

NEW YORK
STATE
SENATE



ALBANY, NEW YORK 12247

July 6, 2021

Code Development Unit
New York State Department of State
Division of Building Standards and Codes
One Commerce Plaza
99 Washington Avenue
Suite 1160
Albany, NY 12231

Members of the New York State Code Council:

We are writing to urge the Division of Building Standards and Codes and the Code Council to update the state's Uniform Building Code to adopt and strengthen requirements concerning aging high-rise buildings in coastal communities.

We are appreciative of the fact the Code Council has continued to make efforts over the years to improve the safety and structural integrity of our buildings. However, the terrible tragedy in Miami-Dade County requires further efforts to ensure that a similar event does not occur here. While there is no reason for immediate alarm, as representatives of coastal communities that share many similarities with Florida, we are hearing from worried constituents who wonder about the structural integrity of their buildings. Therefore, we are requesting that you consider mandating annual inspections of certain older buildings.

The Code Council should propose a process for older buildings to recertify by conducting annual structural integrity inspections. Structures built decades ago under outdated requirements deserve extra scrutiny and it is only logical to require older buildings undergo new structural safety inspections, especially since many of them already undergo annual fire inspections. Further, buildings exposed to salt air come with heightened risks that require more careful and frequent examination. Indeed, in 2016 in Long Beach, a building adjacent to the ocean suffered multiple balcony collapses that foreshadowed a much worse disaster that thankfully was averted.

The Code Council should also reassess its standards for construction in high-risk coastal areas. These units suffer from a barrage of storms – including hurricanes – as well as years of exposure to the corrosive salt air. Such environmental conditions are only likely to get worse with climate change as we continue seeing more damaging rain and winds from hurricanes as well as rising sea levels. We must guarantee the state's building codes for construction in coastal areas reflect

recent construction and technology improvements, incorporate best practices, and ensure our buildings are as safe and secure as possible.

Thank you for your consideration and please do not hesitate to contact our offices if you have any questions.

Sincerely,



Todd Kaminsky
Senator, 9th District



Diane Savino
Senator, 23rd District



Roxanne Persaud
Senator, 19th District

STATE OF NEW YORK
DEPARTMENT OF STATE

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ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

August 6, 2021

Senator Todd Kaminsky
New York State Senator, 9th District

Dear Senator Kaminsky,

This is in response to your letter, dated July 6, 2021, to the State Fire Prevention and Building Code Council (Code Council) requesting that the Division of Building Standards and Codes (Division) and the Code Council update the State Uniform Fire Prevention and Building Code (Uniform Code) to adopt and strengthen requirements concerning aging high-rise buildings in coastal communities and to consider mandating annual inspections of certain older buildings.

As you are aware, I oversee the Division, which works closely with the Code Council to New York State's Uniform Code. We are continuously reviewing the Uniform Code to develop, recommend, and implement updates. It is our mission to ensure that the Uniform Code provides structural integrity and building safety for all New Yorkers.

The Uniform Code is designed specifically to require that all buildings must be built and maintained in a safe and sound manner. Part 1203 of Title 19 of the New York Codes, Rules and Regulations require that fire safety and property maintenance inspections must be completed every 1 to 3 years for multi-unit homes and commercial buildings, in addition to the in-depth inspections mandated at the time of construction and any subsequent renovation. These inspections, carried out and enforced by trained local government code enforcement officers, include life safety provisions as well as property maintenance items such as identifying unsafe conditions relating to structural member deterioration, foundation systems, and proper structural member loading.

The national tragedy in Miami has shocked us all, and our thoughts and prayers are with all the victims. We are reviewing information about the Miami building collapse as it becomes available, and we will undertake a thorough review of any final investigative reports once released. We will assess those findings, consider recommendations, and consult with experts including our own Code Council and the International Code Council. We will take any necessary action to ensure that high-rise buildings built and maintained in New York State remain safe and secure for all.

I thank you for the call you had with members of my staff to address your concerns. I would like to add that if any of your constituents have specific concerns about a building, they should contact the Building Department of that jurisdiction and file a complaint. Building departments are required to investigate complaints as part of their code enforcement duties.



**Department
of State**

If you have additional questions, please contact Justin Cartwright, Director of Government Relations (518) 474-7632. Thank you for your support and cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Rossana Rosado". The signature is stylized with a large, sweeping initial "R" and a long horizontal stroke extending to the right.

Rossana Rosado
New York State Secretary of State

Cc: Senator Diane Savino
New York State Senator, 23rd District

Roxanne Persaud
New York State Senator, 19th District

CHAIRMAN
ENVIRONMENTAL CONSERVATION

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THE SENATE
STATE OF NEW YORK
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SENATOR TODD KAMINSKY
9th SENATE DISTRICT

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August 23, 2021

Rossana Rosado
New York State Secretary of State
One Commerce Plaza
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Albany, NY 12231

Secretary of State Rosado,

I am in receipt of your reply to my previous letter urging the state to require the Uniform Building Code to improve requirements for aging high-rise buildings in coastal communities. While I appreciate your response and attention to this issue, I have great concern about Code Council's unwillingness to take immediate action.

Your response suggested that major new requirements might be unnecessary because fire safety and property inspections are already conducted by local buildings departments. Yet, these inspections are often not conducted by engineers and do not certify structural integrity. Your response even acknowledged that the current inspection process is not the same as the in-depth inspections that occur at the time of construction. Meaning, these inspections, which are more like walkthroughs, can and should be strengthened. The State should instead require on-site periodic inspections by professional engineers. The training and resources our local code enforcement officers have are not enough to detect complex structural issues.

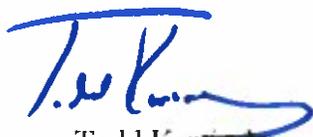
It is instructive that changes have already been made to address problems with parking garages. Current regulations require parking garages to undergo periodic assessments. Throughout the winter, vehicles bring deicing salt from roads and driveways into garages, which accumulates on concrete and causes corrosion. Similar requirements should be put forward for high-rise buildings in high-risk coastal areas. Just as with parking garages, the Building Code should require owners of high-rises to retain professional engineers to perform in-depth inspections.

As to your point about my constituents contacting the building department with their concerns, this will not help address their rightful apprehension regarding the inadequacy of our current building code. The only way to properly address their concerns is by requiring a more stringent inspection process for aging high-rises so that what occurred in Miami-Dade County does not occur here



I hope we can continue working together to make necessary amendments to the current building codes to ensure that coastal buildings are safe and secure. Please do not hesitate to contact my office if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Todd Kaminsky". The signature is stylized with a large, sweeping initial "T" and a long, horizontal flourish extending to the right.

Todd Kaminsky
Senator, 9th District