I-4
3	A, B, E, I-1, M, R-1, R-2
4	F-1, R-3, S-1
5 (Lowest Hazard)	F-2, S-2, U

1005.2.1 Means of egress for change to higher hazard category. When a change of occupancy classification is made to a higher hazard category (lower number) as shown in Table 1005.2, the means of egress shall comply with the requirements of Chapter 10 of the *New York City Building Code*.

Exceptions: Prior code buildings shall be permitted to comply with the provisions of Section 305.5 and the following, as applicable:

1. Stairways shall be enclosed in compliance with the applicable provisions of Section 903.1.

2. Existing corridor doorways, transoms and other corridor openings shall comply with the requirements of Section 805.

3. Existing dead-end corridors shall comply with the requirements of Section 805.

4. For the purpose of complying with Section 1029 of the *New York City Building Code*, an existing operable window with clear opening area no less than 4 square feet (0.38 m^2) and minimum opening height and width of 22 inches (559 mm) and 20 inches (508 mm), respectively, shall be accepted as an emergency escape and rescue opening provided other requirements of Section 1029 of the *New York City Building Code* are

complied with.

1005.2.2 Means of egress for change to equal or lower hazard category. Where a change of occupancy classification is made to an equal or lesser hazard category (higher number) as shown in Table 1005.2, existing elements of the means of egress shall comply with the requirements of Section 905 for the new occupancy classification. Newly constructed or configured means of egress shall comply with the requirements of Chapter 10 of the *New York City Building Code*.

Exception: Prior code buildings shall be permitted to comply with Section 305.5 and buildings with existing scissors stairs may be changed to Group B or R occupancies without the requirement for an additional exit stair, where the building is equipped with an automatic sprinkler system in accordance with Chapter 9 of the *New York City Building Code* and where the height of the building does not exceed 75 feet (22 860 mm) from the lowest level of fire department vehicle access to highest occupied floor or 6 stories, whichever is less.

1005.3 Egress capacity. Egress capacity shall be no less than as specified in Chapter 10 of the *New York City Building Code* for the new occupancy.

1005.4 Handrails. Existing stairways shall comply with the handrail requirements of Section 805.9 from the area subject to the change of occupancy classification to the exit discharge level.

1005.5 Guards. Existing guards shall comply with the requirements of Section 805.11 in the area subject to the change of occupancy classification including those along the egress path from the work area to the level of exit discharge.

1005.6 Additional requirements for prior code buildings. Prior code buildings shall also comply with Sections 1005.6.1 and 1005.6.2.

1005.6.1 Replacement of combustible stairs. In prior code buildings of Occupancy Groups R-1 and R-2, where the floor area subject to the change of occupancy is more than 50 percent of the building area, existing stairs constructed of combustible materials shall be replaced in their entirety with non-combustible construction, including stairs, landings, handrails, and guards.

Exception: Buildings that are fully sprinklered and comply with the fire protection requirements of Chapter 9 of the *New York City Building Code*.

1005.6.2 Means of egress from cellar level used in connection with small establishments classified as occupancy Groups B, M, or A-2 in prior code buildings. Where a cellar space is undergoing a change of occupancy to be used in connection with a Group B, M, or A-2 establishment occupying the grade story above and such establishment does not exceed 2000 square feet (185.8 m^2) in area, the means of egress and protection of such cellar space may comply with Sections 1005.6.2.1 through 1005.6.2.3, as applicable.

Exception: The cellar level meets the requirements of the *New York City Building Code* for new construction.

1005.6.2.1 Cellar space is used by employees of the establishment. Where the cellar space is to be used only by employees of the establishment above, all the following conditions shall be complied with:

1. The cellar space does not exceed 50 percent of the floor area of the establishment above and not to be occupied by more than 10 employees;

2. The entire cellar is protected by an automatic sprinkler system in accordance with Chapter 9 of the *New York City Building Code*; and

3. The means of egress from the cellar space shall consist of:

3.1. A door opening onto either a public corridor leading to the enclosed egress stairway that maintains enclosure to discharge at the street, or opening directly to an enclosed stair or exit passageway leading to the street; and

3.2. A door to an enclosed stair not less than 30 inches (762 mm) wide leading to the establishment above.

1005.6.2.2 Cellar level is used by patrons or customers of the establishment. Where the cellar is to be used by patrons or customers of the establishment above, all the following conditions shall be complied with:

1. The cellar level and the floor above are protected by an automatic sprinkler system and the cellar space has an occupant load of not more than 50 persons;

2. The means of egress from the cellar shall consist of:

2.1. An exit door opening onto a public corridor leading to the enclosed egress stairway that maintains enclosure to discharge at the street or an opening directly to an enclosed stair or exit passageway leading to the street; and

2.2. A door to an enclosed connecting stair not less than 44 inches (1118 mm) wide leading to the establishment above.

1005.6.2.3 Cellar level is occupied by customers or patrons in excess of the limits of Sections 1005.6.2.1 and 1005.6.2.2. Where the cellar level is occupied by more than 50 people, 2 enclosed means of egress leading directly to the street, in compliance with Chapter 10 of the *New York City Building Code*, shall be provided. In addition, such level shall be protected with automatic sprinkler system in accordance with Chapter 9 of the *New York City Building Code*.

SECTION EBC 1006
ACCESSIBILITY

1006.1 General. Accessibility in buildings or portions of buildings undergoing a change of occupancy, as described in Section 1001.3, shall comply with Chapter 11 of the *New York City Building Code*, in accordance with Section 1006.1.1.

1006.1.1 Requirements based on change of occupancy classification or a change of use. Where a building or portion thereof is undergoing a change of occupancy classification or a change of use as described in Section 1001.3, requirements of *New York City Building Code* Chapter 11 shall apply as follows:

1. To the entire building, as if the building were hereafter erected, where the change is made in the main use or dominant occupancy of such building.

2. Throughout a space, including the immediate entrance(s) thereto, where an alteration is

made that is considered either (i) a change in occupancy classification of such space in accordance with Chapter 3 of the *New York City Building Code*, or (ii) a change in how a space is being used, or (iii) a change in the zoning use group of such space in accordance with the *New York City Zoning Resolution*.

2.1. Where the immediate entrance(s) to such space provides direct access to the sidewalk, such immediate entrance(s) shall be provided with an accessible route to the sidewalk. Where the immediate entrance(s) to such space are only through an adjacent space, such as a building lobby, such space shall be provided with an accessible route, through the adjacent space, to the sidewalk.

2.2. Where elevator service is provided in the building and the rooftop is undergoing a change of use or occupancy that is intended for use by general public or building occupants served by such elevator service, an accessible route shall be provided to access such rooftop.

SECTION EBC 1007
STRUCTURAL

1007.1 Compliance with chapter 7. Buildings or portions thereof subject to a change of occupancy as described in Section 1001.3 shall be subject to Chapter 7.

1007.2. Structural condition assessment. Buildings or portions thereof subject to a change of occupancy shall require an initial structural condition assessment per Section 704.2.2. Where the change of occupancy includes a structural alteration, a detailed structural condition assessment per Section 704.3 is also required.

SECTION EBC 1008
ELECTRICAL

1008.1 Special occupancies. Where the occupancy or use of an existing building or part of an existing building is changed to 1 of the following special occupancies as described in the *New York City Electrical Code*, the electrical wiring and equipment of the building or portion thereof that contains the proposed occupancy shall comply with the applicable requirements of the *New York City Electrical Code* whether or not a change of Occupancy Group is involved:

1. Hazardous locations.
2. Commercial garages, repair, and storage.
3. Aircraft hangars.
4. Gasoline dispensing and service stations.
5. Bulk storage plants.
6. Spray application, dipping, and coating processes.
7. Health care facilities.
8. Places of assembly.
9. Theaters, audience areas of motion picture and television studios, and similar locations.

10. Motion picture and television studios and similar locations.

11. Motion picture projectors.

12. Agricultural buildings.

13. Marinas.

1008.2 Unsafe conditions. Where the occupancy of an existing building or part of an existing building is changed, all unsafe conditions shall be corrected without requiring that all parts of the electrical system comply with the *New York City Electrical Code*.

1008.3 Service upgrade. Where the occupancy of an existing building or part of an existing building is changed, the electrical service shall comply with the requirements of the *New York City Electrical Code* for the new occupancy.

1008.4 Quantity and location of required electrical outlets. Where the occupancy of an existing building or part of an existing building is changed, the quantity and location of required electrical outlets shall comply with the New *York City Electrical Code* for the new occupancy.

SECTION EBC 1009
MECHANICAL

1009.1 Mechanical requirements. Where the existing building or part of an existing building is subject to a change of occupancy, mechanical systems serving the new occupancy or use shall comply with Sections 1009.1.1 and 1009.1.2.

1009.1.1 Change in occupancy classification. Where there is a change in the occupancy classification of the building or portion thereof, the building area subject to change shall comply with all the requirements of the *New York City Mechanical Code* for the new occupancy classification.

1009.1.2 A change of use within the same Occupancy Group. Where a building or space is changed to a use with higher mechanical ventilation demand, the mechanical system serving such building or space shall comply with the requirements of Section 809 or 909 as applicable.

SECTION EBC 1010
PLUMBING

1010.1 Plumbing requirements. Where the existing building or part of an existing building is subject to a change of occupancy, the plumbing system serving the new occupancy or use shall comply with Sections 1010.1.1 through 1010.1.8.

1010.1.1 Change in occupancy classification. Where there is a change in the occupancy classification of the building or portion thereof, the area of the building subject to change shall comply with all the requirements of the *New York City Plumbing Code* for the new occupancy classification.

1010.1.2 A change of use within the same Occupancy Group. Where a building or space is changed to a use with different plumbing requirements, the plumbing system serving such building or space shall comply with the requirements of Sections 1010.1.3 through 1010.1.8 as applicable. Alteration work associated with such change shall comply with Sections 810 or

910 as applicable to the level of alteration made to the building or space.

1010.1.3 Increased demand. Where the occupancy or use of an existing building or part of an existing building is changed, such that the new occupancy or use is subject to increased or different plumbing fixture requirements or to increased water supply requirements in accordance with the *New York City Plumbing Code*, the new occupancy or use shall comply with the *New York City Plumbing Code* provisions.

Exception: Where the change affects less than 10 percent of the building floor area and does not require more than 1 additional plumbing fixture.

1010.1.4 Food-handling occupancies. If the new occupancy or use is a food-handling establishment, all existing sanitary waste lines located above the food or drink preparation or storage areas shall be protected to prevent leaking pipes or condensation on pipes from contaminating food or drink through the installation of drip pans. New drainage lines shall not be installed above such areas and shall be protected in accordance with the *New York City Plumbing Code.*

1010.1.5 Interceptor required. If the new occupancy or use will produce grease-laden wastes, interceptors shall be provided as required in the *New York City Plumbing Code*. Grease-laden waste shall not discharge to a public sewer system without the approval of the New York City department of environmental protection.

1010.1.6 Oil separator. If the new occupancy or use will produce oil-laden wastes, an oil separator shall be provided as required in the *New York City Plumbing Code*. Oil-laden waste shall not discharge to a public sewer system without the approval of the New York City department of environmental protection.

1010.1.7 Chemical wastes. If the new occupancy or use will produce chemical wastes, the following shall apply:

1. If the existing piping is not compatible with the chemical waste, the waste shall be neutralized prior to entering the drainage system, or the piping shall be changed to a compatible material.

2. Chemical waste shall not discharge to a public sewer system without the approval of the New York city department of environmental protection.

1010.1.8 Group I-2. If the Occupancy Group is changed to Group I-2, the plumbing system shall comply with the applicable requirements of the *New York City Plumbing Code* for new construction.

SECTION EBC 1011
ENERGY CONSERVATION

1011.1 Minimum requirements. Where an existing building or portion thereof is undergoing a change of occupancy, such change shall be subject to Chapter C5 or R5 of the *New York City Energy Conservation Code*, as applicable.

SECTION EBC 1012

OTHER REQUIREMENTS

1012.1 Light and ventilation. Light and ventilation shall comply with the requirements of Chapter 12 of the *New York City Building Code* for the new occupancy or use.

1012.1.1 Group R-1, R-2, and I-1 occupancies. Where the occupancy classification of an existing building or part thereof is changed to Occupancy Group R-1, R-2, or I-1, such change shall also be subject to the requirements of Appendix D and the *New York City Housing Maintenance Code*.

1012.1.2 Group R-3 occupancy. Where the occupancy classification of a building or part thereof is changed to Occupancy Group R-3, such change shall also be subject to the requirements of the *New York City Housing Maintenance Code*.

CHAPTER 11
ADDITIONS

SECTION EBC 1101
GENERAL

1101.1 Scope. An addition to an existing building or structure shall comply with the *New York City Building Code* as required for new construction without requiring the existing building or structure to be altered to meet such new construction requirements, except as required by this chapter. Where an addition impacts the existing building or structure, that portion shall comply with this code.

1101.2 Creation or extension of noncompliance. An addition shall not create or extend any noncompliance in the existing building to which the addition is being made with regard to accessibility, structural strength, fire safety, height and area limitations, means of egress, or the capacity of mechanical, plumbing, or electrical systems, except as may be permitted by this chapter.

1101.3 Other work. Any alteration work within an existing building to which an addition is being made shall comply with the applicable requirements for the work as classified in Chapter 6.

1101.4 Work that increases floor surface area of an existing building by more than 110 percent. Where an addition including alteration made to an existing building causes the existing floor surface area to be increased by more than 110 percent pursuant to Section 302.7, the entire building shall be made to comply with the provisions of the *New York City Building Code* as if it were a new construction hereafter erected.

SECTION EBC 1102
HEIGHTS AND AREAS

1102.1 Height limitations. No addition shall increase the height of an existing building beyond that permitted under the applicable provisions of Chapter 5 of the *New York City Building Code* for new construction.

1102.2 Area limitations. No addition shall increase the area of an existing building beyond that permitted under the applicable provisions of Chapter 5 of the *New York City Building Code* for new construction unless fire separation, as required by the *New York City Building Code*, is provided.

> **Exception:** In-filling of floor openings and non-occupiable appendages, such as elevator and exit stairway shafts, shall not be included in determining the floor area as set forth in Chapter 5 of the *New York City Building Code*.

1102.3 Fire areas. Existing fire areas increased by the addition shall comply with Chapter 9 of the *New York City Building Code*.

1102.4 Additions made to certain multiple dwellings. Vertical and horizontal additions made to multiple dwellings erected in accordance with the law in effect before December 6, 1968, shall also comply with the applicable provisions of Chapters D5, D6, and D7 of Appendix D.

1102.5 Existing buildings within the fire district. In accordance with Section 302.6 and Appendix D of the *New York City Building Code*, an existing building shall not hereafter be increased in height or area unless it is of a type of construction permitted for new buildings within the fire district or altered to comply with the requirements for such type of construction. Nor shall any existing building be hereafter extended on any side, nor square footage or floors added within the existing building, unless such modifications are of a type of construction permitted for new buildings within the fire district.

Exceptions:

1. Existing one- and two-family dwellings of a type of construction not permitted in the fire district can be extended by 25 percent of the floor area existing at the time the building was included in the fire district. Such extension shall be of any type of construction permitted by the *New York City Building Code*.
2. Prior code one- and two-family dwellings of construction class VA may be enlarged to a maximum height of 50 feet (15.2 m) or 4 stories, whichever is less, and a maximum area of 5,000 square feet (465 m^2) per floor, where such building is protected with a sprinkler system and smoke alarm system in compliance with Chapter 9 of the *New York City Building Code*.

SECTION EBC 1103
STRUCTURAL

1103.1 Compliance with Chapter 7 of the New York City Existing Building Code. Additions to existing buildings or structures are new construction and shall comply with the *New York City Building Code* and Chapter 7

1103.2 Flood hazard areas. Additions and foundations in flood hazard areas shall comply with Appendix G of the *New York City Building Code* and Chapter 7.

1103.3 Structural condition assessment. Additions to existing buildings or structures shall require an initial structural condition assessment in accordance with Section 704.2. Where the addition to the existing building or structure includes a structural alteration or an increase in loads applied to the existing building or structure, a detailed structural condition assessment in accordance with Section 704.3 is also required.

SECTION EBC 1104
FIRE PROTECTION

1104.1 Requirements. Fire protection systems shall be provided in additions to existing buildings in accordance with Chapter 9 of the *New York City Building Code* where such systems would be required in new construction for a space or building or where required by the *New York City Fire Code*.

1104.2 Sprinkler system. Sprinkler systems shall be provided in additions to a building as required by Section 1104.1.

Exception: Sprinklers shall not be required to be installed in additions to unsprinklered buildings to be occupied exclusively as one- or two-family dwellings. This exception shall not apply where sprinkler protection is otherwise required due to a change of occupancy or

alterations made to the existing building pursuant to Chapters 9 or 10, or where sprinkler protection is required by the *New York City Fire Code*.

1104.3 Standpipe systems. Standpipe systems shall be provided in additions to existing buildings as required by Section 1104.1, and Sections 1104.3.1 and 1104.3.2 for prior code buildings.

1104.3.1 Additions made to prior code buildings with existing standpipe systems. Where the alteration involves the addition of stories to a building with an existing standpipe system, and 1 or more stair shafts are not currently equipped with standpipes, standpipes shall be provided in all required stairways in accordance with Chapter 9 of the *New York City Building Code*.

Exception: Additional standpipes are not required where all of the following conditions are met:

1. The alteration involves the addition of only 1 story;
2. Existing standpipes in existing stair shafts are extended in accordance with Chapter 9 of the *New York City Building Code*;
3. Standpipe hose connections are provided in compliance with Item 6 of Section 905.4 of the *New York City Building Code*; and
4. The demand on the standpipe system, including any additional demand, with respect to flow and pressure does not exceed the capacity of the existing approved system.

1104.3.2 Additions made to prior code buildings with no existing standpipe systems. Where the alteration involves the addition of stories to a building with no existing standpipe system, standpipes shall be provided in all required stairways in accordance with Chapter 9 of the *New York City Building Code*.

Exception: Standpipes are not required where all of the following conditions are met:

1. The alteration involves the addition of only 1 story;
2. The completed building does not exceed 6 stories; and
3. The completed building does not exceed 85 feet (22.86 m) in height.

1104.4 Fire alarm requirements for additions made to buildings. Fire alarm systems shall be provided in additions as required by Section 1104.1, and the existing building shall comply with Sections 1104.4.1 through 1104.4.3 as applicable. The fire alarm components for additions shall be connected to the fire alarm system serving the main use or dominant occupancy of the existing building.

1104.4.1 Large-area buildings. Additions resulting in a large-area building shall comply with Sections 1104.4.1.1 and 1104.4.1.2.

1104.4.1.1 Fire alarm in large-area building. Where the addition results in the building being classified as a large-area building pursuant to Section 907.2.2.2, 907.2.7.1, 907.2.10.1, or 907.2.8.5 of the *New York City Building Code*, the fire alarm requirements of those sections shall apply to the entire building.

1104.4.1.2 Auxiliary radio communications systems in large-area buildings. Where the addition results in the total building area exceeding 250,000 square feet (23 226 m^2), an

auxiliary radio communication system in accordance with Section 916 of the *New York City Building Code* shall be provided.

Exception: Auxiliary radio communications systems shall not be required in buildings constructed pursuant to building codes in effect prior to November 7, 2022, where the addition does not exceed 10 percent of the building area in existence or indicated on filed plans on or before such date.

1104.4.2 High-rise buildings. Where the vertical addition to the existing building results in the building being classified as a high-rise building subject to Section 403 of the *New York City Building Code*, the fire alarm requirements of Section 907.2.13 of the *New York City Building Code* shall apply to the entire building.

Exception: In prior code buildings, compliance with Section 907.2.13 of the *New York City Building Code* shall not be required where the vertical addition is limited to a penthouse level that does not exceed 33 and one-third percent of the roof area including other rooftop structures in accordance with Section 504.3 of the *New York City Building Code*.

1104.4.3 Smoke and carbon monoxide alarm detection in existing portions of a building. Where an addition is made to a building or structure of a Group R-2 occupancy that constitutes a portion of a dwelling unit, the entire remaining portion of the dwelling unit shall be provided with smoke and carbon monoxide alarms as required by Chapter 9 of the *New York City Building Code.*

1104.5 Other alteration work. Any alteration work within an existing building to which an addition is being made shall comply with the fire protection requirements of Chapters 8 or 9 of this code, as applicable.

SECTION EBC 1105
MEANS OF EGRESS

1105.1 General. Means of egress from an addition to an existing building or structure shall comply with Chapter 10 of the *New York City Building Code* and with this section. Means of egress from additions shall be permitted to utilize existing exit facilities of the building or structure in accordance with sections 1105.2 through 1105.3. Compliance with Chapter 10 of the *New York City Building Code* for the new addition's means of egress shall not conflict with the safe use of the existing egress facilities.

1105.2 The addition does not increase the existing floor surface area by more than 110 percent. Where the addition including alteration made to the building does not exceed the existing floor surface area by more than 110 percent pursuant to Section 302.7, the existing exit facilities shall be permitted to be utilized by the new addition to discharge onto the outside, subject to Sections 1105.2.1 and 1005.2.2. Such existing exit facilities shall be in compliance with the terms of their approval prior to the proposed addition.

1105.2.1. Prior code buildings. Means of egress components serving the addition shall comply with Chapter 10 of the *New York City Building Code* or as permitted by Section 305.5.

1105.2.1.1 Vertical exits. In prior code buildings, existing vertical exits may be extended to serve the addition, maintaining its width, in compliance with Section 305.5 provided the occupant load of the new addition shall not exceed the capacity of the existing stairs.

1105.2.2 Horizontal additions. Where the horizontal addition contains a new egress stair, such stair shall comply with Chapter 10 of the *New York City Building Code*. The new addition shall be permitted to utilize the additional exit facilities provided in the existing portion of the building. Where such existing building is a prior code building, use of existing means of egress shall be permitted to comply with Section 305.5.

1105.3 Work that increases existing floor surface area of an existing building by more than 110 percent. Where the addition including alteration made to the building involves an increase in the floor surface area by more than 110 percent, as per Section 1101.4, the entire means of egress system for the building including the addition shall comply with Chapter 10 of the *New York City Building Code* as if hereafter erected.

Exception: The existing means of egress need not be altered to meet the requirements of Chapter 10 of the *New York City Building Code* as hereafter erected where the horizontal addition made to the existing building acts as an independent building section meeting all the following conditions:

1. The horizontal addition is provided with means of egress independent of the existing building;

2. The horizontal addition is separated from the existing building by a minimum of two-hour rated fire barrier; and

3. The horizontal addition complies with all applicable fire protection requirements of Chapter 9 of the *New York City Building Code*.

SECTION EBC 1106
ACCESSIBILITY

1106.1 Minimum requirements. Accessibility provisions of Chapter 11 of the *New York City Building Code* for new construction shall apply to additions. An addition that affects the accessibility to, or contains an area of, primary function shall also comply with the requirements of Sections 806 and 906, as applicable.

1106.2 Additions requiring accessibility throughout a building. In accordance with Section 1101.4, where an addition, including any alteration made to the building, increases the existing floor surface area of the existing building by more than 110 percent, the entire building shall be made to comply with Chapter 11 of the *New York City Building Code* as if it were new construction hereafter erected.

SECTION EBC 1107
ENERGY CONSERVATION

1107.1 Minimum requirements. Additions to existing buildings shall conform to the energy requirements of the *New York City Energy Conservation Code* as they relate to new construction.

SECTION EBC 1108
OTHER BUILDING SYSTEMS

1108.1 General. Additions to building systems, elements, and components in existing buildings shall be subject to Sections 1108.2 through 1108.6.

1108.2 Plumbing. Where additions are made to existing buildings, the alterations and additions to plumbing systems, equipment, and appliances shall be in accordance with the *New York City Plumbing Code* and this code, as required by Section 310.

1108.3 Fuel gas. Where additions are made to existing buildings, the alterations and additions to fuel gas piping systems, equipment, and appliances shall be in accordance with the *New York City Fuel Gas Code* and this code, as required by Section 311.

1108.4 Mechanical. Where additions are made to existing buildings, the alterations and additions to mechanical systems, equipment, or appliances shall be in accordance with the *New York City Mechanical Code* and this code, as required by Section 309.

1108.5 Electrical. Where additions are made to existing buildings, the alterations and additions to electrical systems, equipment, and appliances shall be in accordance with the *New York City Electrical Code* and this code, as required by Section 308.

1108.6 Elevators. Where additions are made to existing buildings, the alterations and additions to existing elevators shall be in accordance with Chapter 30 and Appendix K of the *New York City Building Code*.

Exception: Extensions of existing elevators are not required to serve penthouse structures comprising the upper level of a multi-story R-2 occupancy dwelling unit located upon the roof of a sixth story of a building erected in accordance with the laws in effect before December 6, 1968 and provided that the building is deemed to be 6 stories or less pursuant to Section 504.3 of the *New York City Building Code*.

1108.6.1 Existing non-elevator buildings. Where vertical additions are made to existing non-elevator buildings such that the number of stories exceeds the limits specified by Chapter 30 of the *New York City Building Code*, such buildings shall be provided with at least 1 elevator that accesses all floors.

Exceptions:

1. The addition of a penthouse level above an existing 4-story non-elevator building in Group R-2, where such building is constructed in accordance with the laws in effect on December 6, 1968 or later, provided the penthouse addition meets both of the following conditions:

    a. The area of the penthouse addition and other roof structures do not constitute a new story as described in Chapter 15 of the *New York City Building Code*; and

    b. The addition is directly connected to the existing dwelling unit below.

2. Vertical additions to multiple dwellings constructed pursuant to laws in effect before December 6, 1968, as provided for in Section D306.1 of Appendix D of the *New York*

City Building Code.

1108.7 Other alteration work within the existing building. Any alteration work within an existing building to which an addition is being made shall comply with the plumbing, fuel gas, mechanical, electrical, or elevator requirements of Chapters 8 and 9, as applicable.

CHAPTER 12

RESERVED

CHAPTER 13
BUILDING SAFETY PERFORMANCE AND SCORING METHOD

SECTION EBC 1301
GENERAL

1301.1 Scope. The provisions of this chapter shall apply to the alterations, additions and changes of occupancy of existing buildings built prior to July 1, 2008, including moved structures, as referenced in Section 301.1.4 when elected by the design professional of record, as an alternative to the life safety requirements of Chapters 8 through 11 and Chapter 14. The provisions of this chapter are intended to maintain or increase the current degree of public safety in existing buildings while permitting alterations, additions, and changes of occupancy of these buildings.

1301.1.1 Compliance with other provisions of this code. When this chapter is elected as an alternative to compliance with the life safety provisions of Chapters 8 through 11 as referenced by Section 301.1.3, alterations, additions, and changes of occupancy to existing structures shall comply with all other applicable provisions of Chapters 8 through 11 and Chapter 3 related to use of material, accessibility, structural, plumbing, mechanical, electrical, fuel gas, and energy conservation, including all other requirements of this code not covered by this chapter.

1301.1.1.1 Increase in floor surface area by more than 110 percent. Where the proposed addition and/or alteration made to an existing building causes an increase in the building floor surface area, over the amount of existing floor surface area, by more than 110 percent, such building shall comply with the *New York City Building Code* as hereafter erected and this chapter shall not apply, pursuant to Section 302.7.

SECTION EBC 1302
APPLICABILITY

1302.1 Applicability. Buildings existing prior to July 1, 2008, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this chapter, when elected by the design professional of record as an alternative to the fire and life safety provisions of Chapters 8 through 11. The provisions of Sections 1302.1.1 through 1302.1.3 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, I-2, M, R, and S. These provisions shall not apply to buildings with occupancies in Groups H, I-1, I-3, or I-4. Registered design professionals evaluating buildings classified in Groups R-1 and R-2 shall not violate the requirements of Appendix D in their application of this chapter.

1302.1.1 Change in use or occupancy. Where an existing building or portion thereof is changed to a new use or occupancy classification, the requirements of Chapters 3 or 10, as applicable, shall apply except as indicated in this chapter and Table 301.1.4.

1302.1.2 Additions. Additions to existing buildings shall comply with the requirements of Chapters 3 or 11 as applicable, except as indicated in this chapter and Table 301.1.4.

1302.1.3 Alterations. Alterations to existing buildings or portions thereof shall comply with the requirements of Chapters 3, 8, or 9, as applicable, except as indicated in this chapter and Table 301.1.4.

SECTION EBC 1303
ACCEPTANCE

1303.1 Acceptance. For alterations, additions, and changes of occupancy to existing buildings that are evaluated in accordance with this chapter as permitted by Section 301.1.4, compliance with this chapter shall be reviewed and accepted by the department.

1303.1.1 Compliance with other codes. Buildings that are evaluated in accordance with this chapter shall comply with the *New York City Construction Codes* as applicable.

SECTION EBC 1304
INVESTIGATION AND EVALUATION

1304.1 Investigation and evaluation. For proposed work covered by this chapter, the building owner shall cause the existing building to be investigated and evaluated by a registered design professional in accordance with the provisions of Section 1304.

1304.1.1 Submittal. The results of the investigation and evaluation as required in Sections 1304.2 and 1304.3 along with proposed compliance alternatives, shall be submitted to the department for review and consideration.

1304.1.2 Determination of compliance. The department shall determine whether the existing building, with the proposed addition, alteration, or change of occupancy, complies with the provisions of this chapter in accordance with the evaluation process in Section 1304.3.

1304.2 Evaluation. The evaluation shall be comprised of 3 categories: fire safety, means of egress, and general safety, as described in this section and Section 1304.3.

1304.2.1 Fire safety. Included within the fire safety category are passive fire protection and active fire protection features of the building.

1304.2.2 Means of egress. Included within the means of egress category are the configuration, characteristics, and support features for means of egress in the building.

1304.2.3 General safety. Included within the general safety category are the fire safety parameters and the means of egress parameters.

1304.3 Evaluation and scoring process. The department shall promulgate rules to determine the building elements and systems within the 3 categories of Sections 1304.2.1 through 1304.2.3 subject to the investigation and evaluation process. The rules shall also determine the value of each element or system contributing to the overall building score.

CHAPTER 14
RELOCATED, MOVED, OR RAISED BUILDINGS

SECTION EBC 1401
GENERAL

1401.1 Scope. This chapter provides requirements for relocated, moved, or raised buildings including relocatable buildings, as defined in Chapter 2.

1401.1.1 Multiple dwellings. The relocation, moving, or raising of multiple dwellings shall also comply with Appendix D.

1401.2 Conformance. The relocation, moving or raising of a building shall not create any new noncompliance with the applicable provisions of the *New York City Building Code*. Any repair, alteration, or change of occupancy undertaken within the relocated, moved, or raised building shall comply with the requirements of this code applicable to the work being performed, as indicated in Chapter 6. Any field-fabricated elements shall comply with the requirements of the *New York City Building Code*.

Exception: Frame structures designated as historic structures may be relocated into fire districts subject to the approval of the commissioner.

1401.2.1 Exterior walls and openings. Exterior walls and openings of relocated or moved buildings shall comply with Chapter 7 of the *New York City Building Code*.

SECTION EBC 1402
REQUIREMENTS

1402.1 Location on the lot. Relocated, moved, or raised buildings shall be located on the lot in accordance with the requirements of the *New York City Building Code*, the *New York City Fire Code*, the *New York City Zoning Resolution*, applicable federal, state, and local laws, rules, and regulations.

1402.1.1 Relocating or moving buildings into the fire district. Buildings shall not hereafter be relocated or moved into the fire district or to another lot in the fire district unless the building is of a type of construction permitted in the fire district. The prohibitions set forth in this section shall not apply to historic frame buildings where approved by the commissioner in accordance with Section 1401.2.

1402.1.1.1 Group R-1 and R-2 occupancies. No building or space classified in Occupancy Group R-1 or R-2 may be relocated to a lot containing a building classified in construction Type IIB, VA, or VB.

1402.2 Compliance with Chapter 7. Relocated, moved, or raised buildings shall comply with Chapter 7.

1402.3 Flood hazard areas. If buildings are to be relocated or moved into a flood hazard area, or are raised within a flood hazard area, such buildings shall comply with Section 1612 and Appendix G of the *New York City Building Code*.

1402.4 Required inspection. The department may inspect or require an approved agency to inspect, at the expense of the owner, the various structural parts of a relocated, moved, or raised

building to verify that structural components and connections have not sustained structural damage.

1402.4.1 Special inspection of relocating, raising, and moving of a building. Where an existing building is being relocated, moved, or the lowest above-grade floor or lowest subgrade floor of a building is to be raised, lifted, or elevated, periodic special inspection of such work is required. The permit holder shall notify the department in writing at least 48 hours before the commencement of such work. All new structural work shall be inspected in accordance with Chapter 17 of the *New York City Building Code*.

1402.5 Exit discharge. Relocated or moved buildings shall provide access to a public way in accordance with the exit discharge provisions of Chapter 10 of the *New York City Building Code*.

1402.6 Accessibility. Relocated, moved, or raised buildings shall be located on the lot so as to be accessible at each entrance in accordance with Chapter 11 of the *New York City Building Code*.

1402.7 Fire protection. Where new utility connections are required for a relocated building, subject to the approval of the New York City Department of Environmental Protection, water service lines used exclusively for supplying fire protection systems shall be provided where a building of similar use, occupancy, construction, and height is required to be protected in accordance with Chapter 9 of the *New York City Building Code*. Such connection shall be ready for future installations, when required by this code.

Exception: One- or two-family dwellings, where space is reserved for future installation of a pressurized tank sized to provide the anticipated water flow demands of a sprinkler system designed in accordance with Chapter 9 of the *New York City Building Code*.

CHAPTER 15
ADDITIONAL SAFEGUARDS DURING CONSTRUCTION OR DEMOLITION FOR EXISTING BUILDINGS AND OCCUPIED BUILDINGS

SECTION EBC 1501
GENERAL

1501.1 Scope. The requirements of this chapter shall apply to construction or demolition operations performed in existing buildings, as well as buildings that will be occupied during work, including newly constructed buildings that are partially occupied while work is ongoing.

1501.2 Compliance with the *New York City Building Code*. In addition to the provisions of this chapter, Chapter 33 of the *New York City Building Code* shall also govern the conduct of all construction or demolition operations with regard to the safety of the public and property.

1501.3 Responsibility for safety. Nothing in this chapter shall be construed to relieve persons engaged in construction or demolition operations from complying with other applicable provisions of law, nor is it intended to alter or diminish any obligation otherwise imposed by law on any party engaged in a construction or demolition operation, including but not limited to the owner, construction manager, general contractor, subcontractors, material men, registered design professionals, or other party to engage in sound design and engineering, safe construction or demolition practices, including but not limited to debris removal, and to act in a reasonable and responsible manner to maintain a safe construction or demolition site.

SECTION EBC 1502
SAFEGUARDS FOR OCCUPANTS

1502.1 Occupant protection required. When construction or demolition activity occurs in an occupied building, barricades, signs, drop cloths, and other protective means shall be installed and maintained as necessary to provide reasonable protection for the occupants against hazard and nuisance. Such protective means shall be indicated on an occupant protection plan, or on a tenant protection plan, as applicable. Protective means shall also be installed as required by this code, the *New York City Building Code*, and any other applicable provisions of law.

1502.2 Common areas. Common areas open to the public shall be left clean and free from hazards at the end of the workday.

1502.3 Notification of disruption of utility services, egress, and accessibility features. In a building, including newly constructed buildings, in which any dwelling unit will be occupied during construction or demolition work, and where heat, hot water, cold water, gas, electricity, or other utility services are to be disrupted by such work, or where required means of egress or accessibility features are to be impacted by such work, occupants of the dwelling units shall be provided a minimum of 48-hours' notice prior to the disruption or impact, unless the disruption or impact is due to an emergency condition. When due to an emergency condition, notice of the disruption or impact shall be made as soon as practicable.

> **Exception:** Notification of disruption of elevator service shall comply with the requirements of Section 1502.4.

1502.4 Notification of disruption of elevator service. Notification of disruption of elevator

service shall be provided in accordance with Section 28-304.10 of the *Administrative Code*.

1502.5 Tenant and occupant protection plans. A tenant protection plan shall be prepared when required by Section 1503. An occupant protection plan shall be prepared when required by Section 1504.

1502.6 Egress. The requirements of Section 1505 shall apply.

1502.7 Tenant and occupant safety notes for limited alteration applications. When required by rules promulgated by the department, work performed under a limited alteration application shall be conducted in accordance with tenant and occupant safety notes, with such notes posted at the worksite in a location readily visible to the public. The content of the tenant and occupant safety notes shall summarize existing code and legal requirements.

SECTION EBC 1503
TENANT PROTECTION PLAN

1503.1 Where required. Alteration, construction, or partial demolition work performed in a building in which any dwelling unit will be occupied during the work, including newly constructed buildings with 1 or more occupied dwelling units, shall be conducted in accordance with a tenant protection plan.

Exceptions: A tenant protection plan is not required for the following types of work. This exception shall not alleviate the owner, contractor, or any other entity engaged in the work from their obligation to comply with applicable tenant protection laws and regulations.

1. Work that does not require a permit.
2. Work whose scope is limited to that authorized by a Limited Alteration Application.
3. Work limited to the alteration of an existing elevator.
4. Electrical work that does not require the submittal of plans to the department.

1503.2 Applicant. The tenant protection plan shall be prepared by a registered design professional and filed with the department. Such registered design professional shall be retained by the general contractor performing the alteration, construction, or partial demolition work.

Exceptions: In the following instances, the tenant protection plan may be prepared and filed by the registered design professional of record retained by the owner as part of the underlying application for alteration, construction, or partial demolition work:

1. Work in occupied one- and two-family homes.
2. Work limited to the interior of a single, owner-occupied dwelling unit of an occupied multiple dwelling with no disruption to the essential services of other units. 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.

1503.3 Permit issuance. No permit shall be issued for work that requires a tenant protection plan unless such plan is approved by the department.

1503.4 The plan. Tenant protection plans shall, at a minimum, contain the items required by Sections 1503.4.1 and 1503.4.2.

1503.4.1 Plan statement. The tenant protection plan shall contain a statement signed by the owner and signed by the applicant affirming that the building contains dwelling units that will be occupied during construction. In addition, such statement shall indicate, in sufficient detail, the specific units that are or may be occupied during construction, and the means and methods to be employed to safeguard the safety and health of the occupants throughout the construction, including, where applicable, details such as temporary fire-rated assemblies, opening protectives, or dust containment procedures. Such means and methods shall be described with particularity and in no case shall terms such as "code compliant," "approved," "legal," "protected in accordance with law," or similar terms be used as a substitute for such description.

1503.4.2 Plan content. The tenant protection plan must be site specific. The elements of the tenant protection plan may vary depending on the nature and scope of the work but, at a minimum, must comply with all applicable laws and regulations, including the *New York City Construction Codes*, the *New York City Fire Code*, the *New York City Housing Maintenance Code*, the *New York City Noise Control Code* and the *New York City Health Code*, and shall make detailed and specific provisions for:

1. Egress. The tenant protection plan shall identify the egress that will be provided. At all times in the course of construction, provision shall be made for code compliant means of egress, as required by the *New York City Construction Codes*. Required egress shall not be obstructed at any time except where approved by the commissioner.

2. Fire safety. All necessary laws and controls, including those with respect to occupied dwellings, as well as additional safety measures necessitated by the construction, shall be strictly observed.

3. Health requirements. Specification of means and methods to be used for control of dust, disposal of construction debris, pest control, and maintenance of sanitary facilities shall be included.

3.1. Lead and asbestos. There shall be included a statement of compliance with applicable provisions of law relating to lead and asbestos, and such statement shall describe with particularity what means and methods are being undertaken to meet such compliance.

4. Compliance with housing standards. The requirements of the *New York City Housing Maintenance Code* and the *New York State Multiple Dwelling Law*, where applicable, shall be strictly observed.

5. Structural safety. No structural work shall be done that may endanger the tenants.

6. Noise restrictions. Specification of means and methods to be used for the limitation of noise to acceptable levels in accordance with the *New York City Noise Control Code* shall be included. Where hours of the day or the days of the week in which construction work may be undertaken are limited pursuant to the *New York City Noise Control Code*, such limitations shall be stated.

7. Maintaining essential services. Where heat, hot water, cold water, gas, electricity, or other utility services are provided in such building or in any dwelling unit located therein, the tenant protection plan shall specify the means and methods to be used for maintaining such services during such work in accordance with the requirements of the *New York City*

Housing Maintenance Code.

7.1. Disruptions. If a disruption of any such service is anticipated during the work, the plan shall specify the anticipated duration of such disruption and the means and methods to be employed to minimize such disruption, including the provision of sufficient alternatives for such service during such disruption.

7.2. Coordinating work to minimize disruptions. Where disruptions are anticipated, the plan shall specify coordination efforts to be employed to minimize disruption to tenants, including but not limited to staging or phasing of work.

8. Maintaining accessibility. The tenant protection plan shall specify the means and methods to be used to maintain existing levels of accessibility for building tenants.

8.1. Disruptions. If accessibility is anticipated to be disrupted by the work, then the plan shall specify the anticipated duration of such disruption and the means and methods to be employed to minimize disruption to tenants, including the provision of sufficient alternatives.

9. Notifications. The tenant protection plan shall indicate the means and methods to provide required notifications to the tenants, including but not limited to notifications required by Sections 1502.3 and 1502.4.

1503.5 Public availability of tenant protection plan. Upon issuance of a permit for work containing a tenant protection plan, the department shall make the tenant protection plan publicly available on its website.

1503.6 Provision of copy of tenant protection plan to tenants upon request. The owner of a building undergoing work for which a tenant protection plan is required by Section 1503.1 shall, upon request from a tenant of a dwelling unit within such building, provide such tenant with a paper copy of the tenant protection plan approved by the department.

1503.7 Notice to tenants. Upon issuance of a permit for work containing a tenant protection plan, the owner shall (i) distribute a notice regarding such plan to each occupied dwelling unit and (ii) post a notice regarding such plan in a conspicuous manner in the building lobby, as well as on each floor within 10 feet of the elevator, or in a building where there is no elevator, within 10 feet of or in the main stairwell on such floor. The notice shall be in a form created or approved by the department and shall include:

1. A statement that tenants of the building may obtain a paper copy of such plan from the owner and may access such plan on the department website;
2. The name and contact information of the site safety manager, site safety coordinator, or superintendent of construction required by Section 3301.3 of the *New York City Building Code*, as applicable, or, if there is no site safety manager, site safety coordinator, or superintendent of construction, the name and contact information of the owner of the building or such owner's designee; and
3. A statement that tenants of the building may call 311 to make complaints about the work.
4. Where the work involves the disturbance of lead-based paint, as defined in Section 27-2056.2, or paint of unknown lead content, occupants of the building shall be directed to information regarding the hazards associated with lead-contaminated dust in a form established by the department in collaboration with the Department of Health and Mental Hygiene.

1503.8 Phased tenant protection plans. Multiple layouts of the tenant protection features enumerated in Section 1503.4 may be submitted at any time during construction operations to show phased tenant protection plan designs consistent with the phase of anticipated work. Layouts submitted subsequent to a previously approved tenant protection plan shall constitute an amendment to such plan. Such amended plan shall be approved by the department prior to the commencement of the work requiring such amended plan.

1503.9 Contractor statement. The permit holder for the underlying alteration, construction, or partial demolition shall sign a statement certifying that the tenant protection plan submitted by the registered design professional aligns with the scope of work intended.

Exception: This statement shall not be required where a tenant protection plan is filed as part of the underlying application, as permitted under the exception to Section 1503.2.

1503.10 Special inspection. Tenant protection plans shall be subject to special inspection in accordance with Section 1705.26 of the *New York City Building Code*. The special inspector shall be employed by a special inspection agency and shall possess the qualifications set forth in rules promulgated by the commissioner.

1503.11 Department inspection of tenant protection plan. The owner shall notify the department in writing at least 72 hours prior to the commencement of any work requiring a tenant protection plan. The department shall conduct an inspection of at least 10 percent of such sites within 7 days after the commencement of such work to verify compliance with the tenant protection plan. The department shall conduct follow-up inspections of such sites every 180 days until the work is completed to verify compliance with the *New York City Construction Codes* and tenant protection plan. Additionally, the department shall conduct an inspection within 10 days of receipt of a complaint concerning such work. Where the department receives a complaint alleging that dust is not being contained or controlled in accordance with a tenant protection plan, it shall conduct an inspection within 24 hours. The department shall, in collaboration with the department of health and mental hygiene, develop a procedure to complete a lead-contaminated dust test upon a determination that dust is not being contained or controlled during such tenant protection plan inspections or an inspection conducted in response to a complaint, and take any appropriate enforcement action, including the issuance of an order pursuant to section 28-207.2 of the *Administrative Code*. The department of health and mental hygiene shall assist the department to implement such procedure, including submitting dust samples collected by the department to a laboratory for analysis. The department shall refer the result of any such inspection to the department of health and mental hygiene for review and further inspection in accordance with the *New York City Health Code*.

1503.12 Enforcement of tenant protection plan. If work is not being performed in accordance with the tenant protection plan, the commissioner may issue a stop work order pursuant to Section 28-207.2 of the *Administrative Code*.

SECTION EBC 1504
OCCUPANT PROTECTION PLAN

1504.1 Where required. Alteration, construction, or partial demolition work performed in a building that will be occupied during the work, including newly constructed buildings that are partially occupied while work is ongoing, shall be conducted in accordance with an occupant

protection plan.

Exceptions: An occupant protection plan is not required for the following types of work. This exception shall not alleviate the owner, contractor, or any other entity engaged in the work from their obligation to comply with applicable occupant protection laws and regulations.

1. Work subject to a tenant protection plan in accordance with Section 1503.
2. Work that does not require a permit.
3. Work whose scope is limited to that authorized by a Limited Alteration Application.
4. Work limited to the alteration of an existing elevator.
5. Electrical work that does not require the submittal of plans to the department.

1504.2 Preparing the plan. The occupant protection plan shall be prepared by or on behalf of the general contractor performing the alteration, construction, or partial demolition work. Where the work will result in a change to building use or occupancy, a permanent change to egress, a temporary reduction to egress during work, or a disruption to fire alarm, standpipe, or sprinkler or similar fire suppression systems during work, such individual preparing the occupant protection plan shall be a registered design professional.

1504.3 The plan. The occupant protection plan shall provide the same level of detail and clarity, and include the same content and statements, as a tenant protection plan required under Section 1503.4. The term "tenant" in such sections shall, for the purpose of the occupant protection plan, mean "occupant," and the terms "dwelling," "dwelling unit," or "unit" shall mean "occupied space."

1504.4 Available upon request. The occupant protection plan shall be kept at the site by the general contractor performing the alteration, construction, or partial demolition work, and shall be made available to the department upon request.

1504.5 Provision of copy of occupant protection plan to occupants upon request. The owner of a building undergoing work for which an occupant protection plan is required shall, upon request from an occupant of such building, provide such occupant with a paper copy of the occupant protection plan.

1504.6 Notice to occupants. Upon issuance of a permit for work requiring an occupant protection plan, the owner shall post a notice regarding such plan in a conspicuous manner in the building lobby, as well as within 10 feet of the elevator on each floor open to the public where such work is occurring, or in a building where there is no elevator, within 10 feet of or in the main stairwell on such floor. The notice shall be in a form created or approved by the department and shall include:

1. A statement that occupants of the building may obtain a paper copy of such plan from the owner;

2. The name and contact information of the site safety manager, site safety coordinator, or superintendent of construction required by Section 3301.3 of the *New York City Building Code*, as applicable, or, if there is no site safety manager, site safety coordinator, or superintendent of construction, the name and contact information of the owner of the building or such owner's designee, or, if the site is owned or leased by a government entity, the name and contact information of the project officer, building manager, or similar designated official; and

3. A statement that occupants of the building may call 311 to make complaints about the work.

1504.7 Phased occupant protection plans. The occupant protection plan may be developed in phases to show the occupant protection plan layouts consistent with the anticipated work for such phase. The occupant protection plan maintained at the site must be a complete and self-contained document that fully accords with the ongoing work.

SECTION EBC 1505
MAINTAINING MEANS OF EGRESS

1505.1 Maintenance of means of egress. Existing required means of egress shall be maintained at all times during construction or demolition operations in an occupied building and shall not be removed, obstructed, or altered in any manner that would diminish the full effectiveness of such means of egress.

Exceptions:

1. Where a new permanent or temporary means of egress that complies with all applicable egress requirements of Chapter 10 of the *New York City Building Code* is provided in substitution, and the new permanent or temporary means of egress has satisfactorily passed an inspection by the department or another party designated by the department prior to the diminishment of any existing required means of egress in the building.

2. A variance approved in accordance with Section 28-103.3 of the *Administrative Code*.

SECTION EBC 1506
AUTOMATIC SPRINKLER SYSTEM

1506.1 Sprinkler systems during alteration or demolition. Existing sprinkler systems in buildings undergoing an alteration or demolition shall comply with the requirements of Section 3303.7.4 of the *New York City Building Code* and Section 1506.2.

1506.2 Sprinkler protection during construction in fully sprinklered buildings. Where alterations are proposed to a floor on which the sprinkler system is to be temporarily disconnected in the work area, Temporary Core Sprinkler Protection (TCSP) shall be provided in accordance with Sections 1506.2.1 through 1506.2.5. Alterations shall also comply with the *New York City Fire Code*, including referenced standards therein.

1506.2.1 Temporary Core Sprinkler Protection (TCSP). As a temporary fire protection measure, TCSP shall be provided on occupied floors on which an existing sprinkler system is to be temporarily disconnected during alterations. When provided, TCSP shall be connected to the fire alarm system in the building. In buildings without a fire alarm system, TCSP shall be connected to a local annunciation and notification system. TCSP shall comply with and shall be placed in accordance with applicable requirements of NFPA 13 as modified by Appendix Q of the *New York City Building Code*. TCSP shall provide the same responses as the existing sprinkler system monitoring in the building. TCSP shall be provided at the following locations:

1. At the elevator hoistway openings.

2. At exit doors to required exit stairways.

3. Along the egress paths, including corridors, connecting all required exits and elevator lobbies.

1506.2.2 Sprinkler protection on partially occupied floors. When a floor is partially occupied during an alteration, the sprinkler heads in the work area may be temporarily removed and the TCSP that complies with Section 1506.2.1 shall not be required provided all the following conditions are met:

1. The work area does not exceed 52,000 square feet (4831 m^2) and is fully compartmented in at least 1- hour fire-rated barriers or horizontal assemblies;

2. The entire floor's sprinkler system remains intact outside of the work area;

3. Sprinkler head(s) are placed on both sides of all entrances to and exits from the work area;

Exceptions:

1. Spaces located outside of the first floor entrances and exits.

2. Openings to exit enclosures.

4. Heat detectors are placed on the construction side of the entrance doors to the temporary compartmented work area. Heat detectors shall be installed in compliance with NFPA 72 as modified by Appendix Q of the *New York City Building Code* for the occupancy in which they are placed and shall be connected to the fire alarm system in the building. Where there is no fire alarm system, heat detectors shall be connected to a local annunciation and notification system;

5. Sprinkler heads are not placed inside the stairwell when the work area is near the stairwell;

6. All required exits are maintained for the duration of the construction, including those from the work area; and

7. Application for a permanent replacement sprinkler system is made within 60 days of application filed for the temporary removal of sprinklers.

1506.2.3 Sprinkler protection on unoccupied floors. TCSP, as described in Section 1506.2.1, shall be provided when an entire floor is unoccupied during an alteration in a fully sprinklered existing building. The sprinklers shall be located at an appropriate height above the floor to clear any future ductwork and sprinklers and shall comply with and be placed in accordance with Section 903 of the *New York City Building Code*.

1506.2.4 Scope of work with duration of 1 year or more. Where the alteration work is expected to take a year or longer, temporary protection measures described in Sections 1506.2.2 and 1506.2.3 shall not be permitted and the entire floor(s) undergoing alterations shall be sprinklered in accordance with Section 903 of the *New York City Building Code*.

1506.2.5 Compliance with the *New York City Fire Code*. Where temporary removal or disconnection of sprinkler system is permitted in accordance with Sections 1506.2.2 or 1506.2.3, the building owner shall comply with the *New York City Fire Code* out-of-service requirements.

CHAPTER 16
REFERENCED STANDARDS

SECTION EBC 1601
GENERAL

1601.1 General. This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard.

1601.2 Subsequent additions, modifications, or deletions. Refer to the rules of the department for any subsequent additions, modifications, or deletions that may have been made to these standards in accordance with Section 28-103.19 of the *Administrative Code*.

1601.3 Applicability. The application of the referenced standards shall be as specified in Section 102.4.3.

SECTION EBC 1602
STANDARDS

ASCE/SEI	American Society of Civil Engineers Structural Engineering Institute 1801 Alexander Bell Drive Reston, VA 20191-4400	
Standard reference number	Title	Referenced in code section number
7—16* *As modified in Chapter 16 of the *New York City Building Code*	Minimum Design Loads and Associated Criteria for Buildings and Other Structures with Supplement No. 1	307.2.1, 705.4
41—17	Seismic Evaluation and Retrofit of Existing Buildings	202 (BSE-1N, BSE-2N), 703.5.3.3, 705.6, Table 705.6

ASME	American Society of Mechanical Engineers 3 Park Avenue New York, NY 10016	
Standard reference number	Title	Referenced in code section number
A17.1—13* CSA B44—2013 *As modified in Appendix K of the *New York City Building Code*	Safety Code for Elevators and Escalators	306.2.4, 312.6.6, 403.2.5.1, Table 403.2.5.1, 510.2, Table 510.2, 510.3, 806.2.2, 812.1, Table 812.1, 902.1.1.2
A17.3—2015* *As modified in Appendix K of the *New York City Building Code*	Safety Code for Existing Elevators and Escalators	118.2.4, 312.2, 902.1.1.2
A18.1—2014	Safety Standard for Platform Lifts and Stairway Chairlifts	306.2.5

ASTM	ASTM International 100 Barr Harbor Drive West Conshohocken, PA 19428-2959	
Standard reference number	Title	Referenced in code section number
E136—2012	Test Method for Behavior of Materials in a Vertical Tube Furnace at 750°C	202 (NONCOMBUSTIBLE MATERIAL)
E814—2013	Test Method of Fire Tests of Through-penetration Firestops	502.7.3

1

ICC	International Code Council, Inc. 500 New Jersey Ave, NW, 6th Floor Washington, DC 20001	
Standard reference number	Title	Referenced in code section number
A117.1—09	Accessible and Usable Buildings and Facilities	306.2.3, 306.2.4, 306.2.5, 806.2.2, 806.2.9, 806.2.10, 806.2.12

2

NFPA	National Fire Protection Agency 1 Batterymarch Park Quincy, MA 02269-9101	
Standard reference number	Title	Referenced in code section number
13—16* *As modified in Appendix Q of the *New York City Building Code*	Installation of Sprinkler Systems	504.2.2, 505.2.2, 803.2.1, 804.2.8.2, 804.2.8.2.1, 1506.2.1
72—16* *As modified in Appendix Q of the *New York City Building Code*	National Fire Alarm Code	312.6.6, 804.4, 804.4.2, 808.5, 902.1.1.6.1, 1506.2.2

NFPA	National Fire Protection Agency 1 Batterymarch Park Quincy, MA 02269-9101	
Standard reference number	Title	Referenced in code section number
80—13	Fire Dampers	809.2.6.2
105—13	Smoke dampers	809.2.6.3

1

TMS	The Masonry Society 105 South Sunset Street, Suite Q Longmont, CO 80501	
Standard reference number	Title	Referenced in code section number
402—2016* *As modified in Chapter 21 of the *New York City Building Code*	Building Code Requirements and Specifications for Masonry Structures	703.5.3.4

2

UL	UL LLC 333 Pfingsten Road Northbrook, IL 60062	
Standard reference number	Title	Referenced in code section number
1369-18	Aboveground Piping for Flammable and Combustible Liquids	809.14.2
1479—03	Fire Tests of Through-penetration Firestops—with Revisions through October 2012	502.7.3
2085—97 (R2010)	Standard for Protected Aboveground Tanks for Flammable and Combustible Liquids (with Revisions through 2010)	809.14

3

4

5

APPENDIX A
GUIDELINES FOR THE STRENGTHENING OF EXISTING BUILDINGS

CHAPTER A1
STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY WALLS, PARAPETS, AND CHIMNEYS

SECTION EBC A101
SCOPE

A101.1 General. This Appendix gives requirements for connecting walls to floors and parapets and chimneys to roofs for existing unreinforced masonry buildings with wood framed floors or roofs, where required by Chapter 7.

The provisions of this Appendix are intended as minimum standards for incrementally improving structural seismic resistance and are established primarily to reduce the risk of loss, damage to property, or injury to persons. Compliance with these provisions will not necessarily prevent loss of life or injury or prevent earthquake damage to retrofitted buildings.

This Appendix is based on a seismic design criteria limit of Sd1<=.133, and wind conditions of Exposure D. This Appendix does not apply to essential or hazardous facilities.

A101.2 Definitions.

UNREINFORCED MASONRY (URM). Includes burned clay, concrete, or sand-lime brick; hollow clay or concrete block; plain concrete; and hollow clay tile.

UNREINFORCED MASONRY WALL. A masonry wall that:

1. Relies solely on the tensile strength of masonry units, mortar, and grout in resisting design loads. Any area of reinforcement that may be present is neglected in determining resistance to loads; and
2. Carries a minimum service load of 100 pounds per lineal foot (1459 N/m) of roof and/or floor loads.

SECTION EBC A102
MASONRY WALL CONNECTIONS

A102.1 Connection locations. Unreinforced masonry walls shall be connected at the roof and floor levels.

A102.1.1 Connection requirements. Connections shall consist of existing connections and/or new connections. New connections shall be as shown in Figures A1-1, A1-2, or A1-3 where applicable, and provided at a maximum plan spacing of 5 feet and 4 inches (1625 mm) on center. A registered design professional can provide alternative anchor spacings and details for loads conforming to the *New York City Building Code*. All wall connections shall be secured to the framing members parallel or perpendicular to the wall. Cross-grain bending in wood members used for wall connections is prohibited.

A102.2 Minimum wall connection capacity. Connection of walls to each floor or roof shall be able to resist a minimum service load of 200 pounds per linear foot (2919 N/m), acting normal to the wall at the level of the floor or roof. Existing wall connections, if used, must meet the

requirements of this chapter, or must be supplemented with new connections to comply with requirements.

A102.2.1 Existing wall connections capacity. Existing connections used as all or part of the required wall connections shall be considered to have a service tension capacity of 100 pounds (445 N), unless tested or evaluated by a registered design professional. Friction shall be neglected in determining existing connection capacity.

A102.2.2 Wall connections per Chapter 33 of the *New York City Building Code*. Wall connections installed as required by Section 3309 and attached to joists in a manner similar to Figure A1-1 may be deemed to comply with the requirements of this Appendix.

A102.3 Wall connection testing and inspection. New wall connections shall be tested and inspected in accordance with the requirements of Chapter 17 of the *New York City Building Code*, and as required by the connection manufacturer. Testing of existing wall connections, if required, shall be specified and evaluated by a registered design professional.

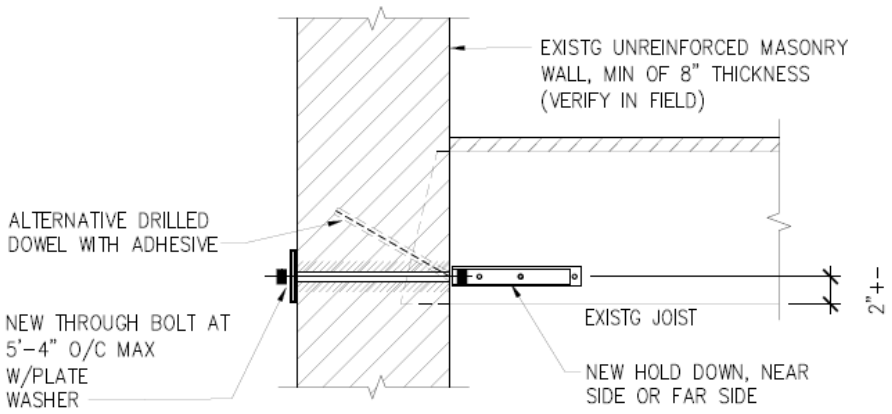
A102.4 Existing wall wythe bonding and pattern. A registered design professional shall confirm that the existing exterior wall wythes that are being anchored are properly bonded together. If wythes are not properly bonded together, or the bonding pattern of wythes is different from header courses every sixth course, a registered design professional shall evaluate the conditions and design repairs if required.

SECTION EBC A103
PARAPETS AND CHIMNEYS

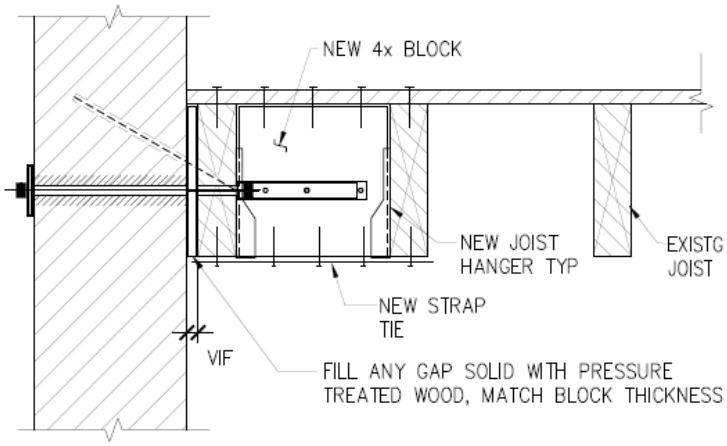
A103.1 Parapet and Chimney heights. The maximum height of an unbraced unreinforced masonry parapet or chimney above the lower of either the level of anchors or the roof sheathing shall not exceed 3.0 times its thickness. Other ratios may be used if justified by a registered design professional. Parapets and chimneys not conforming to this chapter shall be removed, reduced in height if allowed, stabilized, strengthened, or laterally braced to ensure that the parapets and chimneys remain in their original positions and conform to this chapter.

A103.2 Lateral bracing. If the parapet or chimney height exceeds the allowed maximum, and new lateral bracing is chosen as a remedy, then the lateral bracing system shall be as shown in Figures A1-4 through A1-6 as applicable. A registered design professional can provide alternative bracing details for loads conforming to the *New York City Building Code*. Parapet and chimney corrective work is to be performed in conjunction with the installation of roof connections.

A103.3 Existing coping connections. The stability and strength of connections of parapet and chimney copings shall be evaluated by a registered design professional.



JOISTS PERPENDICULAR TO WALL



JOISTS PARALLEL TO WALL

NOTES:
1. PROTECT STEEL EXPOSED TO THE WEATHER WITH HOT DIP GALVANIZING OR COATING SYSTEM.
2. THIS DETAIL IS SCHEMATIC. FINAL CONNECTION DESIGN TO BE PROVIDED BY RDP.

Figure A1-1
Schematic Typical Wall Tieback Detail- Type 1

1
2

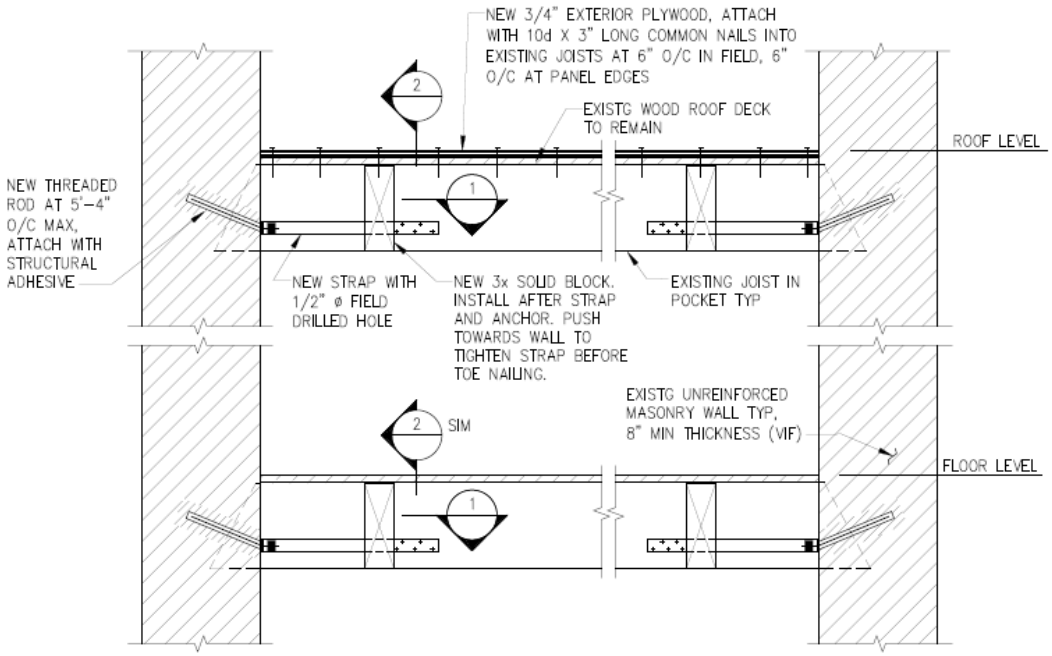


Figure A1-2
Schematic Typical Wall Tieback Detail- Type 2

1

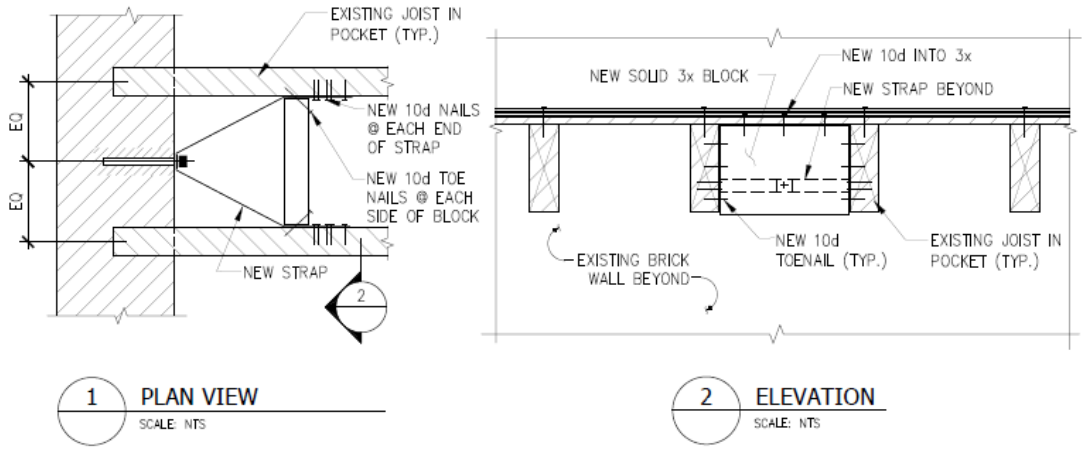
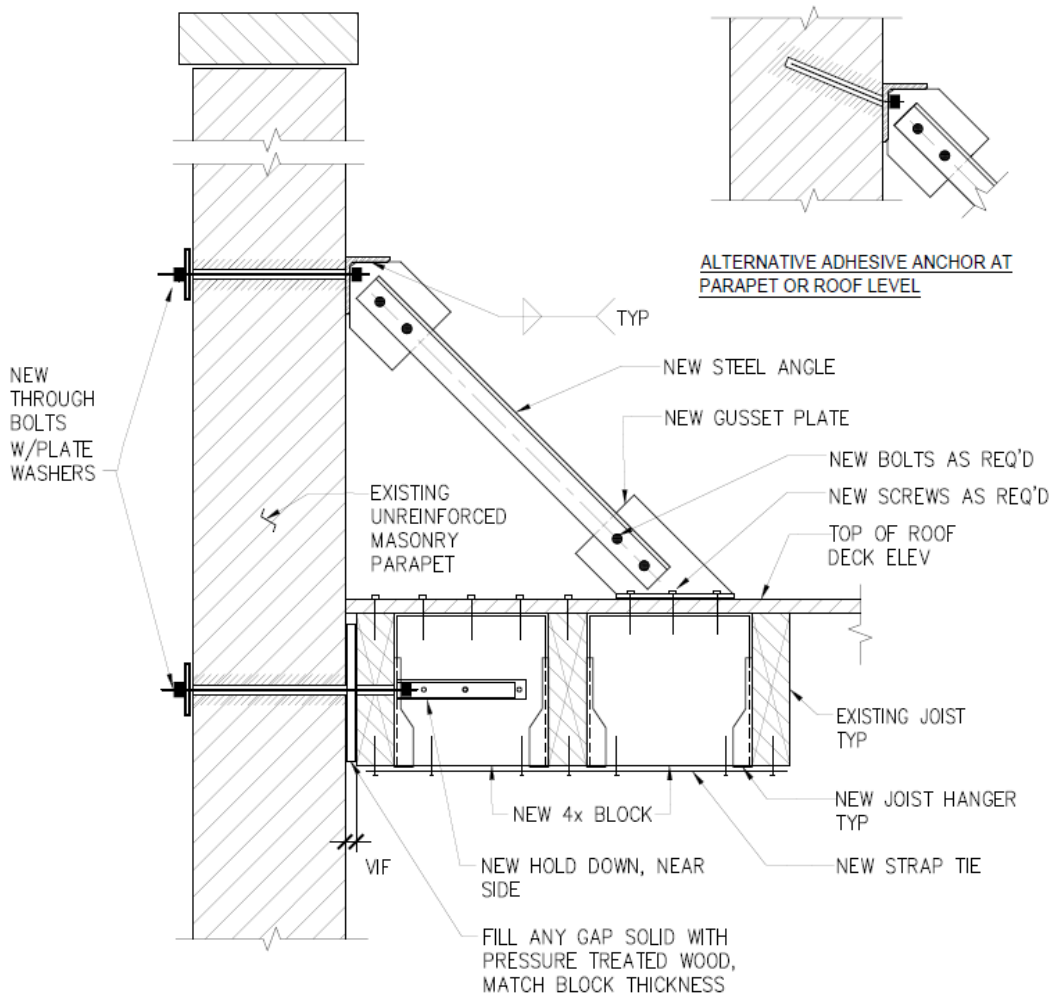


Figure A1-3
Schematic Typical Wall Tieback Detail- Type 2

1

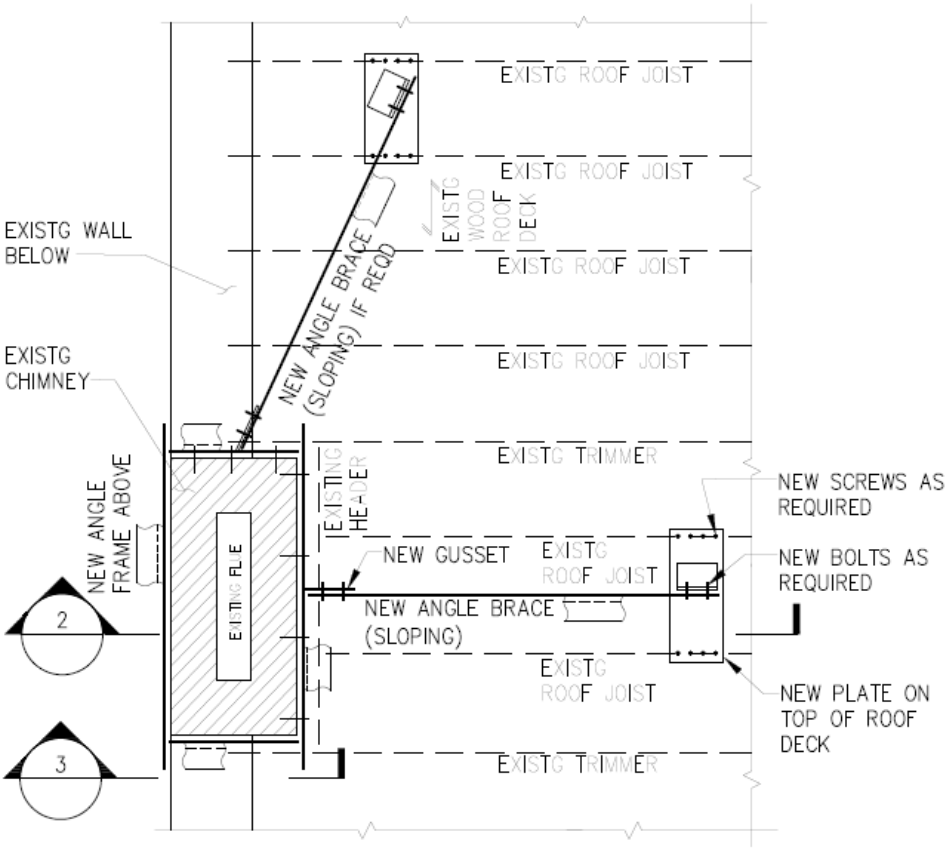


NOTES:

1. COMPLY WITH FIRE DEPARTMENT REQUIREMENTS FOR ROOF ACCESS.
2. PROTECT STEEL EXPOSED TO THE WEATHER WITH HOT DIP GALVANIZING OR COATING SYSTEM.
3. PROVIDE WATERPROOFING AS REQUIRED.
4. THIS DETAIL IS SCHEMATIC. FINAL BRACE DESIGN TO BE PROVIDED BY RDP.
5. PROVIDE MINIMUM STEEL THICKNESS OF .25" TYPICAL.

Figure A1-4
Schematic Parapet Bracing Detail

1



NOTES:

1. COMPLY WITH FIRE DEPARTMENT REQUIREMENTS FOR ROOF ACCESS.
2. PROTECT STEEL EXPOSED TO THE WEATHER WITH HOT DIP GALVANIZING OR COATING SYSTEM.
3. PROVIDE WATERPROOFING AS REQUIRED.
4. THIS DETAIL IS SCHEMATIC. FINAL BRACES DESIGN TO BE PROVIDED BY RDP.
5. PROVIDE MINIMUM STEEL THICKNESS OF .25" TYPICAL.

1 ROOF PART PLAN AT CHIMNEY BRACING

SCALE: NTS

Figure A1-5
Schematic Chimney Bracing Details

1

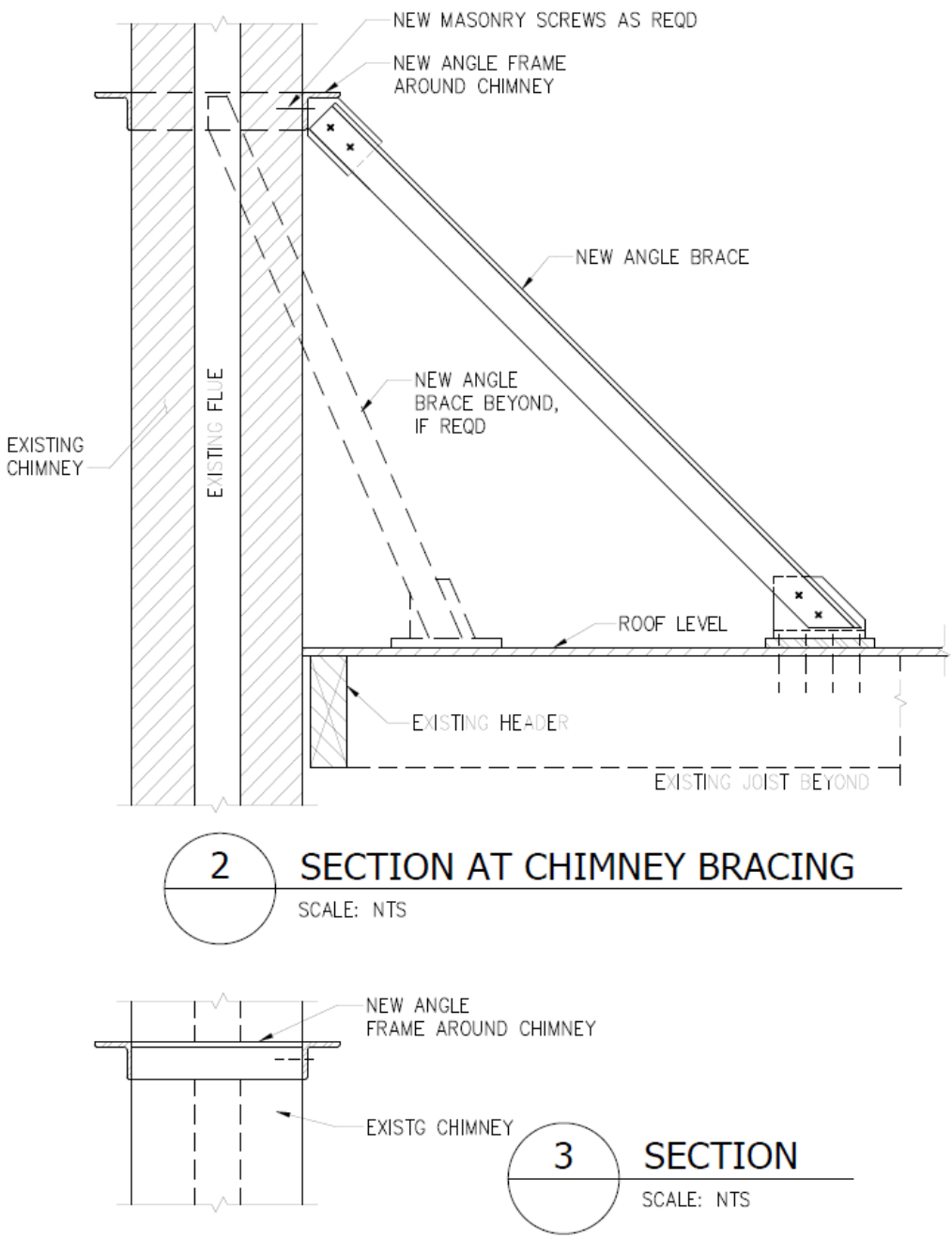


Figure A1-6
Schematic Chimney Bracing Details

1
2

CHAPTER A2
RESERVED

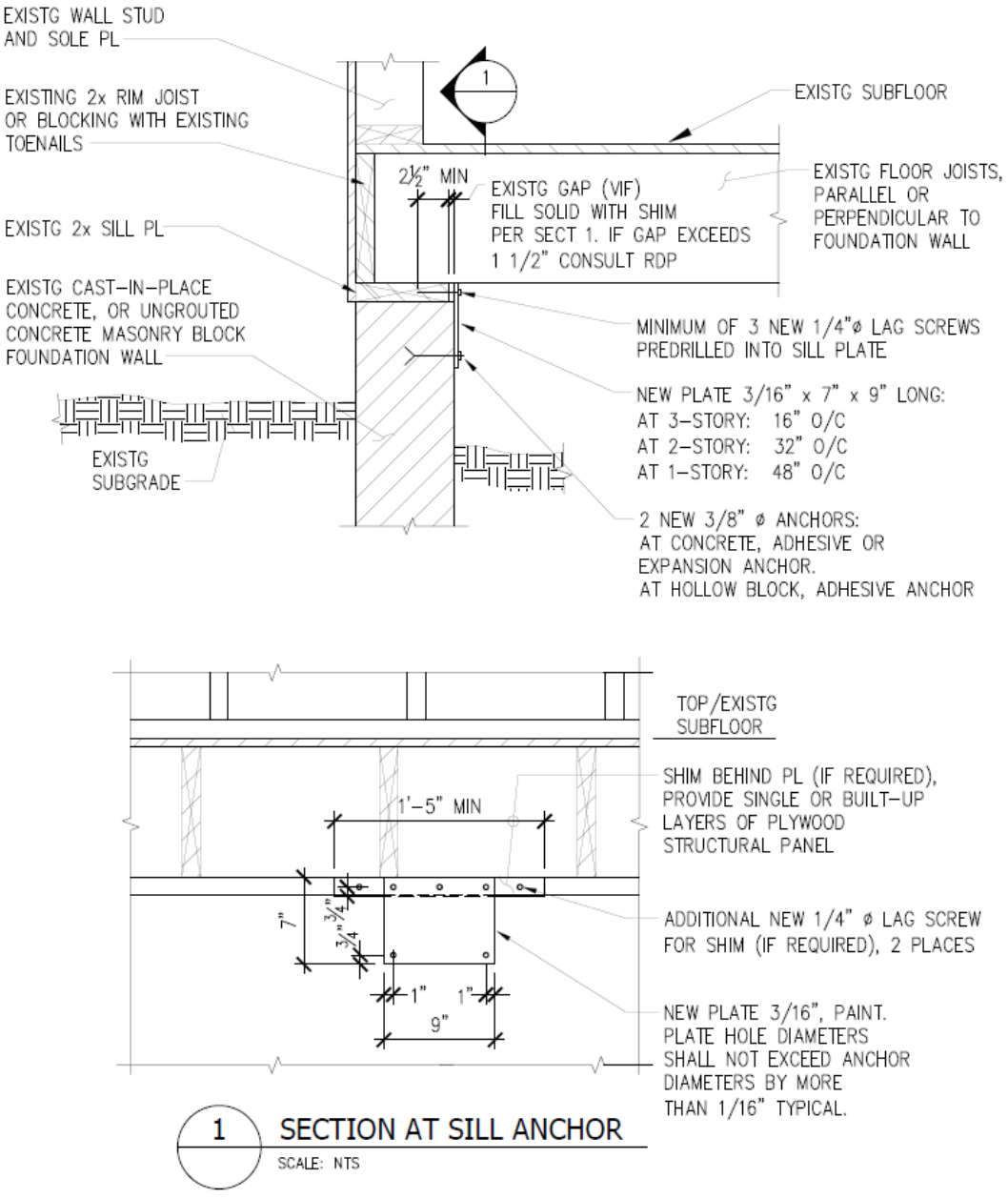
CHAPTER A3
PRESCRIPTIVE AND SCHEMATIC PROVISIONS FOR STRENGTHENING OF SILL PLATE ANCHORAGE AND CRIPPLE WALLS OF LIGHT, WOOD-FRAME RESIDENTIAL BUILDINGS

SECTION A301
GENERAL

A301.1 Purpose. The provisions of this chapter are intended to reduce the risk of lateral force induced damage to existing wood-frame residential buildings. The requirements in this chapter are prescriptive or schematic minimum standards intended to incrementally improve the lateral force resisting performance of residential buildings. Compliance with these provisions will not necessarily prevent damage due to earthquake, wind, or flood loading.

This chapter includes standards for strengthening that may be approved by the commissioner without requiring submittal of plans or calculations prepared by a registered design professional. The provisions of this chapter are not intended to prevent the use of any material or method of construction not prescribed herein. The commissioner may require that construction documents for strengthening using alternative materials or methods be prepared by a registered design professional.

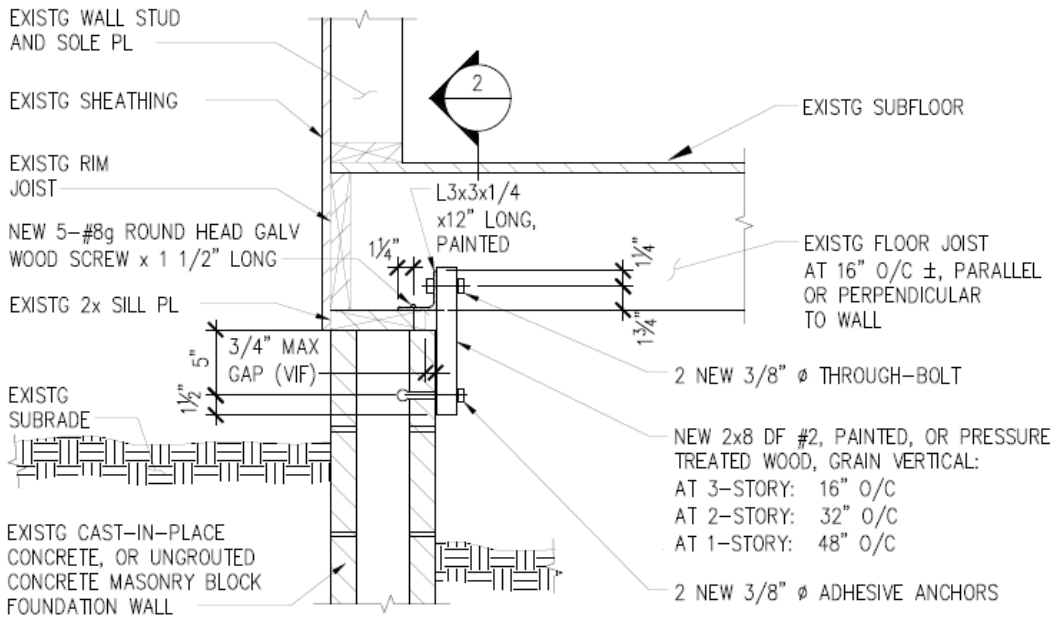
A301.2 Scope. Perform prescriptive strengthening and/or repairs of sill connections per Figures A3-1 through A3-3. For framing conditions or materials not shown in these Figures, consult a registered design professional. For strengthening and/or repairing cripple walls, use the recommended schematic information in Figures A3-4 through A3-6 in conjunction with consultation with a registered design professional. If existing sill plates are in poor condition, consult a registered design professional.

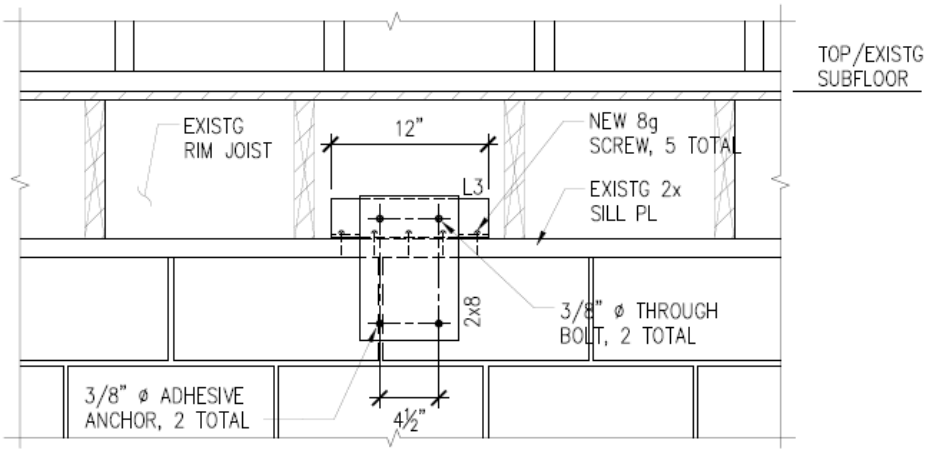


NOTE: FOR FRAMING CONDITIONS OR MATERIALS NOT SHOWN, CONSULT RDP

Figure A3-1
Missing sill plate anchors to wall
Prescriptive remedial connection of sill plate

1





2 SECTION AT ALTERNATIVE SILL ANCHOR

SCALE: NTS

NOTE: FOR WALL MATERIALS AND FRAMING CONDITIONS NOT SHOWN, CONSULT RDP

Figure A3-2
Missing sill plate anchors to wall
Alternate prescriptive remedial connection of sill plate

1

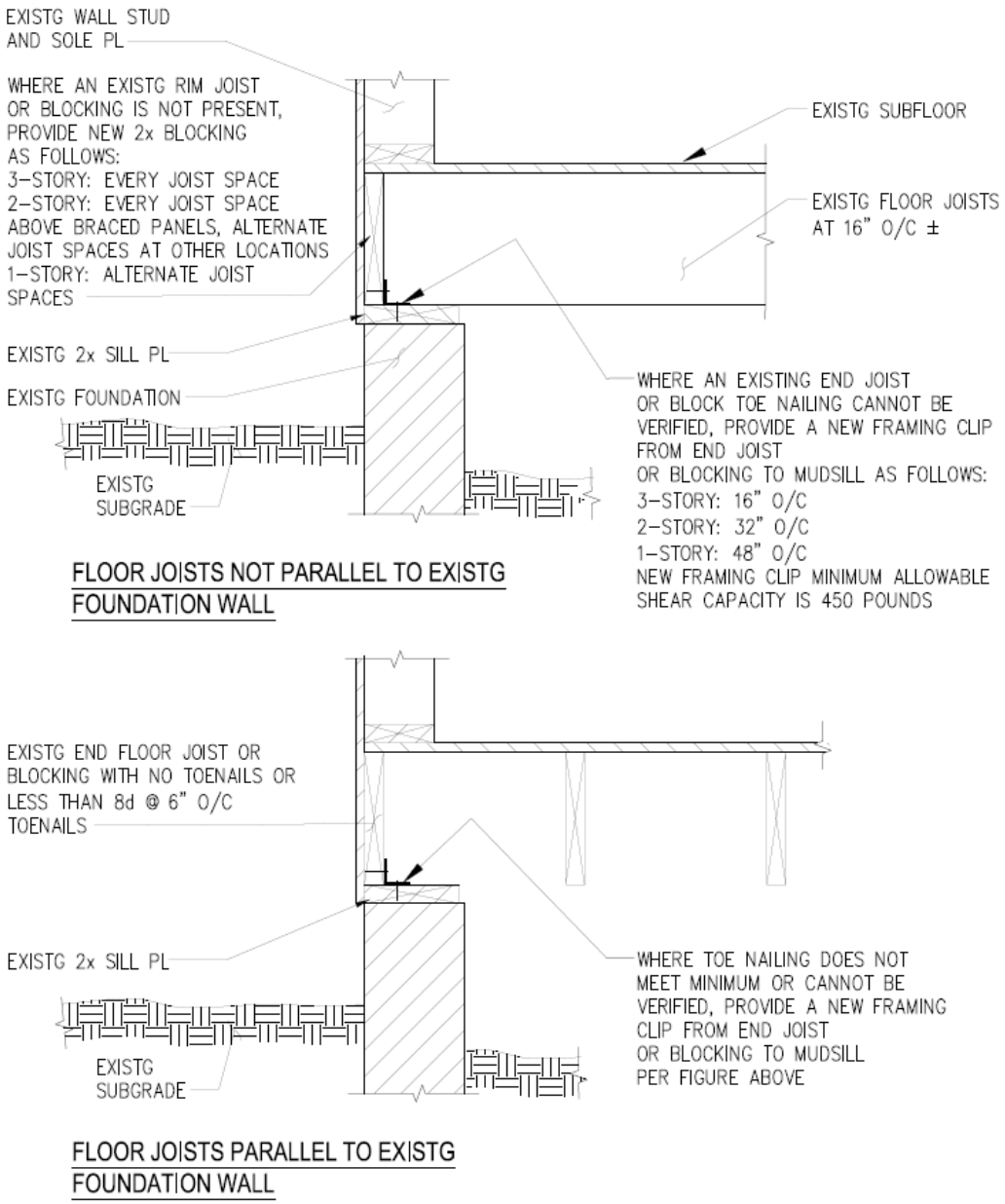
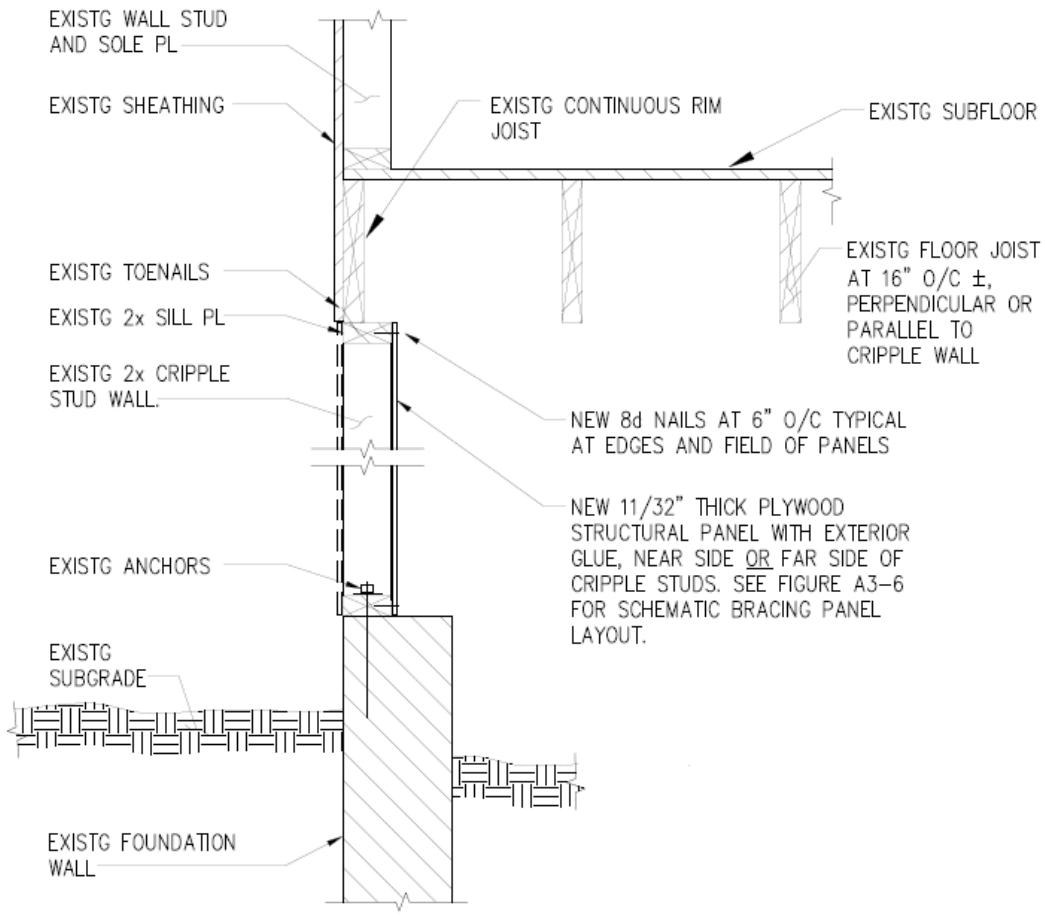


Figure A3-3
Missing anchorage of framing to sill plate
Prescriptive remedial connection of framing to sill plate

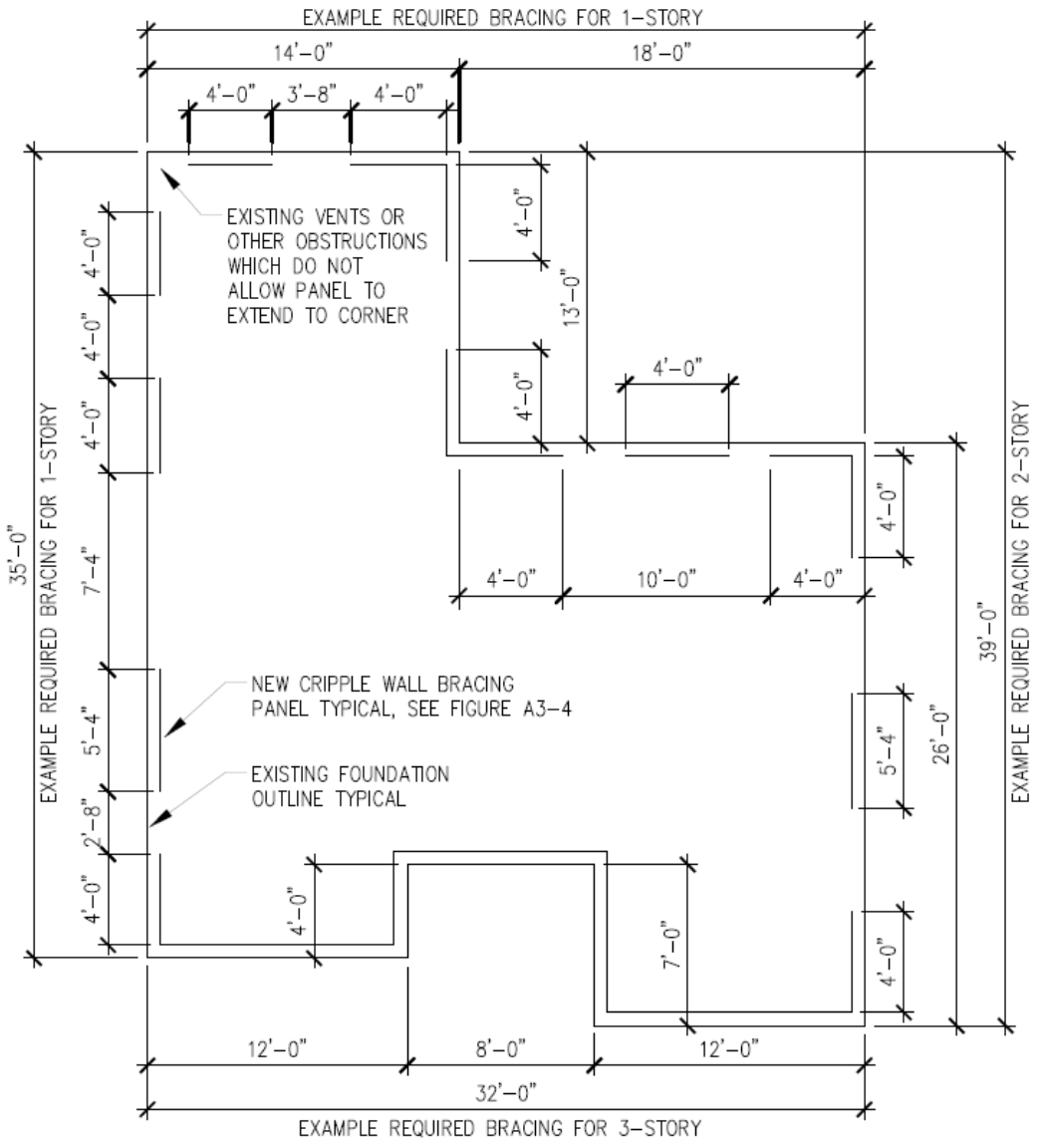
1



NOTE: FOR FRAMING CONDITIONS OR MATERIALS NOT SHOWN, CONSULT RDP

Figure A3-4
Cripple wall not braced by sheathing
Schematic remedial bracing of cripple wall, with joists perpendicular or parallel to wall

1



NOTES:

1. BRACING PANEL LAYOUTS SHOWN IN THIS FIGURE ARE SCHEMATIC, FINAL ARRANGEMENT OF BRACING PANELS SHALL BE CONFIRMED BY AN RDP.

2. FOR ADDITIONAL NOTES SEE FIGURE A3–6

Figure A3-5
Schematic floor plan of remedial cripple wall bracing panel layout

1

ADDITIONAL NOTES TO FIGURE A3–5:

3. RECOMMENDED BRACING PANEL PLAN ARRANGEMENT AND LENGTH DETERMINATION:
   A. 1–STORY BUILDING: EACH END AND NOT LESS THAN 40% OF WALL LENGTH.
   B. 2–STORY BUILDING: EACH END AND NOT LESS THAN 50% OF WALL LENGTH
   C. 3–STORY BUILDING: EACH END AND NOT LESS THAN 80% OF WALL LENGTH.

4. RECOMMENDED INDIVIDUAL BRACING PANEL LENGTHS SHALL BE TWO TIMES THE HEIGHT OF THE CRIPPLE STUD WALL BUT NOT LESS THAN 4'–0".

5. FIGURE A3–5 DOES NOT APPLY TO THE BUILDINGS OR ELEMENTS THEREOF LISTED BELOW, THESE BUILDINGS OR ELEMENTS REQUIRE ADDITIONAL REVIEW AND ANALYSIS BY AN RDP:

   A. BUILDINGS WITH LATERAL FORCE RESISTING SYSTEM USING POLES OR COLUMNS EMBEDDED IN THE GROUND.

   B. CRIPPLE WALLS THAT EXCEED 4 FEET IN HEIGHT.

   C. BUILDINGS EXCEEDING 3 STORIES IN HEIGHT AND ANY THREE–STORY BUILDING WITH CRIPPLE WALLS EXCEEDING 14" IN HEIGHT.

   D. BUILDINGS WITH MORE THAN FOUR DWELLING UNITS OR FOUR GUEST ROOMS.

   E. BUILDINGS OR PORTIONS THEREOF CONSTRUCTED ON A CONCRETE SLAB ON GRADE OR INTO A SLOPE STEEPER THAN ONE VERTICAL UNIT TO THREE HORIZONTAL UNITS.

   G. BUILDINGS WITH REINFORCED MASONRY OR STONE FOUNDATIONS.

   H. BUILDINGS WHERE THE COMMISSIONER DETERMINES THAT CONDITIONS EXIST THAT ARE BEYOND THE SCOPE OF THE REQUIREMENTS OF THIS PLAN.

Figure A3-6
Additional notes to figure A3-5

1
2

CHAPTER A4
STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY WALL BUILDINGS WITH OPEN FRONT OR REAR WALLS AT GROUND FLOOR LEVEL

SECTION EBC A401
SCOPE

A401.1 Applicability. The prescriptive provisions of this chapter may be applied without performing numerical calculations. The provisions of this appendix are limited to the following conditions:

1. Buildings of 4 stories or less.
2. The existing or proposed soft story occurs at only the lowest building level.
3. The building is less than 40.5 feet (12 344 mm) tall from the ground level to the top of the parapet.
4. The building has a rectangular or approximately rectangular plan width by length footprint that varies within 20 feet by 60 feet (6,096 mm x 18 288 mm) to 25 feet by 85 feet (7,620 mm x 25 908 mm).
5. The soft story occurs on the shorter side of the rectangle.
6. The wall containing the soft story is solid masonry 12 inch (304.8 mm) thick.
7. The typical floor of the building is wood framed construction.

A401.2 General. Provide prescriptive strengthening of the soft story per Section A402, or alternatively strengthen the soft story with the aid of a registered design professional following methods described in Chapter 7 of the *New York City Existing Building Code*.

SECTION EBC A402
PRESCRIPTIVE REQUIREMENTS

A402.1 General. A new steel moment frame shall be added at the soft story. The moment frame shall be located in the plane of the wall opening. The minimum permitted member sizes and connection details for the prescriptive steel posts and beams for the moment frame are shown in Figures A4-1 through A4-7.

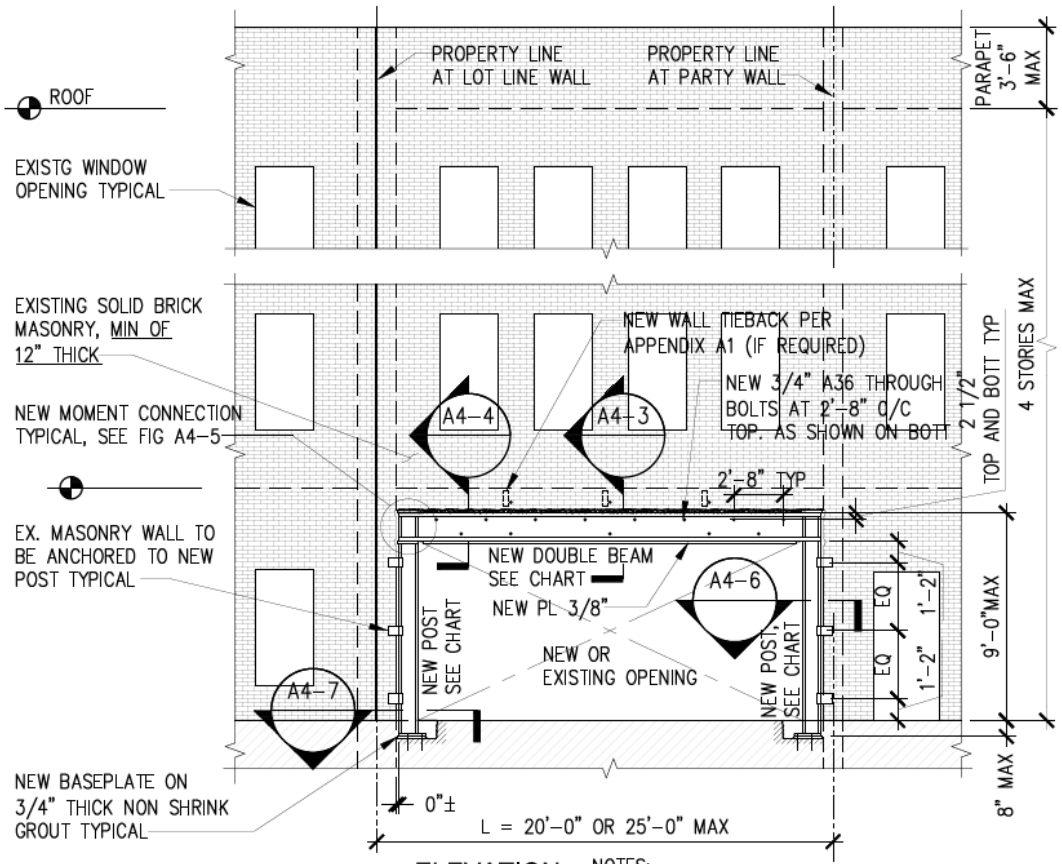
A402.2 Beam-to-post moment connections. All connections between beams and posts in the moment frame shall be able to develop moment resistance in the connected beams and post ends per Figures A4-4 and A4-5.

A402.3 Post base plates. Posts shall be anchored to the existing foundation wall with base plates and adhesive anchors. The base plate connection detail shall comply with Figures A4-1 and A4-7.

A402.4 Connections of existing walls to new posts. The existing walls adjacent to new posts shall be anchored to the new posts per Figures A4-1 and A4-6. Additional requirements of the post-installed anchor manufacturer shall apply.

A402.5 Other applicable requirements of the *New York City Building Code*. The use of the prescriptive solution for a soft story does not preclude adherence to other applicable provisions of the *New York City Building Code,* including special inspections and fire resistance, weather protection, as well as maintaining stability of the building during construction by means of temporary shoring and/or bracing.

1



ELEVATION

NOTES:
1. FOR ADDITIONAL NOTES AND PROPOSED SEQUENCE OF CONSTRUCTION SEE FIGURE A4-2.
2. FOR WALL THICKNESSES AND EXISTING CONDITIONS NOT SHOWN CONSULT RDP.

CHART OF PRESCRIPTIVE BEAM AND POST SIZES

TOTAL STORIES	L=20'-0"		L<=25'-0"	
	POST	BEAM	POST	BEAM
1	W10x33	2-C12x20.7	W10x39	2-C12x30
2	W12x45	2-C15x33.9	W14x48	2-C15x40
3	W14x48	2-C15x50	W14x53	2-MC18x42.7
4	W14X61	2-MC18x42.7	W14x68	2-MC18x59

Figure A4-1
Soft story at first floor level
Prescriptive remedial moment frame

2

NOTES FOR FIGURE A4–1:

1. ALL STEEL EXPOSED TO WEATHER SHALL BE HOT DIP GALVANIZED OR PROTECTED WITH A COATING SYSTEM.

2. NEW STEEL CHANNELS AND WIDE FLANGES TO BE ASTM A36, PLATES TO BE ASTM A36, WELDING ELECTRODES E70XX.

3. SPECIAL INSPECTIONS PER NEW YORK CITY BUILDING CODE SHALL BE PROVIDED, INCLUDING STRUCTURAL STEEL DETAILS, STRUCTURAL STEEL WELDING, STRUCTURAL STEEL BOLTING, STABILITY, POST–INSTALLED ANCHORS.

4. OTHER APPLICABLE PROVISIONS OF THE NEW YORK CITY BUILDING CODE INCLUDING FIRE RESISTANCE OF THE FINISHED CONSTRUCTION AND STABILITY OF THE BUILDING DURING CONSTRUCTION SHALL BE ADHERED TO.

5. DESIGN CRITERIA, FOR REFERENCE OF RDP IF NEEDED:
   A. FOR LATERAL LOADS, THE MORE STRINGENT OF:
      i. 120 PLF (SERVICE LOAD) HORIZONTAL FORCE PER ASCE 41 (2017) TABLE 12–2, AT EACH BUILDING LEVEL ALONG EDGE OF DIAPHRAGMS.
      ii. 5 PSF (SERVICE LOAD) LATERAL PRESSURE APPLIED TO SIDE OF BUILDING.
   B. FOR VERTICAL DEFLECTION OF STEEL BEAMS CARRYING GRAVITY LOADS, L/600 OR LESS.
   C. FOR LATERAL DEFLECTION OF STEEL FRAME, L/400 OR LESS.

6. POST–INSTALLED ANCHORS SHALL BE "HAS" THREADED RODS WITH HILTI HY–270 ADHESIVE OR APPROVED EQUAL, INSTALLED STRICTLY FOLLOWING MANUFACTURER'S DIRECTIONS.

7. PROVIDE WATERPROOFING AS REQUIRED.

7. PROPOSED REMEDIAL SEQUENCE OF CONSTRUCTION:

   A. INSTALL TEMPORARY SHORING FOR DOOR OR WINDOW HEADS AS REQUIRED.
   B. IF REQUIRED BY EXISTING BUILDING CODE SECTION 705.3.5 AND APPENDIX A1, INSTALL WALL TIEBACKS AT FLOOR LEVEL ABOVE OPENING.
   C. AT EACH NEW POST LOCATION, CUT VERTICAL CHASE THROUGH MASONRY. DO NOT REMOVE MORE MASONRY THAN NECESSARY TO FIT POSTS, 2' WIDE MAX.
   D. INSTALL NEW STEEL POSTS AND FASTEN BASE PLATES WITH ANCHORS.
   E. ATTACH EXISTING MASONRY ADJACENT TO POSTS, TO POSTS.
   F. AT HEAD OF OPENING, ON EXTERIOR SIDE OF OPENING REMOVE 4" THICK OF OUTER WYTHE OF BRICK FOR HEIGHT OF NEW CHANNEL.
   G. INSTALL EXTERIOR CHANNEL AND MOMENT–CONNECT IT TO POSTS.
   H. INSTALL GROUT ABOVE EXTERIOR CHANNEL AND LET CURE.
   I. AT INTERIOR SIDE OF OPENING HEAD, REMOVE 4" THICK OF BRICK FOR HEIGHT OF NEW CHANNEL.
   J. INSTALL INTERIOR CHANNEL AND MOMENT–CONNECT IT TO POSTS.
   K. INSTALL GROUT ABOVE INTERIOR CHANNEL, LET CURE.
   L. FIELD DRILL EXISTING MASONRY AND INSTALL BOLTS THROUGH CHANNELS, AND TIGHTEN.
   M. REMOVE EXISTING MASONRY BELOW DOUBLE CHANNELS, WORKING IN 2'± MAX WIDE SECTIONS AT A TIME, AND INSTALL BOTTOM PLATE ON CHANNELS. FILL ALL VOIDS ABOVE PLATE SOLID WITH DRY PACK GROUT.
   N. REMOVE ANY TEMPORARY SHORES.

Figure A4-2
Notes for Fig A4-1 and proposed remedial sequence

1

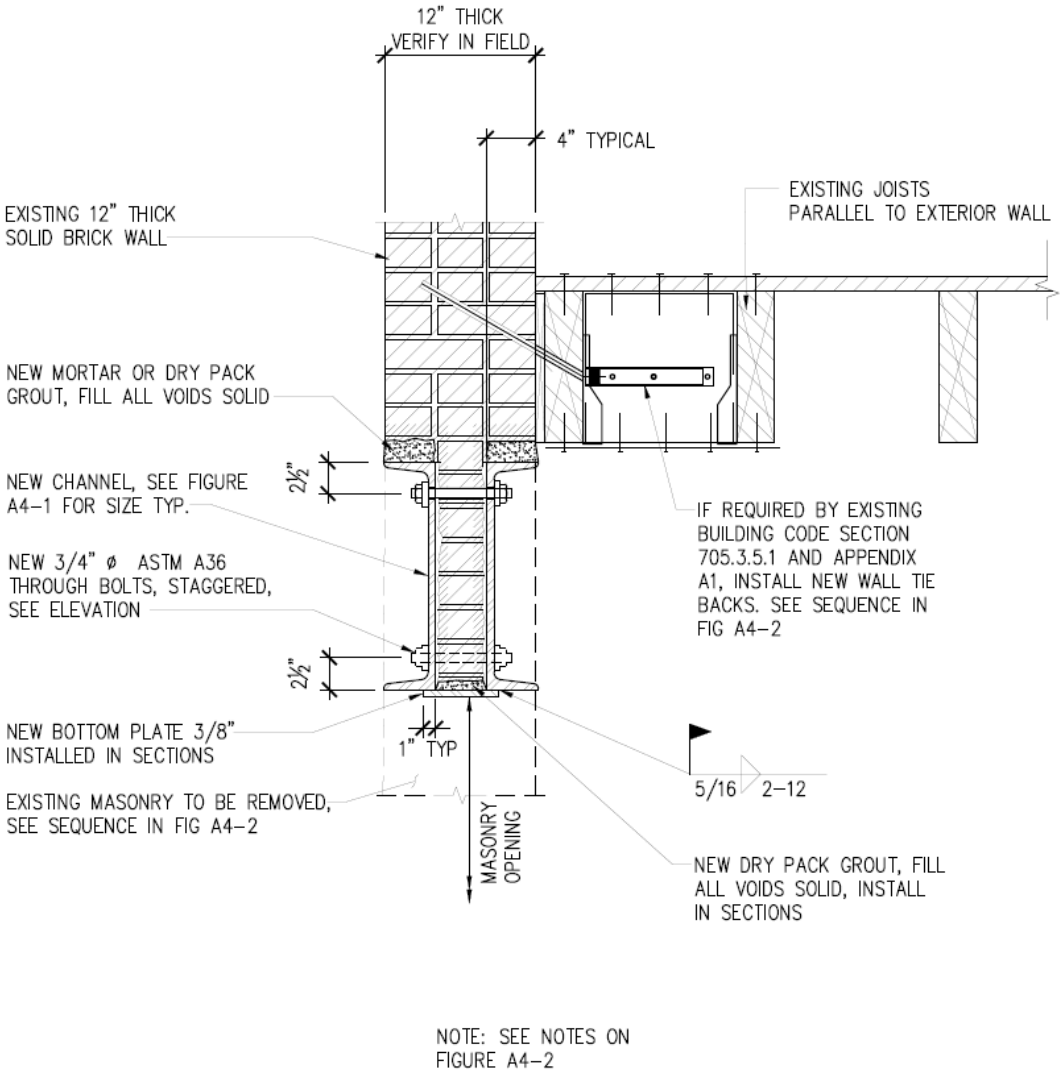


Figure A4-3
Soft story at first floor level
Section at top of steel frame

1

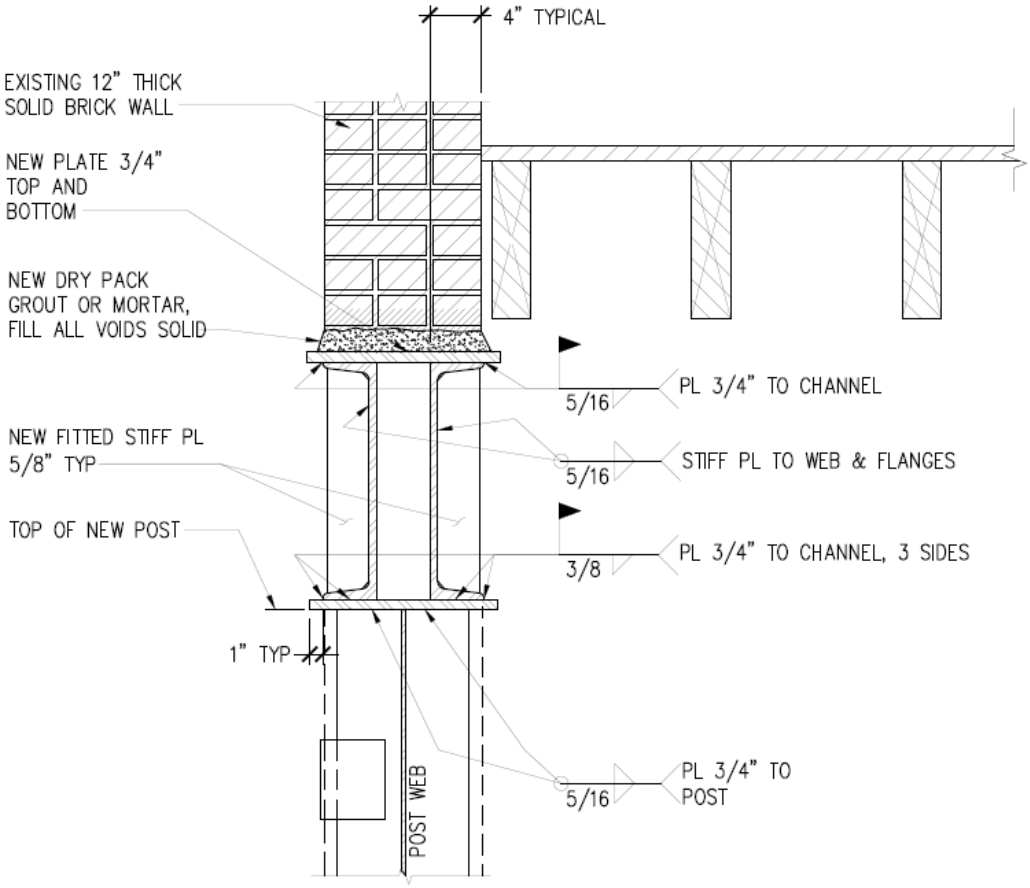
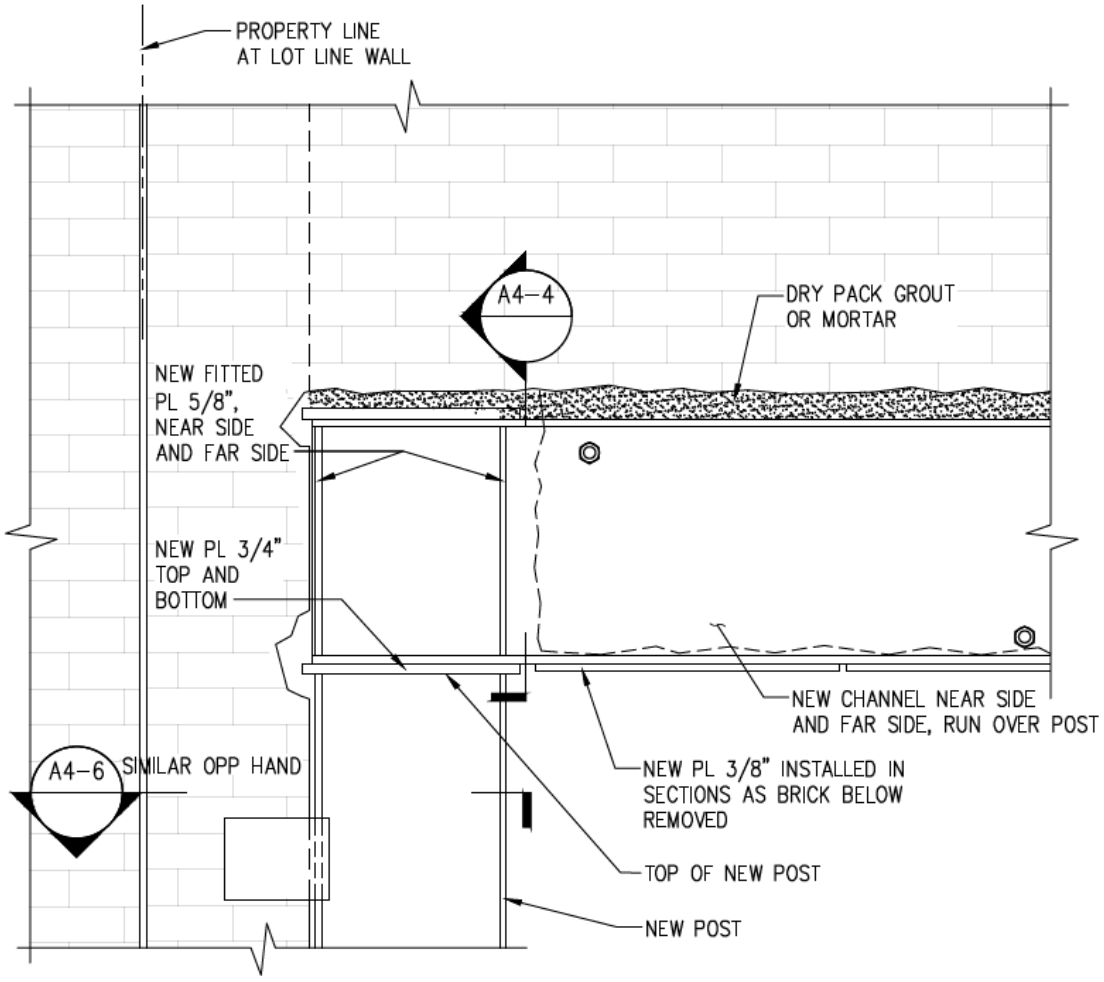


Figure A4-4
Soft story at first floor
Section of beams and post connection

1



NOTE: SEE NOTES ON
FIGURE A4–2

Figure A4-5
Soft story at first floor level
Elevation of beam and post connection

1

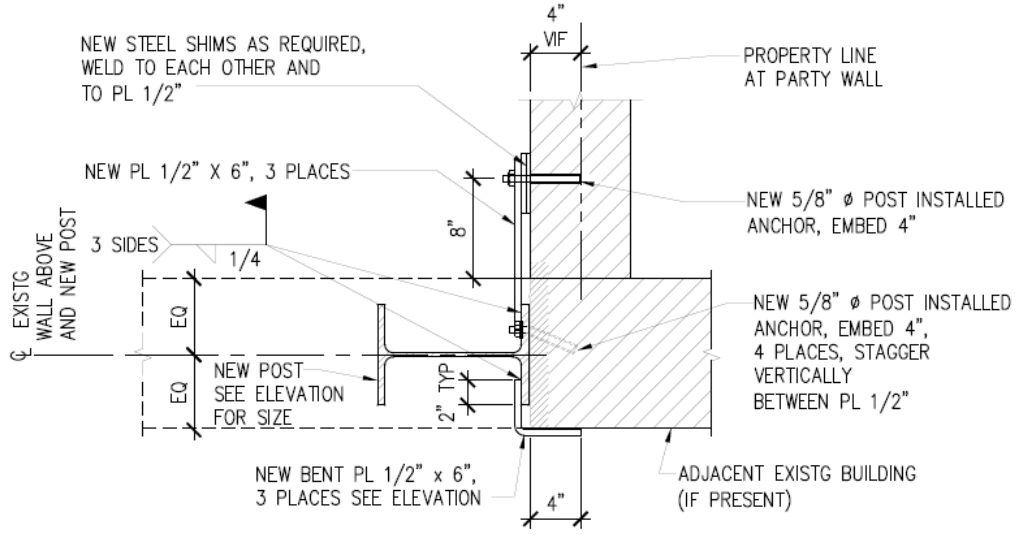


Figure A4-6
Soft story at first floor level
Section at masonry connection to post

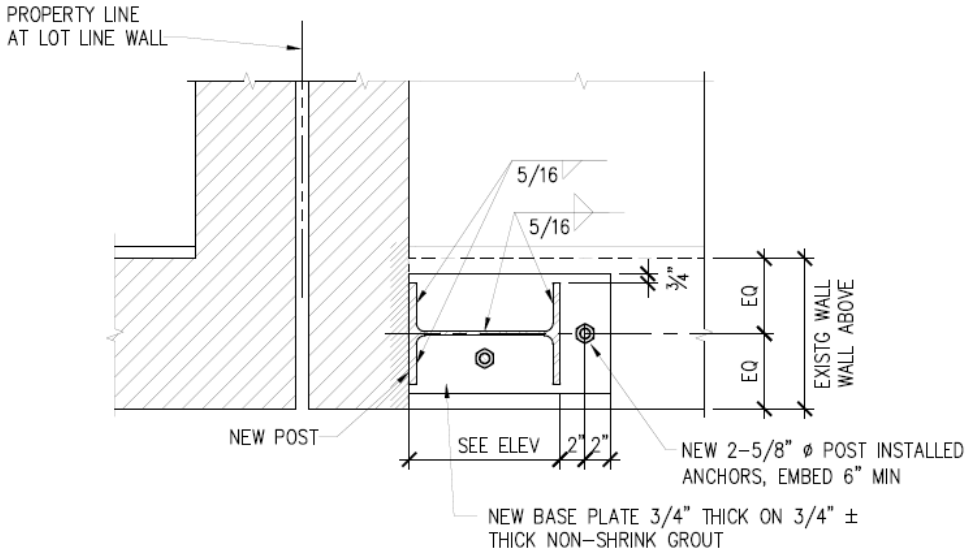


Figure A4-7
Soft story at first floor level
Plan view of baseplate

1

APPENDIX D
MULTIPLE DWELLINGS

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Chapter D1 General

Chapter D2 Definitions

Chapter D3 General Provisions for all Multiple Dwellings (MDL Articles 2 and 3)

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Chapter D6 Converted Dwellings (MDL Article 6)

Chapter D7 Tenements (MDL Article 7)

Chapter D8 RESERVED

Chapter D9 Lodging Houses (MDL 66)

Chapter D10 Heretofore Erected Existing Class A and Class B Multiple Dwellings and certain Hereafter Erected Class B Multiple Dwellings (MDL 67)

CHAPTER D1
GENERAL

D101 Purpose. The purpose of this appendix is to supplement the *New York City Existing Building Code* by establishing certain minimum standards for the alteration, addition, repair, change of occupancy, and relocation of existing buildings that are multiple dwellings or are to be converted to multiple dwellings. These supplemental standards are in addition to all applicable requirements of Chapters 1 through 15.

D101.1 Multiple Dwelling Law (MDL). Except as provided in Section D104.3.1, the MDL remains applicable to multiple dwellings.

D101.1.1 Construction requirements of MDL. The provisions of this appendix are intended to be at least as stringent as the construction requirements of applicable provisions of the MDL.

D101.1.2 Administrative requirements of MDL. The provisions of this appendix are not intended to restate or recite the provisions of the MDL that do not relate to construction requirements.

D101.1.3 Use of parentheticals. The provisions identified in parentheses in this appendix are intended to direct the user to the analogous sections of the MDL for informational purposes only and are not intended to establish applicability of such sections in their entirety.

D102 Applicability of this appendix. This appendix applies to all existing multiple dwellings whenever erected or whenever converted, including prior code multiple dwellings and including multiple dwellings erected or converted after July 1, 2008. See Section D301 regarding the applicability of certain chapters of this appendix to the various multiple dwelling classifications.

D103 Multiple Dwelling Classification. All multiple dwelling shall be classified, in accordance with the records of the department, into 1 of the categories listed in Table D103.

TABLE D103
MULTIPLE DWELLING CLASSIFICATIONS

CLASS A	CLASS B	DESCRIPTION
OL		**Old Law Tenement –** Originally erected as a multiple dwelling in accordance with the laws in effect prior to April 12, 1901, and recorded as OL in the tenement house department (now department of housing preservation and development) before April 18, 1929.
OLSR		**Old Law Tenement, Single Room Occupancy –** Old law tenements that contain units converted to single room occupancy pursuant to MDL section 248. When a Class A tenement is converted to OLSR, it remains a Class A multiple dwelling.
COL		**Converted Old Law –** An OL not originally erected as a tenement but converted to OL and recorded as COL in the department of housing preservation and development.
NL		**New Law Tenement –** Originally erected as a multiple dwelling in accordance with the laws in effect after April 12, 1901, and prior to April 18, 1929, and recorded as NL in the tenement house department (now department of housing preservation and development) before April 18, 1929.
NLSR		**New Law Tenement, Single Room Occupancy –** New law tenements that contain units converted to single room occupancy pursuant to MDL section 248. When a Class A tenement is converted to NLSR, it remains a Class A multiple dwelling.
CNL		**Converted New Law –** A NL not originally erected as a NL but converted to NL and recorded as CNL in the department of housing preservation and development.
HCA	HCB	**Heretofore Converted –** Originally erected as a one- or two-family dwelling, and converted prior to April 18, 1929, to a multiple dwelling.

HACA	HACB	**Hereafter Converted –** Originally erected as a one- or two-family dwelling in accordance with the laws in effect prior to December 6, 1968, and converted after April 18, 1929, and before the effective date of the local law that added this section to a multiple dwelling in accordance with such laws.
EBC-CDA		**EBC Converted Dwelling –** Originally erected as a one- or two-family dwelling in accordance with the laws in effect prior to December 6, 1968, and converted on or after the effective date of the local law that added this section to a multiple dwelling in accordance with Chapters D3 and D6 of the *New York City Existing Building Code*.
HEXA	HEXB	**Heretofore Erected Existing –** Erected in accordance with the laws in effect prior to January 1, 1929, as an apartment hotel or a hotel, and subsequently maintained or altered in accordance with Chapter D10 of the *New York City Existing Building Code*.

HAEA	HAEB	**Hereafter Erected –** Originally erected or converted as a multiple dwelling in accordance with the laws in effect after January 1, 1929. This classification does not include converted dwellings or conversions subject to MDL Article 7-B. This classification falls into 3 subclasses: ● HAEA/HAEB (1929-1968): Erected in accordance with the laws in effect before December 6, 1968 or converted prior to the effective date of the local law that added this section in accordance with the laws in effect before December 6, 1968. Such buildings were subject to MDL Article 3 and Articles 4 or 5 and the 1938 Building Code at the time of erection or conversion. ● HAEA/HAEB (1968-2008): Erected in accordance with the laws in effect on or after December 6, 1968, and before July 1, 2008 or converted prior to the effective date of the local law that added this section in accordance with the laws in effect on or after December 6, 1968, and before July 1, 2008. Such buildings were subject to MDL Article 3 and the 1968 Building Code at the time of erection or conversion. ● HAEA/HAEB (2008+): Erected or converted in accordance with the laws in effect on or after July 1, 2008. Such buildings are subject to MDL Article 3 and the *New York City Construction Codes*. This category includes conversions to multiple dwellings after the effective date of the local law that added this section subject to this code including Chapter D3, including where a multiple dwelling is altered or converted to another class or kind in accordance with Section D303.

CAA		**Commercial Altered –** Originally erected in accordance with the laws in effect prior to December 6, 1968, as a nonresidential building, and used prior to January 1, 1977 for 1 or more of the nonresidential purposes enumerated in MDL section 277, and subsequently converted to a multiple dwelling in compliance with the 1938 Building Code and MDL Article 7-B.
JAR		**Joint Artist In Residence –** Containing DUs that are classified as a "joint living work quarters for artists" under section 12-10 of the *New York City Zoning Resolution*. These units are located in buildings converted pursuant to the 1938 Building Code and MDL Article 7-B.
	LH	**Lodging House –** A multiple dwelling in which persons are housed for hire in open rooms, for a single night or for less than a month.

D103.1 Determination of classification (MDL 8). The department shall have the power to classify dwellings.

D104 Applicability of other requirements. The applicability of other laws and requirements shall be in accordance with Sections D104.1 through D104.3.

D104.1 Applicability of other provisions of this code. In addition to this appendix, the alteration, addition, repair, change of occupancy, and relocation of existing multiple dwellings shall comply with all applicable provisions of Chapters 1 through 15.

D104.2 Existing conditions. The provisions of the 1938 Building Code and 1968 Building Code remain applicable to the extent that they establish the lawful existing conditions of a multiple dwelling, and such provisions remain enforceable by the department, absent a lawful permit issued by the department to alter the building in accordance with the *New York City Existing Building Code* and this appendix in a manner inconsistent with such prior codes.

D104.3 Applicability of the MDL. The provisions of this code including this appendix incorporate or supplement but do not abrogate any applicable provisions of the MDL. See Section D104.3.1 for provisions of the MDL that are hereafter inapplicable to alterations and conversions for all multiple dwellings. See Section D101.1 regarding the intent of this appendix with respect to the MDL.

D104.3.1 Provisions inapplicable to alterations. In accordance with MDL Section 3(11), the following provisions of the MDL are inapplicable for all alterations and conversions performed after the effective date of the local law that added this section, and the applicable requirements of this code shall apply in lieu thereof:

1. Section 4(25), definition of "fireproof multiple dwelling"
2. Section 4(27), definition of "non-fireproof dwelling"
3. Section 4(28), definition of "frame dwelling"
4. Section 4(35)(c), definition of "height" for certain fireproof multiple dwellings
5. Section 4(36), definition of "story"
6. Section 4(39), definition of "section"
7. Section 28(3), certain passageways
8. Section 36, "Windows and skylights for public halls and stairs"
9. Section 37, "Artificial hall lighting"
10. Section 50, "Entrance halls"
11. Section 51, "Shafts, elevators and dumbwaiters"
12. Section 52, "Stairs"
13. Section 53, "Fire-escapes"
14. Section 55, "Wainscoting"
15. Section 60, "Motor vehicle storage"

16. Section 61, "Business Uses"

17. Section 67, "Hotels and certain other class A and class B buildings"

18. Section 75(1), (2), (4), and (5), "Water supply"

19. Article 4, Sections 101 through 117, "Fireproof Multiple Dwellings"

20. Article 5, "Non-fireproof Multiple Dwellings"

21. Article 5-A, "Garden-type Maisonette Dwelling Projects"

22. Article 6, "Converted Dwellings"

D104.3.1.1 Existing conditions. The provisions of the MDL enumerated in Section D104.3.1 remain applicable to the extent that they establish the lawful existing conditions of a multiple dwelling. Such provisions remain enforceable by the department, absent a lawful permit issued by the department to alter the building in a manner inconsistent with such provisions and in accordance with the *New York City Existing Building Code* and this appendix.

D104.3.2 Provisions applicable to alterations (MDL 3(5)). All provisions of the MDL not enumerated in Section D104.3.1 remain applicable to alterations to multiple dwellings as described in this section. Whenever a requirement of the *New York City Existing Building Code* is more restrictive, the *New York City Existing Building Code* shall govern and take precedence over any lesser requirements of the MDL. When, however, any applicable provisions of the MDL impose more restrictive requirements, the provisions of the MDL shall govern. See Section D101.1 regarding the intent of this appendix with respect to the MDL.

D105 Variation.

D105.1 By the department. The provisions of this appendix shall be subject to the variation by the commissioner pursuant to the provisions of Section 28-103.3 of the *Administrative Code* and Section 645(b)(2) of the *New York City Charter*.

Exception. The commissioner shall not vary any provision of this appendix that would result in its being less stringent than an applicable provision of the MDL. Refer to Section D104.3.1 for the provisions of the MDL that are not applicable.

D105.2 By the Board of Standards and Appeals. The provisions of this appendix shall be subject to variation by the Board of Standards and Appeals pursuant to Section 28-103.3 of the *Administrative Code* and Section 666(7) of the New York City Charter, provided that, where such variation would result in the application of requirements less stringent than any applicable provisions of the MDL, the Board of Standards and Appeals shall vary such provision of this appendix only to the extent that the BSA is also authorized to vary such application provision of the MDL pursuant to Section 310 of the MDL.

CHAPTER D2
DEFINITIONS

D201 General. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 for general definitions.

1938 BUILDING CODE. The building law and regulations in effect prior to December 6, 1968.

1968 BUILDING CODE. The building law and regulations in effect prior to July 1, 2008.

APARTMENT. See Chapter 2 of the *New York City Building Code*.

BASEMENT (MDL 4(38)). A "basement" is a story partly below the curb level but having at least one-half of its height above the curb level; except that where every part of the building is set back more than 25 feet (7620 mm) from a street line, the height shall be measured from the adjoining grade elevations calculated from final grade elevations taken at intervals of 10 feet (3048 mm) around the exterior walls of the building. A basement shall be counted as a story in determining height.

CELLAR (MDL 4(37)). A "cellar" in a dwelling is an enclosed space having more than one-half of its height below the curb level; except that where every part of the building is set back more than 25 feet (7620 mm) from a street line, the height shall be measured from the adjoining grade elevations calculated from final grade elevations taken at intervals of 10 feet (3048 mm) around the exterior walls of the building. A cellar shall not be counted as a story.

CLASS A MULTIPLE DWELLING (MDL 4(8)). A multiple dwelling that is occupied for permanent residence purposes. This class shall include tenements, flat houses, maisonette apartments, apartment houses, apartment hotels, bachelor apartments, studio apartments, duplex apartments, kitchenette apartments, garden-type maisonette dwelling projects, and all other multiple dwellings except Class B multiple dwellings. A Class A multiple dwelling shall only be used for permanent residence purposes. For the purposes of this definition, "permanent residence purposes" shall consist of occupancy of a dwelling unit by the same natural person or family for 30 consecutive days or more and a person or family so occupying a dwelling unit shall be referred to herein as the permanent occupants of such dwelling unit. The following uses of a dwelling unit by the permanent occupants thereof shall not be deemed to be inconsistent with the occupancy of such dwelling unit for permanent residence purposes:

1. Occupancy of such dwelling unit for fewer than 30 consecutive days by other natural persons living within the household of the permanent occupant such as house guests or lawful boarders, roomers or lodgers; or

2. Incidental and occasional occupancy of such dwelling unit for fewer than 30 consecutive days by other natural persons when the permanent occupants are temporarily absent for personal reasons such as vacation or medical treatment, provided that there is no monetary compensation paid to the permanent occupants for such occupancy.

Exception. In a Class A multiple dwelling owned by an accredited not-for-profit college or university or leased by such a college or university under a net lease for a term of 49 years or more, the use of designated dwelling units for occupancy for fewer than 30 consecutive days shall not be inconsistent with the occupancy of such multiple dwelling for permanent residence purposes if:

1. No more than 5 percent of the dwelling units in such multiple dwelling but not less than 1 dwelling unit, are designated for such use and the designation of a unit once made may not be changed to another unit;

2. A list of the designated dwelling units certified by an authorized representative of the college or university is kept on the premises by the owner or net lessee and made available upon request for inspection by the department or fire department;

3. Only designated dwelling units on the certified list are used for occupancy for fewer than 30 consecutive days and only by

3.1. natural persons, other than persons whose only relationship with the college or university is as a student, for whom the college or university has undertaken to provide housing accommodations such as visiting professors and academics, graduate students with research or teaching fellowships, researchers and persons presenting academic papers, interviewing for positions of employment or having other similar business with the college or university; or

3.2. natural persons for whom a hospital affiliated with such college or university has undertaken to provide housing accommodations such as patients, patients' families and/or accompanying escorts, medical professionals and healthcare consultants or persons having other similar business with such hospital. A log shall be maintained on the premises of the names and addresses of such persons and the duration and reason for their stay. Such log shall be accessible upon request for inspection by the department and the fire department;

4. No rent or other payment is collected for such occupancy; and

5. The fire department shall require the filing of a fire safety plan or other appropriate fire safety procedure.

CLASS B MULTIPLE DWELLING (MDL 4(9)). A multiple dwelling which is occupied, as a rule transiently, as the more or less temporary abode of individuals or families who are lodged with or without meals. This class shall include hotels, lodging houses, rooming houses, boarding houses, boarding schools, furnished room houses, lodgings, club houses, college and school dormitories, and dwellings designed as private dwellings but occupied by 1 or 2 families with 5 or more transient boarders, roomers, or lodgers in 1 household.

CONVERTED DWELLING (MDL 4(10)). A dwelling erected before December 6, 1968, to be occupied by 1 or 2 families living independently of each other, and subsequently converted to a multiple dwelling:

1. Prior to the effective date of the local law that added this section pursuant to Article 6 of the MDL (pursuant to Section D103, such multiple dwellings as classified as HCA, HCB, HACA, of HACB); or

2. On or after the effective date of the local law that added this section pursuant to Chapter D6 (pursuant to Section D103, such multiple dwellings are classified as EBC-CDA).

COURT (MDL 4(32)). An open space other than a side or rear yard, on the same zoning lot as a dwelling.

COURT, INNER (MDL 4(32)). A court not extending to the street or rear yard.

COURT, OUTER (MDL 4(32)). A court extending to the street or rear yard.

CUBICLE (MDL 4(21)). A small, partially enclosed sleeping space with or without a window to the outer air within a living room in an existing lodging house.

CURB LEVEL (MDL 4(33)). The "curb level", for the purpose of measuring the height of any portion of a building, is the level of the curb at the center of the front of the building; except that where a building faces on more than 1 street, the curb level is the average of the levels of the curbs at the center of each front. Where no curb elevation has been established the average elevation of the final grade adjoining all exterior walls of a building, calculated from grade elevations taken at intervals of 10 feet (3048 mm) around the exterior walls of the building, shall be considered the curb level, unless the city engineer shall establish such curb level or its equivalent.

DWELLING (MDL 4(4)). See Chapter 2 of the *New York City Building Code.*

DWELLING UNIT. See Chapter 2 of the *New York City Building Code*.

FIRE ESCAPE (MDL 4(42)(c)). A "fire-escape" is a combination of outside balconies and stairs providing an unobstructed means of egress from rooms or spaces in a building.

FIRE-RETARDED (MDL 4(29)). As applied to a part or parts of a building, part or parts that are:

1. Previously protected against fire in accordance with Section E402 of Appendix E, and if altered thereafter, altered in accordance with Section D306.13; or

2. Protected against fire with materials of standard fire-resistive ratings of at least 1 hour.

FIREPROOF (MDL 4(26)). As applied to a part or parts of a fireproof or non-fireproof building, such part or parts are made of incombustible materials with standard fire-resistive ratings not less than those required for the corresponding part or parts of a fireproof multiple dwelling.

FIREPROOF MULTIPLE DWELLING (MDL 4(25)). A multiple dwelling in which the walls and other structural members are of incombustible materials or assemblies meeting all of the requirements of the building code and with standard fire-resistive ratings of not less than those set forth in Table D201(1).

TABLE D201(1) FIRE-RESISTIVE RATINGS OF FIREPROOF BUILDING ELEMENTS[a]

Incombustible material or assembly	**Multiple dwelling more than 100feet (30 480 mm) in height**	**Multiple dwelling 100 feet (30 480 mm) or less in height**
Fire Walls	4 hours	4 hours
Party Walls	4 hours	4 hours
Piers	4 hours	4 hours

Incombustible material or assembly	**Multiple dwelling more than 100feet (30 480 mm) in height**	**Multiple dwelling 100 feet (30 480 mm) or less in height**
Columns	4 hours	4 hours (exterior) 2 hours (interior)
Interior structural members which carry walls	4 hours	4 hours
Girders carrying columns	4 hours	4 hours
Exterior walls other than panel walls	4 hours	3 hours
Other girders	3 hours	3 hours
Fire partitions	3 hours	3 hours
Floors including their beams and girders	3 hours	1 ½ hours[b]
Beams	3 hours	1 ½ hours
Roofs	3 hours	1 ½ hours[b]
Floor fillings	3 hours	1 ½ hours[b]
Stairway enclosures	3 hours	3 hours
Exterior panel walls	2 hours	2 hours

a. For buildings constructed on or after December 6, 1968, fireproof building elements shall, at a minimum, meet the fire-resistive ratings required for those of Type IIA construction as provided for in Table 601 of the *New York City Building Code*.

b. Value shall be 1 hour for fireproof multiple dwellings 3 stories or less in height.

FLOOR SPACE (MDL 4(18)). The clear area of the floor contained within the partitions or walls enclosing any room, space, foyer, hall, or passageways of any dwelling.

FRAME DWELLING (MDL 4(28)). A dwelling of which the exterior walls or any structural parts of such walls are of wood. A dwelling which would not otherwise be a frame dwelling shall not be deemed a frame dwelling by reason of the existence on such dwelling of frame oriel, bay, or dormer windows, frame porches not more than 1 story in height, or frame extensions not more than 1 story in height and 59 square feet (5.5 m^2) in area if such windows, porches, or extensions were erected prior to April 13, 1940.

HEIGHT (MDL 4(35)). Notwithstanding the definition of height in the *New York City Building Code*, for the purposes of this appendix, the definition of height shall be as follows. The vertical distance from the curb level to the level of the highest point of the roof beams; except that, in the case of pitched roofs, it is the vertical distance from the curb level to the mean height level of the gable or roof above the vertical street wall. When no roof beams exist or when there are structures wholly or partly above the roof, the height shall, except as otherwise expressly provided, be measured from the curb level to the level of the highest point

of any such structure; except that where every part of the building is set back more than 25 feet (7620 mm) from a street line, the height shall be measured from the average grade elevation calculated from the final grade elevations taken at intervals of 10 feet (3048 mm) around the exterior walls of the building.

Exceptions:

1. **Certain superstructures (MDL 4(35(b)).** Except as otherwise provided in Section D702.1, the following superstructure shall not be considered in measuring the height of a dwelling:

1.1. parapet walls or guard railings;

1.2. other superstructures 12 feet (3658 mm) or less in height and occupying 15 percent or less of the area of the roof;

1.3. elevator enclosures 30 feet (9144 mm) or less in height used solely for elevator purposes;

1.4. enclosures 50 feet (15 240 mm) or less in height used solely for tanks, cooling towers or other mechanical equipment; and

1.5. where approved by the department, pergolas, spires, chimneys, other ornamental treatments, roof gardens, and playgrounds.

2. Penthouse dwellings on fireproof multiple dwellings (MDL 4(35)(c)). When on the main roof of any fireproof multiple dwelling erected after April 18, 1929, in which 1 or more passenger elevators are operated, a penthouse dwelling is erected the height of which does not exceed 12 feet (3658 mm) and the walls of which are set back as provided in this paragraph, the height of such multiple dwelling shall be measured as though no such penthouse had been erected thereon. Such penthouse walls shall be set back from the outer face of the front parapet wall at least 5 feet (1524 mm), from the outer face of the yard parapet wall at least 10 feet (3048 mm), and from the inner face of every other parapet wall at least 3 feet (914 mm); except that the setback so required from any parapet wall facing any court or yard or recess therefrom but not facing any street may be reduced one-third for each 10 percent by which the area of such court or yard exceeds the required minimum area thereof at the highest level of such parapet wall, and the setback so required from any parapet wall facing any street may be reduced 1 foot (305 mm) for each 1 foot (305 mm) that such parapet wall is set back from the building line established by law at the highest level of such parapet wall, provided that in the opinion of the department safe and sufficient passage is provided to and from every part of the main roof. Any penthouse wall which may be flush with the inner face of any parapet wall may be flush with the outer face thereof.

3. Rear multiple dwellings with adjacent ground curb level (MDL 4(35)(d)). If a rear multiple dwelling is erected after April 18, 1929, on the same lot as a front multiple dwelling, and the depth of the yard of the front multiple dwelling is more than 60 feet (18 288 mm) and the lowest point of such yard is below the curb level and below the floor of a cellar of the front multiple dwelling or of the lowest story thereof if there is no cellar, the height of the rear multiple dwelling shall be measured from such lowest point instead of from the curb level.

HOTEL (MDL 4(12)). An inn having 30 or more sleeping rooms.

LIVING ROOM (MDL 4(18)). A room which is not a public hall, public vestibule, public room, or other public part of a dwelling. Every room used for sleeping purposes shall be deemed a living room. Dining bays and dinettes 55 square feet (5 m^2) or less in floor area, foyers as described in Chapter 12 of the *New York City Building Code*, water-closet compartments, bathrooms, cooking spaces less than 80 square feet (7 m^2) in area, and halls, corridors, and passageways entirely within an apartment or suite of rooms shall not be deemed living rooms.

LODGING HOUSE (LH) (MDL 4(14)). A multiple dwelling in which persons are housed in open rooms, for a single night, or for no longer than 29 days. The creation of or conversion to a lodging house shall be limited by Section 27-2077 of the *New York City Housing Maintenance Code*.

MDL. The New York State Multiple Dwelling Law.

MULTIPLE DWELLING (MDL 4(7)). A "multiple dwelling" is a dwelling which is either rented, leased, let, or hired out, to be occupied, or is occupied as the residence or home of 3 or more families living independently of each other. On and after July 1, 1955, a "multiple dwelling" shall also include residential quarters for members or personnel of any hospital staff which are not located in any building used primarily for hospital use provided, however, that any building which was erected, altered, or converted prior to July 1, 1955, to be occupied by such members or personnel or is so occupied on such date shall not be subject to the requirements of this chapter only so long as it continues to be so occupied provided there are local laws applicable to such building and such building is in compliance with such local laws. A "multiple dwelling" shall not be deemed to include a hospital, convent, monastery, asylum, or public institution, or a fireproof building used wholly for commercial purposes except for not more than 1 janitor's apartment and not more than 1 penthouse occupied by not more than 2 families. For the purposes of this chapter "multiple dwellings" are divided into 2 classes: "class A" and "class B." Building or portion of the building classified as I-1 occupancy in accordance with Chapter 3 of *New York City Building Code* shall be deemed to be a multiple dwelling.

NON-FIREPROOF MULTIPLE DWELLING (MDL 4(27)). A multiple dwelling which does not meet the requirements for a fireproof multiple dwelling.

PUBLIC HALL (MDL 4(17)). A hall, corridor, or passageway within a building but outside of all apartments and suites of private rooms.

PUBLIC ROOM OR PART (MDL 4(17)). A space used in common by the occupants of 2 or more apartments or rooms, or by persons who are not tenants, or exclusively for mechanical equipment of such dwelling or for storage purposes.

PUBLIC VESTIBULE (MDL 4(17)). A corridor, not within an apartment or suite of private rooms, providing access to a stair or elevator and not wider than 7 feet (2134 mm) nor longer than twice the width of the stair or elevator shafts opening upon it.

REAR YARD (MDL 4(32)). An open space on the same zoning lot with a dwelling between the extreme rear line of the zoning lot and the extreme rear wall of the dwelling.

ROOMING HOUSE, FURNISHED ROOM HOUSE (MDL 4(13)). A "rooming house" or a "furnished room house" is a multiple dwelling, other than a hotel, having less than 30 sleeping rooms and in which persons either individually or as families are housed for hire or otherwise with or without meals. An inn with less than 30 sleeping rooms is a rooming house.

The creation of or conversion to a rooming house or a furnished room house shall be limited by Section 27-2077 of the *New York City Housing Maintenance Code*.

SECTION (MDL 4(39). A "section" of a multiple dwelling is a part thereof, other than an apartment or suite of rooms, separated as a unit from the rest of such dwelling by fireproof construction.

SINGLE ROOM OCCUPANCY (MDL 4(16)). The occupancy by 1 or 2 persons of a single room, or of 2 or more rooms which are joined together, separated from all other rooms within a dwelling unit in a multiple dwelling, so that the occupant or occupants thereof reside separately and independently of the other occupant or occupants of the same dwelling unit. When a class A multiple dwelling is used wholly or in part for single room occupancy, it remains a class A multiple dwelling. The creation of or conversion to single room occupancy shall be limited by Section 27-2077 of the *New York City Housing Maintenance Code*.

STORY (MDL 4(36)). A space between the level of 1 finished floor and the level of the next higher finished floor, or, if the top story, of the space between the level of the highest finished floor and the top of the highest roof beams, or, if the first story, of the space between the level of the finished floor and the finished ceiling immediately above. For the purpose of measuring height by stories in multiple dwellings erected after April 18, 1929, 1 additional story shall be added for each 12 feet (3658 mm) or fraction thereof that the first story exceeds 15 feet (4572 mm) in height, and for each 12 feet (3658 mm) or fraction thereof that any story above the first story exceeds 12 feet (3658 mm) in height.

STREET WALL (MDL 4(34)). A "street wall" of a building, at any level, is the wall of the building nearest to a street line abutting the property.

TENEMENT (MDL 4(11)). Any building or structure or any portion thereof, erected before April 18, 1929, which is occupied, wholly or in part, as the residence of 3 families or more living independently of each other and doing their cooking upon the premises, and includes apartment houses, flat houses, and all other houses so erected and occupied, except that a tenement shall not be deemed to include any converted dwelling.

TENEMENT, NEW LAW (NL) (MDL 4(11)). A tenement erected on or after April 12, 1901, and before April 18, 1929, except that it shall not be deemed to include any converted dwelling.

TENEMENT, OLD LAW (OL) (MDL 4(11)). A tenement existing before April 12, 1901, and recorded as such in the department before April 18, 1929, except that it shall not be deemed to include any converted dwelling.

CHAPTER D3
GENERAL PROVISIONS FOR ALL MULTIPLE DWELLINGS (MDL ARTICLES 2 AND 3)

D301 Applicability. Alterations, additions, repairs, change of occupancy, and relocation of all existing multiple dwellings, whenever erected or converted, shall comply with the provisions of

this code and any applicable provisions of this Chapter. Multiple dwellings shall also comply with the applicable provisions of chapters as outlined by classification in Table D301.

TABLE D301

APPLICABILITY BY CLASSIFICATION

CLASSIFICATION:	**CHAPTER OF THIS APPENDIX:**
HAEA (1929-1968), HAEB (1929-1968) – Fireproof	Chapters D3, D4
HAEA (1929-1968), HAEB (1929-1968) – Nonfireproof	Chapters D3, D5
HAEA (1968-2008), HAEB (1968-2008)	Chapter D3
HAEA (2008+), HAEB (2008+)	Chapter D3
HCA, HCB, HACA, HACB	Chapters D3, D6
EBC-CDA	Chapters D3, D6
OL, OLSR, COL, NL, NLSR, CNL	Chapters D3, D7
CAA, JAR	Chapter D3
LH	Chapters D3, D9
HEXA, HEXB, HAEB (1929-1968)	Chapters D3, D10

D302 Conversions to a multiple dwelling (MDL 9(2)). A building, not a dwelling, converted to a multiple dwelling shall comply with the requirements of Sections D302.1 and D302.2, and shall be classified as HAEA (2008+) or HAEB (2008+).

Exceptions:

1. Conversions to CAAs and JARs to the extent otherwise provided for in MDL 277.

2. Reconversions to OL or NL to the extent otherwise provided for in Section D701.1 (MDL 9(6)).

D302.1 Applicable provisions other than height, bulk, open spaces (MDL 9(2)). A building, not a dwelling, converted to a multiple dwelling, shall thereupon comply with the applicable provisions of this code, including Chapter D3.

D302.2 Height, bulk, open spaces (MDL 9(2), 26). A building, not a dwelling, converted to a multiple dwelling shall thereupon comply with all applicable requirements for yards and courts under the *New York City Zoning Resolution* and shall thereupon comply with the floor area ratio provisions of Section 26(3) of the MDL. For the purposes of this section:

1. Conversions that are allowed by the *New York City Zoning Resolution* to retain existing non-complying yards and courts shall, at a minimum, meet the light and air requirements of Section 277 of the MDL.

2. For buildings converted to multiple dwellings classified as commercial uses under the *New York City Zoning Resolution*, including but not limited to transient hotels as such term is defined in *New York City Zoning Resolution*, any courts with required windows opening thereon shall comply with Section D305.1.

3. Buildings granted a lawful variance, authorization, or special permit modifying the requirements of the *New York City Zoning Resolution* with respect to yards and courts by the board of standards and appeals or the city planning commission shall be deemed in compliance with this section.

D303 Changes from 1 class or kind (MDL 9(3), 9(4)). A dwelling, of 1 class or kind, altered or converted to another class or kind, shall comply with the requirements of Sections D303.1 and D303.2 and shall be classified as HAEA (2008+) or HAEB (2008+).

Exceptions:

1. The conversion from a one- or two-family dwelling to a converted dwelling to the extent otherwise provided for in Sections D603 or D604 (MDL 9(3)).

2. The change of a converted dwelling from Class B to Class A to the extent otherwise provided for in Chapter D6 (MDL 9(3)).

3. The change of a tenement to single room occupancy to the extent otherwise provided for Sections D303.3 and D704 (MDL 9(8)).

4. The reconversions to tenements to the extent otherwise provided for Section D701.1 (MDL 9(6)).

5. The change from HEXB to a HEXA to the extent the application of Sections D303.1 and D303.2 would require changes to the egress systems, yards, or courts, provided that the entire dwelling is of fireproof construction and provided the room sizes comply with the minimum requirements in the *New York City Building Code* for dwelling units in a group R-2 occupancy (MDL 9(4)).

D303.1 Applicable provisions other than height, bulk, open spaces (MDL 9(3), 9(4), 9(6), 9(8)). A dwelling of 1 class or kind, altered or converted to another class or kind, shall thereupon comply with the applicable provisions of this code, including Chapter D3.

D303.2 Height, bulk, open spaces (MDL 9(3), 26). A dwelling of 1 class or kind, altered or converted to another class or kind, shall thereupon comply with all applicable requirements for yards and courts under the *New York City Zoning Resolution* and shall thereupon comply with the floor area ratio provisions of Section 26(3) of the MDL. For the purposes of this section:

1. Alterations or conversions that are allowed by the *New York City Zoning Resolution* to retain existing non-complying yards and courts shall, at a minimum, meet the light and air requirements of Section 277 of the MDL. Existing courts or yards constructed in accordance with Article 7 of the MDL shall not be reduced below the dimension prescribed in Chapter D7.

2. For buildings altered or converted to multiple dwellings classified as commercial uses under the *New York City Zoning Resolution*, including but not limited to transient hotels as such term is defined in the *New York City Zoning Resolution*, any courts with required windows opening thereon shall comply with Section D305.1.

3. Buildings granted a lawful variance, authorization, or special permit modifying the requirements of the *New York City Zoning Resolution* with respect to yards and courts by the board of standards and appeals or the city planning commission shall be deemed in compliance with this section.

D303.3 Conversion to single room occupancy (MDL 9(8)). Any dwelling unit in any Class A multiple dwelling may be occupied for single room occupancy only if such dwelling complies with the provisions of Section D704 and all other provisions of this code applicable to such dwelling.

D303.4 Class A use in Class B multiple dwelling (MDL 9(7)). In any Class B multiple dwelling, except a rooming house or lodging house, any dwelling unit may be occupied as a dwelling unit in a Class A multiple dwelling, provided such dwelling unit has both lawful sanitary and cooking facilities for the sole use of the 1 family residing therein and complies with all the requirements for dwelling units in Class A multiple dwellings erected after April 18, 1929, including that such occupancy conforms to any applicable provisions of the *New York City Zoning Resolution* including location of uses within buildings and a new or amended certificate of occupancy is obtained where required by law. However, where such dwelling unit does not have both lawful sanitary and cooking facilities for the sole use of the 1 family residing therein, the creation thereby of any rooming unit must be authorized pursuant to Section 27-2077 of the *New York City Housing Maintenance Code*. In any rooming house or lodging house, 1 dwelling unit may be occupied as a dwelling unit in a Class A multiple dwelling, provided such dwelling unit is occupied solely by the owner, janitor, superintendent, or caretaker.

D304 Dwellings damaged or moved.

D304.1 Dwelling damaged by fire or other causes (MDL 11(1)). A multiple dwelling erected prior to April 19, 1929 that is damaged by fire or other cause to the extent of two-thirds or more of its value at the time of such damage exclusive of the value of the foundation, shall not be repaired or rebuilt except in compliance with the *New York City Construction Codes* as if hereafter erected.

D304.1.1 Effect on zoning resolution. The provisions of Section D304.1 shall not be construed to affect the status of any nonconforming use or non-complying bulk otherwise permitted to be retained pursuant to the *New York City Zoning Resolution*.

D304.2 Non-fireproof stair damaged by fire or other causes (MDL 11(2)). A non-fireproof stair in any multiple dwelling that is damaged by fire or other cause to such extent that such stair or the first flight thereof above the entrance story is required to be rebuilt, such stair to the extent that it is required to be rebuilt shall be built of materials required of exit stairs for new construction pursuant to the *New York City Building Code*.

D304.3 Dwelling moved (MDL 11(3)). If any dwelling erected prior to April 19, 1929, be moved from 1 tax lot to another, such dwelling shall thereupon be made to conform to all the provisions of this appendix relative to light, ventilation, fire protection, and egress of a dwelling erected after April 18, 1929, but no frame building of any kind whatsoever whenever erected shall be moved so as to be placed upon the same tax lot with any multiple dwelling,

nor shall any multiple dwelling whenever erected be moved so as to be placed upon the same tax lot with any frame building.

D305 Light and air (MDL 3, Title 1).

D305.1 Commercial courts (MDL 26(7)). Except as otherwise provided in the *New York City Zoning Resolution*, courts for multiple dwellings classified as commercial uses under the *New York City Zoning Resolution*, including but not limited to transient hotels as such term is defined in the *New York City Zoning Resolution*, shall comply with Sections D305.1.1 and D305.1.2 for any court supplying required light and air to living rooms.

D305.1.1 Commercial inner courts (MDL 26(7)(a)). An inner court shall have minimum width of 4 inches (107 mm) per foot for each 1 foot (305 mm) of height of such court, but in no event less than 15 feet (4572 mm) in width at any point. The area of such inner court shall be twice the square of the width of the court dimension based on the height of such court, but in no event less than 350 square feet (32.5 m^2) in area. The area of such court need not exceed 1,200 square feet (111.5 m^2) provided that the minimum horizontal distance between any required window of a living room opening on an inner court shall not be less than 30 feet (9144 mm) from any wall opposite such window. For a dwelling 3 stories or less in height, an inner court may have a minimum width of 3 inches (76 mm) for each 1 foot (305 mm) of height of such court, but in no event less than 10 feet (3048 mm) in width at any point. The area of such court shall be twice the square of the required width of court dimension based on the height of such court but in no event less than 250 square feet (23 m^2) in area. An air in-take of fireproof construction shall be provided at or near the lowest level of every inner court of dwellings exceeding 2 stories in height, and shall communicate directly with a street or yard. Such in-take shall have a vertical cross-sectional area of not less than 21 square feet (2 m^2) and a minimum width of not less than 3 feet (914 mm) in its least dimension, and shall be open and unobstructed throughout, except that where the intake is not used as a passage or exit, gates, or grilles which do not interfere with ventilation may be installed.

D305.1.2 Commercial outer courts (MDL 26(7)(b)). An outer court at any given height shall have a minimum width at least equal to twice the depth of such outer court if such outer court is less than 30 feet (9144 mm) wide. Such outer court shall have a width at least equal to its depth if such court is 30 feet (9144 mm) or more in width. An outer court need not exceed 60 feet (18 288 mm) in width. An outer court on a side lot line may begin at the level of the floor of the lowest story in which there is a living room opening therefrom. Any outer court not on a side lot line may begin at any level, the height of such court to be measured from the level at which such court begins.

D305.2 Conversions and changes of class or kind (MDL 9(2), 9(3)). Conversions to a multiple dwelling subject to Section D302 and dwellings of 1 class or kind altered or converted to another class or kind subject to Section D303 shall comply with the Chapter of the *New York City Building Code* relating to court walls for multiple dwellings, natural ventilation, natural light, and interior space dimensions.

D305.3 Department approval required for lighting and ventilation of rooms (MDL 30(5)). No multiple dwelling shall be so altered as to diminish the light or ventilation of any room or public hall or stairs in any way not approved by the department.

D305.3.1 Alcoves (MDL 32). Except for cubicles permitted in exifsting lodging houses, no part of any room shall be enclosed or subdivided at any time, wholly or in part, by a curtain, portiere, fixed or movable partition or other contrivance or device, unless each such enclosure or subdivision shall contain a separate window as required for a room by Chapter 12 of the *New York City Building Code* and a floor space of at least 70 square feet (6.5 m^2).

D305.4 Rooms in basements and cellars (MDL 34(6)).

D305.4.1 New rooms in basements or cellars (MDL 34(6), 218(2)). Rooms created after the effective date of the local law that added this section in basements and cellars within dwelling units and, regardless of multiple dwelling classification, shall comply with all of the following requirements, and no other compliance paths in this code or in the MDL shall be applicable:

1. Such dwelling unit has at least one-half of its height and all of its window surfaces above every part of an "adequate adjacent space." Such "adequate adjacent space" shall be open to the sky, properly drained to the satisfaction of the department, and a continuous surface area outside the dwelling not less than 30 feet (9144 mm) in its least dimension and abutting at same level, or directly below, every part of the exterior walls of such dwelling unit and of every other dwelling unit on the same floor. Such "adequate adjacent space" shall include only space which is located on the same zoning lot or plot as the dwelling or on a street or public place or space.

2. Every living room of such dwelling unit is everywhere at least 8 feet (2438 mm) high from the floor to the ceiling in dwellings erected after July 1, 1957, and 7 feet (2134 mm) in dwellings erected prior thereto.

3. All parts of the exterior walls of the dwelling which are below ground level and on the same floor as such dwelling unit or above such floor are dampproof to the satisfaction of the department and the floor of such dwelling unit is dampproof and waterproof.

4. The yard and every court of the dwelling containing such dwelling unit are adequately drained to the satisfaction of the department.

5. If any part of the dwelling unit is below the "adequate adjacent space" referred to in Item 1 of this section, all ceilings, walls, and partitions of such dwelling unit including the studs are constructed of noncombustible materials, except that with respect to existing dwelling units, such existing ceilings, walls, or partitions shall be permitted to remain either fire-retarded or sprinklered.

6. Such dwelling unit and every part of the floor on which it is situated meet all of the requirements which would be in effect for such floor if none of the rooms thereon were used for living purposes.

7. Such dwelling unit complies with all of the requirements for dwelling units in the same dwelling which are not in a cellar or basement.

8. The floor on which such dwelling unit is situated, if a cellar, shall nevertheless be counted as a story for the purpose of all requirements of this appendix except those relating to the height of the dwelling.

D305.4.2 Existing rooms in basements and cellars (MDL 34(5), 177(5), 216(5)). Existing rooms in cellars and basements within dwelling units shall comply with the provisions of Section D305.4.1, or, based on the multiple dwelling classification, shall be permitted to comply with:

1. Section D402.2 for fireproof buildings classified as HAEA (1929-1968) or HAEB (1929-1968).

2. Section D505.2 for non-fireproof buildings classified as HAEA (1929-1968) or HAEB (1929-1968).

3. Section D605.2 for converted dwellings.

4. Section D702.6.2 for OLs and NLs.

D305.5 Entrance doors (MDL 35). No alterations or repairs shall be made in doors giving access to an entrance hall from the outside of the dwelling that would reduce the existing area of glazing to less than 5 square feet (0.5 m^2) of glazed surface. New conversions to a multiple dwelling subject to Section D302 and dwellings of 1 class or kind altered or converted to another class or kind subject to Section D303 shall provide at least 5 square feet (0.5 m^2) of such glazed area.

D305.6 Existing windows in public halls (MDL 36). Existing windows in public halls shall be permitted to be removed provided mechanical ventilation is installed in accordance with the *New York City Mechanical Code*.

Exception: Where windows are required for certain NLs in accordance with Chapter D7.

D305.7 Existing skylights in stairs (MDL 36). Existing skylights in stairs shall be permitted to be removed where smoke vents are installed in accordance with Section 713.12 of the *New York City Building Code*.

Exception: Where skylights are required for certain OLs and NLs in accordance with Chapter D7 and for certain CAAs and JARs in accordance with MDL 277.

D305.8 Multiple buildings on the same tax lot (MDL 28(2)). If a multiple dwelling is located anywhere on the same tax lot with another building, any additions or conversions shall not reduce the unoccupied open space between buildings in any way that would result in an increase of noncompliance with Section 28(2) of the MDL.

D305.9 Cubic feet per occupant (MDL 31(6)(a), (b)). Living rooms created or reconfigured shall provide at least 400 cubic feet (11.3 m^3) of air for each adult, and 200 cubic feet (5.66 m^3) of air for each child occupying such room, considering children of 12 years of age or more as adults and 2 children between the ages of 2 and 11 years inclusive as the equivalent of 1 adult. Children under 2 years of age need not be considered as occupants.

D306 Fire protection and safety (MDL 3, Title 2).

D306.1 Elevators (MDL 51(6)). Notwithstanding the provisions of Section 3002.4 of the *New York City Building Code*, the installation of new elevators shall not be required where all of the following conditions apply:

1. The building was constructed prior to December 6, 1968;

2. The building does not have an elevator on the date of the application;

3. The building is or is being converted to a Class A multiple dwelling; and

4. The building will be 6 stories or less in height upon completion of the alteration.

Exceptions:

1. Where a new elevator is required to provide accessibility pursuant to this code and Chapter 11 of the *New York City Building Code*.

2. Where the alteration results in an increase in the floor surface area by more than 110% in accordance with Section 302.7.

3. Where a damaged dwelling is required to be repaired or rebuilt in accordance with Section D304.1.

D306.1.1 Penthouses. Penthouse structures located upon the roof of a sixth story and which form the upper level of multistory dwelling units shall not be deemed a story for the purposes of applying Item 4 of Section D306.1, provided that the building is deemed to be 6 stories or less pursuant Section 504.3 of the *New York City Building Code*.

D306.1.2 New conversions and changes of class or kind (MDL 9(2), 9(3)). New conversions to a multiple dwelling subject to Section D302 and dwellings of 1 class or kind altered or converted to another class or kind subject to Section D303 shall be provided with an elevator unless exempted by Section D306.1 for buildings erected prior to December 6, 1968, or Section 3002.4 of the *New York City Building Code* for buildings erected on or after such date.

D306.2 Interior cellar and basement stairs (MDL 52(5)(a)). For a multiple dwelling erected prior to December 6, 1968, any stair communicating between the cellar and the story above, or the basement and the story above if there be no cellar, shall be enclosed at top and bottom with at least 2-hour fire-resistive rated construction and assemblies.

Exceptions:

1. Non-fireproof buildings classified as HAEA (1929-1968) and HAEB (1929-1968) shall comply with the provisions of Sections D503 and D306.2 shall not apply.

2. Buildings classified as OL or NL shall comply with the provisions of Sections D703.13 and D703.14 and the provisions of D306.2 shall not apply.

3. No enclosures shall be required for stairs or vertical openings from such cellar or basement, other than exit enclosures, provided all of the following conditions are met:

3.1. such resulting fire area is separated from every other stair accessing upper stories by fire barriers and horizontal assemblies having at least a 2-hour fire-resistive rating;

3.2 a full system of automatic sprinklers is installed throughout the building with a water-flow alarm connected to a central supervising station;

3.3. hard-wired smoke and carbon monoxide alarms or detectors are installed throughout the building as required for new construction in accordance with Chapter 9 of the *New York City Building Code*; and

3.4 the building's height and area comply with the height and area limitations of Chapter 5 of the *New York City Building Code* based on the type of construction.

D306.3 Fire escapes (MDL 53). For buildings erected prior to December 6, 1968, fire escapes shall be permitted as a second means of egress for Class A multiple dwellings that are not more than 6 stories and 75 feet (22 860 mm) in height. Every such fire escape erected after the effective date of the local law that added this section, shall be located, arranged, constructed, and maintained in accordance with Section D306.3 and rules of the department. Existing fire escapes shall be permitted to remain except as provided for in rules of the department.

Exception: Penthouse structures located upon the roof of a sixth story and which form the upper level of multi-story dwelling units shall not be deemed a story for the purposes of applying Section D306.3, provided that the building is deemed to be 6 stories or less pursuant to Section 504.3 of the *New York City Building Code*.

D306.3.1 Access from dwelling unit (MDL 53(1)). Access to a fire-escape shall be from a living room or private hall in each apartment or suite of rooms at each story above the entrance story, and such access shall not include any window of a stairhall.

D306.3.1.1 Passage through public hall prohibited (MDL 53(1)(a)). Such room or private hall shall be an integral part of such apartment or suite of rooms and accessible to every room thereof without passing through a public hall.

D306.3.1.2 Boarders or lodgers (MDL 53(1)(b)). When 1 or more living rooms of any apartment or suite of rooms are rented to boarders or lodgers, every such room shall be directly accessible to a fire-escape without passing through a public hall, and for separately occupied living rooms access to fire-escapes shall be direct from such rooms without passing through a public hall or any other separately occupied room.

D306.3.1.3 Obstructions (MDL 53(1)(c)). Access to any fire-escape shall not be obstructed by sinks or kitchen fixtures or in any other way. Iron bars, grilles, gates, or other obstructing devices on any window giving access to fire-escapes or to a required secondary means of egress shall be unlawful unless such devices are of a type approved by the fire commissioner, or as previously approved and prescribed by the board of standards and appeals.

D306.3.1.4 Minimum opening dimensions (MDL 53(1)(d)). Every such fire-escape shall be accessible to 1 or more exterior doors or windows opening from the room, apartment, suite of rooms, or other space which it serves as means of egress, and such window or door shall be 24 inches (610 mm) or more in clear width and 30 inches (762 mm) or more in clear height. The sill of any such window shall be within 36 inches (914 mm) of the floor.

D306.3.2 Location (MDL 53(2)). A required fire-escape may be erected in any of the following places:

1. On a wall facing a street or yard;

2. In a court of a non-fireproof multiple dwelling to serve an apartment or suite of rooms which does not contain any room fronting upon a street or yard, or in any inner court 35 feet (10 668 mm) or more in its least horizontal dimension, provided the fire-escape does not project more than 48 inches (1219 mm) from the wall of the dwelling and is directly connected at the bottom of such court with a fireproof passageway at least 36 inches (914 mm) wide and 7 feet (2134 mm) high leading directly to a street unless the court itself leads to a street;

3. In any outer court 18 feet (5486 mm) or more in width and 30 feet (9144 mm) or less in length;

4. In any outer court more than 18 feet (5486 mm) in width the length of which does not exceed its width by more than 70 percent;

5. In any outer court 10 feet (3048 mm) or more in width at every point and situated on a lot line;

6. In any outer court 7 feet (2137 mm) or more in width at every point which is situated on a lot line and extends from a street to a yard;

7. In a recess on the front wall of a multiple dwelling, provided the recess does not exceed 5 feet (1524 mm) in depth, is used solely for fire-escape purposes, and has 75 percent or more of its area open to the street, and is otherwise unenclosed and open at the top. No such recess shall be counted as a part of the unoccupied area of the premises or be construed as a court unless its entire area is open to the street.

D306.3.3 Projection (MDL 53(3)). No fire-escape may project more than 4 and one-half feet (1372 mm) into a public highway from the lot line of the multiple dwelling it serves. Every part of such fire-escape shall be at least 10 feet (3048 mm) above any sidewalk directly below.

D306.3.4 Construction (MDL 53(4)). Fire escapes shall be constructed in accordance with the following:

1. Every fire-escape shall be constructed of open balconies and stairways of iron or stone capable of sustaining a load of at least 80 pounds per square foot (391 kg/m^2). The use or reuse of old materials or cast iron in the construction of fire-escapes shall be unlawful.

2. Balconies for fire-escapes shall be 36 inches (914 mm) or more in clear width.

3. Every stairway shall be placed at an angle of 60 degrees (1 rad) or less with flat open steps at least 6 inches (152 mm) in width and 20 inches (508 mm) in length and with a maximum rise of 9 inches (229 mm).

4. The opening in any balcony for such a stairway shall be at least 21 inches (533 mm) by 28 inches (711 mm).

D306.3.5 Drop ladders (MDL 53(5)). Drop ladders shall be constructed in accordance with the following:

1. There shall be provided from the lowest balcony a drop ladder 15 inches (381 mm) in width and of sufficient length to reach to a safe landing place beneath. Such ladder shall be constructed, located, and arranged so as to be held in proper position at all times and, unless properly counter-balanced, shall be placed in guides so that it can be easily lowered.

2. The distance from the lowest balcony to the ground or safe landing place beneath shall be not more than 16 feet (4877 mm), except that the department may permit such lowest balcony to be up to 18 feet (5486 mm) above a public sidewalk because of structural conditions in any multiple dwelling erected before April 18, 1929.

3. No drop ladder shall be required where the distance from the lowest balcony to a safe landing place beneath is 5 feet (1524 mm) or less.

D306.3.6 Roof access (MDL 53(6)). The balcony on the top story shall be provided with a stairway or a gooseneck ladder from such balcony to and above the roof and securely fastened thereto.

Exceptions: no such stairway or ladder shall be required:

1. On multiple dwellings 2 stories or less in height erected after April 18, 1929.

2. Wherever there is a peak roof with a pitch in excess of twenty degrees.

3. When the fire-escape is on the front of the dwelling, in a recess on the front of the dwelling, or on an outer court opening to a street.

D306.3.7 Painting (MDL 53(7)). Every fire-escape if constructed of material subject to rusting shall be painted with 2 or more coats of paint in contrasting colors; in the case of a new fire-escape the first coat before erection, and the second coat after erection. Whenever a fire-escape becomes rusty, the owner shall repaint it with 2 additional coats of good paint.

D306.3.8 Commissioners order (MDL 53(8)(a)). Whenever a non-fireproof multiple dwelling is not provided with sufficient means of egress in case of fire, the commissioner may order such additional fire-escapes or balconies as in such commissioner's judgment may be deemed necessary.

D306.3.9 Good order and repair (MDL 53(8)(b)). The owner of a multiple dwelling shall keep and maintain every fire-escape thereon in good order and repair.

D306.3.10 Encumbrances (MDL 53(8)(c)). No person shall at any time place any encumbrance of any kind before or upon any fire-escape, or place or keep a cover of any kind over the stairway opening in a balcony of such fire-escape. The fire department shall enforce the *New York City Fire Code* with respect to unlawful encumbrances or covers on fire escapes.

D306.3.11 Removals (MDL 53(9)). No fire-escape shall be removed from or constructed on any existing multiple dwelling without permission from the department. No fire-escape shall be removed from any apartment or suite of rooms without due precaution against leaving occupants of such apartment or suite of rooms without adequate means of egress

in case of fire. A wire, chain cable, vertical ladder, or rope fire-escape is an unlawful means of egress. Every such fire-escape, if required as a means of egress, shall be removed and replaced by a system of fire-escapes constructed and arranged as provided in this section.

D306.3.12 Access to street. Every required second means of egress from an apartment or suite of rooms, including by means of a fire-escape, into a rear yard or a court shall be provided with an approved path of egress to the street, by means of an open court or open yard that extends to the street, or by means of a fireproof passageway. Any such passageways shall be not less than 7 feet (2134 mm) in height and not less than 3 feet (914 mm) in width and shall at all times be kept clear and unobstructed. Doors and gates at the end of such passageways are prohibited, except that a door or gate equipped with an approved-type knob or panic bolt which shall be readily openable from the inside will be permitted at the building line. Doors and gates provided with keylocks or padlocks are prohibited.

Exception for converted dwellings and OLs. For converted dwellings and OLs, access to the street is not required if either of the following conditions is met:

1. The rear yard of the building is 30 feet (9144 mm) or more in depth and the required second means of egress from an apartment or suite of rooms terminates in such rear yard or in a court that extends to such rear yard; or

2. The rear yard of the building is less than 30 feet (9144 mm) in depth, but the required second means of egress from an apartment or suite of rooms terminates in such rear yard or in a court that extends to such rear yard, and from there to the rear yard of an adjoining premises. Such egress to the rear yard of an adjoining premises shall be permitted to be through a door or gate in a lot-line fence, provided, however, that such door or gate provides adequate egress and is not locked or secured in any manner except by a readily accessible, easy to open hook or bolt.

2.1. An owner of a converted dwelling or old law tenement requiring the egress shall not be deemed in violation of Item 2 of this exception so long as egress to an adjoining premise's rear yard exists and is unobstructed.

2.2. If the actions of the owner of the adjoining premises results in the obstruction of any such egress, including by the construction of a rear yard enlargement removing the adjoining rear yard, the owner of the converted dwelling or old law tenement requiring the egress shall be in violation of Item 2 of this exception.

2.3. The adjoining premises' rear yard can change over time from 1 adjoining premises to another adjoining premises, and no egress easement permanently establishing any particular egress arrangement between adjoining owners shall be required by the department, until such time as an alteration is proposed that would increase the number of dwelling units or create new dwelling units that would rely on egress to the rear yard of an adjoining premises.

D306.3.12.1 Rear yard enlargements. No rear yard serving as a means of egress pursuant to Section D306.3.12 shall be obstructed with an enlargement unless an egress path is provided to the street.

Exception. For converted dwellings and OLs, such egress path shall be permitted to extend to the rear yard of an adjoining premises.

D306.3.13 Rules (MDL 53(10)). The department shall have the power to make supplementary rules relating to fire-escapes.

D306.4 Existing cellar entrances (MDL 54, 192 and 245). An existing direct entrance to the cellar, or to the lowest story if there be no cellar, from the outside of the multiple dwelling shall not be obstructed or diminished in any way which would result in noncompliance with Sections 54, 192, or 245 of the MDL or sections of the prior Tenement House Law.

D306.5 Frame buildings and extensions (MDL 56). The following limitations shall apply to frame buildings:

1. No frame multiple dwelling shall be erected and no frame dwelling not used as a multiple dwelling on April 18, 1929, shall be altered or converted to such use or occupancy.

2. No existing frame multiple dwelling shall be increased in height nor shall it be altered to permit a greater occupancy on any story than provided for on April 18, 1929.

3. No frame building of any kind whatsoever shall be placed or built upon the same tax lot with any multiple dwelling.

4. No multiple dwelling shall be placed or built upon the same tax lot with any frame building.

5. No frame multiple dwelling, no wooden structure of any kind or class on the same tax lot with any frame dwelling or with any multiple dwelling, and no other building on the same tax lot with any frame dwelling, shall be altered or converted so as to be enlarged, extended, or increased in height or bulk or in the number of rooms, apartments, or dwelling units therein; except that an extension constructed with fireproof walls may be made to a frame building if the first story of such extension is used solely for business not prohibited by any local law or ordinance, or if such extension contains not more than 1 living room on any story.

6. No frame building shall be converted to a multiple dwelling pursuant to Section D302 and no frame dwelling of 1 class or kind shall be converted to another class or kind pursuant to Section D303.

Exception (MDL 56(7)). For any frame dwelling 3 stories or less in height, notwithstanding the provisions of Section D306.5, the conversion of that portion of said dwelling used as a store or other non-residential shall be permitted to be converted to no more than 1 additional apartment; provided, however, that all of the following provisions are met:

1. such space has been vacant for at least 1 year;

2. such space has a minimum of 300 square feet (27.9 m^2) of floor area;

3. the conversion must be for a class "A" use;

4. said unit shall contain a cooking space and a complete bathroom;

5. all walls and ceilings of the new dwelling unit shall be separated from other

dwelling units and from public halls, public vestibules, public rooms or other public parts of a dwelling by a minimum of 1-hour fire barriers and horizontal assemblies; and

6. the height and bulk of the dwelling shall not be increased except as provided for in this Section.

D306.6 Business use. Business uses in any multiple dwelling shall comply with Sections D306.6.1 through D306.6.4.

D306.6.1 Walls and ceilings (MDL 61(5)). Where business is conducted in any non-fireproof multiple dwelling, the department may require the walls and ceilings of any such business space to be separated from other dwelling units and from public halls, public vestibules, public rooms, or other public parts of a dwelling by 1-hour fire barriers and horizontal assemblies, when the department shall deem such requirement necessary for the protection of the occupants.

D306.6.2 Roofs of extensions for business use (MDL 61(6)). If the ground story of any non-fireproof multiple dwelling is extended for business purposes after April 18, 1929, the underside of the ceiling-roof assembly shall have a minimum of a 1-hour fire-resistive rating. If there are fire-escapes above such extension, its roof shall be fireproof construction.

D306.6.3 Mixed occupancies. In accordance with the *New York City Building Code*, egress shall be permitted to be shared by dwelling units and non-residential occupancies, provided that associated egress elements meet the more stringent requirements applicable to both occupancies.

D306.6.4 Bakeries and fat boiling (MDL 59). The provisions of this section shall apply where a bakery or business place where fat is boiled is located on a tax lot containing a multiple dwelling.

D306.6.4.1 Fire rated separations (MDL 59(1)). It shall be unlawful to construct or maintain a bakery or a place of business where fat is boiled in any non-fireproof multiple dwelling or upon the lot on which such dwelling is situated, unless the ceiling, side walls, and all exposed iron or wooden beams, girders, and columns within the said bakery or business place where fat is boiled, are protected with fireproof assemblies.

D306.6.4.2 Openings (MDL 59(2)(a), (b)). There shall be no door, window, dumbwaiter shaft, or other opening between such a bakery or business place where fat is boiled and any other part of the dwelling.

Exceptions:

1. There may be access to the public parts of the dwelling from any bakery maintained therein if the product of such bakery is consumed exclusively within such dwelling.

2. In a fireproof hotel where a retail bakery is maintained therein, there may be access to the public parts of the hotel, provided the door openings leading thereto from such bakery and the door assemblies are be protected in accordance with Section 716 of the *New York City Building Code*, and provided

the public parts of such bakery premises are protected by sprinklers in accordance with Section 903 of the *New York City Building Code*.

D306.6.4.3 Dumbwaiters (MDL 59(2)(c)). In bakeries in which no fat is boiled and on the premises of which there is no apparatus for fat boiling, a dumbwaiter communicating between the place where the baking is done and a bakery store above may be maintained if entirely enclosed in a brick shaft with walls 8 inches (457 mm) or more in thickness, without any openings whatever except 1 door opening into the bakeshop and 1 into the bakery store. Every such opening shall be provided with a door protected in accordance with Section 716 of the *New York City Building Code*, so arranged that when 1 door is open, the other is entirely closed.

D306.7 Parapets, guard railings, and wires (MDL 62). Parapets, guard railings, and wires shall comply with Sections 306.7.1 and 306.7.2.

D306.7.1 Parapets and guard railings (MDL 62(1)). Guards shall not be reduced to less than required by Section 1510.8 of the *New York City Building Code.* New conversions to a multiple dwelling subject to Section D302 and dwellings of 1 class or kind altered or converted to another class or kind subject to Section D303 shall comply Section 1510.8 of the *New York City Building Code* as if newly constructed.

D306.7.2 Wires attached to vent lines or fire escapes (MDL 62(2)). No radio or television antennae and no other wires or conduits shall be attached to any soil or vent line extending above the roof nor to any fire escape.

D306.8 Boiler rooms (MDL 65). Boiler rooms shall be enclosed with noncombustible material in accordance with Table 509 of the *New York City Building Code*, but in no case shall such enclosure have less than 2-hour fire-resistance rating. No alterations shall result in having to pass through any boiler room in order to access the remainder of the cellar or lowest story in which the boiler is located, and no alteration shall result in the installation of a cellar or basement stair or shaft within a boiler room.

D306.9 Access to the rear yard of multiple dwellings (MDL 26(5)(f), 63(2)). Existing access passageways between the street and the rear yard of a multiple dwelling shall be maintained and shall not be obstructed or diminished in any way that would result in noncompliance with MDL 26(5)(f) or MDL 63(2). New conversions to a multiple dwelling subject to Section D302 and dwellings of 1 class or kind altered or converted to another class or kind subject to Section D303 shall comply with MDL 26(5)(f) and MDL 63(2).

D306.10 Extension roofs. Where the roof of an extension is proposed to be used as a means of egress from a fire-escape, or where a fire-escape balcony is to be located directly above said roof, such roof shall be of fireproof construction.

D306.11 Fire divisions (C26-254.0, C26-631.0, C26-632.0). For non-fireproof multiple dwellings erected prior to December 6, 1968, the maximum area between fire walls shall be 3,000 square feet (278.5 m^2), measured including exterior wall thicknesses. Such fire walls shall be noncombustible affording a 4-hour fire-resistive rating and shall be continuous from the foundation to the roof. Alterations shall not reduce the degree of noncompliance with these requirements.

Exception: Buildings that are fully sprinklered and that comply with the height and area

limitations of Chapter 5 of the *New York City Building Code*.

D306.12 Bearing of joists (C26-528.0). For non-fireproof multiple dwellings erected prior to December 6, 1968, the ends of floor and roof joists and beams shall be supported in accordance with the requirements of Section 803.11.

D306.13 Fire barriers, horizontal assemblies and fire-retarding (MDL 152(2), 152(3), 152(7)). Fire barriers or horizontal assemblies in accordance with Chapter 7 of the *New York City Building Code* shall be provided where alterations or replacements are performed to existing wall assemblies or floor-ceiling assemblies that:

1. Separate dwelling units from each other;

2. Separate dwelling units from public halls, public vestibules, public rooms, or other public parts of a dwelling;

3. Are required to be fire-retarded pursuant to the provisions of this appendix or Appendix E;

4. Comprise structural flooring systems including floor-ceiling assemblies between stories of the same multi-story dwelling unit; or

5. Are required under any applicable provision of law to have a fire-resistive rating.

D306.13.1 Rating. Such fire barriers or horizontal assemblies shall be rated for the number of hours specified in accordance with this code, including this appendix. Where such applicable code requires fire-retarded walls or horizontal assemblies, the altered fire-retarded walls or horizontal assemblies shall be constructed as fire barriers or horizontal assemblies with a fire-resistance rating of not less than 1 hour.

D306.13.2 Access. Where the required rating of an altered wall assembly cannot be provided with the required rating because only 1 side of the wall assembly is within the tenant space, such that the other side cannot be upgraded to comply or cannot be ascertained if it does comply, the side of the altered wall assembly within the tenant space shall be provided with 2 layers of five-eighth-inch (16 mm) fire rated wall boards applied directly against the studs, with mineral rock wool filling placed between the studs, and shall be extended in accordance with Section D306.13.3.

D306.13.3 Continuity. Such altered wall assemblies shall be extended from the top of the floor/ceiling assembly below to the underside of the floor or roof sheathing, slab, or deck above, and shall be securely attached thereto. Such fire barriers shall be continuous through concealed spaces, such as the space above a suspended ceiling.

D306.14 Conversions and changes of class or kind (MDL 9(2), 9(3)). Conversions to a multiple dwelling subject to Section D302 and dwellings of 1 class or kind altered or converted to another class or kind subject to Section D303 shall comply with the following:

1. The entire building shall comply with the height and area limits of Chapter 5 of the *New York City Building Code*.

2. The entire building shall be provided with fire protection systems in accordance with Chapter 9 of the *New York City Building Code*.

3. All dwelling units shall be provided with access to at least 2 means of egress. For buildings under 75 feet (22 860 mm) or 6 stories in height and constructed prior to December 6, 1968, 1 of such means of egress shall be permitted to be a fire escape in accordance with Section D306.3.

4. Fire escapes terminating at yards or courts shall have provide direct access to the street by a court or yard or a fire passage in accordance with the provisions of Section D306.3.12.

5. Existing windows opening onto lot-line air shafts shall be protected in the manner described in Section 803.8 of this code.

D307 Sanitation and health (MDL 3, Title 3).

D307.1 Water closet and bath accommodations (MDL 76).

D307.1.1 Opening to kitchen (MDL 76(1)(c)). No toilet room or bathroom shall open onto any kitchen or kitchenette in accordance with Section 1210.4 of the *New York City Building Code*. Alterations to the layout of a dwelling unit shall not increase the degree of noncompliance with this requirement.

Exception: In multiple dwellings erected or converted prior to April 18, 1929, upon a showing of practical difficulty, the commissioner may permit a toilet room or bathroom to open onto a kitchen or kitchenette.

D307.1.2 Toilets in cellars or basements (MDL 76(1)(b)). No water closet shall be installed, kept or maintained in a cellar or basement unless it is provided for lawful living rooms in such cellar or basement, or is supplementary to water-closet accommodations required for a dwelling unit.

D307.2 Refuse chutes for prior code buildings (MDL 81)). Notwithstanding the provisions of Section 1213.3 of the *New York City Building Code*, the installation of new refuse chutes shall not be required where all of the following conditions apply:

1. The building was constructed prior to July 1, 2008;

2. The building currently does not have a refuse chute;

3. The building is provided with a refuse storage space complying with Sections 1213.1.1 or 1213.1.2 of the *New York City Building Code*;

4. The building, if containing 12 or more dwelling units, is provided with a compactor complying with Section 1213.2 of the *New York City Building Code*; and

5. The building will be 6 stories or less upon completion of the alteration.

Exceptions: Penthouse structures located upon the roof of a sixth story and which form the upper level of multi-story dwelling units shall not be deemed a story for the purposes of applying Section D307.2, provided that the building is deemed to be 6 stories or less pursuant to Section 504.3 of the *New York City Building Code*.

D307.3 Privacy (MDL 82). In every dwelling unit of 3 or more living rooms in every Class A multiple dwelling erected after April 18, 1929, there shall be access to every living room and bedroom without passing through any bedroom.

CHAPTER D4
PRE-1968 HEREAFTER ERECTED FIREPROOF MULTIPLE DWELLINGS (MDL ARTICLE 4)

D401 Applicability. Alterations, additions, repairs and changes of occupancy of fireproof multiple dwellings erected prior to December 6, 1968, and classified as HAEA (1929-1968) and HAEB (1929-1968) shall comply with the provisions of this code and the additional provisions of Chapter D3.

D402 Rooms in basements and cellars.

D402.1 New rooms in basements or cellars (MDL 34(6)). Rooms created on or after the effective date of the local law that added this section in basements and cellars within dwelling units in fireproof multiple dwellings classified as HAEA (1929-1968) or HAEB (1929-1968) shall comply with the requirements of Section D305.4.1.

D402.2. Existing rooms in basements and cellars (MDL 34(5), 34(6)). For the purposes of establishing the lawful conditions of existing rooms in basements or cellars within dwelling units in fireproof multiple dwellings classified as HAEA (1929-1968) or HAEB (1929-1968), refer to Section D305.4.1 or Sections 34(1) to 34(4) of the MDL.

CHAPTER D5
PRE-1968 HEREAFTER ERECTED NON-FIREPROOF MULTIPLE DWELLINGS (MDL ARTICLE 5)

D501 Applicability. Alterations, additions, repairs and changes of occupancy of non-fireproof multiple dwellings classified as HAEA (1929-1968) or HAEB (1929-1968) shall comply with the provisions of this code and the additional provisions in this Chapter.

D502 Maximum height (MDL 101, 141). Such a dwelling shall not be increased in height greater than 75 feet (22 860 mm) above curb level or 6 stories.

Exception: Such a dwelling may be increased in height above 75 feet (22 860 mm) or 6 stories, provided such dwelling meets the requirements of Items 1 through 4, below. In such cases, notwithstanding any contrary requirements of this code or the *New York City Building Code*, any existing unenclosed stair needs to be enclosed and separated from the public halls only at the altered portions of the building.

1. The entire building shall comply with the height and area limitations of Chapter 5 of the *New York City Building Code*.

2. The entire building shall comply with Chapter 9 of the *New York City Building Code* as if hereafter erected.

3. The building shall comply with any applicable elevator requirements of Section D306.1.

4. Fire escapes shall not be utilized as a second means of egress from dwelling units unless the addition comprises a penthouse structure that is located upon the roof of a sixth story and that forms the upper level of a multi-story dwelling unit, and the building is deemed to be no more than 6 stories pursuant Section 504.3 of the *New York City Building Code*.

D503 Fireproof first floor (MDL 143, 150). Any existing fireproof first floor, and any existing fireproof second floor where the cellar below the first floor is less than one half the area of the first floor, shall be maintained as fireproof and shall not be pierced.

Exceptions:

1. Firestopped penetrations in accordance with Chapter 7 of the *New York City Building Code* shall be permitted to pierce such floor.

2. Elevator, refuse chute and dumbwaiter shafts meeting the enclosure requirements of Chapter 7 of the *New York City Building Code* shall be permitted to pierce such floor.

3. Stairs located outside the dwelling that, if enclosed, shall be fireproof, and in a fireproof enclosure with fireproof doors and door assemblies, with the doors self-closing at all openings, shall be permitted to pierce such floor.

4. Stairs extending not more than 1 story shall be permitted to pierce such floor, provided that such stairs are (i) enclosed from all other spaces in the dwelling by fire barriers and horizontal assemblies having a 3-hour fire resistive rating, (ii) provided with vestibules at the top and bottom of the stairs that are at least 50 square feet (4.6. m^2) and no larger than 75 square feet (7 m^2), and (iii) are provided with and separated by enclosures from all other spaces in the dwelling by fire barriers and horizontal assemblies having a 3-hour fire resistive rating.

5. Stairs in dwellings 3 stories or less in height which are occupied by 2 families or fewer on every story and that are enclosed by fire barriers and horizontal assemblies having a 2-hour fire resistive rating shall be permitted to pierce such floor.

6. No enclosures shall be required for stairs or vertical openings from such cellar or basement, other than exit enclosures, provided all of the following conditions are met:

6.1. such resulting fire area is separated from every other stair accessing upper stories by fire barriers and horizontal assemblies having at least a 2-hour fire-resistive rating;

6.2. a full system of automatic sprinklers is installed throughout the building with a water-flow alarm connected to a central supervising station;

6.3. hard-wired smoke and carbon monoxide alarms or detectors are installed throughout the building as required for new construction in accordance with Chapter 9 of the *New York City Building Code*; and

6.4. the building's height and area comply with the height and area limitations of Chapter 5 of the *New York City Building Code* based on the type of construction.

D504 Fireproof stair enclosures (MDL 148(3)). Every stair, fire-stair, and fire-tower shall be completely separated from every other stair, fire-stair, and fire-tower and from every public hall and shaft by fireproof walls, with fireproof doors and assemblies, with the doors self-closing and without transoms, at all openings. The doors giving access to such stairs shall not be held open by any device whatsoever.

Exceptions:

1. In dwellings 2 stories or less in height such walls shall be permitted to be constructed as

1-hour fire barriers in lieu of being fireproof.

2. In lieu of fireproof walls, such noncombustible walls shall be permitted to have a 2-hour fire-resistive rating where a full system of automatic sprinklers is installed throughout the building with a water-flow alarm connected to a central supervising station, and hard-wired smoke and carbon monoxide alarms or detectors are installed throughout the building as required for new construction in accordance with Chapter 9 of the *New York City Building Code*.

D505 Spaces under stairs (MDL 151).

D505.1 Enclosed spaces. It shall be unlawful to have a closet of any kind under any public stair. The space beneath every stair from the foot of the stair to a point where the soffit is 4 feet (1219 mm) or more above the floor shall be entirely enclosed with unpierced 1-hour fire barriers. Such enclosure beneath a flight of public stairs leading from the entrance story to the story next above shall be fireproof.

D505.2 Unenclosed spaces. Any unenclosed portion of the space beneath a flight of public stairs leading from the entrance story to the story next above shall be left entirely open and kept clear and free from encumbrance.

D506 Rooms in basements and cellars.

D506.1 New rooms in basements or cellars (MDL 34(6)). Rooms created on or after the effective date of the local law that added this section in basements and cellars within dwelling units in non-fireproof multiple dwellings classified as HAEA (1929-1968) or HAEB (1929-1968) shall comply with the requirements of Section D305.4.2.

D506.2 Existing rooms in basements and cellars (MDL 34(5), 34(6)). For the purposes of establishing the lawful conditions of existing rooms in basements or cellars within dwelling units in non-fireproof multiple dwellings classified as HAEA (1929-1968) or HAEB (1929-1968), refer to Section D305.4.1 or Sections 34(1) to 34(4) of the MDL.

CHAPTER D6
CONVERTED DWELLINGS
(MDL ARTICLE 6)

D601 Applicability. Alterations, additions, repairs, and changes of occupancy of a multiple dwelling classified as HCA, HACA, HCB, and HACB, and conversion of a building originally erected before December 6, 1968, as a one- or two-family dwelling to a EBC-CDA, shall comply with the provisions of this code and the additional provisions in this Chapter.

D601.1 Dwellings erected after December 6, 1968. This Chapter shall not apply to conversions of buildings originally erected on or after December 6, 1968, as one- or two-family dwellings. Such buildings shall be classified as HAEA (1968-2008) or HAEA (2008+), as applicable.

D601.2 Conversion to HAEA (MDL 9(3)). Where multiple dwellings classified as HCA, HACA, HCB, and HACB are converted to HAEA (2008+), they shall comply with the

provisions of Chapter D3 pursuant to Section D303, and the provisions of this Chapter shall not apply.

D602 Alterations to existing converted dwellings. Alterations to existing multiple dwellings classified as HCA, HACA, HCB, and HACB shall comply with this code and Sections D602.1 through D602.4.

D602.1 Increase in units/additions. Such a dwelling shall not be increased: (i) in number of units, (ii) in height, (iii) by rooftop addition (other than a stair or elevator bulkhead), (iv) in stories, or (v) by horizontal addition so as to exceed by 25 percent or more the area on any story which such building occupied at the time of its conversions; unless all of the following are met:

1. A second means of egress shall be provided that is directly accessible from within every dwelling unit in the building including those outside the work area, which shall be either a system of outside fire-escapes, constructed, and arranged as provided in Section D306.3, a fire-stair, or a fire-tower. Where such second means of egress discharges into a rear yard of less than 30 feet (9144 mm), compliance with Section D303.6.12 shall be required;

2. Any existing first means of egress that extends to the roof shall be maintained, provided where the number of stories is increased, the stairs shall be a minimum of 36 inches (914 mm). A bulkhead shall be provided in lieu of an existing scuttle when the number of stories increases to any number exceeding 3 stories above a basement;

3. Sprinklers shall be provided throughout the building in accordance with Section 903 of the *New York City Building Code*;

4. The building shall not become a high-rise building, and shall comply with the height and area limitations of Chapter 5 of the *New York City Building Code* not to exceed 6 stories in height above grade plane, as such term height is defined in the *New York City Building Code*;

5. The building shall have a fire alarm system in accordance with Section 907 of the *New York City Building Code*;

6. Carbon monoxide and smoke alarms shall be provided throughout the building in accordance with Chapter 9 of the *New York City Building Code*;

7. The building is not a frame building;

8. No portion of the building constituting an addition shall contain Class B dwelling units;

9. The public hall and stair partitions shall be constructed as 1-hour fire barriers and the soffit of the stairs, if combustible, fire retarded in accordance with Section E402 of Appendix E;

10. Doors opening to the public hall and stair shall be in compliance with Chapter 7 of the *New York City Building Code* for opening protectives; and

11. Notwithstanding any contrary requirements of the *New York City Existing Building Code*, the stairs need to be separated from the public halls only at the enlarged portions of the building.

Exceptions. The following exceptions may not be utilized as part of the same alteration project:

1. Penthouse additions. Only the following shall be required where a building is being vertically enlarged with a penthouse in connection with a Class A dwelling unit below, and such penthouse is not considered a story in accordance with Section 504.3 of the *New York City Building Code*:

1.1. Any existing first means of egress that extends to the roof shall be maintained and extended to the roof, and shall be permitted of the same width as the existing stairs. A bulkhead shall be provided in lieu of an existing scuttle.

1.2. Sprinklers shall be provided in accordance with Section 903 of the *New York City Building Code* throughout the dwelling unit, including the penthouse addition, and shall extend to protect the public hall and stair at all levels of such dwelling unit.

1.3. Carbon monoxide and smoke alarms shall be provided throughout the dwelling unit, including the penthouse, in accordance with Chapter 9 of the *New York City Building Code*.

1.4. The building is not a frame building.

2. One-story horizontal additions. Only the following shall be required where not more than 1 story is being horizontally enlarged by 50 percent or less of the area on such story:

2.1. The addition shall be provided with sprinklers in accordance with Section 903 of the *New York City Building Code*, including any dwelling units in connection therewith.

2.2. The addition shall be provided with carbon monoxide and smoke alarms in accordance with Chapter 9 of the *New York City Building Code*, including any dwelling units in connection therewith.

2.3. The building is not a frame building.

3. Increase in number of dwelling units by 50 percent or less. Only the following shall be required where the number of dwelling units is increased by 50 percent or less by subdivision of existing dwelling units or by a change of occupancy:

1.1. The subdivided or newly created dwelling units shall be provided with 2 means of egress.

1.2. Sprinklers shall be provided in accordance with Section 903 of the *New York City Building Code* throughout the subdivided or newly created dwelling units, and shall extend to protect the public hall and stair at the levels of such dwelling units.

1.3.Carbon monoxide and smoke alarms shall be provided throughout the subdivided or newly created dwelling units, in accordance with Chapter 9 of the *New York City Building Code*.

1.4. The building is not a frame building.

D602.2 Living room size. For buildings classified as HCA or HACA originally erected as a one- or two-family dwelling on or before April 1, 1929, any requirement of this code that covers the same subject matter as the following shall not apply, and such following requirements shall apply in lieu thereof:

1. Every living room shall contain 550 cubic feet (16 m^3) or more of air.
2. Every living room shall be at least 6 feet (1829 mm) wide at its narrowest part.
3. Every living room shall have a minimum height of 7 feet (2134 mm) if such room is in the basement, of 7 feet (2134 mm) at all points more than 6 feet (1829mm) from the front of such room if it is on the top story, and of 8 feet (2438 mm) if on any other story.

D602.3 Natural light and ventilation. For buildings classified as HCA or HACA originally erected as a one- or two -family dwelling on or before April 1, 1929, any requirement of this code that covers the same subject matter as the following shall not apply, and such following requirements shall apply in lieu thereof:

1. Every alcove, except a kitchenette or foyer, shall be deemed a living room and shall open into an immediately adjoining living room which opens directly on a yard or street. Such an alcove shall be separately lighted and ventilated, and of such size as provided for other living rooms, unless it has an opening between the alcove and the room or space at least 80 percent of the area of the common wall and the floor area of the alcove does not exceed twice the area of the opening. Alterations shall not increase the degree of noncompliance for any existing unaltered alcoves.

2. Any room on a top story shall be permitted to be lighted and ventilated by an openable skylight of the dimensions specified for windows and arranged to provide ventilating openings of 6 square feet (0.5 m^2) or more. Such a skylight shall be accepted in lieu of a window.

D602.4. Means of Egress. Non-fireproof converted dwellings shall be permitted to retain their existing means of egress, including where it is a single stair that is provided with sprinklers and lawfully installed prior to the effective date of the local law that added this section. Where any such single stair is to be relocated within the dwelling, such single means of egress shall no longer be permitted to be retained, and a second means of egress shall be provided directly accessible from within each dwelling unit and shall be either a system of outside fire-escapes, constructed and arranged as provided in Section D306.3, a fire-stair, or a fire-tower. Where such second means of egress discharges into a rear yard of less than 30 feet (9144 mm), compliance with Section D303.6.12 shall be required.

D603 Conversion to 3 families; no more than 3 stories. A building originally erected before December 6, 1968, as a one- or two-family dwelling, 3 stories or less in height, shall be permitted to be converted to a Class A multiple dwelling with no more than 3 families and shall be classified EBC-CDA, provided such building meets this code and the following requirements. However, for such building, any requirement of this code that covers the same subject matter as the following shall not apply, and such following requirements in Sections D603.1 through D603.15 shall apply in lieu thereof:

D603.1 Frame buildings. The building shall not be a frame building. However, the conversion of nonresidential spaces in existing frame buildings to apartments shall be permitted in accordance with the Exception to Section D306.5.

D603.2 Treads and risers. The treads and risers of every stair shall be of uniform height and width in any 1 flight. Each tread, exclusive of nosing, shall be not less than 9 and one-half inches wide (241.5 mm); each riser shall not exceed 7 ¾ inches (197 mm) in height; and the product of the number of inches in the width of the tread and the number of inches in the height of the riser shall be at least 70 inches (1778 mm) and at most 75 inches (1905 mm).

D603.3 Public hall. Every public stair hall shall provide access to the street as well as extending to and through the roof by a bulkhead or scuttle, except that no bulkhead or scuttle, or stair or ladder leading thereto, shall be required where the roof is a peak roof with a pitch of more than 15 degrees (0.26 rad).

D603.4 Stairs. Existing wood stairs shall be permitted to remain. Existing stairs shall be at least 30 inches (762 mm) in clear width.

D603.5 Entrance hall. The entrance hall to the street shall be at least 32 inches (813 mm) in clear width.

D603.6 Scuttle. Any scuttle required by Section D603.3 shall be at least 21 inches (533 mm) in width and 28 inches (711 mm) in length, covered on the outside with metal and provided with a stair or a stationary iron ladder leading thereto and easily accessible to all occupants of the dwelling. Every scuttle shall be located in the ceiling of the stair hall on the top story and access to the roof through the scuttle shall be direct and uninterrupted. It shall be unlawful to enclose in any manner the ladder or stair leading to a scuttle.

D603.7 Roof access. Every bulkhead door or scuttle shall not be self-locking and shall be fastened on the inside with movable bolts, hooks, or a lock which does not require a key to open from the inside of the dwelling.

D603.8 Business purposes. No part of such dwelling shall be used for business purposes, except a home occupation as provided for in the *New York City Zoning Resolution*.

D603.9 Boarders, roomers, lodgers. No part of such dwelling shall be arranged, designed for, or occupied by roomers, boarders, or lodgers.

D603.10 Dwelling unit doors. The dwelling unit entrance doors and door assemblies in public stair halls and public halls shall be provided with self-closing door assemblies with a minimum of a three-fourth-hour fire resistance rating.

D603.11 Fire rating of public hall and fire retarding of stairs. The public hall and stair partitions shall be constructed as 1-hour fire barriers and the soffit of the stairs, if combustible, shall be fire retarded in accordance with Section E402 of Appendix E.

D603.12 Fire rating of ceilings. The ceiling of the cellar and the ceiling of any dwelling unit located below a different dwelling unit, or below a public hall or stair, shall be constructed as horizontal assemblies with a fire-resistance rating of not less than 1 hour.

D603.13 Separation of dwelling units. Dwelling units shall be separated by assemblies meeting a fire-resistance rating of not less than 1 hour.

D603.14 Cellar entrance. If there is a cellar, there shall be an independent entrance thereto from outside the dwelling by means of a metal fire ladder or fireproof stair leading to an opening in the outside cellar wall at least 30 inches (762 mm) in width and 6 feet (1829 mm) in height. Such entrance to the cellar shall be permitted to be through an areaway or through a fireproof passageway leading directly to the street. The entrance to the cellar may be closed off with a grating or doors which shall not be locked or bolted unless they can be readily unbolted or unlocked from the inside without a key and shall be arranged and constructed so as to be readily opened at all times. Such cellar entrance shall not be used to satisfy a required means of egress unless it also meets the standards required for such egress.

D603.15 Sprinklers. Sprinklers shall be provided throughout the building in accordance with Section 903 of the *New York City Building Code*.

D604 Conversion to more than 3 families and/or more than 3 stories. A building originally erected as a one- or twof-family dwelling on or before April 1, 1929, shall be permitted to be converted to a Class A multiple dwelling and shall be classified as ECB-CDA provided such building meets this code and the following requirements. However, any requirement of this code that covers the same subject matter as the following shall not apply, and such following requirements from Sections D604.1 through D604.14 shall apply in lieu thereof:

D604.1 Frame buildings. The building shall not be a frame building. However, the conversion of nonresidential spaces in existing frame buildings to apartments shall be converted in accordance with the Exception to Section D306.5.

D604.2 Height and area limitations. The building, including any additions, shall comply with the height and area limitations of Chapter 5 of the *New York City Building Code*, not to exceed 6 stories in height, as such term height is defined in the *New York City Building Code*.

D604.3 Fire alarm system. The building shall have a fire alarm system in accordance with Section 907 of the *New York City Building Code*.

D604.4 Detection system. The building shall be provided with carbon monoxide and smoke alarms in accordance with Chapter 9 of the *New York City Building Code*.

D604.5 Two means of egress. Egress from every dwelling unit on each story shall be provided with 2 independent means of egress as follows:

D604.5.1 First means of egress. One means of egress shall be a stair providing access to the street and comply with the following:

1. Roof access. The stair shall extend to and through the roof by a bulkhead, except that a scuttle may be used in lieu of a bulkhead if the dwelling does not exceed in height 3 stories not including the basement, or if it does not exceed a basement and 4 other stories in height and is occupied by not more than 2 families on any story, and except that no bulkhead or scuttle, or stair or ladder leading thereto, shall be required where the roof is a peak roof with a pitch of more than 15 degrees (0.26 rad).

2. Scuttles. Any scuttle provided pursuant to Section D604.5.1, Item 1, shall be at least 21 inches (533 mm) in width and 28 inches (711 mm) in length, covered on the outside with metal and provided with a stair or a stationary iron ladder leading thereto and easily accessible to all occupants of the dwelling. Every scuttle shall be located in the

ceiling of the stair hall on the top story and access to the roof through the scuttle shall be direct and uninterrupted. It shall be unlawful to enclose in any manner the ladder or stair leading to a scuttle.

3. Obstructions to roof access. Every bulkhead door or scuttle shall not be self-locking and shall be fastened on the inside with movable bolts, hooks, or a lock which does not require a key to open from the inside of the dwelling.

4. Existing wood stairs. Existing wood stairs shall be permitted to remain.

5. Independently enclosed public hall. Existing stairs without an intervening public hall between the stair enclosure and the apartment entrance doors need not be provided.

6. Existing stair width. Existing stairs shall be at least 30 inches (762 mm) in clear width for buildings up to 3 stories above a basement and 36 inches (914 mm) for all other buildings. The entrance hall to the street shall be at least 32 inches (813 mm) in clear width.

7. Wainscoting. Wood wainscoting shall be permitted to remain.

D604.5.2 Second means of egress. A second means of egress shall be directly accessible from within each dwelling unit and shall be either a system of outside fire-escapes, constructed and arranged as provided in Section D306.3, a fire-stair, or a fire-tower. Where such second means of egress discharges into a rear yard of less than 30 feet (9144 mm), compliance with Section D303.6.12 shall be required.

D604.6 Dwelling unit doors. The dwelling unit entrance doors and door assemblies in public stair halls and public halls shall be provided with self-closing door assemblies with a minimum of a ¾-hour fire resistance rating.

D604.7 Interior windows. All windows, transoms or other openings between dwelling units and the public hall or stair hall shall be sealed with 1-hour fire-resistance-rated assemblies.

D604.8 Fire rating of public hall and fire retarding of stairs. The public hall and stair partitions shall be constructed as 1-hour fire barriers and the soffit of the stairs, if combustible, shall be fire retarded in accordance with Section E402 of Appendix E.

D604.9 Fire retarding of ceilings. The ceiling of the cellar, the ceiling of any dwelling unit located below a different dwelling unit or below a public hall or stair and the ceiling of a commercial space shall be constructed as horizontal assemblies with a fire-resistance rating of not less than 1 hour.

D604.10 Separation of dwelling units. Dwelling units shall be separated by assemblies meeting a fire-resistance rating of not less than 1 hour.

D604.11 Living room size. Every living room:

1. Shall contain 550 cubic feet (16 m^3) or more of air;

2. Shall be at least 6 feet (1829 mm) wide at its narrowest part;

3. Shall have a minimum height of 7 feet (2134 mm) if such room is in the basement, of 7 feet (2134 mm) at all points more than 6 feet (1829 mm) from the front of such room if it is on the top story, and of 8 feet (2438 mm) if on any other story.

D604.12 Natural light and ventilation. The natural light and ventilation shall comply with the following:

1. Every alcove, except a kitchenette or foyer, shall be deemed a living room and shall open into an immediately adjoining living room which opens directly on a yard or street. Such an alcove shall be separately lighted and ventilated, and of such size as provided for other living rooms, unless it has an opening between the alcove and the room or space at least 80 percent of the area of the common wall and the floor area of the alcove does not exceed twice the area of the opening.

2. Any room on a top story shall be permitted to be lighted and ventilated by a skylight of the dimensions specified for windows and arranged to provide ventilating openings of 6 square feet (0.5 m^2) or more. Such a skylight shall be accepted in lieu of a window.

D604.13 Cellar entrance. If there is a cellar, there shall be an independent entrance thereto from outside the dwelling by means of a metal fire ladder or fireproof stair leading to an opening in the outside cellar wall at least 30 inches (762 mm) in width and 6 feet (1829 mm) in height. Such entrance to the cellar shall be permitted to be through an areaway or through a fireproof passageway leading directly to the street. The entrance to the cellar may be closed off with a grating or doors which shall not be locked or bolted unless they can be readily unbolted or unlocked from the inside without a key and shall be arranged and constructed so as to be readily opened at all times. Such cellar entrance shall not be used to satisfy a required means of egress unless it also meets the standards required for such egress.

D604.14 Sprinklers. Sprinklers shall be provided throughout the building in accordance with Section 903 of the *New York City Building Code*.

D604.15 Elevator. The building shall be required to provide an elevator where required by Section D306.1.

D605 Rooms in basements and cellars.

D605.1 New rooms in basements or cellars (MDL 34(6), 177(1)). Rooms created after the effective date of the local law that added this section in basements and cellars within dwelling units in converted dwellings shall comply with the requirements of Section D305.4.1.

D605.2 Existing rooms in basements and cellars (MDL 34(6), 177(5)). For the purposes of establishing the lawful conditions of existing rooms in basements or cellars within dwelling units in converted dwellings, refer to Section D305.4.1 or Sections 177(1) to (4) of the MDL.

CHAPTER D7
TENEMENTS
(MDL ARTICLE 7)

D701 Applicability (MDL 210). Alterations, additions, repairs, and changes of occupancy of a multiple dwelling classified as OL or NL shall comply with the provisions of this code and this chapter. In addition to the provisions of this chapter, the following enumerated articles and sections in MDL, to the extent required therein, apply to tenements. Where there is a conflict between the provisions of this chapter and the provisions of this code, the more restrictive shall apply.

ARTICLES:	1. Introductory provisions: definitions
	2. Miscellaneous application
	8. Requirements and remedies
	9. Registry of names and service of papers
	10. Prostitution
	11. Laws repealed; saving clause; effect
SECTIONS:	28. Two or more buildings on same lot
	29. Painting of courts and shafts
	31. Size of rooms, subdivision 6 only
	33. Cooking spaces
	34. Rooms in basements and cellars, subdivisions 5 and 6 only
	35. Entrance doors and lights
	37. Artificial hall lighting
	51. Shafts, elevators and dumbwaiters
	52. Stairs
	53. Fire-escapes
	55. Wainscoting
	56. Frame buildings and extensions
	57. Bells; mail receptacles
	58. Incombustible materials
	59. Bakeries and fat boiling
	60. Motor vehicle storage
	61. Business uses
	62. Parapets, guard railings, and wires
	75. Water supply
	76. Water-closet and bath accommodations
	77. Plumbing and drainage
	78. Repairs
	79. Heating

	80. Cleanliness
	81. Receptacles for waste matter
	83. Janitor or housekeeper

D701.1 Reconversion to tenements (MDL 9(6)). Any tenement previously converted to other uses may be altered or reconverted to a tenement by complying with the provisions of this chapter and any other applicable provisions of this code, including any applicable requirements of Chapter 10, provided, however, that its height and bulk were not enlarged prior to such alteration or reconversion except as permitted by and in accordance with the provisions of Sections D702.1 and D702.2.

D701.2 Conversion to HAEA (MDL 9(3)). Where multiple dwellings classified as OL and NL are converted to HAEA (2008+), they shall comply with the provision of Chapter D3 pursuant to Section D303, and the provisions of this chapter shall not apply.

D701.2.1 Increase in number of living rooms (MDL 9(10)). If any OL or NL is altered so as to increase the number of living rooms by more than 20 percent, such dwelling, except as otherwise provided in Sections D702.8 and D703, shall be made to conform to the requirements of this code and Chapter D3 with respect to HAEA (2008+).

D701.3 Variation. The provisions of Section 28-103.3 of the *Administrative Code* and Section 645(b)(2) of the *New York City Charter* shall not apply to this chapter. However, the board of standards and appeals may vary the provisions of this chapter pursuant to Section D105.2.

D702 Light and air (MDL 7 Title 1).

D702.1 Height and bulk (MDL 211).

D702.1.1 Limitations (MDL 211(1)). No tenement shall be increased in height so that its height shall exceed 1.5 times the width of the widest street upon which it stands. Except as otherwise provided in Section D702.1.4, no non-fireproof tenement shall be increased in height so that it shall exceed 5 stories, except that any tenement may be increased to any height permitted for multiple dwellings erected after April 18, 1929, if such tenement is altered to comply as HAEA (2008+) in accordance with Section D303.

D702.1.2 Rooftop structures (MDL 211(2)). If there are bulkheads, superstructures, or penthouses exceeding 10 feet (3048 mm) in height or exceeding in aggregate area 10 percent of the area of the roof, the measurement of height shall be taken to the top of such bulkhead, superstructure, or penthouse, except that this shall not apply to elevator enclosures not exceeding 23 feet (7010 mm) in height used solely for elevator purposes, nor to open pergolas or similar open ornamental treatment of roof-gardens or playgrounds.

D702.1.3 Fireproof tenements (MDL 211(3)). In a fireproof tenement in which 1 or more passenger elevators are operated, penthouses may be erected on the main roof. Such penthouses shall be set back at least 5 feet (1524 mm) from the front walls and 10 feet (3048 mm) from the rear walls of the dwelling and at least 3 feet from any court wall. Such penthouses shall have a clear inside height of not less than 9 feet (2743 mm) from finished floor to finished ceiling, and shall not exceed 12 feet (3658 mm) in height from the high

point of the main roof to the highest point of the penthouse roof. Such penthouses shall not be deemed to affect the measurement of height of the dwelling. All such penthouses shall be entirely fireproof.

D702.1.4 Non-fireproof OLs (MDL 211(4)). Any non-fireproof OL 5 stories in height may be increased in number of stories to 6 provided that such increase in number of stories does not result in an increase in the height of the roof beams above the curb level. In any tenement so altered, the first floor above the lowest cellar, or above the basement or other lowest story, shall be fireproof. Any yard or court of such altered tenement shall not be less in any dimension than the minimum dimensions imposed on new developments by the *New York City Zoning Resolution*.

D702.2 Yards and courts (MDL 212)

D702.2.1 Reduction in yards and courts prohibited (MDL 212(1)). No tenement shall be enlarged or its zoning lot diminished in any way that would leave any yard or court less in any dimension than the minimum dimensions prescribed for yards or courts in the *New York City Zoning Resolution*. The restrictions of this subdivision shall not apply to NLs, on lots which run through from 1 street to another street and do not exceed 100 feet (30 480 mm) in depth.

D702.2.2 Courts constructed after December 15, 1961 (MDL 212(2), MDL 26(7)(a)). Any court constructed on or after December 15, 1961, in a tenement to ventilate any room, public hall, water-closet compartment, or bathroom shall be of the dimensions prescribed in the *New York City Zoning Resolution*, and such court shall under no circumstances be roofed or covered over at the top. For dwellings exceeding 2 stories in height, every such court, if an inner court, shall be provided at the bottom with 1 or more horizontal air-intakes of fireproof construction at or near the lowest level of such inner court, and shall communicate directly with a street or yard. Such in-take shall have a vertical cross-sectional area of not less than 21 square feet (2 m^2) and a minimum width of not less than 3 feet (914 mm) in its least dimension, and shall be open and unobstructed throughout, except that where the intake is not used as a passage or exit, gates, or grilles which do not interfere with ventilation may be installed.

D702.2.3 Courts constructed after April 18, 1929 (MDL 212(3)). Any shaft or court constructed after April 18, 1929, which is used to light or ventilate any room occupied for living purposes in any OL shall be at least 25 square feet (2.3 m^2) in area and 4 feet (1219 mm) in width in every part, and shall under no circumstances be roofed or covered over at the top. Every such shaft shall be provided at the bottom with a horizontal air-intake or duct at least 4 square feet (0.5 m^2) in area communicating directly with a street or yard and so arranged as to be easily cleaned.

D702.2.4 Access to clean shafts and courts (MDL 212(4)). In every OL there shall be a door at the bottom of every shaft and inner court giving access to the shaft or court and whenever the shaft or inner court is less than 200 square feet (18.6 m^2) in area or 10 feet (3048 mm) in any dimension, such door and its assembly shall be fireproof with the door self-closing. Where a window or door existing on April 18, 1929, gives proper access to such a shaft or court, such window or door shall be deemed sufficient.

D702.3 Lighting and ventilation of rooms (MDL 213).

D702.3.1 Diminution of light or ventilation prohibited (MDL 213(1)). No tenement, its zoning or tax lot, or any room, public hall, or stairs therein shall be so altered as to have its light or ventilation diminished in any way not approved by the department.

D702.3.2 Windows in NLs (MDL 213(2)). In every NL, every stair hall, public hall, and living room and at least 1 water-closet compartment or bathroom containing a water-closet in each dwelling unit, shall have at least 1 window opening directly upon a street or upon a lawful yard or court existing on April 18, 1929. Such window shall be so located as to properly light all portions of such hall, room, or compartment. Every part of a dwelling unit of 3 rooms or fewer in such a tenement shall be within 18 feet (5486 mm) of a street or yard or have a window opening upon a lawful inner or outer court existing on April 18, 1929. When a room in a tenement opens upon an inner court on a lot line and less than 10 feet (3048 mm) wide from the lot line to the opposite wall of the dwelling, such room shall be provided with a sash window communicating with another room in the same dwelling unit. Such window shall contain at least 10 square feet (1 m^2) of glazed surface and be made so as to open readily.

D702.3.3 Intentionally omitted (MDL 213(3)).

D702.3.4 Intentionally omitted (MDL 213(4)).

D702.3.5 Windows in OLs (MDL 213(5)). Notwithstanding anything in Section D702.3 to the contrary, on and after June 13, 1970, no room in any OL shall be used for living purposes unless such room shall have a window opening directly upon the street, or upon a yard not less than 4 feet (1219 mm) deep, or above the roof of an adjoining building, or upon a court or shaft of not less than 20 square feet (1.86 m^2) in area, open to the sky without roof or skylight, unless such room is located on the top floor and is adequately lighted and ventilated by a skylight opening directly to the outer air. An alcove shall be deemed to comply with the requirements of this subdivision if:

1. It opens directly into an immediately adjoining room in the same dwelling unit;

2. Such adjoining room opens directly on a street or yard; and

3. A single unbroken open space occupies at least 60 percent of the area of the vertical plane between the alcove and such adjoining room. The required open space between any such alcove and an adjoining room through which it receives light and ventilation shall not be obstructed by any curtain, portiere, fixed or movable partition, or other contrivance or device.

D702.4 Size of rooms (MDL 214).

D702.4.1 Rooms in NLs (MDL 214(1)). Rooms in NLs shall meet the following standards:

1. In each dwelling unit there shall be at least 1 living room containing at least 120 square feet (11 m^2) of clear floor area, and every other living room except a kitchen shall contain at least 70 square feet (6.5 m^2) of clear floor area.

2. Every living room which contains less than 80 square feet (7.5 m^2) of clear floor area or which is located in the cellar or basement shall be at least 9 feet (2743 mm) high,

and every other living room at least 8 feet (2438 mm) high; these measurements to be taken from finished floor to finished ceiling.

3. Every living room shall have a horizontal dimension of at least 6 feet (1829 mm) and, if the tenement was erected after April 18, 1912, of at least 7 feet (2134 mm); except that the minimum horizontal dimension of any kitchen and of a maid's or servant's sleeping room in a fire-proof tenement in which 1 or more passenger elevators are operated, shall be 6 feet (1829 mm).

D702.4.2 Dining bays in all tenements (MDL 214(2)). In any tenement, dwelling units containing 3 or more rooms may have dining bays, which shall not exceed 55 square feet (5 m^2) in floor surface area and shall not be deemed separate rooms or subject to the requirements for separate rooms or alcoves. Every such dining bay shall be equipped with such appropriate permanent fittings as may be required by the department and shall also be provided with at least 1 window opening directly upon a street or upon a yard or court which was lawful on April 18, 1929. The area of such window shall be at least one-eighth of the floor surface area of such dining bay. No dining bay shall be permitted in any dwelling unit containing fewer than 3 rooms.

D702.4.3 Alterations in NLs and OLs. Alterations and changes of layouts in tenements shall comply with the minimum room sizes of Chapter 12 of the *New York City Building Code*.

Exception. The commissioner may authorize room sizes smaller than those required by Chapter 12 of the *New York City Building Code*, but no less than required by the applicable provisions of the MDL, where there is a practical difficulty in accomplishing compliance with Chapter 12 of the *New York City Building Code*.

D702.5 Alcoves. (MDL 215). No part of any room shall be enclosed or subdivided, wholly or in part, by a curtain, portiere, fixed or movable partition, or other contrivance or device unless each such enclosure or subdivision shall contain a separate window conforming to the provisions of Section 30 of the MDL for rooms in multiple dwellings erected after April 8, 1929, and have a clear floor area of at least 70 square feet (6.5 m^2).

D702.6 Rooms in basements and cellars (MDL 216).

D702.6.1 New rooms in basements or cellars (MDL 34(6), 26(8), 218(2)). Rooms created on or after the effective date of the local law that added this section in basements and cellars within dwelling units in tenements shall comply with the requirements of Section D305.4.

D702.6.2 Existing rooms in basements and cellars (MDL 34(6), 216(5)). For the purposes of establishing the lawful conditions of existing rooms in basements or cellars within dwelling units in OLs or NLs, refer to Section D305.4.1, or Sections 216(1) to (4) of the MDL.

D702.7 Lighting and ventilation of public halls and stairs (MDL 217).

D702.7.1 Public halls in larger NLs (MDL 217(1)). In every NL which exceeds 4 stories in height or is occupied by 3 families or more on any story, every public hall shall have at least 1 window opening directly upon a street, yard, or court. Such window shall be located at the end of the hall and at right angles to its length, with an additional window in each 30

feet (9144 mm) of hall or fraction thereof beyond the first 60 feet (18288 mm) from such end window if the tenement was erected after April 18, 1912; or, if the window is not located at the end of the hall, there shall be at least 1 window opening directly upon a street, yard or court in every 20 feet (6096 mm) of the length of the hall or fraction thereof, measured from 1 end of hall; but the foregoing provisions shall not apply to that portion of an entrance hall between the entrance and the first flight of stairs if the entrance door contains 5 square feet (0.5 m^2) or more of glazed surface.

D702.7.2 Public halls recesses in such larger NLs (MDL 217(2)). When the length of any recess or return off of a public hall in a larger NL as described in Section D702.7.1 does not exceed twice its width, no window shall be required. However, if the length of a recess or return exceeds twice its width there shall be an additional window or windows meeting the requirements for a separate public hall.

D702.7.3 Public halls in smaller NLs (MDL 217(3)). Except as provided in Section D702.7.4, a NL which is 4 stories or less in height and occupied by not more than 2 families on any story shall either have windows in its public halls as provided for in Section D702.7.1 or a stairwell, 12 inches (305 mm) or more in width extending from the entrance story to the roof. In such a tenement, except as provided in Section D702.7.4, every entrance door shall contain 5 square feet (0.5 m^2) or more of glazed surface, and all doors leading from the public halls shall be provided with translucent glass panels 5 square feet(0.5 m^2) or more in area for each door and fixed transoms of translucent glass over each door.

D702.7.4 Exceptions for windows and stairwells in smaller NLs (MDL 217(4)). Neither windows nor a stairwell shall be required in a NL which do not exceed 3 stories in height or 55 feet (16764 mm) in depth and which are occupied by not more than 1 family on any story and in which the stairs descend in a straight and continuous run from the top story to the entrance story with proper landings at each story. Such tenements shall not be required to have glass panels or transoms in the doors leading from the public halls.

D702.7.5 Public hall window dimensions for NLs (MDL 217(5)). In every public hall that is provided with a window or windows in a NL, at least 1 such window shall be at least 2 feet 6 inches (762 mm) wide and 5 feet (1524 mm) high.

D702.7.6 Stairs in NLs (MDL 217(6)). In every NL there shall be provided, at every floor level, a window opening upon a street, yard, court, or space above a setback to light and ventilate every stair. Every such required window shall be of the size required by Section D702.7.5, except that a window opening upon a street need be only 4 feet (1219 mm) high. On the top story a ventilating skylight of the same dimensions shall be accepted in lieu of a window for that story.

D702.7.7 Ventilating skylights in NLs (MDL 217(7)). In every NL there shall be in the roof, directly over each stairwell, a ventilating skylight provided with ridge ventilators having an opening of at least 40 square inches (25 806 mm^2), or provided with fixed or movable louvres. The roof of every such skylight shall have at least 20 square feet (2 m^2) of glazed surface. If the stairs and public halls are not provided at each story with windows opening directly to the outer air, the skylights shall be provided with ridge ventilators and also with fixed or movable louvres or movable sashes.

D702.7.8 Glazed doors in lieu of windows in NLs (MDL 217(8)). A sash door shall be deemed the equivalent of a window for the purposes of this Section 702.7 if it contains the amount of glazed surface prescribed for such windows.

D702.7.9 Public halls and stairs in OLs (MDL 217(9)). In all OLs the public halls and stairs shall be provided with such skylights, ventilators, windows in bulkheads, or other means of lighting and ventilation as may be deemed practicable by the department.

D702.7.10 Ventilating skylights in OLs (MDL 217(10)). All skylights installed in OLs after April 18, 1929, shall be provided with ridge ventilators having an opening of at least 40 square inches (25 806 mm^2) and also with fixed or movable louvres or with movable sashes. They shall be of such size as may be determined to be practicable by the department, and the roofs of such skylights shall be glazed with plain glass equipped with suitable wire screen above and below.

D702.7.11 Public hall windows in OLs (MDL 217(11)). Whenever a public hall in any OL 4 stories or more in height is not light enough in the daytime to permit a person to read in every part thereof without the aid of artificial light, every door at the end of such hall or opening therefrom into a room shall have a glass panel or panels of an aggregate area of at least 4 square feet (0.5 m^2); or in lieu thereof such hall may be lighted by a window or windows opening upon a street or upon a lawful yard, court or shaft, with the plane of each such window at right angles to the length of the hall. In any such tenement any public hall or stair that is not provided with a window opening directly upon a street or yard and is not sufficiently lighted in the opinion of the department, such space shall be provided by the owner with artificial light, which shall be kept burning at all times.

D702.7.12 Separate public halls (MDL 217 (12)). Any part of a public hall that is shut off from any other part of such hall by a door or doors shall be deemed a separate hall for the purposes of Section D702.7.

D702.8 Certain alterations (MDL 218).

D702.8.1 Alterations to certain NL units (MDL 218(1)). Any non-fireproof NL erected after May 15, 1902, having dwelling units extending from street to yard and having 1 or more outer courts on a side lot line 4 feet (1219 mm) or more in width or inner courts which alone or together with adjoining courts are 8 feet (2438 mm) or more in width and 12 feet 6 inches (3810 mm) or more in depth, may be altered into dwelling units opening either on the street or the yard, provided all such altered dwelling units also have windows opening on such a court. All such altered dwelling units shall be provided with a second means of egress as required by Section D703.2. The entrance and stair halls of such tenement shall be enclosed in fire barriers with a fire-resistance rating of at least 1-hour.

D702.8.2. New rooms in basements or cellars (MDL 218(2)). See section D702.6.1.

D702.8.3 Alterations to rooms and halls (MDL 218(3)). Any additional room or hall constructed or created in a tenement shall comply in all respects with the provisions of Chapter D7 respecting rooms or halls in NLs erected after April 18, 1912.

D702.8.4 Increasing or decreasing the number of apartments or suites in NLs (MDL 218(4)). The number of apartments or suites of rooms on any story in any NL may be

altered so as to increase or decrease the number of living rooms provided such dwelling shall conform with the applicable provisions of Sections D703.6 and D703.7.

D702.8.5 Increasing the number of apartments or suites in OLs (MDL 218(5)). If the number of apartments or suites of rooms in any OL is increased, the altered apartment(s) shall be separated from other dwelling units and from public halls, public vestibules, public rooms, or other public parts of a dwelling by 1-hour fire barriers and horizontal assemblies, the stairs shall extend to the roof and there shall be no inside stairs from the entrance story to a cellar, or to a basement or other story below the entrance story. However, such inside stair may be permitted provided such stair is constructed of incombustible material, has closed risers, is enclosed between the entrance story and the next lowest story with fireproof materials having a standard fire-resistive rating of at least 3 hours, and has fireproof doors and door assemblies at the top and bottom with the doors and door assemblies at the top and bottom with the doors self-closing. The soffit of any stair immediately above an inside cellar stair shall be fire-retarded and the jib partitions enclosing such cellar stair at the first story shall be 1-hour fire barriers.

D702.8.6 Increasing the number of rooms in OLs, increasing the building height of OLs or combining OLs (MDL 218(6)). If any OL shall be so altered as to increase the number of rooms therein by one-third or more, or if such tenement is increased both in number of rooms and in height and after such alteration is more than 4 stories or parts of stories above the curb level, or if such tenement is over 3 stories in height and is combined with another old-law tenement and the combined area on any story exceeds 3,000 square feet (278.5 m^2), the stairs, stair halls, entrance halls, and other public halls of the whole dwelling shall be made to conform to all of the NL requirements of Sections D703.4.2 (MDL 233), D703.5 (MDL 234), D703.6 (MDL 235), D703.7 (MDL 236), D703.8 (MDL 237), and D703.9 (MDL 238), except that such combined tenements, if over 3 stories in height, shall have in the roof a fireproof bulkhead with a fireproof self-closing door.

D702.8.7 Increasing the number of apartments or suites in OLs (MDL 218(7)). In lieu of fire retarding of the stairs soffits required under Section D702.8.5, there may be installed in public halls an automatic dry pipe valve system or, where halls are heated, an automatic wet pipe system. Where a sprinkler system is installed it shall be equipped on each story with heads in such number and spaced to protect the complete area of the public halls and stairs and shall be constructed, located and arranged on every stair and entrance hall and in every closet opening therefrom in such a manner as the department may require. Such sprinkler system shall be maintained continuously in good repair and serviceable condition.

D703 Fire protection (MDL 7 Title 2).

D703.1 Chimneys and fireplaces (MDL 230). In every existing tenement which is not heated from a central heating plant there shall be adequate flues or chimneys through every floor with a fireplace or place for a stove properly connected with 1 of such flues or chimneys for every dwelling unit. New installations shall be in accordance with the *New York City Mechanical Code* and *New York City Fuel Gas Code*, as applicable.

D703.2 Egress of certain tenements (MDL 231). Every non-fireproof tenement exceeding 2 stories in height and every fireproof NL erected after May 16, 1913, shall comply with Sections D703.2.1 through D703.2.3.

D703.2.1 Two means of egress in such tenements (MDL 231(1)). Every such tenements shall have at least 2 independent means of egress, which shall extend from the ground story to the roof, be located remote from each other and be separated from each other by walls.

D703.2.2 First means of egress in such tenements (MDL 231(2)). One of such means of egress shall be a flight of stairs constructed as provided in Sections D703.4 through D703.9; but this sentence shall not be construed to require any alteration in the material or width of any stair or its treads and risers lawfully permitted on April 18, 1929.

D703.2.3 Second means of egress in such tenements (MDL 231(3)). The other required means of egress shall be directly accessible at each story to each dwelling unit without having to pass through the first means of egress. Such other means of egress shall be any 1 of the following, as the owner may elect:

1. A system of outside fire-escapes constructed as provided in Section D306.3.

2. An additional stair, either inside or outside, constructed and arranged as provided in Sections D703.4 through D703.9.

3. A fire-tower or fire-stair constructed and arranged as provided in Section D703.10.

4. Except as provided in Section D303.6.11, any means of egress lawfully permitted on April 18, 1929, except wire, chain, cable, vertical ladder, or rope fire-escapes.

D703.3 Fire escapes (MDL 232).

D703.3.1 Standards (MDL 232(1)). All fire-escapes erected after April 18, 1929, shall be arranged and constructed in conformity with the provisions of Section D303.6.

D703.3.2 Prohibited fire escapes (MDL 232(2)). As specifically indicated in subdivision 9 of Section D303.6, a wire, chain, cable, vertical ladder, or rope fire-escape is an unlawful means of egress from any dwelling unit. Every such fire-escape shall be removed and replaced, if required as a means of egress, by a system of fire-escapes constructed and arranged as provided in Section D303.6.

D703.4 Bulkheads and scuttles (MDL 233).

D703.4.1 Bulkhead required (MDL 233(1)). Every tenement, except as otherwise provided in Section D703.4, shall have in the roof a fireproof bulkhead with a fireproof door and after January 1, 1957, the door shall be self-closing. Bulkheads existing on April 18, 1929, shall be lawful and may be replaced or repaired with material conforming to the material of which such bulkhead consisted on such date.

D703.4.2 Bulkheads for certain OLs (MDL 233(2)). A bulkhead in the roof of an OL which is more than a basement and 4 other stories in height or which is a basement and 4 other stories in height and occupied by 3 or more families on any story, may be of wood covered with metal on the outside and fire-retarded on the inside. Such a bulkhead shall be equipped with a fire-retarded door and assembly with the door self-closing.

D703.4.3 Scuttles for certain OLs (MDL 233(3)). In any OL which is 4 stories or less in height or which is a basement and 4 other stories in height and occupied by not more than 2 families on any story, no bulkhead shall be required provided such tenement is equipped with a scuttle located in the ceiling of a public hall on the top story and with access thereto

direct, uninterrupted and easily accessible to all tenants. All such scuttles shall be at least 21 inches (533 mm) in width and 28 inches (711 mm) in length. They shall be constructed so as to be readily opened, covered on the outside with metal and provided with stairs or stationary iron ladders leading thereto.

D703.4.4 Certain NLs (MDL 233(4)). Every required stair in every NL erected after April 18, 1912, which is more than a basement and 3 other stories in height shall extend to and through a bulkhead in the roof. Such bulkhead shall have a fireproof door and assembly with the door self-closing and may be constructed of wood covered with metal on the outside and fire-retarded on the inside.

D703.4.5 Stairs leading to bulkheads (MDL 233(5)). Stairs leading to required bulkheads shall be fireproof and constructed as specified in Sections D703.5 through D703.9, except that any such stairs existing on April 18, 1929, shall be permitted without alteration, and that any such stairs constructed after such date in any old-law tenement may have such width and angle of ascent, and risers and treads of such dimensions, as approved by the department. All stairs to required bulkheads shall be provided with a guide or hand rail.

D703.4.6 Bulkheads doors and scuttle hatches (MDL 233(6)). Bulkhead doors and scuttles shall not be self-locking, and shall be fastened on the inside with movable bolts, hooks, or a lock which does not require a key to open it from the inside of the dwelling. All key locks are unlawful and where existing shall be removed.

D703.5 Stairs and public halls (MDL 234).

D703.5.1 Stairs in NLs erected after 4/18/1912 (MDL 234(1)). In every NL erected after April 18, 1912, all stairs shall extend from the entrance story to the roof, except as otherwise provided in Section 703.4, and the stairs and public halls shall each be at least 3 feet (914 mm) in clear width. Every dwelling unit in such a tenement shall be directly accessible at each story to such stairs and public halls, and every story of such dwelling unit shall be so accessible to such a stair and public hall or to a tower fire-escape or stairway, as provided in Section D703.5 and Sections D703.6 to D703.10.

D703.5.2 Stairs in all NLs (MDL 234(2)). In every NL, except as provided in Item 2 of Section D703.9.2, all stairs and public halls shall be completely separated from all other stairs and from every elevator by brick walls or partitions of terra cotta blocks at least 4 inches (102 mm) thick, or hollow cement blocks at least 4 inches (102 mm) thick which have successfully withstood a 3-hour standard fire test and been approved by the department and have fireproof doors and assemblies with the doors self-closing at all openings. From any portion of a public hall in such a tenement there may be a recess which shall not be deemed a public hall if the walls, floor and ceilings enclosing it are 1-hour fire barriers or horizontal assemblies and such recess is at all times adequately lighted by electric lights of at least 15 watts or as provided for in Chapter 10 of the *New York City Building Code*. Such a recess shall not be more than 20 feet (6096 mm) long and shall not be used as a means of egress from more than 3 dwelling units.

D703.6 Stairs in non-fireproof tenements (MDL 235).

D703.6.1 Number of stairs in non-fireproof NLs (MDL 235(1)). Every non-fireproof NL erected after May 15, 1902, containing more than 26 apartments or suites of rooms

above the entrance story shall have an additional stair for every additional 26 apartments or suites or fraction thereof; except that if such tenement contains not more than 36 apartments above the entrance story, in lieu of an additional stair the stairs, stair halls and entrance halls throughout the entire tenement may each be at least one-half wider than is specified in Sections D703.5, D703.8, and D703.9.

D703.6.2 Change in number of dwelling units in all non-fireproof tenements (MDL 235(2)). The number of dwelling units on any story in any non-fireproof tenement may be altered, if the number of living rooms on such story is not increased by more than 20 percent. If the number of living rooms on any story or section thereof above the entrance story exceeds 20, there shall be an additional stair for each 20 rooms or fraction thereof on any such story or section thereof, except that if the number of living rooms on any such story or section does not exceed 30, in lieu of an additional stair 1 stair and every public hall connected therewith may be at least one-half wider than is specified in Sections D703.5, D703.8, and D703.9.

D703.6.3 Change in number of dwelling units with a decrease in living rooms in non-fireproof tenements (MDL 235(3)). Whenever the total number of rooms, exclusive of bathrooms, water-closet compartments, and cooking spaces less than 80 square feet (7.5 m^2) in area, in any non-fireproof tenement or section thereof is decreased through the process of an alteration, the number of dwelling units may be altered and the provisions of this section which relate to additional stairs shall not be applicable.

D703.7 Stairs in fireproof tenements (MDL 236).

D703.7.1. Additional stairs in certain large NLs (MDL 236(1)). Except as in this section otherwise provided, every fireproof NL erected after May 15, 1902, containing more than 36 apartments or suites of rooms above the entrance story shall have an additional stair for every additional 36 apartments or suites or fraction thereof.

D703.7.2. Alternative to first additional stair in certain large NLs (MDL 236(2)). If a fireproof NL erected after May 15, 1902, containing more than 36 apartments or suites of rooms above the entrance story contains not more than 48 apartments or suites above the entrance story, in lieu of an additional stair the stairs, stair halls and entrance halls throughout the entire tenement may each be at least one-half wider than is specified in Sections D703.5, D703.8, and D703.9.

D703.7.3. Alternative to second additional stair in certain large NLs (MDL 236(3)). If a fireproof NL erected after May 15, 1902, contains more than 72 apartments or suites but not more than 84 above the entrance story, in lieu of 3 stairs there may be only 2 stairs, provided that 1 of such stairs and the stair and entrance halls connected therewith are at least one-half wider than is specified in Sections D703.5, D703.8, and D703.9.

D703.7.4. Effect of janitor's dwelling unit (MDL 236(4)). For the purposes of Section D703.7, a janitor's dwelling unit in a penthouse shall not be construed as an additional dwelling unit.

D703.7.5. Change in number of dwelling units in all fireproof tenements (MDL 236(5)). The number of dwelling units on any story in any fireproof tenement may be altered, if the number of living rooms on such story is not increased by more than 30

percent. If the number of living rooms on any story or section thereof above the entrance story exceeds 30, there shall be an additional stair for each 30 rooms or fraction thereof on any such story or section thereof, except that if the number of living rooms on any such story or section does not exceed 40, in lieu of an additional stair 1 stair and every public hall connected therewith may be at least one-half wider than is specified in Sections D703.5, D703.8, and D703.9; but in every such tenement erected before May 16, 1913, and altered as herein permitted, the occupants of each additional dwelling unit shall have access to at least 2 independent means of egress, which shall be made to conform to the requirements of Section 703.2 for fireproof tenements erected after May 16, 1913.

D703.7.6 Change in number of dwelling units with a decrease in living rooms (MDL 236(6)). Whenever the total number of rooms, exclusive of bathrooms, water-closet compartments, and cooking spaces less than 80 square feet (7.5 m^2) in area, in any fireproof tenement or section thereof is decreased through the process of an alteration, the number of dwelling units may be altered and the provisions of this section which relate to additional stairs shall not be applicable.

D703.8 Stair construction (MDL 237).

D703.8.1 Access from street for NLs (MDL 237(1)). Every stair in a NL shall be accessible on the entrance story from a street or street court, or from an inner court which connects directly with a street.

D703.8.2 Risers and treads for NLs (MDL 237(2)). All stairs in NLs shall have risers of 8 inches (203 mm) or less and treads at least 10 inches (254 mm) in clear width and 3 feet (914 mm) in clear length.

D703.8.3 Existing winding stairs (MDL 237(3)). Winding stairs shall be unlawful except in a tenement provided with a passenger elevator. When winding stairs or radial steps are installed or used, the strings from which the risers radiate shall be curved on a circle of at least 1 foot (305 mm) diameter, the treads shall be at least 4 inches (102 mm) wide at the string, not including the nosing, and the angle formed by the face of each riser and the string shall not diverge more than 40 degrees (0.7 rad) from a line normal to the string at the intersection of such riser. It shall be unlawful to construct new winding stairs.

D703.8.4 Reconstructed stairs (MDL 237(4), 52(2), 52(3), 52(4), 52(5), 52(6)). Stairs constructed after April 18, 1929, shall comply with the following:

1. The upper surface of every balustrade or railing placed in any stair shall be at least 30 inches (762 mm) and at most 32 inches (812.8 mm) above the front edge of the stair treads, and at any stair landing shall be at least 32 inches (812.8 mm) and at most 36 inches (914 mm) above the level of such landing.

2. The treads and risers of every stair, fire-stair, and fire-tower constructed after April 18, 1929, in any multiple dwelling shall be of uniform height and width in any 1 flight. Each tread, exclusive of nosing, shall be not less than 9.5 inches (241 mm) wide; each riser shall not exceed 7.75 inches (197 mm) in height; and the product of the number of inches in the width of the tread and the number of inches in the height of the riser shall be at least 70 and at most 75.

3. No winding stairs shall be constructed.

4. Except as otherwise provided in Item 5 of this section, every stair constructed after April 18, 1929, leading to a cellar or basement from the first story above shall be entirely enclosed with fireproof walls and be provided with fireproof doors and assemblies at both top and bottom, with the doors self-closing; except that, in a non-fireproof multiple dwelling erected before such date, where such a stair is permitted such enclosing walls may be fire-retarded.

5. When the first floor or a part thereof, in a fireproof multiple dwelling, is used for business purposes, a stair leading to a cellar or basement from such business space shall be enclosed in fireproof walls having a fire-resistive rating of at least 3 hours and be provided with a fireproof door and assembly at the bottom, with the door self-closing. No opening shall be permitted between such business space and the remainder of the dwelling.

D703.9 Stairs and entrance halls (MDL 238). All stair and entrance halls in tenements shall be constructed as provided in this Sections D703.9.1 through D703.9.4.

D703.9.1 Stair enclosures for all NLs. (MDL 238(1)). In all NLs:

1. Doors. On every story there shall be fireproof doors and assemblies with the doors self-closing separating every such stair and entrance hall from all non-fireproof parts of the tenement.

2. Transoms and windows. There shall be no transom, sash or similar opening of any kind from such stair and entrance halls to any other part of the tenement.

3. Brick enclosures. If such tenements are non-fireproof, and are occupied by 3 families or more on any story or are 5 stories or more in height, the stair and entrance halls shall be enclosed with brick walls, except as provided in Item 1 of Section D703.9.3.

D703.9.2 Entrance hall construction, rear yard access and stair construction in certain NLs (MDL 238(2)). In NLs erected after April 14, 1903:

1. Clear width. Every entrance hall shall have at least 3 feet 6 inches (1067 mm) in clear width from the entrance up to and including the stair enclosure, and beyond that at least 3 feet (914 mm) in clear width. If such entrance hall is the only entrance to 2 stairs or more, that portion of the hall between the entrance and the first stair, including the stair enclosure, shall be at least 5 feet 3 inches (1600 mm) wide.

2. Construction. Entrance halls shall comply with the requirements of Sections D703.5 through D703.8 as to construction of stair and entrance halls, except that if such tenements are fireproof entrance hall enclosures need only withstand a fire test of 2 and one-half hours and angle iron construction may be substituted for brick walls.

3. Rear yard access. Access shall be provided from a street to the yard either in a direct line or through a court.

4. Maximum of 4 stories and 2 families per story. For tenements occupied by not more than 2 families on any story and not more than 4 stories in height, the floors of the stair and entrance halls shall be fireproof or filled in between the floor beams with at least 5 inches (127 mm) of concrete deafening. The stairs shall be fireproof, or may

be of wood provided the soffits of the stairs are fire-retarded, or covered with plaster board at least one-half inch (13 mm) thick, with all joints true and well pointed. The stair and entrance halls in such tenements shall be enclosed on all sides with brick walls or with partitions of angle iron and fireproof blocks 4 inches (102 mm) or more in thickness, except as provided in Item 5 of Section D703.9.2.

5. Maximum of 3 stories and 2 families per story. For tenements occupied by not more than 2 families on any story and not more than 3 stories in height, the stair and entrance halls may be enclosed 1-hour fire barriers, or covered with plaster board at least one-half inch (13 mm) thick, with all joints true and well pointed and with the spaces between the studs filled in with brick to the height of the floor beams.

D703.9.3 Stair, entrance hall, and public hall construction in certain NLs (MDL 238(3)). In NLs erected after April 18, 1912:

1. If such tenements are occupied by 3 or more families on any story, or are 5 stories or more in height, the stairs and entrance halls shall be fireproof throughout and all stairs provided with handrails, except that stair treads 2 inches (51 mm) or more in thickness and handrails may be of hard wood. All windows in such halls shall be fireproof and, except for windows opening on a street in a tenement 6 stories or less in height, shall be glazed with wire glass, and upon replacement after the effective date of the local law that added this section, by fire rated glazing. Such halls shall be enclosed with brick walls, except that 1 or more sides may be left open to a street, yard or court.

2. Public halls which are more than 40 feet (12 192 mm) in length and are used as a means of egress from 4 or more dwelling units shall be fireproof throughout and doors opening there from and their assemblies shall be fireproof with the doors self-closing.

D703.9.4 Stairs, entrance halls and public halls in OLs (MDL 238(4)). In OLs 4 stories or more in height:

1. Whenever the entrance halls of any such tenements adjoin, they shall be separated by a 1-hour fire barrier.

2. The walls and ceilings of every entrance hall and stair hall, and every public hall connected therewith, shall be 1-hour fire barriers or horizontal assemblies, and the soffit of every stair shall be fire-retarded. In all such halls all wood wainscoting except a flat base and stair stringers 10 inches (254 mm) or less in height, and all wood railings, balustrades and newel posts shall be removed completely and replaced with metal or other hard incombustible materials of such size and secured in such manner as may be approved by the department, except that handrails may be of hard wood.

3. Every door opening into any entrance hall or stair, or into any public hall connected therewith, shall be self-closing; every glazed opening or glazed panel in such a door shall be glazed with wire glass, and upon replacement after the effective date of the local law that added this section with fire rated glazing, and every transom opening into any public hall shall be glazed with wire glass, and upon replacement after the effective date of the local law that added this section with fire rated glazing, and permanently secured in a closed position.

4. Every interior sash, or opening other than a door, in the walls or partitions of such halls, and every window therein not opening to the outer air, shall be removed and the openings closed up with 1-hour fire barriers.

D703.10 Tower fire escapes and supplemental stairs (MDL 239). In fireproof tenements tower fire-escapes or stairs which are supplemental to the stairs required by law may be installed providing such tower fire-escapes or stairs shall be shut off from all other parts of the dwelling by brick walls or partitions of terra cotta blocks at least 4 inches (102 mm) thick, or hollow cement blocks at least 4 inches (102 mm) thick which have successfully withstood a 3-hour standard fire test and been approved by the department, and have fireproof doors and assemblies with the doors self-closing at all openings. Whenever such supplementary stairs are provided they shall be constructed in accordance with regulations as may be adopted by the department. Such tower fire-escapes or stairs shall not be used as service stairs and shall be kept adequately lighted at all times and free from encumbrance.

D703.11 First tier of beams (MDL 240).

D703.11.1 All NLs 5 or more stories in height (MDL 240(1)). In all NLs, which are 5 stories or more in height, the first floor above the lowest cellar, or, if there be no cellar, above the basement or other lowest story, shall be fireproof; and all exposed portions of any iron or steel beams below the floor arches shall be fire-retarded.

D703.11.2 Non-fireproof NLs 4 stories or less in height (MDL 240(2)). In all non-fireproof NLs which are 4 stories or less in height, the ceiling of the lowest cellar, or, if there be no cellar, of the basement or other lowest story, shall be 1-hour horizontal assemblies.

D703.11.3 All OLs (MDL 240(3)). In all OLs which are 4 stories or more in height, the ceiling of the cellar, or, if there be no cellar, of the basement or other lowest story, shall be 1-hour horizontal assemblies.

D703.12 Partitions; fire-stopping (MDL 241).

D703.12.1 Partitions in certain NLs (MDL 241(1)). In NLs erected after April 18, 1912, wood stud dwelling unit partitions which are directly over each other shall run through the wood floor beams and rest upon the plate of the partition below. In fireproof tenements erected after such date all partitions shall rest directly upon the fireproof floor construction and extend to the fireproof beam filling above. Dwelling unit partitions within the meaning of this section are partitions crossing the floor beams at any angle and separating 1 dwelling unit from another or any part of a dwelling unit from any public part of the dwelling.

D703.12.2 Firestopping in certain NLs (MDL 241(2)). In NLs erected after April 18, 1912, dwelling unit studding shall be filled in solidly between the uprights to the depth of the floor beams with incombustible materials.

D703.12.3 Brick fire stops in all non-fireproof NLs (MDL 241(3)). In non-fireproof NLs, in every wall where wood furring is used, every course of masonry from the underside to the top of any floor beams shall project a distance of 2 inches (51 mm) or more beyond each face of the wall that is not on the outside of the dwelling, so as to provide an effective fire stop; and whenever floor beams run parallel to a wall and wood furring is used, every such beam shall always be kept 2 inches (51 mm) away from the wall, and the space

between the beams and the wall shall be built up solidly with brickwork from the underside to the top of the floor beams so as to form an effective fire stop.

D703.13 Cellar and basement stairs in non-fireproof tenements (MDL 242).

D703.13.1 Non-fireproof NLs (MDL 242(1)). Cellar stairs in non-fireproof NLs, which are occupied by 3 families or more on any story or which are 5 stories or more in height, shall be governed by the provisions of Section 150 of the MDL for non-fireproof multiple dwellings erected after April 18, 1929. In all other non-fireproof NLs, any stair leading to a cellar may be located inside the building, provided it is enclosed with fireproof walls and is provided with fireproof doors and assemblies at both the top and bottom, with the doors self-closing.

D703.13.2 OLs (MDL 242(2)). In OLs exceeding a basement and 3 other stories in height and provided with an inside cellar stair communicating between the entrance story and a cellar or lower story, the opening to such stair if located underneath the main stair leading to the upper stories shall be enclosed from the level of the entrance story up to the underside of the first flight of such main stairs. The soffit of such first flight of main stairs and the partitions forming such enclosure shall be fire-retarded or covered with 26 gauge metal. The opening to such enclosure shall be provided with a fireproof door and assembly with the door self-closing.

D703.14 Cellar and basement stairs in certain fireproof NLs (MDL 243). In fireproof tenements erected after April 18, 1912, the cellar and basement stairs shall be located, arranged and constructed in accordance with Section D703.14.1.

D703.14.1 Stair construction standards (MDL 243, 106). A cellar or basement stair may be located inside the dwelling, but shall not be located underneath a stair leading to the upper stories unless it is a basement stair leading upward from a basement which is the main entrance story of the dwelling, or unless it is a stair leading downward from the entrance story which is separated by a fireproof arch from the stair leading upward from the entrance story. All inside cellar or basement stairs shall be entirely enclosed with fireproof walls and be provided with fireproof doors and assemblies, with the doors self-closing, at all openings.

D703.15 Spaces under stairs in NLs (MDL 244). In non-fireproof NLs, no closet of any kind shall be constructed or maintained under any stair leading from the entrance story to the upper stories, and such space shall be kept entirely open and clear of any encumbrance.

D703.16 Cellar entrance (MDL 245). In tenements erected after April 12, 1901, there shall be an outside entrance to the cellar. Such tenements without cellars shall have an outside entrance to the basement or other lowest story.

D704 Single Room occupancy (MDL 7, Title 2-A, Section 248).

D704.1 Single room occupancy (MDL 248(1)). It shall be unlawful to occupy any frame multiple dwelling for single room occupancy. It shall be unlawful to occupy any other existing Class A dwelling or part thereof as a rooming house or furnished room house or for single room occupancy unless such dwelling or part shall conform to the provisions of this section and to such other provisions of this chapter as were applicable to such dwelling before such conversion. This section shall not be construed to prohibit the letting by a family of 1 or more

rooms within their apartment to not more than a total of 2 boarders, roomers, or lodgers provided, however, that every room in such apartment shall have free and unobstructed access to each required exit from such apartment as required by the provisions of Sections D704.4.1 through D704.4.3. A dwelling occupied pursuant to this section shall be deemed a Class A dwelling and dwelling units occupied pursuant to this section shall be occupied for permanent residence purposes, as defined in Section 4(8)(a) of the MDL.

D704.1.1 Creation of or conversion to rooming units. The creation of or conversion to single room occupancy shall be limited by Section 27-2077 of the *New York City Housing Maintenance Code*.

D704.2 Stairs (MDL 248(2)). Any Class A dwelling or part thereof occupied as a rooming house or furnished room house or for single room occupancy pursuant to Section D704 may be so occupied without increasing the number of stairs.

D704.3 Increase in number of rooms and impairment of light and ventilation (MDL 248(3)). The number of rooms shall not be increased nor shall the light or ventilation of any room be impaired.

D704.4 Egress (MDL 248(4)).

D704.4.1 Free and unobstructed access (MDL 248(4)(a)). No room in any dwelling unit shall be so occupied unless each room therein shall have free and unobstructed access to each required means of egress from the dwelling without passing through any sleeping room, bathroom, or water-closet compartment.

D704.4.2 Second means of egress (MDL 248(4)(b)). There shall be access to a second means of egress within the dwelling unit without passing through any public stair or public hall. On and after July 1, 1957, every tenement used or occupied for single room occupancy in whole or in part under the provisions of this section and which does not have at least 2 means of egress accessible to each dwelling unit and extending from the ground story to the roof, shall be provided with at least 2 means of egress, or, in lieu of such egress, every stair hall or public hall, and every hall or passage within a dwelling unit, shall be equipped on each story with 1 or more automatic sprinkler heads approved by the department. Elevator shafts in such tenements shall be completely enclosed with fireproof or other incombustible material and the doors to such shafts shall be fireproof or shall be covered on all sides with incombustible material.

D704.4.3 Access to means of egress (MDL 248(4)(c)). Where access to a required means of egress is provided through a room, such access to such room shall be through a clear opening at least 30 inches (762 mm) wide extending from floor to ceiling and such opening shall not be equipped with any door or door frame, or with any device by means of which the opening may be closed, concealed, or obstructed.

D704.4.4 Door and door assemblies (MDL 248(4)(d)). All doors which open to any public hall or required stair hall and the door assemblies shall be fireproof with the doors self-closing.

D704.4.5 Access to means of egress (MDL 248(4)(e)). All doors opening from any room to any hall or passage within a dwelling unit shall be self-closing and all transoms within a dwelling unit shall be permanently closed. All plain glass shall be removed from such

doors and transoms and replaced with wire glass, wood, or other non-shatterable material satisfactory to the department.

D704.4.5.1 Wire glass. Glazing replaced after the effective date of the local law that added this section shall not be wire glass and shall comply with Chapter 24 of the *New York City Building Code*.

D704.4.6 Exit signs (MDL 248(4)(f)). Directly over the opening to every required means of egress within a dwelling unit, there shall be a sign of a type approved by the department marked "Fire Exit" and lighted in red at all times to indicate clearly the location of the means of egress, and on the walls of any hall or passage within the dwelling unit leading to such means of egress there shall be maintained at all times arrows to indicate clearly the direction and location of the fire exit.

D704.4.7 Halls and passages within dwelling units (MDL 248(4)(g)). Every hall or passage within a dwelling unit shall be unobstructed and well lighted at all times with a minimum of 1 foot-candle of light.

D704.4.8 Wood wainscoting removal (MDL 248(4)(h)). All wood wainscoting except a flat base not exceeding 10 inches (254 mm) in height shall be removed from every hall or passage within a dwelling unit.

D704.5 Sprinklers in non-fireproof dwellings (MDL 248(5)). In every such dwelling which is not fireproof, every hall or passage within a dwelling unit shall be equipped with a sprinkler system, which shall be extended so as to have at least 1 sprinkler head in every room. The construction and arrangement of such sprinkler system shall comply with the requirements of the department.

D704.6 Fire alarms (MDL 248(6)). There shall be provided in each such dwelling an adequate and reliable fire alarm system, approved by the fire commissioner by means of which alarms of fire or other danger may be instantly communicated to every portion of the dwelling. Where, throughout the dwelling, a closed-circuit, automatic thermostatic fire-detecting system is installed which actuates an interior fire alarm system, or where, throughout the dwelling, an approved-type automatic sprinkler system is installed which actuates an interior fire alarm system by the flow of water through such sprinkler system, a watchman need not be provided as required in Section D704.15.

D704.7 Roof bulkhead (MDL 248(7)). There shall be a fire-retarded bulkhead in the roof connecting directly with the highest portion of any stairway to the roof, which bulkhead shall contain a fireproof door and assembly with the door self-closing. The stairs leading to such bulkhead shall be fireproof or fire-retarded as required for public stairways in the other parts of such dwelling.

D704.8 Sanitary facilities (MDL 248(8)).

D704.8.1 Water supply (MDL 248(8)(a)). Every wash basin, bath, shower, sink, and laundry tub shall be provided with an adequate supply of hot and cold water.

D704.8.2 Laundry facilities (MDL 248(8)(b)). When the number of occupants of such a dwelling is 11 or more, there shall be provided for them in such dwelling at least 1 laundry tub and facilities for drying clothes.

D704.9 Cooking facilities (MDL 248(9)). Cooking shall be permitted only in kitchens and cooking spaces complying with the provisions of Section 33 of the MDL. Any gas fixture in such spaces shall be connected with permanent, rigid piping. The use of any movable cooking apparatus in any sleeping room is unlawful.

D704.10 Heating systems (MDL 248(10)).

D704.10.1 Central heating (MDL 248(10)(a)). There shall be a central heating system adequate to heat every sleeping room in a dwelling to the temperature requirements prescribed by the *New York City Housing Maintenance Code*.

D704.10.2 Prohibited appliances (MDL 248(10)(b)). The use of any movable heating apparatus in any sleeping room is unlawful.

D704.10.3 Boiler room (MDL 248(10)(c)). Every boiler room shall be constructed in accordance with the provisions of Section 65 of the MDL and shall be adequately ventilated.

D704.11 Light and ventilation (MDL 248(11)).

D704.11.1 Minimum area of windows (MDL 248(11)(a)). No room may be occupied for sleeping purposes unless it has a window or windows with an aggregate glazed area of at least 10 percent of the total floor area of such room. Each such window shall be at least 12 feet (4 m) in area and so constructed that at least half of its area may be opened.

D704.11.2 Operable skylights (MDL 248(11)(b)). Any room on a top story may be lighted and ventilated by a skylight of the same area as required for windows and arranged to provide an opening of at least 6 square feet (0.5 m^2) for ventilation.

D704.11.3 Open spaces upon which windows open (MDL 248(11)(c)). In every sleeping room, except a room on the top story so lighted and ventilated, there shall be at least 1 window meeting the requirements of Section 213 of the MDL, except as otherwise specified in this subdivision, opening upon a street or upon a yard, court or shaft meeting the requirements of Section 212 of the MDL, but in no case shall such a court or shaft be less than 28 inches (711 mm) in width.

D704.11.4 Electrical illumination (MDL 248(11)(d)). Every room shall be adequately lighted by electricity. The use of gas or any other type of open flame lighting is unlawful.

D704.12 Maximum occupancy (MDL 248(12)). No room may be occupied for sleeping purposes by more than 2 adults considering children of 12 years or more as adults and 2 children between the ages of 2 and 11 years inclusive as the equivalent of 1 adult. Children under 2 years of age need not be considered as occupants.

D704.13 Operational requirements. For operational requirements such as housekeeping, cleaning, live-in manager, and occupant register, see Sections 248(13), 248(14), 248(15), and 248(17) of the MDL.

D704.14 Intentionally omitted.

D704.15 Competent watchman (MDL 248(15)). Except as provided in Section D704.6, there shall be on the premises at all times a competent watchman in charge of the dwelling.

D704.16 Intentionally omitted.

D704.17 Intentionally omitted.

D705 Sanitation (MDL Article 7 Title 3).

D705.1 Water-closet compartments in OLs (MDL 250, 76(5)). In every OL there shall be provided for the exclusive use of each family at least 1 water-closet compartment located within the dwelling. Such compartment shall be constructed and ventilated as approved by the department but such compartment shall be located on the same story as that on which the apartment occupied by each such family is situated and shall be equipped with lock and key.

D705.2 Single room occupancy (MDL 250, 76(6)). Single room occupancies shall comply with the following:

1. Every apartment used for single room occupancy shall have at least 1 bath or shower, 1 wash-basin and 1 water-closet for each 6 adult persons who may lawfully occupy the rooms in such dwelling unit as provided in Section D704, and for any remainder of less than 6 persons. If additional baths or showers or water-closets are installed within a dwelling unit in order to comply with the provisions of this paragraph each water-closet shall be in an enclosure separate and apart from every bathroom or shower room and each bath or shower shall be in an enclosure separate and apart from every water-closet.

2. There shall be access to each required water-closet and bathroom without passing through any sleeping room, except that any water-closet, wash-basin, or bathroom which connects directly with any sleeping room shall be deemed to be available only to the occupants of such room and shall not be included in the computations for the required number of water-closets and bathrooms.

D705.3 Ventilation of water-closet compartments and bathrooms (MDL 251, 76). Water-closet compartments and bathrooms in fireproof tenements shall be ventilated and lighted by natural or mechanical means.

D705.4 Privacy in NLs (MDL 252). In every dwelling unit of 3 or more rooms in any NL, there shall be access to every living room and bedroom and to at least 1 compartment or bathroom containing a water-closet without passing through any bedroom.

CHAPTER D8
RESERVED

CHAPTER D9
LODGING HOUSES
(MDL 66)

D901 Alterations to and maintenance of lodging houses. Alterations to multiple dwellings classified as LHs shall comply with the provisions of the *New York City Existing Building Code*, the provisions of Section 66 of the MDL, and the rules of the department of housing preservation and development in relation to the conduct and maintenance of lodging houses.

CHAPTER D10
HERETOFORE ERECTED EXISTING CLASS A AND CLASS B MULTIPLE DWELLINGS AND CERTAIN HEREAFTER ERECTED CLASS B MULTIPLE DWELLINGS (MDL 67)

D1001 Applicability (MDL 67(1)). Alterations to multiple dwellings classified as HEXA, HEXB, and HAEB (1929-1968) shall comply with the provisions of this code and the additional provisions of this Chapter.

D1002 Storage rooms (MDL 67(4)). Any mattresses, furniture, paints, floor wax, linens, brooms, mops, and other such inflammable or combustible paraphernalia incidental to the occupancy and maintenance of the dwelling shall be stored in completely enclosed compartments protected by 1 or more automatic sprinkler heads. Every door from any such compartment shall be self-closing.

Exception: Closets which do not exceed 100 square feet (9.5 m^2) in floor area storing other than mattresses, furniture, paints, and insecticides containing inflammable materials.

D1003 Sprinklers in restaurants (MDL 67(5)). All kitchens and pantries serving restaurants in non-fireproof dwellings shall be equipped with 1 or more automatic sprinkler heads.

D1004 Means of egress (MDL 67(6), 67(7)). Existing means of egress in compliance with Section 67 of the MDL shall be permitted to remain.

D1004.1 Increase in height or number of units. Neither the height of the dwelling nor the number of units shall be increased unless all units in the dwelling are afforded 2 independent means of unobstructed egress located remote from each other and accessible to each room, apartment, or suite, 1 of which shall be an enclosed interior fire stair. The second means of egress shall be permitted to consist of any lawfully installed means of egress, including a system of fire escapes or exterior fire stairs. See Section D1004.3 for limitations on the installation of new fire escapes.

D1004.2 Increase in number of rooms (MDL 9(10)). If any HEXA is altered so as to increase the number of living rooms by more than 20 percent, the dwelling shall be altered to HAEA (2008+) and shall be subject to the requirements in Section D303.

Exception: Where the stairs are in compliance with the provisions of Sections D702.8, D703.6, and D703.7.

D1004.3 New fire escapes and exterior fire stairs. New fire escapes shall be permitted in accordance with requirements of Section D306.3. New exterior fire stairs shall be permitted in accordance with Chapter 10 of the *New York City Building Code*.

Exception: For buildings erected prior to April 5, 1944, exterior fire stairs shall be permitted to exceed the height limitations in Section 1026.2 of the *New York City Building Code*, as applicable, where the commissioner finds a practical difficulty in complying with the provisions of Chapter 10 of the *New York City Building Code* and the portions of the building relying on such fire escape or exterior stairs are provided with a full system of automatic sprinklers.

D1004.4 Access to existing fire escapes from public halls. When access to an existing fire escape is provided from a public hall by a window or door, such window or doors shall have a fire-resistive rating of at least three-fourth hour.

D1004.5 Variation. Nothing in Section D1004 shall be construed so as to limit the ability of the commissioner from issuing a variance relating to egress in accordance with Section 28-103.3 of the *Administrative Code*.

D1005 Fire alarms (MDL 67(12), (15)(c)). Pursuant to an application filed with the department, existing fire alarms systems and watchman's detectors can be removed from HEXAs without substitution, notwithstanding that a number of rooms may have occupancies of 90 days or less. This section D1005 shall not be construed as to permit occupancies in HEXAs for periods of less than 30 days where such occupancy would be in violation of Section 4(8)(a) of the MDL.

APPENDIX H
IN-PLACE MATERIAL, COMPONENT PROPERTIES, AND ARCHAIC STRUCTURAL SYSTEMS

SECTION EBC H101
IN-PLACE MATERIAL AND COMPONENT PROPERTIES

H101.1 General. The requirements for determining the in-place material strength and other properties for structural elements, when structural analysis is required by Chapter 7, shall be in accordance with Sections H101.2 through H101.3. Allowances for in-place archaic and legacy structural systems shall be in accordance with the conditions and limitations of Section H102.

Exceptions:

1. When structural design is performed in accordance with ASCE 41, the requirements for in-place material and component properties shall follow ASCE 41 in lieu of this section.

22. Material properties as specified in ASCE 41 may be used as an alternate to the properties in this appendix.

H101.2 Material properties based on data or documentation. The in-place material strength and other properties for structural elements shall be determined in accordance with Sections H101.2.1 through H101.2.4.

H101.2.1 Acceptable engineering data or documentation. Engineering data or documentation may be used to determine the age of buildings and materials. Only the following sources shall be used:

1. Original construction documents or applications submitted to the department.

2. Material test records or material test reports.

3. Manufacturer material specifications related to the structure.

4. Publicly available records:

4.1. New York City Department of Buildings' "Building Information System," "ACTIONS."

4.2. NYC Department of Buildings "Building Information System," "Certificate of Occupancy" using specifically those certificates marked as "new building."

4.3. NYC Department of Buildings "Building Information System," marked as "Landmark" and NYC Landmarks Preservation Commission "Designation Reports."

4.4. NYC Department of Housing Preservation and Development: "I-cards" for multiple dwellings provide an upper bound on the construction date. An "Old-Law Tenement" classification is sufficient to place the date of construction at 1900 or earlier.

4.5. NYC Department of City Planning "PLUTO" website, or successor website, for buildings constructed after 1950 only.

4.6. New York Public Library "NYC Fire Insurance, Topographic and Property Maps."

H101.2.2 Lower bounds allowance. Where the age of the existing material is determined in accordance with Section H101.2.1, lower bounds for material properties as listed in Section H103 may be used in engineering calculations. If the lower bounds listed in Section H103 are given as allowable stresses, they shall be used only with Allowable Stress Design.

H101.2.3 Data to be confirmed or adjusted. Where material and component properties are determined in accordance with Section H101.2.1, such material and component properties shall be confirmed or adjusted by the engineer by performing an initial or detailed condition assessment required by Section 704. Where required by Section 704 or Section H101.3, such data shall be verified and supplemented by on-site investigations. On-site review by probes, test pits, or other means of visually confirming the structural components present conform to the existing documentation may be used.

H101.2.4 Unavailable or unreliable data. Where the age of the existing material cannot be determined using the allowable sources set forth in Section H101.2.1, material properties shall be determined by material testing as required by Section H101.3.

H101.3 Material testing. Material testing, including destructive and non-destructive testing of building materials and components, shall be performed in a manner consistent with nationally recognized standards. Material testing shall be required when any of the following occur:

1. Data relating to building materials or components is not available.
2. Data available per Section H101.2.1 is not sufficient for the method of engineering used in calculations.
3. Observed conditions indicate likelihood of original nonconformance.
4. Observed conditions indicate likelihood of past nonconforming alterations.
5. Observed conditions indicate likelihood of reduced capacity due to deterioration, including but not limited to misuse, aging, or lack of maintenance.

SECTION EBC H102
IN-PLACE ARCHAIC AND LEGACY STRUCTURAL SYSTEMS OR ASSEMBLIES

H102.1 Archaic and legacy structural systems: Existing structural systems and structural elements found in buildings are described in Sections H102.2 through H102.3, as applicable. Archaic and legacy systems and assemblies include components installed based on empirical methods or vernacular methods predating engineering standardizations that were not confirmed by numerical methods or engineering theory. Methods of evaluating archaic and legacy systems and assemblies are permitted to be based on manufacturer's technical literature, articles published by nationally recognized engineering journals and standards organizations, and general engineering principles.

H102.2 Fireproof floor systems. Fireproof floor systems that were load tested or approved according to methods specified within the *New York City Building Code* may be allowed to support gravity loads permitted by this code and the *New York City Building Code* without testing or listing individual component material properties in accordance with Sections H102.2.1 through H102.2.5.

H102.2.1 Stone, brick, or terra cotta segmental arch floors. Stone, brick, or terra cotta segmental arch floors that met the geometric requirements specified in prior versions of the *New York City Building Code* may be allowed to support code-listed gravity loads without testing or listing individual material properties. Arch thrust in spans where work is performed and in adjacent spans shall be taken into consideration when alterations are made, and the structural integrity of individual terra cotta units shall be maintained.

H102.2.2 Unreinforced masonry and concrete arch floors. Unreinforced masonry and concrete arch floors that were approved by the department or other city or New York state agencies based on load testing may be allowed to support code-listed gravity loads without testing or listing individual material properties. Arch thrust in spans where work is performed and in adjacent spans shall be taken into consideration when alterations are made, and the structural integrity of individual terra cotta units shall be maintained. Corrugated iron-arch floors with cinder or stone concrete fill shall be analyzed as concrete arches using the material and geometry observed. Deterioration of the iron-arch material shall be assessed for removal of loose overhead sections.

H102.2.3 Draped mesh concrete floors. Draped-mesh concrete slabs are one-way concrete slabs spanning between encased metal beams reinforced with wires or wire mesh designed to carry floor gravity loads through catenary action. Commonly made with cinder concrete (concrete with coal cinders as coarse aggregate) but sometimes with stone concrete. Load is transferred from the slabs to the beams through both the encasement and the wires. Draped mesh concrete floors that were designed using the formulas specified in prior versions of the *New York City Building Code* may be allowed to support code-listed gravity loads without testing or listing individual material properties in accordance with the following:

$$w = (3CA_s) / L^2$$

(Equation H-1)

where:

w is the allowable gross uniform load on the floor (psf).

A_s is the cross-sectional area of the main reinforcement (in^2/ft of slab width).

L is the clear span between steel-beam flanges (ft).

C is a coefficient as set forth below in note b.

Note b: C is 20,000 psi for lightweight concrete (including cinder concrete) with continuous reinforcing; 14,000 psi for lightweight concrete (including cinder concrete) with reinforcing hooked or attached at 1 or both supports; 23,000 psi for stone concrete with continuous reinforcing; 15,000 psi for stone concrete (with reinforcing hooked or attached at 1 or both supports).

L may not exceed 10 feet (3048 mm) for gross floor load of 200 psf or less; L may not exceed 8 feet (2438 mm) for gross floor load that exceeds 200 psf.

Reinforcing wire must have an ultimate stress of at least 55,000 psi.

C may be increased by the ratio of the actual ultimate stress to 55,000 psi, up to a maximum 30 percent increase.

Where the slabs have been exposed to water (at the roof or at areas with plumbing) or have been previously altered, the reinforcing shall be examined for deterioration or cuts that reduce continuity or anchorage. Steel beams in cinder concrete areas exposed to water

shall be examined for loss of section. Drawings for new alterations shall include details to preserve continuity and anchorage.

H102.2.4 Proprietary reinforced concrete systems. Proprietary reinforced concrete systems with capacity listed in the drawings that were approved by the department based on load testing may be allowed to support code-listed gravity loads without testing or listing individual material properties.

H102.2.5 Proprietary floor and roof deck systems. Proprietary floor and roof deck systems identified with prior approval by a city agency for use are not required to be strengthened provided alterations do not cause the sum of the live and dead loads to exceed the previously approved capacity limits.

H102.3 Other systems. Other systems that have been used in New York shall be evaluated based on general engineering principles and investigations. Design references obtained from various sources, including but not limited to manufacturer's literature, published manuals, and previous codes are permitted to be used for reference for systems and construction techniques described in Sections H102.3.1 through H102.3.15.

H102.3.1 Open web joists. Open web joists that predate Steel Joist Institute standards issued in 1928 shall be analyzed as steel trusses.

H102.3.2 Buildings with relieving walls. In masonry bearing wall buildings where wood-joist floors are carried above and connected by wood-stud walls parallel to the masonry bearing walls, the contribution of such relieving walls to floor and roof support shall be considered when designing alterations. The relieving walls shall be analyzed as wood bearing walls per this code and shall not be removed without providing other adequate supports to the floors.

H102.3.3 Bowstring trusses. Wood trusses made from lightweight members, typically nominal or true two-inch members, with straight lower chords, arched upper chords and lattice or diagonal web members, were typically constructed between 1900 and the 1960. Where repairs or alterations involve bowstring trusses, the wood species and grade shall be identified, and the capacity of the truss shall be re-evaluated using material tensile capacity from current standards. The presence of lateral bracing, end conditions, splices within chords, and end connections between chords at supports shall be determined when performing any condition assessment.

Exception: Where bowstring trusses have been previously evaluated and reports accepted by the department, the tension demand-capacity ratio of bottom chord and web members need not be re-evaluated as long as no new loads are added to the truss.

H102.3.4 Cast iron columns. Alterations involving cast iron columns shall comply with the following items:

1. Cast iron columns and supported framing shall not be altered so as to create eccentricity that causes net tension or increases existing net tension in the shaft of the column. Cast iron columns shall not be used to resist shear or bending due to wind and seismic loads.

2. Data from coupon testing of cast iron shall not be used as the basis for general design strength. See Section H103.3.

3. Structural cast iron shall not be welded.

H102.3.5 Early reinforced concrete. Reinforced-concrete structure constructed before 1941 may have designs that are not recognized by current code, including beams without stirrups or columns without lateral or vertical reinforcing. Analysis of such structures shall include the effects of reduced anchorage, shear capacity, and confinement.

H102.3.6 Guastavino arch systems. Arch and vault construction used for floors (see Item 2 of Section H102.2), roofs, domes, and ceilings, composed of multiple layers of solid, flat, thin tiles set in thick mortar beds. Analysis of Guastavino structures shall use thin-shell arch and vault methods.

H102.3.7 Gypsum decks. Poured in place gypsum floor and roof decks utilize draped reinforcing mesh spanning over steel bulb tees supported by steel joist or wood framing members. Analysis shall use original manufacturer's design data or catenary formulas based on field-measured reinforcing.

H102.3.8 Nogging walls. Wood-framed bearing walls with brick placed between wood studs or timbers as insulation or fireproofing shall be analyzed as wood-frame buildings under this code. Brick between studs shall not be considered structural but, unless replaced with material of sufficient fire resistance, shall be preserved as fire separation, including repairs to the mortar if needed.

H102.3.9 Gypsum block partitions. Lightweight gypsum unit masonry used for partitions, usually in fire-rated buildings. These partitions shall be laterally braced and shall not be used to support any gravity load other than self-weight. Alterations shall maintain existing fire separation requirements of these partitions.

H102.3.10 Structural clay tile and terra cotta partitions. Lightweight unit masonry used for partitions, usually in fire-rated buildings. These partitions shall be laterally braced and may be loadbearing or nonload-bearing. Alterations shall maintain existing fire separation requirements of these partitions.

H102.3.11 Reverse arch masonry foundations. Strip footings consisting of inverted masonry arches supporting individual columns or piers. Where alterations to the structure above change the differential loading between adjacent columns or piers, the effect on the arches shall be analyzed. The arches shall not be altered in a manner that reduces their continuity unless an alternate load path is provided.

H102.3.12 Stone structural elements. Where members of natural stone used as arches, beams, slabs, walls, or foundation elements are subject to an alteration, their carrying capacity shall be evaluated using ASTM standards for stone. The type of stone and flaws (inclusions, veining, and non-isotropic properties) shall be considered in the analysis.

H102.3.13 Tongue and groove wood diaphragms. Tongue and groove wood diaphragms shall be analyzed for lateral load as lumber diaphragms in accordance with the "Special Design Provisions for Wind & Seismic" set forth in the National Design Specification for Wood Construction.

H102.3.14 Rubble masonry. Allowable compressive stress on masonry and foundation wall construction using irregularly shaped and random-sized stones shall be according to Table H103.5, provided the presence and condition of the mortar is satisfactory, that the mortar fills the voids between the stones and there is sufficient unweathered binder to maintain cohesion.

The condition assessment of rubble walls shall include the condition of the mortar at the interior of the wall. Such assessment shall take into account that the mortar joints are wide and can be as much as 30 percent of the wall volume.

H102.3.15 Post-installed anchors. Anchors installed in the horizontal or upwardly inclined position when the anchors are supporting a sustained tension load shall not be used in floors composed of terra cotta, gypsum, or cinder concrete unless they pass the test procedure in Section 1709.3 of the *New York City Building Code*.

SECTION EBC H103
HISTORIC MATERIAL PROPERTIES

H103.1 Historic material properties. Historic material properties may be determined in accordance with Section H101.2.1 and using the information in Sections H103.2 through H103.8, as appropriate.

H103.2 Structural steel. The dates below indicate the year when codes, specifications, and standards were published. The possibility that back-stock materials were used at later dates shall be taken into account when determining historic material properties. Sampling and testing are recommended as appropriate, particularly for material manufactured before 1900.

TABLE H103.2
STEEL STRESSES: SHAPES, PLATES, AND EYEBARS

Years	Yield Stress (ksi)	Ultimate Tensile Stress (ksi)
1880-1899	20	40
1900-1931	27.5	55
1932-1961	33	60
After 1961	36	58

TABLE H103.2.1
STEEL STRESSES: RIVETS

Years	Allowable Stress (ksi)	Load Type
1899-1923	5	Tension
	8	Shear
1924-1936	7	Tension
	10	Shear
1937-1946	15	Tension

Years	Allowable Stress (ksi)	Load Type
	15	Shear
1947-1961	20	Tension
	15	Shear

Notes: ASTM A141 for rivets published in 1933.

TABLE H103.2.2

STEEL STRESSES: CARBON STEEL BOLTS

Years	Allowable Stress (ksi)	Load Type
1899-1923	5	Tension
	7	Shear
1924-1941	7	Tension
	10	Shear
1942-1961	12	Tension
	10	Shear

Notes:
(a) capacities are based on nominal diameter of fastener.
(b) threads need not be excluded from shear plane.
(c) ASTM A307 published in 1947.

TABLE H103.2.3

STEEL STRENGTH: WELD MATERIAL

Year	Weld electrode tensile strength (ksi)
1934-1945	40
1946-1961	60

H103.3 Cast iron. For cast iron, see the allowable working stress in Table H103.3.

TABLE H103.3

CAST IRON ALLOWABLE WORKING STRESS

Stress Type	Allowable Working Stress (psi)
Tension	2,500
Shear	2,500
Flexural compression	16,000
Flexural tension	2,500
Compression on columns	$F_a = F_{cr}/\Omega$ $\Omega = 2.3$ $F_{cr} = 17000$ for $L/r \leq 108$ $F_{cr} = (198.3\times10^6)/(L/r)^2$ for $L/r > 108$ where L is the unbraced column length, r is the least radius of gyration for the column section, Ω is the ASD safety factor, Fa is the allowable stress, and Fcr is critical stress in psi.

H103.4 Structural concrete and reinforcing steel. For structural concrete and reinforcing steel, see the compressive strength values in Table H103.4.

TABLE H103.4
MINIMUM CONCRETE COMPRESSIVE STRENGTHS (PSI)

Year	Footings	Beams	Slabs	Columns	Walls
Prior to 1900	900	900	900	900	900
1900-1919	1000	2000	1500	2000	2000
1920-1938	1500	2000	2000	2000	2000
1938-1949	2000	2000	2000	2000	2000
1950-1969	2500	3000	3000	3000	2500
1970-Present	3000	3000	3000	3000	3000

Note: Cinder concrete when found shall have 0 psi value for reinforced-concrete analysis.

TABLE H103.4.1
MINIMUM REINFORCING BAR STRESSES

Year	Yield Stress (ksi)	Tensile Stress (ksi)
1904-1966	33	55
1967-Present	40	70

H103.5 Masonry. For brick and block walls, the maximum allowable working stress in compression indicated below may be interpreted as 0.25 × f'm for use with the *New York City Building Code* and its reference standard TMS 402.

TABLE H103.5
MAXIMUM ALLOWABLE WORKING STRESS ON UNDAMAGED SOLID BRICK MASONRY WALLS (FULL MORTAR JOINTS) (PSI)

Year	Conditions for use	Mortar	Compression	Flexural Tension perpendicular to bed joints (Note 3)
Pre 1900		Lime	100	0
Pre 1900	Probed as per note 1	cement-lime	150	5
Pre-1900	See note 2	Natural or Portland cement	200	5
Post 1900		Lime	110	5
1900 -1938		Cement-lime	160	15
Post 1938		Cement-lime	250	15
1900 -1938		Cement	250	25
Post 1938		Cement	325	25
Maximum Allowable Working Stress on Undamaged Hollow Walls of Solid Brick Masonry Walls (full mortar joints) (psi)				
Post 1938		Cement	150	25
		Cement-lime	125	15
		Lime	50	15
Note 1	Cement particles visually observed in mortar by removing a brick (2 locations) and documented in condition survey.			
Note 2	See Section H101.2 for testing requirements.			

Year	Conditions for use	Mortar	Compression	Flexural Tension perpendicular to bed joints (Note 3)
Note 3	Allowable shear shall be 1.4 times the given allowable tension.			
Maximum Allowable Working Stress on Undamaged Concrete Block Walls (full mortar joints on bedding area with hollow or solid units) on net area unless otherwise noted (psi)				
Pre 1968			58 (stress on gross area)	5
1968-1991			140	5
Post 1991			250	9
Maximum Allowable Working Stress on Undamaged Rubble Masonry Walls (full mortar joints) (psi)				
Any		Lime	75	0
Any		Cement	110	0
Maximum Allowable Working Stress on Undamaged Terra Cotta Masonry Walls (full mortar joints) (psi)				
Any	Cells oriented vertically.	Cement	70 on gross area	0
Any	Cells oriented horizontally	Cement	70 on gross area	0

H103.6 Timber. For timber construction, see Sections H103.6.1 and H103.6.2.

H103.6.1 Buildings erected on or before 1938. Buildings erected on or before 1938 with wood-framed construction not having grade mark stamps use the allowable stresses from Table H103.6.1 if the wood species is known:

TABLE H103.6.1
TIMBER ALLOWABLE STRESSES

Wood Species	Compression (psi)	Tension (psi)	Shear (psi)	Bending (psi)	Elastic Modulus (psi)
Yellow Pine, Longleaf	With grain: 1600	1200	With grain: 150	1600	1,600,000

Wood Species	Compression (psi)	Tension (psi)	Shear (psi)	Bending (psi)	Elastic Modulus (psi)
	Across grain: 1000		Across grain: 1000		
Douglas Fir	With grain: 1200 Across grain: 800	800	With grain: 100 Across grain: 1000	1200	1,200,000
Yellow Pine, Shortleaf	With grain: 1000 Across grain: 800	900	With grain: 100 Across grain: 1000	1000	1,000,000
Spruce	With grain: 1200 Across grain: 800	800	With grain: 100 Across grain: 500	1000	1,000,000

H103.6.1.1 Species not otherwise known. The wood species shall be taken as spruce from Table H103.6.1 where not otherwise known.

H103.6.2 Building erected after 1938. Buildings erected after 1938 in with wood-framed construction and having grade mark stamps, shall follow the current National Design Specifications.

H103.7 Cold-formed steel. For cold-formed steel, use the strength values in Table H103.7.

TABLE H103.7
COLD-FORMED STEEL STRENGTH

Date	Tensile Strength (ksi)	Yield Strength (ksi)
Prior to 1991	42	25
1991 and after	45	33

H103.8 Wrought iron. For wrought iron, use the stress values in Table H103.8.

TABLE H103.8
WROUGHT IRON ALLOWABLE STRESSES

Element	**Stress Type**	**Allowable Working Stress (ksi)**
Shapes and plates	Direct compression	12
Shapes and plates	Tension	12
Shapes and plates	Shear	6
Rivets	Shear	6
Bolts	Shear	5.5

§ 3. Notwithstanding any other law or rule, tables, figures or equations in PDF or other electronic format to be added to the New York city existing building code need not be underlined to denote new matter being added. The absence of underlining to denote new matter being added shall not affect the validity of new tables, figures or equations in PDF or other electronic format to be added to the New York city existing building code.

§ 4. This local law takes effect on the same date as a local law amending the administrative code of the city of New York and the New York city construction codes, relating to conforming provisions of such codes with provisions of the New York city existing building code, as added by section two of this local law, as proposed in introduction number 1422-A of the year 2025, takes effect.

APM/WAE
12/17/25 12:45 pm