Welcome

Have your Appendix ready
You need your 2020 Building Code
Look for the Q&A Feature

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https://www.dos.ny.gov/DCEA/code_outreach_program.html

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Uniform Code or Energy Code, email our technical support group at: codes@dos.ny.gov.

In-Service Training credits:
https://www.dos.ny.gov/DCEA/pdf/Check%20training%20credits.pdf

How to View Your Training Credits in SLMS:
https://youtu.be/jgMPIQtV17c
Basic Training Program

Introduction to Code Enforcement Practices

9A Administration and Enforcement
9B Fire Safe Design
Balanced Protection for Fire Safety
9C Inspection of Existing Buildings and Facilities
Fire Code and Property Maintenance Code
9D General Construction Principles
Systems and Equipment, Structural Requirements
9E Residential Code of New York
One- and two-family dwelling construction
9F The Building Code of New York
Application through Plan Review

New York State Uniform Codes
What are codes?

“A systematic, comprehensive collection of laws and rules.”

Why do we have “Codes”?

“.... In order to provide a basic minimum level of protection to all people of the state from the hazards of fire and inadequate building construction” quoted from the “Building Code Act”

The Mission of Code Enforcement

Protect Lives and Property from:
- The hazards of fire.
- Structural collapse.
- Release of hazardous materials

“To establish the minimum requirements for providing a reasonable level of life safety and property protection in new and existing buildings, structures and premises.”

Health, Safety, and General Welfare
Inadequate Maintenance

Sometimes just bad judgment.

Unsafe Structures
CEO

Code Enforcement Official
A person who performs any enforcement activity

19 NYCRR 1208-1.2

Role of the CEO in Society

Code Enforcement vs. Law Enforcement
Objective of Code Enforcement

The Approach and the Job

Construction of New Buildings
Changes made to Existing Buildings
Fire Safe Practices in Existing Buildings
Maintenance of Structures, Equipment and Premises

The Overall Picture

State Law mandates …
NYS Uniform Fire Prevention and Building Code
For ALL Public and Private buildings, except in NYC
To be Enforced by …
Local Governments, County Governments, and State Agencies
Title 19 regulates the minimum standards for administration and enforcement
To Implement the Law

Every City, Town, Village and County
Shall provide through LOCAL LAW and
Shall include the FEATURES prescribed by the Secretary
State Agencies
Shall follow “Minimum Standards for Administration and Enforcement by State Agencies”

Your Local Law

It EFFECTUATES the power of Government
Passing authority to you or your boss
It serves as a Job Description
It describes the Entire Program
It is Your most Valuable Tool

The “Traditional” Job Titles

Building Inspector
New construction activities
Fire Inspector
Fire safety in existing buildings
Maintenance of commercial properties
Housing Inspector
Safe and sanitary residential premises
Fire Marshal
Fire related issues for both new and existing properties
The “OFFICIAL” Title
Your LOCAL LAW will determine your Title
The code text ALWAYS uses “Code Enforcement Official”
If your “title” is “charged with enforcement”, you are the CEO for THAT Code or issue

Certification Levels
Building Safety Inspector
Code Enforcement Official

Basic Training Certification
Certification may be obtained by:
100% attendance at the three Basic Training Programs, 9A, 9B, 9C AND …
Passing the Three Exams
Basic Training Certification

Certification may be obtained by:
100% attendance at the six Basic Training Programs, AND
... Passing the Six Exams
Within 18 months

SO YOU WANT TO BE A CODE ENFORCEMENT OFFICER...

Let's look at the basic responsibilities of the job

You are a Public Official

What it means to be a public employee.
Protecting the Public

Our Mission,
Protect the health,
safety and general
welfare of the public.

Reviewing Building Plans

You shall regulate
construction
activities with a
Building Permit
System

Inspecting construction activities
associated with the Building Permit

Site inspection
Footings before the pour
Foundation before backfill
Framing
Plumbing
Heating
Insulation
Electrical
Final for certificate of occupancy
Conduct Fire Safety Inspections in Residential Buildings.

- Safe and sanitary conditions
- Number of occupants
- Proper plumbing and heating
- Structural and Non-Structural Maintenance
- Unsafe conditions

Just a few items you must inspect.

Conduct Fire Safety Inspections in Commercial Buildings

Complaints

- Garbage and Rubbish
- Unregistered motor vehicles
- Broken sidewalks
- Abandoned Structures
Maintain Public Records

Communication

With the public
With contractors
With co-workers
With elected officials
With the Media

How do you communicate with others?

Other duties

Subdivision Regulations
Special Use Permits
Zoning
Planning
Officials have the duty, and
The **authority** to enact the powers of government

- Inspections
- Issue permits
- Issue violation notices
- Appearance tickets
- Court appearances
- Search warrants

Protect the civil rights of others

- Due Process of Law
- Right to Privacy

If you need assistance …

**Our Web Site** [http://www.dos.ny.gov/dcea/](http://www.dos.ny.gov/dcea/)

- Albany Central Office  (518) 474-4073
  - All Training questions
  - Manufactured Housing questions and complaints
- For Technical Assistance
  - **First call is your Regional Technical Assistance Office**
- For Boards of Review
  - **First call is your Regional Technical Assistance Office**
The History of Codes
Including the New York State Building Code Act

What prompted the development of Codes?
Fires, Accidents, Structural Failure, Human Error, Environmental Issues, Equipment Failure
Just about anything can and does happen.
Let's look at some causes and see if we can figure out what codes developed or what codes are involved.

History of Codes
In this lesson we will discuss:
When did building codes start.
Where did codes start. The historical perspective.
What prompted codes.
The foundation for current regulations.
Understanding why.
Codes

Codes restrictions do not develop in a vacuum,
They generally erupt after a disaster.
Which really means:

The history of things that have gone wrong.

Codes

People will say:

"Why do I have to do that?"

"It’s my building I can do what I want"

If we are proactive by verifying that structures are safer, then we may prevent or at least minimize the problems.

Same Day

October 8, 1871

Chicago - Started by a cow, according to legend
Death Toll over 250 people
Peshtigo, Wisconsin – Consumed 23 towns
Death Toll 1500 people
Theatre was advertised as Absolutely Fireproof
Designed for 1600 occupants
Occupant Load was 2000 plus 400 actors, dancers and stage hands
Iroquois Theatre

The results:
602 Dead including 212 Children.

Developments:
Panic Bars on doors.
Testing the "fireproof curtain.
Door swing in the direction of egress

June 15, 1904

General Slocum Ferry Disaster
East River heading towards the Long Island Sound
1358 passengers plus crew
September 23, 2020

General Slocum

Results:
1,021 died

Developments
Inspection of fire hoses, life vests and life boats.
Fire Emergency Training

March 4, 1908

Lake View School
Collinwood, Ohio
Just outside Cleveland
Approximately 400 students attended this school.
Collinwood School Fire

Adults attempted to pull students out but they were so entangled at the doors they couldn’t be saved.

Results
- 172 children dead
- 2 teachers dead
- 1 Rescuer dead

Developments
- Panic Bars
- Interior Finishes
- Door swing
Triangle Shirt Waist Factory
March 25, 1911

The fire started on the eighth floor at about 4:40PM on a Saturday.

First Alarm at 4:45 with smoke coming from the eighth floor.
A Division of New York Department of State

Triangle Shirtwaist Factory

The fire escape on the Greene Street side of the building

Results:
146 died

Developments:
Access and Egress
Fire Extinguishers
Fire Alarms

November 28, 1942

Cocoanut Grove, Boston
Massachusetts
Cocoanut Grove

Results
492 Dead

Developments
Outward swinging Exit Doors
Non Flammable Decorations
No Exits Chained
Exits signs visible
Revolving door changes

July 6, 1944
Hartford Circus
Ringling Brothers
And
Barnum and Bailey
"Largest Circus in the country"

Hartford Circus Fire
Hartford Circus Fire

Became known as
“The Day the Clowns Cried”
Emmett Kelly tried to fight the fire with buckets of water.

Results:
169 Dead
700 injured

Developments:
Non Flammable treatment,
Means of Egress
Fire Extinguishers

April 16, 1947

Texas City,
Galveston County, Texas

Deadliest Industrial Accident in US History
Elementary School, Cheektowaga, NY
100 foot long wooden school annex.
Annex was constructed in 1941 because of a large influx of new students.
September 23, 2020

Results:
15 children between the ages of 10-12 died.

Developments:
- Fire Alarms to connect to police/fire department
- Second means of egress from classrooms
- Stairways to have fire doors
- Fire Extinguishers in the hallways
- Fire Drills increased

December 1, 1958

Our Lady Of Angels School
Chicago, Illinois

Elementary school
Second Grade through Eighth Grade
1,600 Students
Results:
92 Children and 3 nuns died
120 Injured

Developments:
Changes in school safety enacted nationwide.
In Chicago – Fire alarm box in front of all schools
Hoardng

Big Public Events
Occupant Load
Sanitary Facilities
Means of Egress

Crowds

Bad Construction

Deck
Collapse

Ends the
Prom night
very quickly
March 2, 1973

Skyline Tower Collapse
14 Dead
35 Injured

July 17, 1981

Hyatt Regency
114 Dead
216 Injured

Hyatt Regency

Original Walkway Design

Actual Walkway Construction
June 29, 2003
Balcony Collapse
Chicago, Illinois
13 Dead
57 Injured

Chicago Balcony Collapse
Chicago Officials Inspect balconies throughout the city
500 cases for Court action
760 Cases to Administrative Action

2013
We will look at four major incidents that happened in the United States in 2013
April 17, 2013
West Fertilizer Company
West, Texas
Ammonium Nitrate
Anhydrous Ammonia

Results:
12 Dead
60 missing
200 Injured

June 5, 2013
Salvation Army Building Collapse
Philadelphia, Pennsylvania

Neighboring building under demolition collapsed on the Salvation Army Building
Salvation Army Building

Results:
6 Dead
Fourteen injured

Developments:
New Demo Rules
Increase Inspections
Contractor Expertise

July 29, 2013

Blue Rhino Propane Plant
Explosion Tavares, Florida

September 1, 2013

Dietz & Watson Warehouse
Roof covered with solar panels

Developments
Access for fire services
Pool Alarms

Drownings

2005-2014
Average 10 deaths per day
20% - Children under 14 years old

Pool Alarms

Property Maintenance Code

Applicability. A swimming pool or spa installed, constructed or substantially modified after December 14, 2006, shall be equipped with an approved pool alarm.

Carbon Monoxide (CO)

2007
NEW YORK
46 deaths
Carbon Monoxide

Amanda’s Law

CO Alarms in all dwellings. 2002

Codes

Codes provide:
- **Minimum** Requirements for the protection of life safety
- **AND**
- **Minimum** requirements to safeguard public safety, health and general welfare.
Lesson 3

Codes Timeline

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OLD New York

1647, PETER STUYVESANT, NEW AMSTERDAM
First Fire Prevention Code in America

New York City 19th Century

1867 Tenement Housing Act
A response to the overcrowded and shoddy tenement structures that had been erected during the 1840's, required:

- proper fire escapes
- a ventilating or transom window to a neighboring room or hall
- one water closet or privy for every twenty occupants
- a water tap on each floor
- a roof in good repair
- banisters on stairways.

This was the first U.S. housing code
MULTIPLE DWELLING LAW

Superseded the Tenement Housing Law in NYC in 1929
MDL was voluntary for rest of the state
Currently enforced in New York City
MULTIPLE RESIDENCE LAW
would apply to all NYS other than NYC and Buffalo.
It became effective 1952.

And while the MRL was being developed.....

While developing MRL

July 1, 1952 Multiple Residence Law became effective.
Time for compliance, in some cases, was deferred
Final compliance date was July 1, 1955

New York State Codes Timeline

4/18/1929 New York State Multiple Dwelling Law (cities with a population of 325,000 or more – mandatory and still in effect).
11/1/1951 State Building Construction Code applicable to One- and Two-Family Dwellings (including Factory Manufactured Homes).
7/1/1952 New York State Multiple Residence Law (cities with less than 325,000 and all towns and villages – mandatory and still in effect).
12/15/1953 State Building Construction Code applicable to Multiple Dwellings (including Factory Manufactured Homes). 1
NYS BUILDING CONSTRUCTION CODE.

Model code to regulate new construction
Local option to adopt (not mandated)

Published Dates
One and two family – 1951 (A Code)
Multiple Residence – 1953 (B Code)
General Construction – 1956 (C Code)
Plumbing – 1958 (P Code)
Code Manual (guide to compliance)
One and two family - 1954
All construction - 1959
Revised - 1977, NOT CURRENT WITH UNIFORM CODE

New York State Codes Timeline

8/15/1958 State Building Construction Code applicable to Plumbing (including Factory Manufactured Homes).
1974 State Model Housing Code (optional for municipalities, date to be established by the municipality). Met the housing regulation requirements for Federal and State urban renewal and housing programs, including mobile homes and migrant housing. To be used with the State Construction Codes for 1-2 Family Dwellings and Multiple Dwellings.

NYS Codes

1974 State Model Housing Code Optional for Adoption
1976 NYS Fire Prevention Code
1979 NYS Energy Conservation Code Mandatory
And then …
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**Historical Development, Impetus: Fire**

MGM Grand
Las Vegas, 11/20/80, 85 dead

Stouffer's Inn
Harrison NY (next to White Plains), 12/04/80
26 dead (19 of the 26 were from one corporation)

Two hotel fires within two weeks with a total of 111 people dead

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September 23, 2020

**Blue Ribbon Task Force: Findings**

Blue Ribbon Task Force

- Few Communities with codes
- Inconsistent enforcement
- Myriad of codes across state
- State Building Construction Code
- Fire Prevention Code
- Local Codes/National Codes
- Mix of codes
- Lack of consistency and training

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September 23, 2020

**Blue Ribbon Task Force**

Recommendations:
- Single document applied uniformly
- Address construction, fire prevention and building maintenance
- Provide a **minimum** level of safety statewide

**Art. 18 Section 371**
The Results

Task Force report accepted by legislature

Chapter 707 of the Laws of 1981 signed by Governor 7/22/81

Creation of the NYS Uniform Fire Prevention and Building Code

One document

Recognize that fire prevention and building codes are closely related

Mandated statewide

Applies to all buildings, Private and public

Statewide approach to training

The Building Code Act

The management plan for code enforcement in the State of New York
Chapter 707 of the Laws of 1981

Executive Law 159a, b, and c addressed training and responsibilities

Executive Law Article 18
“The Building Code Act”

“Changed the way we do business”

MGM Grand Fire Stouffers Inn Fire

Blue Ribbon Task Force

Chapter 707 of the Laws of 1981

New York State Uniform Fire Prevention and Building Code

Building Code Act
Article 18

Title 19

Sub-Chapter A  Sub-Chapter B  Sub-Chapter C
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/1/1984</td>
<td>New York State Uniform Fire Prevention and Building Code - first statewide mandatory construction code including all state buildings. New York City was exempted from state codes.</td>
</tr>
</tbody>
</table>
- 2016 Uniform Code Supplement Effective 10/3/2016 - 10/30/2017
- 2017 Uniform Code Supplement Effective 10/31/2017 and after
- 2019 Energy Storage Systems Supplement

Effective May 12, 2020 - 2020 New York State specific code books

Effective May 12, 2020 – 2020 New York State Energy Conservation Construction Code

Article 18 The Management Plan

Outline Goals and Objectives
Provide Tools
Establish an Action Plan
Verify Results
Set a course for Corrective Action
Article 18
§ 370, Short title
“ The New York State Uniform Fire Prevention and Building Code Act”
NYSUPBC

September 23, 2020

Article 18 The Management Plan
Management Plan - Goals and Objectives
Section 371 reflects the Blue Ribbon Task Force
Findings
"... the people of the state have yet to receive the basic level of protection to which they are entitled ...”
"There does not exist ... a single, adequate, enforceable code "
"The present system ... is characterized by a lack of adequately trained personnel ...
"The multiplicity of ... code requirements ... increases the cost of doing business ...

Purpose ... "therefore"
"Place private and public buildings on an equal plane ..."
"require new and existing buildings to keep pace... including, where appropriate, provisions that apply on a retroactive basis ...
"... to both residential and non residential buildings.”
Article 18 The Management Plan

§ 371, Findings and Purpose
Reflects findings of the Task Force
Part 1.
a. Loss of life and property
b. No single code with min standards
c. Many areas with no enforcement
d. Lack of trained, qualified personnel
e. Threat to safety, health and welfare
f. Existing codes may inflate the cost of construction

Article 18 The Management Plan

§ 371, Findings and Purpose
Part 2.
a) Provide minimum level of protection
b) Provide protection from
   Hazards of fire
   Inadequate building construction
(2) Combine building and fire codes as one
(3) Equal protection for public and private buildings
(4) Require all buildings to keep up with technology
(5) Provide protection to residential and non residential buildings

c) Insure enforcement through the state
d) Encourage local governments to exercise power to enforce
e) Provide uniform training and qualification of code enforcement personnel

§ 371.2 (continued)
Article 18 The Management Plan

§ 372, Definitions
Provides a list of 19 definitions to be used with this article

- Areas of public assembly
- Council
- Factory manufactured home
- Local government
- Means of egress

What is a Manufactured Home?
- A structure designed as a single dwelling unit
- Transportable in one or more sections
- 8 feet wide (or more) in the traveling mode
- 320 square feet or larger
- Built on a permanent chassis
- With or without a permanent foundation
- Pre-installed plumbing, heating, HVAC
- Built after June 15, 1976

And...

What is a Manufactured Home?
- Bearing a seal signifying conformance to the design and construction requirements of the Department of Housing and Urban Development, Manufactured Home Construction and Safety Standards, 24 CFR Part 3280 (HUD Code)
What is a Manufactured Home?

- A structure designed as a dwelling
- Transportable in one or more sections
- Built on a permanent chassis
- With or without a permanent foundation
- Pre-installed plumbing, heating, hvac
- Built before June 15, 1976

And...

With or without a label certifying compliance with NFPA, ANSI or a specific state standard.

What is a Mobile Home?

- A structure designed as a dwelling
- Transportable in one or more sections
- Built on a permanent chassis
- With or without a permanent foundation
- Pre-installed plumbing, heating, hvac
- Built before June 15, 1976

And...

With or without a label certifying compliance with NFPA, ANSI or a specific state standard.

What is a Trailer?
What is a Factory Manufactured Home (modular)?
- A structure designed as a dwelling
- Transportable in sections
- Intended for permanent foundation
- Constructed in a manufacturing facility
- Frame on modular
- And…

What is a Factory Manufactured Home (modular)?
- Bearing a NYS Insignia of Approval signifying conformance to design and construction requirements of the NYS Uniform Fire Prevention and Building Code

Factory Manufactured Buildings with other uses
- Modular structures may be used for commercial buildings.
- They must comply with the Building Code
Article 18 Section 376-a Code Enforcement training and certification Effective: March 18, 2018

1. For the purpose of this section, the term code enforcement personnel shall mean a code enforcement official certified pursuant to this section charged with enforcement of the uniform fire prevention and building code or the state energy conservation construction code.

2. In addition to the functions, powers and duties otherwise provided by this article, the secretary of state may promulgate rules and regulations with respect to:

(a) The approval, or revocation thereof, of code enforcement training programs for code enforcement personnel;

(b) Minimum courses of study, attendance requirements, and equipment and facilities to be required for approved code enforcement training programs for code enforcement personnel;

(c) Minimum training and examination requirements to qualify for code enforcement officer certification, provided that such training and examination requirements shall not result in code enforcement personnel that have otherwise completed the minimum basic training requirements in order to be eligible for continued employment or permanent appointment as of the effective date of the chapter of the laws of two thousand seventeen that amended this paragraph from being ineligible without further training or examination for certification pursuant to paragraph (d) of this subdivision;
Appendix page 84

11 questions
Find the answers to these questions.
We will discuss each of these in detail

Question #1
In Section 374
What is the “Council”?
How many members, including the Secretary of State and the Fire Administrator, are on the Council?

Article 18 Section 374

374.1 State Fire Prevention and Building Code Council
Shall consist of the Secretary of State, as chairman, the State Fire Administrator, and fifteen other members
With the exception of the Secretary of State and the State Fire Administrator who appoints the council?

374.1 (b) Six members, to be appointed by the governor, who shall be an elected officials of
- A city with a population over one million,
- A city with a population over one hundred thousand,
- Any other city,
- County official,
- Town official, and
- Village official.

374.1 (c) Seven members, to be appointed by the governor with the advice and consent of the senate
- Fire service official
- Registered architect
- Professional engineer
- Code enforcement official
- One who represent builders
- One who represent trade unions
- A person with a disability
Question #2
What power is given to the Secretary in Section 376 to resolve a dispute?

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§ 376. Powers of the secretary. The secretary is authorized and empowered:

4. To issue and to publish or cause to be published, including but not limited to publication on the department's website, written interpretations of the uniform code upon written request of a permit applicant or an official responsible for the administration and enforcement of the provisions of such code. Subsequent enforcement of such code shall be consistent with such written interpretations.

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Question #3
In Section 377, who is responsible for the content of the New York State Uniform Fire Prevention and Building Code?
Article 18 Section 377
Powers of the Council. The council is authorized and empowered:
 Shall formulate a Uniform Fire Prevention and Building Code
 From time to time amend particular provisions of the Uniform Code
 Shall periodically review the entire code

Question #4
Section 378 lists issues that MUST be in the Code.
How many duplicate numbered sections are there?

Question #5
In Section 379, may a local government be ALLOWED to adopt a more restrictive local code?
If so, by who and what needs to be done?
Can it be less restrictive?
<table>
<thead>
<tr>
<th>Question #6</th>
<th>What Administration and Enforcement issues were assigned to the Secretary of State in Section 381?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Question #7</td>
<td>What process is found in Section 381 relieve an unnecessary hardship?</td>
</tr>
<tr>
<td>Question #8</td>
<td>In Section 381, are there options for a local government if they do not want to establish their own Code Enforcement program?</td>
</tr>
</tbody>
</table>
Question # 9
In Section 381, who has the authority to check a local government’s code enforcement program?

What alternatives are available if they are not doing the job properly?

Article 18 Section 381

3. The Secretary shall have power to investigate and conduct hearings relative to whether administration and enforcement of the Uniform Fire Prevention and Building Code complies with the minimum standards.

Article 18 Section 381

4. If the Secretary determines that a local government has failed to administer and enforce the Uniform Fire Prevention and Building Code, the Secretary shall take any of the following actions,

a. The Secretary may issue an order compelling compliance
b. The Secretary may ask the Attorney General to institute an action or proceeding to require such local government to administer and enforce the Uniform Code.
Article 18 Section 381

c. The Secretary may designate the county in which such local government is located to administer and enforce the Uniform code
d. The Secretary may, in the place and stead of the local government, administer and enforce the Uniform Code

Question # 10
What kind of enforcement powers are found in Section 382 for code violations?

Article 18 Section 382

Remedies.

1. Every local government and its authorized agents shall have the power to order in writing the remedying of any condition found to exist in, on or about any building in violation of the Uniform Fire Prevention and Building code and to issue appearance tickets for violations of the Uniform Code.
Article 18 Section 381

2. Any person, having been served, either personally or by registered mail, who shall fail to comply with such order within the time, shall be punishable by a fine of not more than one thousand dollars per day of violation, or imprisonment not exceeding one year, or both.

Question #11

In Section 383, is there any place where the Uniform Code does NOT apply?

Article 18 Summary

Uniform Code, mandated state wide
- Trained and qualified personnel
A Code Council
- Standards for the Construction and Fire Safety
Assigned the Secretary of State
- Rules for implementation by Local Governments
Penalties for non-compliance
- Up to $1000 and or 1 year in jail
NYCRR Title 19
The Secretary of State
Rules and Regulations

Review of how we get here.

What is NYCRR?
New York Codes, Rules, and Regulations

Primarily contains state agency rules and regulations adopted under the State Administrative Procedure Act (SAPA).
The 22 titles include one for each state agency, one for miscellaneous agencies and one for the Judiciary.
Title 19 Chapter XXXII Part 1201

Procedures for Certain Classes of Buildings

The Executive Law section 381 assigns responsibility for code enforcement to Villages, Towns, Cities, and Counties.

This part provides exceptions to the law for certain buildings such as Governmental Buildings, Manufactured Housing.

Title 19 Chapter XXXII Part 1201.2

(a) A city, village, town or county will be accountable for administration and enforcement of the Uniform Code with respect to buildings, premises and equipment in the custody of, or activities related thereto undertaken by, the respective city, village, town or county.

(b) A city, village, town or county shall be accountable for administration and enforcement of the Uniform Code with respect to buildings, premises and equipment in the custody of, or activities related thereto undertaken by, any special purpose unit of local government created by or for the benefit of the respective city, village, town or county.

(e) The State Education Department shall be accountable for administration and enforcement of the Uniform Code with respect to buildings, premises and equipment in the custody of, or activities related thereto undertaken by, school districts and boards of cooperative educational services.
(g) The Secretary of State may examine records of a government related to the administration and enforcement of the Uniform Code under this section. It shall be the duty of such government to make those records available to the Secretary upon request.

Part 1201.3

DOS Enforcement Administration for opted out communities

If a city, town or village exercises that option, any power conferred by this Part shall pass in the same manner as any general power under that section. If a county exercises that option, any power conferred by this Part shall pass to the Secretary of State.

Part 1203 - Minimum Standards for Administration and Enforcement

Establishes responsibility:
- Local Governments
- County Governments
- Other accountable agencies

Establishes vehicle for process:
- Local and county government must have a LOCAL LAW
- State agencies follow Part 1204
- Other entities equal the minimum provisions
Part 1203.2 Program and Administration Features

1203.2(a)
Every City, Town, Village and County
    Shall provide through LOCAL LAW
    Shall include the FEATURES prescribed by the Secretary

1203.2(b)
State Agencies
    Shall follow “Minimum Standards for Administration and Enforcement by State Agencies” part 120

1203.2(d)
Every government or agency charged with enforcement of the code
    Shall exercise it power to assure the public receives protection from fire hazards and inadequate construction

1203.2(e)
Contracts and other Agreements
(1) Allows local government to Contract out the administration and enforcement program
    Provider must meet the requirements of Part 434
(2) No agreement shall be made by which the public powers of a municipality are surrendered
    Building Permits, Certificates, Orders or Appearance Tickets must be issued by a public officer
Part 1203.2
Program and Administration Features

1203.2(f)
The persons, offices, departments, agencies or combinations thereof shall be clearly identified.

1203.3 Minimum Features

A government agency charged with or accountable for administration and enforcement of the code shall include all features... must provide for each of the listed features through legislation or other appropriate means.

1203.3(a) Building Permits
1203.3(b) Construction Inspections
1203.3(c) Stop Work Orders
1203.3(d) Certificates
1203.3(e) Notification of fire or explosion
1203.3(f) Procedures for Unsafe Structures
1203.3(g) Operating Permits
1203.3(h) Fire Safety and Maintenance Inspections
1203.3(i) Procedure for Complaints
1203.3(j) Record Keeping
Section 1203.3 Minimum Features

1203.3(a)(1) Building permits shall be required for any work which must conform to the Uniform Code.

A Building Permit System
- Application
- Construction Inspections
- Final Inspection
- Certificate of Occupancy

There are 12 Exceptions

Part 1203 Minimum Features – Building Permits

1203.3(a)(1) A government or agency may exempt certain construction from the permit process as prescribed in sections (i) through (xii).

THE WORK MUST STILL COMPLY WITH THE CODE!

Part 1203 EXCEPTIONS- Building Permits

(i) One story detached structures

- Limitations:
  - In 1 or 2 Family, and Townhouses
  - Max 144 SF
Part 1203.3(a) (1) EXCEPTIONS – Building Permits

(ii) Swings, Playground Equipment

Limitations:
In 1 or 2 Family dwellings and Townhouses

(iii) Swimming Pools

Limitations:
In 1 or 2 Family, and Townhouses and less than 24" depth, Above ground

(iv) Fences

Limitations:
Not associated with Swimming Pool enclosure
Part 1203.3(a) (1) EXCEPTIONS – Building Permits

(v) Retaining Wall

Limitations:
Not enclosing certain flammable/combustible liquids

(vi) Temporary Stage Sets/Scenery

Temporary Motion picture, Television and Theater sets and scenery

(vii) Window Awnings

Limitations:
In 1 or 2 Family, and Townhouse
Supported by Exterior Wall
Part 1203.3(a) (1) EXCEPTIONS – Building Permits

(viii) Partitions and Moveable Cases

Limitations:
Less than 5'-9" high

(ix) Painting, Wallpapering, Tiling, Carpeting
Or similar finishing work

(x) Listed Portable Equipment
Electrical, plumbing, heating, ventilation or cooling equipment or appliances
Part 1203.3(a) (1) EXCEPTIONS – Building Permits

(xii) Repairs
Limitations:
- Don't cut load bearing element
- No rearrangement of means of egress
- Don't effect a building system
- No impairment of a fire protection system

Part 1203.3(a)(2) Application for a Building Permit

...shall request sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code

- Description of the proposed work
- Tax map number and address
- Occupancy classification
- Special inspections if applicable
- Minimum 2 sets of documents

Permit Procedures Overview

Application Package
Plan Review to determine Code Compliance
Take steps to Correct Deficiencies
When satisfied … Issue the Permit
Before a Permit can be Issued
Other approvals may be required

- Land Use and Planning
- Subdivision controls
- Site plan review
- Environmental consideration
- Zoning
- Bulk requirements
- Use
- Other Issues?

General Permit Application Package

Application
Instruction Sheet
Consider having a brief meeting with the permit applicant.

Explain what happens next.
Scheduling procedures for inspections.

Part 1203.3(a)(3) Application Documents
Construction documents shall NOT be accepted unless …

a) Compliant with NY Education Law
b) Indicate nature and extent of proposed work
c) Substantiate compliance
d) Include a site plan where applicable
Extra Responsibilities
As a CEO you are occasionally bound by other laws that you have NO power to enforce.

That means you must comply with them but have no power to enforce them

Here are two examples…

NYS Department of Education

Professional Stamp required
Art. 145, Chapter 7209 Engineer
Art. 147, Chapter 7307 Architect

PHASE 3
The Clark Building
20 Swan St. Albany, NY

KEY PLAN

Education Law : EXCEPTIONS
Farm buildings used directly and solely for agricultural purposes

Residence buildings of gross area of fifteen hundred square feet or less

Alterations, costing less than $20,000** which do not involve changes affecting the structural safety or public safety.
Exceptions
Residence buildings of gross area of fifteen hundred square feet or less

- 700 Sq. Ft. Home
- 700 Sq. Ft. Addition

Worker’s Compensation and Disability

Workers Compensation Law
Article 4 Section 57
Shall not issue such permit unless proof duly subscribed by an insurance carrier is produced.

Workers’ Compensation Article 4
§ 57.
1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.
WORKERS’ COMPENSATION REQUIREMENTS

WCL §57. Restriction on issue of permits and the entering into contracts unless compensation is secured.

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.

2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.

Acceptable Workers Comp Forms:

a) CE-200, Certificate of Attestation of Exemption
b) C-105.2, Certificate of Workers’ Compensation Insurance. An insurance carrier will send this form. NOTE: The State Insurance Fund provides its own version, the U-26.3; or
c) SI-12, Certificate of Workers’ Compensation Self-Insurance (or GSI-105.2, Certificate of Participation in Workers’ Compensation Group Self-Insurance;
d) Letter from the NYS Department of Civil Service indicating the applicant is a New York State government agency.

Please note: ACORD forms are not acceptable proof of workers’ compensation coverage.

For questions, please

• Call (518) 486-6307, or
• Visit www.wcb.ny.gov, or
• e-mail: certificates@wcb.ny.gov.
Part 1203.3(a)(4)
Features – Permit procedures and details

The municipal procedures must provide for these items:
- Applications shall be examined for compliance
- Do a “plan review”
- When finished, mark documents as accepted
- One set for the CEO’s office
- One set for the CEO at the construction site

Document the plan review process

*Documents to Generate, Collect, and Add to your records*
- Plan Review Checklist
- Required Construction Documents
- Correspondence with the Applicant
  - Results of the Initial Review
  - Notes from Meetings
  - Follow-Up confirmation letter
  - Responses from the Applicant
  - Any Changes to the Plans

Part 1203.3(a)
Features – Permit procedures and details

The municipal procedures must provide for these items:
- (5) Directives included on the permit
  - Follow the construction documents
  - Immediately notify in the event of changes
- (6) Expiration date
- (7) Provision for revocation or suspension
- (8) Permit visibly displayed
AHJ Considerations

Fees
Time Frames and Extensions
Revocation of Permit

Issuing the Permit

If everything complies with the Code,
You have all the required documentation,
You have to issue the permit.

“Construction can begin”

What is a Building Permit?

A brightly colored PLACARD
A visible notice for neighbors and inspectors
An affirmation of proper intent
An approval to begin construction

But behind that piece of cardboard there is much more!!!
Suggestion for a Permit Placard

Brightly colored
Displayed in a visible Location

Types of Building Permits

- New construction
- Alterations, additions or repairs
- Conversion of occupancy
- Demolition
- Pool

For Any Work That "MUST" Conform to the Uniform Code

Part 1203.3(b) Construction Inspections

1203.3(b)(1)
Permit holder must notify when ready for inspection

Permitted work to remain exposed until inspected and accepted
Inspections, Identify Consequences

Work that can’t be seen, cannot be verified!

Failure of the applicant to call for your inspection does not remove the need to inspect

Be Upfront! “If work must be uncovered to be inspected it will be!”

Not a threat. A fact.

Follow through!!!

Reasons for Construction Inspections

Ensures compliance with the approved plans.
Ensures that the owner gets what they paid for.
Controlling or managing the construction activities.
Assisting the construction process
Records the process

Arranging Inspections

Establish a Professional Relationship.
You and the contractor/applicant are working together.
Treat them with respect.
Extend yourself for them, but recognize reality.
Don’t be taken advantage of.
Arranging Inspections

It's the Applicant's Responsibility

Establish the ground rules before the permit is issued.
The applicant must call before work can be concealed.

How much lead time do you need?
What if you can't meet your obligation?

Part 1203.3(b) Construction Inspections

Provisions shall be made for inspection of the following...
(i) work site prior to the issuance of a permit;
(ii) footings and foundation;
(iii) preparation for concrete slab;
(iv) framing;
(v) building systems, including underground and rough-in;
(vi) fire resistant construction;
(vii) fire resistant penetrations;
(viii) solid fuel burning heating appliances, chimneys, flues or gas vents;
(ix) energy code compliance; and
(x) a final inspection after all work has been completed.

1203.3 (b)(2)(i) Site prior to issuing the permit

What does the site look like?
Swampland
Uphill, down hill

Where are the property lines?
1203.3(b)(2) (v) Building Systems

1203.3(b)(2) (vii) Fire Resistant Construction

1203.3(b)(2) (viii) Solid fuel burning appliances
1203.3(b)(2) ix Energy Code Compliance

The Certificate that says 
"The work is done"  
Close the permit
"It's not just a walkthrough."

When things don’t go as planned
1203.3(b)(3) Inspector must
Notify permit holder if work is satisfactory or not
Work not in compliance must remain exposed until corrected, re-inspected and found to be satisfactory.
Not as planned

- Work does not comply with the plans
- Materials do not meet standards or the plans
- Work is concealed before you can inspect
- The plans were incorrect
- Shoddy workmanship
- Changes are made to the plans

Change of Plan Issues and Procedures

Many (most?) changes are found during your inspection
Proposed changes submitted for your review
- Number of copies
- Professional stamp ?
- How long will it take ?
- Acknowledgment of approval
- As-built drawings?

Conducting the Inspection

Be Prepared

DON'T Bring the office copy of the plans with you
A copy of the approved plans must be on-site

Tools of YOUR trade
- Pencil and paper
- Safety equipment as appropriate
**Part 1203.3(c)**

**Stop Work Order**

YOU WILL PLEASE TAKE NOTICE that there exists a violation. …

You are hereby Directed and Ordered to **Stop Work**, comply with the law, and to remedy the conditions above mentioned.

---

**Documenting your Inspections**

Information is vital to your files and to the contractor. Your files will affect your future decisions. Contractor needs to know before going forward. Possible methods:

- Letter
- Email
- On-site placard
- Inspection report as a follow-up

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**Reports supplied to You**

Independent Reports
- Electrical Inspection Report
- Special Inspections per Building Code Chapter 17
- Structural Observations per Building Code Chapter 17
- Other 3rd Party reports?

Contractor Certifications
- Fire Protection Equipment
- Acceptance Test results
Part 1203.3(d)

Certificates of occupancy or certificates of compliance shall be required …

- For work subject to a building permit
- Buildings which are converted from one general occupancy classification to another

Constitutes “permission” to use or occupy a structure

Typical Terminology

Refer to YOUR Local Law for Specifics

Certificate of Occupancy

Certificate of Compliance

Temporary Certificate of Occupancy

Certificate of Occupancy

Typically signals the end of building permit activity
Allows Occupancy

A Certificate of Occupancy also:
- Limits use
- Acknowledges completed activity
- Motivates owners and/or contractors
Certificate of Compliance
Signals the end of activity related to Code Enforcement/Administration

Compliance with fire safety/maintenance inspections of buildings
Approves installation of "systems" or equipment
Not typically something that is "occupied"
Compliance with applicable standards and/or manufacturer’s instructions

Language
Local Law, not the CEO, determines CO or CC.

It is advisable that local governments do not make a representation within the certificate to the effect that no violations exist.

Substantially conforms to the Uniform Code

Issuance of Certificates
Issuance of Certificate of Occupancy or Compliance
Local government shall issue in two specific situations:
Completion of the building permit process, or
Change from one occupancy classification to another
Local governments may expand requirements for building permits and certificates beyond the minimum standards

An inspections must be performed prior to issuance of certificates and Only issued after ALL inspections are complete
Part 1203.3(d) Certificates
Prior to issuance:
Final Inspection
Reports for Structural Observations and Special Inspections
Flood Hazard certificates if applicable
Required Information on the Certificate
This is another long list!
Look at (i) – (x)

1203.3(d)(2) The List – Minimum

(i) the building permit number,
(ii) the date of issuance of the permit,
(iii) the name, address and tax map number of the property;
(iv) if the certificate is not applicable to an entire structure, a description of that portion of the structure for which the certificate is issued;
(v) the use and occupancy classification of the structure;

(vi) the type of construction of the structure;
(vii) the assembly occupant load of the structure, if any;
(viii) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
(ix) any special conditions imposed in connection with the issuance of the building permit; and
(x) the signature of the official issuing the certificate and the date of issuance.
1203.3(d)3 Temporary Certificates

When sufficiently complete

- Must not affect or endanger occupants
- Basis must be in local legislation
- Local law determines time frame
- Language should be specific
- States restrictions and conditions
- Does not relieve owner of responsibility to complete structure

Part 1203.3(d) Certificates

1203.3(d)(3) Temporary Certificate

... may not be issued prior to the completion of work
... UNLESS ...

- May be occupied safely
- Fire protection systems are operational
- Means of egress are provided

1203.3(d)(4) Certificate issued in error or with incorrect information

... shall be suspended or revoked ...

Certificate of Occupancy

Record Keeping and Importance

This is a Public Record

- Required to be maintained as a record for 6 years after the building no longer exists
- This provides the basis for future inspections of the Property
- Conditions of use or occupancy must be continued and maintained
Record Keeping and Importance

May be Requested by Lending Institutions
  Construction Loans
  Mortgage protection

May be Requested for License or other Approval
  Child Care Facilities
  NYS Liquor Authority
  Others?
Part 1203.3  
**Minimum Features**

Lesson 4B

(e) Notification regarding fire or explosion

- Chief to notify code official
- Involving structural damage
- Involving fuel burning device/chimney
- Gas vent

(f) Procedures regarding unsafe structures or equipment
**Part 1203.3(g) Operating Permits**

*Shall require* a system of “Operating Permits” for the following activities or buildings:

- Excessive quantities of Hazardous Materials
- Hazardous processes and activities
- Use of “pyrotechnics” in assembly occupancies
- Public assembly with more than 100 people
- Parking Garages
- Substantial potential hazard to public safety

---

**What is an Operating Permit?**

An operating permit allows the applicant to conduct an operation or a business for which a permit is required …

---

**Operating Permits-Hazardous Materials**

1203.3(g)(1)(i) Manufacturing, storing or handling

Locations where quantities *exceed*:
1203.3(g)(1)(ii) Operating Permits - Hazardous Processes and Activities

Including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling.

1203.3 (g)(1)(iii) Operating Permits

Pyrotechnic Devices
In Assembly Occupancies

1203.3 (g)(1)(iv) Operating Permits

(iv) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more.
1203.3 (g)(1)(v) Operating Permits

This section was amended, effective 8/29/2018
(v) Parking garages as defined in subdivision (j) of this section;

1203.3 (g)(1)(vi) Operating Permits

Hazard to Public Safety

As determined by AHJ

Operating Permits Program Considerations

Permits for the Same Location
Application process
Refusal to issue permit
Inspection prior to issuance or renewal
Operating Permits - Program Considerations

Conditions of a Permit
- A prescribed period
- Until renewed or revoked
- Conditional permits
- Posting the permit
- Information on the permit

Permit Revocation
- Wrong location or establishment
- Condition or activity is NOT listed in the permit
- VIolation of conditions and limitations
- False statements or misrepresentations
- Used by a different person or firm
- Failure to comply with orders or notices
- Issued in error or in violation of an ordinance, regulation or this code

Managing Existing Buildings, Facilities, and Operations

Part 1203.3 (h)
Part 1203.3(h)
Fire Safety and Maintenance Inspections
Areas of Public Assembly
   at least annually
Multiple Dwellings and Non-Residential Occupancies
   Intervals consistent with local conditions
   Not exceeding every three years
Dormitory buildings at least annually

Inspecting Existing Buildings
Compliance with Code Requirements
Public Education and Awareness

"It" was Built/Designed/Installed that way for a reason.
Our job is to make sure "it" still works.

Types of Inspections
Fire Safety
Housing
Property Maintenance
Complaints
Operating Permits
Who does these Inspections?

- Fire Inspector
- Fire Marshal
- Housing Inspector
- Building Inspector
- Building Safety Inspector
- Code Enforcement Official

Your Legal Authority

As specified by your LOCAL LAW

Tools for Inspections

- 2020 Property Maintenance Code of New York State
- 2020 Fire Code of New York State
- The Fire Code in effect at the time of construction
Basic Inspection Procedures

Preparation and Approach
Systematic Inspection
Closing Interview
Follow Up

Preparation and Approach Arranging Inspections
Scheduled OR Surprise

Preparation Considerations

Attitude
Safety, Health and Welfare
Identification
  Uniform
  Badge
  Picture I.D.
An Inspection Checklist is a Guide!

What do YOU want your checklist to do?

Review Files
- Building Plans / Floor Plans
- Previous Inspections
- Fire Safety/Evacuation Plans
- Operating Permits
- Complaints
- C.O. or C.C.
Inspections

One and Two Family
Multiple Dwellings
Non-Residential
Occupancies

Systematic Inspection

Start on the Outside?
- Observations even as you arrive
- Top to bottom, OR bottom to top
Your checklist is a guide.

Systematic Inspection

Your job is to OBSERVE and VERIFY
The OWNER must arrange for TESTING
Systems testing records verification
Copies to Inspector
Building representative acknowledgement
Closing Interview

“The purpose is to assist compliance through awareness and education.”

- Talk to the person in charge
- Highlight known violation
- Discuss “hazards” and “building issues” which may be of assistance to the owner
- Outline the “Follow Up” procedures

WHEN DO VIOLATIONS NEED TO BE CORRECTED

Follow Up – Re-Inspect

The OWNER must be informed of date of re-inspection
DETAILS must be specified
Violations must be IDENTIFIED
Your report is a RECORD
Describe the CONSEQUENCES
The municipality must provide a time frame in which violations shall be corrected and when the re-inspection will be done.

What is your best tool?

Your ability to carry out education and enforcement duties with knowledge, understanding responsibilities, and communication.
Inspection Program Options

Tips and Advice

Fire Safety Inspections

Operating Permits

September 23, 2020

No One Likes to be Inspected!

Promote your program(s)
Public support really helps
Public support may influence political and judicial backing
Public Education and Awareness
Maintain Compliance

Establish Parameters through Local Law

Time Frames for Inspections
Fees for Inspections
Permits for Hazardous Occupancies
Facilities with Hazardous Materials
Lumber Yards
Service Stations or Repair Garages
Administrative Procedures
You can use Outside Help

Third party inspection agencies
Legal authority cannot be given away
Provides specialized knowledge

- Electrical Inspections
- Furnaces/Boilers Inspections
- Chimney Inspections
- Plumbing Inspections
- Energy Code Compliance

Other Programs

Exterior Maintenance

Junk Vehicles

Part 1203.3 Minimum Features

- 1203.3(j) Complaints
  - Process to respond
  - Provisions for inspections
- 1203.3(j) Condition assessments of parking garages
- 1203.3(k) Recordkeeping
  - Establish a system to verify all the activities we just discussed!
  - Also of fees charged and collected
Complaints

To determine a BONA FIDE Complaint

You need to …
Determine authority
Determine validity
Take necessary action
Keep a record

1203.3(j) Condition assessments of parking garages

(i) New parking garages shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.

(ii) Existing parking garages shall undergo an initial condition assessment as follows:
- constructed prior to January 1, 1984, then prior to October 1, 2019;
- between Jan 1, 1984 and Dec 31, 2002, then prior to October 1, 2020;
- between Jan 1, 2003 and Aug 29, 2018 then prior to October 1, 2021.
- After that, not less than once every 3 years

Parking Garages Condition assessments – general requirements

Owner or operator shall cause such parking garage to undergo an initial condition assessment, periodic condition assessments, and any additional condition assessments as may be required
Assessment shall be conducted by or under the direct supervision of a professional engineer.
A written report of each condition assessment shall be prepared, and provided to the authority having jurisdiction
1203.3(k) Record Keeping is Important

If records can’t be provided, how does a municipality prove compliance with...
State Law
State Regulation
If records can’t be provided, how do you justify your actions!
Enforcement proceedings
Budget justifications
Avoiding liability

September 23, 2020

Records Are Essential for
ADMINISTRATION
DECISION MAKING
ENFORCEMENT

Setting up a System . . .

September 23, 2020

Identify Needs
Records that MUST be kept:
- Permit Applications
- Construction documents
- Inspection reports
- Certificates of Occupancy/Compliance
- Complaints
- Operating Permits

Other records that may be kept?
What should your Records do for You

Provide you information
Document the construction process
Assist in scheduling your activities and inspections
Provide answers to questions
Generate reports

Available Resources

Physical Space?
Labor
Secretary/Clerk?
Specialized Equipment
Computers?
Software?

Difficulties

Maps and Plans
  Physically large
  May require cross-referencing
Fees Collected
  Municipal Clerk
  Building Department Safe
Miscellaneous
  Photos
  Newspaper Clippings
Types of Systems

Address
Permit Number
Tax map Number

Address File or Street Files

Address does not change
All the information about the property is in one location

Permit Number
Good for Sequence and Date Control
Useable for a large or varied jurisdiction
Good for Reports
Correlates well with CO’s
Tax Map Number

Tax Number is Constant
Correlates with Assessor's Records
Good Key for Computer Cross Referencing
May be used in conjunction with street files

Tools for File Management

Logs
Permit Management:
  Review
  Active
  Complete
Computer Database Files
  To cross-reference materials

Steps to Permit Issuance

These were discussed earlier

Is the Application Package complete
Plan Review to determine Code Compliance
Take steps to Correct Deficiencies
When satisfied … Issue the Permit
How can your records help you?
Document the Application Package

Building Permit Application Log

Permit Applicant: Happy Company
Application Submittal: 5/20/14
Zoning and Planning approvals:
Site Plan or Survey: 5/21/14
2 sets of Plans: 5/20/14
Proof of Insurance: WC
Contractor License: Fee received

1203.4 Program Review and Reporting

Submit an annual report to the Secretary of State

Your Certification Number

Certification number
- Is on the certificate you receive when you finish your training.
- It is on the bottom left corner of the certificate.
- This is NOT a license number
- This number needs to be on the Annual Report filed with NYS
- This is NOT your Training ID Number
1203.4(b) Program Review

Upon request from DOS, a municipality MUST:

produce records
Failure to produce records, or insufficient records - no proof!

Inference that minimum standards are not being met
Secretary of State can invoke options

1203.5 (c) Compliance with an OTR

(c) Time for compliance with Order to Remedy. For the purposes of subdivision 2 of section 382 of the Executive Law, the time within which a person or entity served with an Order to Remedy is required to comply with such Order to Remedy is hereby fixed at 30 days following the date of such Order to Remedy.

1203.5 (d) Compliance with an Order to Remedy

An Order to Remedy shall include a statement substantially similar to the following:

The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by [specify date], which is thirty (30) days after the date of this Order to Remedy.
1203.5 (f)(1) Compliance with an OTR

(f) Requiring immediate commencement of corrective action

(1) immediately, or within some other specified period of time which may be less than 30 days; to continue diligently to remedy such violations

(2) to take such other protective actions, such as vacating the building or barricading the area where the violations exist.

1203.5 (e)(1) Compliance with an OTR

ALL ORDERS TO REMEDY MUST BE SERVED, PERSONALLY OR BY CERTIFIED OR REGISTERED MAIL, WITHIN FIVE (5) DAYS OF THE DATE OF THE ORDER.
Lesson 4 C

NYCRR Title 19
The Secretary of State
Rules and Regulations

A Division of New York Department of State

September 23, 2020

Introduction to Part 1204
Title 19 NYCRR

Program Features for State Agency Enforcement
Effective August 28, 2006 (1204.2)

Part 1204 Program Features

3 Categories of Agencies

- Agencies that design and construct
- Agencies that own or are responsible for buildings
- All other than above
  “Exempt” Agencies
    Do not design or build
    Do not own or control
    Someone else has code responsibility
Part 1204 Program Features

Those Agencies that Design or Construct
“Construction Permitting Agency”
Listed in 1204.3(e)

Implement a Building Permit System [1204.7]

Code Compliance Managers [1204.6 (a)]

Part 1204 Program Features

Those agencies that Own Buildings
Or are responsible for existing buildings

Fire Safety Inspections
Complaints
Reports
Code Coordinator
1204.5 (c)

1204.7 Construction Permits

Required for ALL work with exceptions:
Repairs not affecting structure or systems
New storage facilities less than 3000 CF
Work on existing buildings costing less than $20,000

Even if a permit is not required, ALL work must comply with Code...
1204.12 Fire Safety Inspections

(e) In addition to the periodic fire safety inspections of buildings within its custody required by subdivision (a), each State agency shall commence a program of having condition assessments conducted of parking garages within its custody in accordance with section 1203.3(j) of Part 1203 of this Title.

Uniform Code
Variance Procedures

Section 381 of the Executive Law required the Secretary of State to establish a procedure where any provision or requirement of the code may be varied or modified...

NEW YORK STATE DEPARTMENT OF STATE
Division of Building Standards and Codes
APPLICATION FOR VARIANCE OR APPEAL
UNIFORM FIRE PREVENTION AND BUILDING CODE
Initiating the Variance Process

Contact DOS Technical Assistance office first

All pertinent information must be provided

Determination made as to what type of variance -

Board or Routine Variance

Regional Offices

Mailing an application directly to our Central Office without first involving Technical Assistance will result in a delay.

Contact Technical Assistance through our web site FIRST

Boards of Review

Six Regional Boards - 1205.2

Buffalo
Rochester
Syracuse/Watertown
Albany/North country
Mid Hudson
Hauppauge, L.I.
1205.3 Membership
5 members to each Board, appointed by Secretary of State
A registered Architect (licensed to practice in New York State)
A Professional Engineer (licensed to practice in New York State)
A person with a building code enforcement background
A person with a fire prevention background
A businessperson or lawyer
In addition, one of the 5 members must be a LOCAL government official
ALL 5 members must be residents of the region they serve.

1205.4 (a) Powers and Duties- Regional Board
Power to VARY or MODIFY
“However ... shall not substantially adversely affect provisions for health, safety, and security AND that equally safe and proper alternatives may be prescribed.”
And may also hear and decide appeals:
of any order or determination
or failure to order or determine

Two Types of Variances
Regional Board of Review Variance
Formal proceedings with a hearing

Routine Variance
Informal proceedings with no hearing
Regional Board of Review Variance

Requires documentation
Variance may or may not be granted
May require alternatives in lieu of strict compliance
Appropriate for large and/or numerous code modification/variance requests

Regional Board of Review Hearing

Open to the public – informal
Hearing stenographer
Petitioner/agent gives brief statement describing project and relief sought
Variance granted if ONE of the 6 criteria proven through weight of evidence

1205.4 (b) Powers and Duties

Vary or modify a provision or requirement
6 Criteria:
- Excessive and Unreasonable Economic Burden
- Not Achieve Intended Objective
- Inhibit Important Public Policy
- Physically or Legally Impracticable
- Unnecessary/Alternatives Achieve Results
- Change so Slight/Negligible Benefit
**In Cases of Appeal**

Gives determination/fashions suitable remedies

Sustaining, reversing or modifying, in whole or in part, an order or determination

Directing permits, authorization or other documents be issued where an order or determination has NOT been made within a reasonable time

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**Board of Review Decision**

- Official decision notification in writing
- Decision given verbally at end of hearing
  - Verbal decision not binding, CEO can wait for written decision
- Gives the Board's findings/conclusions and relief granted
- Copies of decisions are provided to:
  - CEO
  - Petitioner
  - Board of Review members from all regions

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**1205.6 Routine Cases**

- "Routine" determined by DOS

Appropriate for minor or limited code modification/variance requests

Some documentation required

May be granted on-site

Findings of fact and conclusions made

Decision in writing
Division of Building Standards and Codes

19 NYCRR PART 1208 TRAINING OF PERSONNEL

September 23, 2020

- History
- Training Requirements
  - Basic Training
  - Time Frame
  - In-Service Training Requirements
  - Electives
  - Online Training
  - Transitional Requirements

- Convert regulations from OFPC to DOS
- Update training requirements
- Collaborative effort
  - DBSC
  - NYS Codes Coalition
    - NYFMA, NYSIDC, FASNY, NYSAF, NYSAFD
  - Discipline specific experts
    - CEO, CCE, Municipal FD
- Established Workgroup
  - Comprehensive review
  - 54 topic areas
Training Work Group

- Recommendations
  - Retain 24 hours annual in-service
  - 36 hours / 3 years was considered
  - Multiple training categories
  - Currently 7 categories
  - No limitation on delivery methods
  - All online acceptable
  - Train the trainer
    - Streamline process for qualified instructors
  - Revocation provision
    - For serious offenders

Part 1208

- 1208-1 Introduction, Purpose, and Definitions
- 1208-2 Minimum Training Requirements and Standards
- 1208-3 Certification of Building Safety Inspectors and Code Enforcement Officials
- 1208-4 Certification of Training Courses and Instructors
- 1208-5 Miscellaneous Provisions

Enforcement Activity

Any activity related to administration and/or enforcement of the Uniform Code and/or the Energy Code, excluding

- signing permits, certificates of occupancy, orders, appearance tickets, or similar documents in reliance on reviews, approvals and/or inspections performed by other persons and secretarial and other clerical activities.
Enforcement Activity

Two levels of enforcement activities
– Building Safety Inspector – BSI
– Code Enforcement Official - CEO

Training Identification Number

• Issued after training has started
• Identifies you to DBSC
• Necessary to access your SLMS account
  – For new trainees
    • CE followed by 7 digits (example: CE0123456)
  – For others (pre-2014 CEO’s, Fire service, etc.)
    • NY followed by 7 digits (example: NY0123456)

If you already have a SLMS account do not create another.

All calls, e-mails, or other correspondence with DBSC regarding your training records or access to them via SLMS will require you to include or provide your unique Training ID #.

It is the only way to readily access your information in SLMS.
Building Safety Inspector

Fire safety and/or property maintenance inspections of existing buildings and structures

Certified Building Safety Inspector
A person who has been certified pursuant to this Part as having successfully completed the applicable basic training program described in section 1208-3.2(b) of this Part and whose certification has not been revoked or become inactive.

Required BASIC TRAINING

Building Safety Inspector
- 9A - Introduction to Code Enforcement Practices (Part 1)
- 9B - Introduction to Code Enforcement Practices (Part 2)
- 9C - Inspection Procedures for Existing Buildings

60 Hours
1208.3.2 (b)
Building Safety Inspector Application

Only if you are completing 9A, 9B, and 9C

IN-SERVICE TRAINING REQUIREMENTS

Annual in-service requirement – 6 hours
- 3 hours Minimum – DOS approved
  - Must fall under Code Enforcement Administration category
- 3 hours – “electives”
  - Contributes to professional development
  - Professional Development Committee

Definitions

Certified Code Enforcement Official

A person who has been certified pursuant to this Part as having successfully completed the applicable basic training program described in section 1208-3.2(c) of this Part and whose certification has not been revoked or become inactive.
CODE ENFORCEMENT OFFICIAL

- review and/or approval of plans incidental to the issuance of a permit for the construction or alteration of buildings and structures;
- construction inspections performed during and/or upon completion of the construction or alteration of buildings and structures; and
- any other enforcement activity that is not also a building safety inspector enforcement activity.

Required BASIC TRAINING

- Code Enforcement Official
  - 9A - Introduction to Code Enforcement Practices (Part 1)
  - 9B - Introduction to Code Enforcement Practices (Part 2)
  - 9C - Inspection Procedures for Existing Buildings
  - 9D - General Construction Principles
  - 9E - Residential Code Of New York State
  - 9F - Building Code of New York State

IN-SERVICE TRAINING REQUIREMENTS

Three categories of Approved In-service Training:

  - Code Enforcement and Administration
  - Uniform Fire Prevention and Building Code
  - Energy Conservation Construction Code
IN-SERVICE TRAINING REQUIREMENTS

CEO’s must complete:
- **24 hours** of in-service training each year
  - 12 hours of which must be DBSC approved
  - 3 hours in each of the following three categories:
    - Code Enforcement and Administration
    - Uniform Fire Prevention and Building Code
    - Energy Conservation Construction Code

Annual in-service requirement – 24 hours
- 12 hours Minimum – DOS approved
  - Must fall under one of three categories
- 12 hours – “Electives”
  - Contributes to professional development
  - Professional Development Committee
  - Or DOS approved courses

BASIC TRAINING TIME FRAME

Section 1208-3.2 (d)
18 months from the first training class or
18 months from appointment as CEO or BSI

Shorter of the two time frames
Failure to complete a basic training program within such time period shall result in the forfeiture of any and all accrued training credit unless an application for an extension is submitted, in writing, showing good cause
In-Service Training Requirements

Building Safety Inspector
– complete a minimum of 6 hours of in-service training each calendar year

Code Enforcement Official
– complete a minimum of 24 hours of in-service training each calendar year

IN-SERVICE TRAINING REQUIREMENTS

• In-service hours for BSIs and CEOs can be obtained by participating in:
  • Courses developed and presented by DBSC
  • Courses approved and certified by DBSC and presented by approved instructors

More . . .

IN-SERVICE TRAINING REQUIREMENTS

In-service hours for BSIs and CEOs can be obtained by participating in:
• Approved On-Line courses
• Professional Development Electives (both online and in-person)
• ICC Certification Exams accepted by DBSC – 8 hours of In-service credit
• Or other certification exam from an approved agency
Professional Development Electives

(PDE) training courses whose subject matter advances the professional development of an individual code enforcement official or building safety inspector.

1208-3.3(d)(2)

Professional Development Electives

Professional development electives include, but are not limited to, classes in the following topics:

- Zoning
- Planning
- Ethics
- Management
- Communications
- Hazards
- Writing skills
- Time management
- Records management
- Media relations
- Computer skills
- Other topics

Submit a Professional Development Elective application form each year to DBSC

Form is available at: www.dos.ny.gov/DCEA/

Provide sufficient documentation of the course completion if requested by DBSC
Professional Development Electives

Documentation that must be maintained:
• Title of course
• Sponsor’s name
• Description of course
• Attendance verification
• Number of contact hours completed
• Date of the Course
• Certificate of completion
• Location of the course
Online Training 1208-3.3 (3)

All in-service hours for BSIs (6 hours annually) and CEOs (24 hours annually) can be obtained through online training, when available.

Must meet the respective categories listed:
- 3 hours must be approved by DOS for BSI
- 12 hours must be approved by DOS for CEO

1208-3.4 Advanced In-Service

a) To maintain certification, a certified building safety inspector or a certified code enforcement official must successfully complete all advanced in-service training.

• Advanced in-service training, not to exceed 24 hours annually, relating to amendments, revisions, or additions to the Uniform Code and/or the Energy Code or
• Development in construction technologies or techniques;
Advanced in-service requirements.

BSI's and CEO's are required to successfully complete advanced In-service training. DOS will issue a statement indicating that the advanced in-service is required and the time frame it is to be completed.

Required Advanced In-service Training shall count towards the annual in-service training requirement.

1208-3.4 Advanced In-Service

( C )
Each hour of advanced in-service training successfully completed by a CBSI or a CCEO shall count toward satisfaction of his or her in-service training requirement for the calendar year in which such advanced in-service training is received.

CERTIFICATION OF BSI & CEO

LEVEL INCREASE
BSI can increase level of certif. to a CEO by:
• Notifying DOS in writing (DBSC Form)
• Completing the required basic training courses
• Maintaining 24 hours of in-service training

1208-3.1 (c)
CERTIFICATION OF BSI & CEO

LEVEL DECREASE
CEO can decrease level of certif. to a BSI

- Notify DBSC in writing (Form)
- not perform any CEO activities
- Maintain 6 hours of in-service training

Note: CEO certification becomes inactive.

1208-3.1 (d)

Inactive status 1208-3.5

Person fails to satisfy the applicable in-service training requirement during any calendar year or

Person fails to satisfy any applicable advanced in-service training requirement within the time specified

Revocation of Certification

- Did not actually attend and participate in any class session (basic training or in-service training course) or;

- Achieved a passing grade on the examination by fraudulent or dishonest means

1208-3.5 (b)
Change in status for individuals inactive for less than three consecutive years

To be reclassified with active certification
Must complete the in-service training requirements as applicable, for the current calendar year.

1208-3.5 (c)

Change in status for individuals inactive status for three or more consecutive years

To be re-classified with active certification
A person must repeat, and successfully complete, the applicable basic training program

The applicant will have 18 months from the date of the application

1208-3.5 (d)

Re-certification after In-active status

Classes may be waived, at the discretion of the Secretary, if the person seeking re-certification takes an examination for each basic training course and achieves a passing score on each such examination.

1208-3.5 (d)
Re-certification after revocation

To be re-certified following revocation a person must repeat, and successfully complete, the applicable basic training program.

1208-3.5 (e)

Re-certification after Revocation

Classes may be waived, at the discretion of the Secretary, if the person seeking re-certification takes an examination for each basic training course and achieves a passing score on each such examination.

1203-3.5 (e)

Miscellaneous Provisions

List of certified building safety inspectors and certified code enforcement officials.

- The Department shall maintain a list of BSI and CEO, and may post such list on the Department’s website.

1208-5.2
19 NYCRR Subpart 1208-6 - Suspension or Revocation of Certifications of Code Enforcement Personnel

Subpart 1208-6 authorizes the Secretary of State to revoke or suspend the certification of a Code Enforcement Official (CEO) or Building Safety Inspector (BSI) if an Administrative Law Judge determines, after a hearing, that the CEO or BSI materially failed to uphold his or her code enforcement duties.

Material Failure to uphold code enforcement duties would include:
- a failure to note one or more serious code violations on an inspection report;
- making any other material error or omission on an inspection report;
- demonstrating, by act or omission, willful misconduct, gross negligence, or gross incompetence in the performance of code enforcement activities;
1208-6

• performing any code enforcement activity at a time when the CEO’s or BSI’s certification is inactive or suspended; and,
• in the case of a BSI, performing any code enforcement activity other than fire safety and/or property maintenance inspections of existing buildings.

Inactive Status

Section 1208-3.5. Inactive status of certification of building safety inspectors and code enforcement officials
(a) The Secretary shall designate a certified building safety inspector’s certification or a certified code enforcement official’s certification as inactive, if such person fails to satisfy the applicable in-service training requirement specified in section 1208-3.3 of this Subpart during any calendar year or if such person fails to satisfy any applicable advanced in-service training requirement within the time specified pursuant to section 1208-3.4(b) of this Subpart.

Summary

• Unlimited Online Training
• 18 months to complete Basics
  120 hours for CEO
  60 hours for BSI
• Minimum Approved Annual In-Service
  • CEO required to take 12 hrs., 24 hours total
  • BSI required to take 3 hrs., 6 hours total
  • Balance of required training - online or PDE
Summary:

- Three categories approved In-service training
  1. Code Enforcement and Administration
  2. Uniform Code
  3. Energy Code
- Professional Development Electives
  - Up to 12 hrs. for CEO,
  - Up to 3 hrs. for BSI

Summary of Lesson 4C

Title 19
Part 1204 – State Agencies
Three categories of agencies
Part 1205 – Variance Procedures
Contact Regional Office First
Two types of variances – Routine and Board of Review
Part 1208 – Training Requirements
Building Safety Inspectors and Code Enforcement Officials
Basic Training, In-Service Training, Advanced In-Service Training
Increase or Decrease of Level of Activity
In-Active or Revocation of Certification

Summary

Executive Law Article 18
The Management Tool
Assigned responsibilities to the Secretary of State
Title 19 NYCRR, Chapter XXXII
Administration and Enforcement
Parts 1201 through 1210
Part 1203 for Local and County Governments
Part 1204 for State Agency
NEXT
Title 19 NYCRR, Chapter XXXIII
Subchapter A is the NYSUPBC
Subchapter B is the Energy Code
Subchapter C is the Codes Council
Lesson 5

Title 19, Chapter XXXIII
Subchapter A
New York State Uniform Fire
Prevention and Building
Code

The New York “Codes”

Basic principles

The New York Codes
“tell someone HOW to COMPLY”

It provides two approaches …
Prescriptive ... Do A + B = Compliance
Performance ... PROVE IT WORKS

The PROOF is in the DOCUMENTATION
General Comments

for using the New York Codes

ALWAYS read the entire paragraph
ALWAYS check the supplement
ALWAYS expect Exceptions
There is an option or exemption for nearly every circumstance

DO NOT expect to find everything in one place
ALWAYS look further into the Code

Hints and Tips

Requirements in other documents are identified
Referenced Standards indicate applicable code section
Table numbering is often based on the first code reference

Do NOT just go to a Table or Figure, read the code section first
Figures and Tables may have the same numbers!
Pay attention to the title of the table and figures

Typical Layout for each Code

Chapter 1: Administration
Chapter 2: Definitions
Code Requirements fill the middle chapters
Last Chapter is Referenced Standards
Appendix Sections
Annotations in each Code

- an arrow (→) in the margin indicates where an entire section, paragraph, exception, table or an item in a list has been deleted

- A thick black bar (⋯) in the margin indicates new technical language since the last code cycle has been added

Bracketed letter designations are for the party responsible for portions of this code are as by example:

- [NY] = New York State Department of State

Reference Standards:

- A (˚) within the reference standards denotes a standard that has been incorporated by reference into 19 NYCRR.
• Words or phrases in *italics* are defined terms.

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**Title 19, Chapter XXXIII Subchapter A**

- Part 1219 NYSUFPC
- Part 1220 Residential Construction
- Part 1221 Building Construction
- Part 1222 Plumbing Systems
- Part 1223 Mechanical Systems
- Part 1224 Fuel Gas Equipment and Systems
- Part 1225 Fire Prevention
- Part 1226 Property Maintenance
- Part 1227 Existing Building

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**Part 1221 Building Construction**

**Section 1221.1. Requirements.**
(a) The construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, maintenance, removal and demolition of every building or structure, or appurtenance connected or attached to any building or structure.
2020 Building Code of NYS

[NY] 101.2 Scope.

The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such building or structures.

[NY] 101.2 Scope.

...... with the following exceptions:

1. Applicable provisions to the Residential Code – 5 items
2020 Building Code of NYS

1. Residential code type structures
   1.1. Detached one-family dwellings;
   1.2. Detached two-family dwellings in which each dwelling unit has a separate means of egress;
   1.3. Townhouses;
   1.4. Bed and breakfast dwellings;
   1.5. Live/work units
   1.6. Owner-occupied lodging houses

[NY] 101.2 Scope.

2. Agricultural buildings including barns, sheds, poultry houses and other buildings and equipment on the premises that are used directly and solely for agricultural purposes, shall not be subject to the construction-related provisions of this code.

Agricultural Buildings-NY Definition

Section 202 Definitions

[A NY] AGRICULTURAL BUILDING. A structure designed and constructed to house farm equipment, farm implements, poultry, livestock, hay, grain, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.
3. Construction trailers used as a temporary office for the purpose of monitoring construction at a construction site.

4. Structures such as radio and television transmission, communication and wind generation towers, and ground-mounted photovoltaic arrays that are neither a building appurtenance nor are attached to a building.

5. Standards for construction of sleeping quarters in a children’s overnight camp as defined in Public Health Law §1392(1) shall be governed by Public Health Law §1394(1) and the regulations promulgated by the Public Health Council.

[NY] 101.2 Scope.

[NY] 102.6 Existing Structures

The legal occupancy of any structure existing on the effective date of this code shall be permitted to continue without change, except as otherwise specifically provided:

• in this code,
• the Existing Building Code of New York State,
• the Property Maintenance Code of New York State,
• the Fire Code of New York State, or
• any other applicable provision of the Uniform Code.
C101.2 Scope. The 2020 IECC Commercial Provisions (as amended) apply to commercial buildings, the sites on which commercial buildings are located, and building systems and equipment in commercial buildings.

R101.2 Scope. The 2020 IECC Residential Provisions (as amended) apply to residential buildings, the sites on which residential buildings are located, and building systems and equipment in residential buildings.
Additional New York Codes, Rules and Regulations exist that may affect new and existing buildings, structures, systems and equipment. Such regulations include, but are not limited to:

1. 19 NYCRR Part 300 (Universal Symbol of Access),
2. 19 NYCRR Part 1261 (Recordkeeping – Smoke Detectors in Multiple Dwellings),
3. 19 NYCRR Part 1264 (Identification of Buildings Utilizing Truss Type Construction), and
4. 19 NYCRR Part 1265 (Residential Structures with Truss Type Construction, Pre-Engineered Wood Construction and/or Timber Construction).

Part 1264 IDENTIFICATION OF BUILDINGS UTILIZING TRUSS TYPE CONSTRUCTION

1264.1 Introduction.
Section 382-a of the Executive Law provides that commercial and industrial buildings and structures that utilize truss type construction shall be marked by a sign or symbol that informs persons conducting fire control and other emergency operations of the existence of truss construction.
Part 1264 IDENTIFICATION OF BUILDINGS UTILIZING TRUSS TYPE CONSTRUCTION

1264.2 Enforcement.
(a) Subdivision 4 of section 382-a of the Executive Law directs local governments to provide for enforcement of the statute.

- Fifty dollars shall be paid by the owner of a building with truss type construction to the authority having jurisdiction
- Shall not apply within a city with a population of one million or more persons
- Affixed prior to the issuance of a CO or a CC

Part 1264 IDENTIFICATION OF BUILDINGS UTILIZING TRUSS TYPE CONSTRUCTION

1264.2 Enforcement.
- Circle 6 inches in diameter,
- Stroke width of 1/2 inch 2 inches in height
- The sign background shall be reflective white in color.
- Reflective red in color, conforming to Pantone matching system (PMS) #187.

Part 1264 IDENTIFICATION OF BUILDINGS UTILIZING TRUSS TYPE CONSTRUCTION

1264.4 Identification of truss type construction.
- Group A, B, E, F, H, I, M, or S occupancy, and in hotels and motels classified as Group R-1 or R-2 occupancy.
- Provided in newly constructed buildings that utilize truss type construction and
- in existing buildings where an addition that extends or increases the floor area of the building utilizes truss type construction.
Title 19 Part 1265
Truss Signage- Residential Buildings
Residential Structures with Truss Type Construction

Any person utilizing truss type, pre-engineered wood or timber construction for
• the erection of any new residential structure,
• for any addition to an existing residential structure, or
• for any rehabilitation of an existing residential structure
must:

Effective January 1, 2015
Title 19 Part 1265

1) Notify the local government that will issue the building permit that truss type, pre-engineered wood or timber construction is being utilized and

2) Affix a sign or symbol to the electric box, or adjacent to the electric box

Section 1265 Residential Structures with Truss type Construction

The form to be used to notify the local code official that truss type, pre-engineered wood or timber construction is to be used, shall be prescribed by the State Fire Prevention and Building Code Council.

(2) An authority having jurisdiction shall be permitted to prescribe its own form to be used to give the notice provided that such form requests at least same information as the form prescribed in paragraph 1 of this subdivision.

NOTICE OF UTILIZATION OF TRUSS TYPE CONSTRUCTION,

1265.4 Notice to be given to AHJ

Appendix page 77

Information that must be on the form
Section 1265.6 Notification, Consulting

The code enforcement official shall notify and consult with the chief of the fire district, fire department, or fire company having jurisdiction.

The chief of the fire district, fire department, or fire company shall use the information so provided to warn persons conducting fire control and other emergency operations.

1265.7 Enforcement

Local governments shall provide, by local law, for the enforcement of the provisions of new Executive Law § 382-b.

Student Exercises
How to use the book.
What is the minimum clear width of a door?

1. Take the question apart and find the key words.
2. Door, Width, minimum
3. Go to the Table of Contents, but what is a door part of?
4. The Means of Egress, now is there a Chapter that addresses the Means of Egress?
5. Chapter 10
6. In Chapter 10 Section 1010 Doors, Gates, Turnstiles, page 554
7. Section 1010.1.1 Size of Doors
8. The answer is

The building permit application say they are building a restaurant that will be 2300 square feet and on the first floor of a new structure. Does the builder need to install a sprinkler system?

1. Key Words: Restaurant, Sprinkler, 2300 square feet, first floor
2. Table of Contents: Occupancy Classification of a restaurant?
3. Chapter Three Use and Occupancy Classification, page 41
4. Occupancy Classification is

But keep reading, we need an answer for an A-2 occupancy.
The building permit application say they are building a **restaurant** that will be **2300 square feet** and on the **first floor** of a new structure. Does the builder need to install a **sprinkler system**?

**Section 903.2.1.2 Group A-2**

The answer is:

1. The Fire Area is only 2300 square feet
2. We don’t know the Occupant Load
3. The Fire Area is on the first floor

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**Citing the code - Example**

A new department store has submitted plans for the parking lot. Spaces between accessible parking is 5 feet between car parking spaces.

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**Citing the code - Example**

Table of Contents: Chapter 11 Accessibility
Section 1106 Parking and Passenger Loading Facilities

**1106.1 Required** Where parking is provided, **accessible** parking spaces shall be provided in compliance with Table 1106.1, except as required by Sections 1106.2 through 1106.4. Where more than one parking facility is provided on a site, the number of parking spaces required to be **accessible** shall be calculated separately for each parking facility.
Citing the code - Example

Table of Contents: Chapter 11 Building Code
Section 1106 Parking and Passenger Loading Facilities

2020 BCNYS Section 1106.1 (Required).
….accessible parking shall be required....

[NY] 1106.1.1 Access aisles. Accessible parking spaces shall be in conformance with ICC A117.1
except that spaces shall be provided with access aisles at least 8 feet in width.

Violation of [NY]1106.1.1 of the 2020 Building Code of NYS as incorporated by reference in 19 NYCRR Section 1221.1

[NY] 1111.5 Access aisle signs. Each access aisle shall be provided with signage reading "NO PARKING ANYTIME."
Citing the code- Example

1111.1 Signs. Required accessible elements shall be identified by the International Symbol of Accessibility at the following locations.

1. Accessible parking spaces required by Section 1106.1.


This is the symbol, effective since November 14, 2014

The CEO should cite the applicable code section(s) in the way that satisfies the local court. The CEO should ask their municipal attorney for guidance.
Code Supplements

- Previous editions of the Code utilized a Supplement for NYS changes to ICC documents.
- Existing buildings may require fire safety inspections or may be altered utilizing these supplements.

EBCNYS Chapter 3 Compliance Methods

301.3 Alteration, addition or change of occupancy
The alteration, addition, or change of occupancy of all existing buildings shall comply with one of the methods listed in Section 301.3.1, 301.3.2, or 301.3.3 of the EBC as selected by the applicant.

Exception: Alterations complying with laws in existence at the time the building was constructed.

Example: 503 Fire Apparatus Access Road

503.1.1 Buildings and Facilities
Provide and maintain access to within 150’ of the building

NYS Supplement
Exceptions 1.3 and 1.4
503 Fire Apparatus Access Road

IFC 1.1. The building is equipped throughout with an approved automatic sprinkler system.

IFC 1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegligible grades or other similar conditions, and an approved alternative means of fire protection is provided.

IFC 1.3. There are not more than two Group R-3 or Group U occupancies.

Exception 1.3 Group U Occupancies

1.4 One or two family detached dwellings or not more than two Group R-3 occupancies that meet the requirements of Section 511 (Emergency Vehicle Access).
Who we are and what we do

Technical assistance
  Technical Services
  Regional Services
  Energy

Board of Review
  Variances
  Manufactured Housing

Educational Services Unit

Department of State

DIVISION OF BUILDING STANDARDS AND CODES
(518) 474-4073

OFFICE OF LOCAL GOVERNMENT
(518) 473-3355

DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES
(518) 474-6746

DBSC Educational Services Unit

Basic Training Classes
In-Service Course
Continuing education
Advanced In-Service Training
Mandatory
Technical Services - The Three Regions

For calls about Codes in New York City, please contact the New York City Department of Buildings.

September 23, 2020

Technical Services - The Three Regions

New York

Variances

Please contact the respective representative below if you have questions regarding a variance or appeal:

Buffalo
Office
State Office Building
65 Court Street, Room 208
Buffalo, NY 14202
Andy Hvidal (716) 847-7612

Jim King (315) 428-4454
Rick Smith (631) 952-4912
Courtney Nation (631) 952-4915

Joe McGrath (518) 474-9393
Neil Collier (518) 473-8947

September 23, 2020

How to sign up for Updates, Emergency Rule Makings and Technical Bulletins from our office:

- [www.dos.ny.gov](http://www.dos.ny.gov)

- Division of Building Standards and Codes

- Click on the button on the Left Side that says “Contact Us”
  - Give them your e-mail information.
Objectives

- Describe the Authority for Inspection in relation to the Right of Privacy
- List Acceptable Methods of Entry onto Private Property
- Describe the Consequences of an Improper Inspection

Authority for Inspections

Many local ordinances have a “Refuse to Allow Inspection” clause or “Authorize” code official to conduct inspections

Determined to be in conflict with constitutional rights
Frank v. Maryland - 1959

• Inspection for Rat complaint
• Frank would not consent to inspection
• Fined $20 for his refusal
• Appealed to Supreme Court
  – Court allow the warrantless search
  – Allowed the fine for refusal to allow the inspection

Why did Frank Appeal?

• US Constitution
• 4th Amendment/14th Amendment
• Individuals Right to Privacy

The Supreme Court did not view “administrative” actions as rising to the same level as “criminal” actions

Police Power of a Municipality

Is Restricted By:
• U.S. Constitution
  – 4th Amendment
  – 14th Amendment
• N.Y.S. Constitution
  – 1st Article
  – 12th Article
RESULTS: Camara v. San Francisco
See v. Seattle

- Statute cannot Authorize Warrantless Search
- Search without Proper Consent is Unreasonable
- Refusal of an inspection should not subject individuals to criminal penalties
- WARRANTS should be sought only after entry is refuse
- Appellant cannot be prosecuted for exercising his Constitutional Right

September 23, 2020

Entry into Private Property

- Consent
- Search
- Warrant
- Emergency
- Circumstances

September 23, 2020

Valid Consent

Option #1 for the Code Official

What is the basis for the validity of the consent?

- Privacy Interest
- Given Freely
- Informed
- Competent
Test For Valid Consent

Consent from ...

- Person with Privacy Interest to be Lost
  - Proprietary Interest
  - Lawful Occupant
- Examples:
  - Owner/Owner's Agent
  - Landlord/Lessor
  - Tenant/Lessee

Test For Valid Consent

Given Freely ...

- Threats
- Right to Refuse
- Accustomed to Officials
- In Custody
- Attitude - Prior to Giving Consent

Test For Valid Consent

Informed ...

- Clear
- Convincing
- Positive
Test For Valid Consent
Competent to Consent?

- Age of Consent in NY
- Mental Capacity
- Comprehension

Search Warrant
Option #2 for the Code Official

- IF ... Refused Entry
- SHOW ... Probable Cause

“Probable Cause” Concept

- Developed in criminal investigations
- Standards for administrative search (inspection) not as strict:
  - Condition of the neighborhood
  - Nature of a building, structure
  - Passage of time
Search Warrants

- Request made to Local Criminal Court by:
  - Public Servant acting in the course of official duties
- Probable Cause
  - Evidence of an offense is present in the property

“Property” that can be Seized

- Stolen
- Unlawfully possessed or contraband
- Used to commit or conceal the commission of an offense
- Evidence to demonstrate an offense was committed

Application for Search Warrant

- Heading
- Deposition
- Submit to Judge

Contents of Warrant

- The Designated Premises
- The Designated Property
- The Information
Execution of Warrant

- MUST be executed by a Police Officer
- Identifies Property and what can be Searched For
- Issued for the Property
- 6 AM to 9 PM
- Allows Forcible Entry

Search Warrant Return

- By the Police Officer
- Without Unnecessary Delay
- List the “Evidence” Seized
  - the more information and documentation you can provide, the better

Fourth Amendment

- Forbids “Unreasonable Search and Seizure”
- Penalty is the “Exclusionary Rule”
- Search Must be Conducted Properly
Acceptable Searches

• Plain View
• Consent
• From Another’s Property

Unacceptable Searches

• Intimidation
• Trespassing

Consent: Guide for Inspector

• Identify yourself and your purpose
• Ask specifically for consent
• Advise occupant of what you are there to inspect
• Advise occupant of the consequences
• Must hear the consent
### Exigent or Emergency Circumstances

- All three elements MUST be present:
  - Serious threat to life or safety
  - So imminent that delay for warrant would harm
  - A rare occurrence
LESSON 7

Personal and Professional Attributes of a Code Enforcement Official

Effective Communication
Dealing with the Media

A Division of New York Department of State

September 23, 2020

What are the most important qualities of a Code Enforcement Official?

Integrity
Knowledge
Image
Communication
Fair
Firm
Consistent

The Inspector’s Image

What is the public’s impression of CEO’s Argumentative or Knowledgeable?

How would you feel if you were dealing with a Code Enforcement Official?
Personal Attributes

Who do you communicate with?
Why do you communicate with them?
How do you communicate?
What do you communicate?

Are you a good communicator?

The Communication Process

MESSAGE

FEEDBACK

The act of passing a message and understanding from one individual to another.

Good Communication begins before you open your mouth!

Prepare with the 4 People Questions
What is their reason for contacting you?
Who is involved?
What do they want you to do?
What is your response?
Effective Communication
Listening, Looking and Responding

In order to LISTEN effectively, you need to be

SILENT

Listening

Pay attention
Don't Interrupt
Listen for feelings underneath the words
Keep an open mind
Encourage the speaker to continue
Don't think ahead to what you are going to say

Responding

Being on the Level
Be honest
Speak for yourself
Deal with the other persons feelings
Reflect feelings
Show that you are listening
Check out what you are understanding
Ask if that is what the speaker said
Working with the Media

Sometimes you want to.
More often you have too!
Improving Public Relations Skills

The C.E.O. is Often Obscure...

Use the Media to Portray Technical Competence…

Use the Media to increase Understanding
  Bring understandable images to an audience
  Reduce rumors by providing the facts

Be PREPARED for the Media

Media “Events”

Public Information
  Press Release
    A prepared statement you send to the media
  Press Conference
    A public meeting with the media
Public Education
  Public Service Announcement
Interview for Story
Emergency or Crisis Situation
Dealing with the Media
Know Your Role
Discuss with your Supervisor FIRST
Is there a Department/Agency Policy?
Will YOU communicate with the media and the public?
Will YOU provide information for someone else?

Know the Rules and Players
Do your homework and be prepared
Contact names, numbers and deadlines
Meet and Greet
Explain your basic procedures
Set up a file

What is their Schedule?
Print
Radio
Television

What do they Need?
Facts
Focus
Follow-up
How to be Effective

Be comfortable
Be in control
Be PREPARED
  Know your facts
  Anticipate questions
  Avoid "No comment" if possible
CHOOSE YOUR WORDS CAREFULLY

Tips for Media Appearances

Clothing
  Business attire
  Look and act professionally
Pick the location if possible
  Outside your office
  Within your comfort zone
Control the situation

Press Releases and Press Conferences

Controlled information
  Allows information to be presented once to all interested media
Press Releases:
  Neat, accurate and complete statement
Press Conference
  Prepare a Short Statement
  Listen Carefully, Then Answer Questions
  If You Can't Answer, Say Why
Public Service Announcement

- Radio or Television
- Less Is More
  - 15 – 60 seconds
- Have a Purpose
- Do it right
  - Provide facts
  - Make your point
- Find Talent if needed

Be aware of these Interviewing Techniques and Pitfalls

- Ambush Interview
- Long Pause
- Off The Record
- One More Question
- He Said...
- No Comment
- No Comment
- No Comment
- No Comment

Crisis Communication
Tell it all and tell it fast

- Follow your chain of command
- Control rumors
- Centralize all information
- Don’t hold anything back
- Update frequently
- Be preemptive if necessary
- Control site access
Eight Ways to Face a Crisis Before it Happens

- Picture the situation and put in the practice before you need it.
- Get your facts or the facts will get you.
- Be vividly specific and compelling.
- Be brief to build rapport.
- Make unlikely allies before you need them.
- Be plainly clear.
- Look to their positive intent, especially when they appear to have none.
- Be the first to say you’re wrong when you are.

Dealing with the Media Deadly Sins

- DO NOT assume you are out of range
- DO NOT discuss issues unless you have the facts
- DO NOT allow the media to sensationalize
- DO NOT allow personal behavior to detract from the message
- DO NOT try to be funny
- DO NOT convey false intimacy
- DO NOT speak negatively about anyone
- DO NOT speak off the record
- DO NOT deal with “what if”
- DO NOT offer personal opinions

Summary

Communication
It’s more than just talk, and can be learned

Dealing with the Media
They are out there. And they can help.
Lesson 8
Records and Public Service
The Legal Issues which keep the Public Informed and the Municipality functional.

Objectives:
- Define "Public Records"
- Identify Laws and Discuss Regulations

Why Record Keeping is Important
If records can't be provided, how does a municipality prove compliance with...
- State Law (Article 18, §381)
- State Regulation (1203.3 (k) Recordkeeping, 1203.4 Program review and reporting)
A Public Record

Definition

"...Any information kept, held, filed, produced or reproduced by, with or for an agency or the state legislature, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes.

Public Records

You must issue permits
Permits require documentation

You must do inspections
Inspection reports must be filed

You must answer complaints
A record of your actions must be kept

Advantages of systematic retention and disposition of records

1) Ensures that records are retained as long as they are actually needed for administrative, fiscal, legal, or research purposes;
2) Ensures that records are promptly disposed of after they are no longer needed;
3) Frees storage space and equipment for important records and for new records as they are created;
4) Eliminates time and effort required to service and sort through superfluous records to find needed information;
5) Eliminates the potential fire hazard from storage of large quantities of valueless records; and
6) Facilitates the identification and preservation of archival records.
Laws on the Disposition of Records

Section 86(4), Public Officers Law

Section 57a of Local Government Records Law

Part 185 of Title 8, State Education Law
Local government records may not be disposed of without consent of the Commissioner of Education

Process of Disposition

To dispose of any public record you must first obtain a Retention and Disposition Schedule

Issued by State Archives (new schedule for local governments Retention and Disposition Schedule for New York Local Government Records, LGS-1, to be issued on August 1, 2020)
Contains minimum legal retention period
Different periods for different government agencies

Local government must adopt schedule (new schedule for local governments LGS-1 must be adopted by January 1, 2021)

Schedule remains in effect until new schedule

Typical Schedules for Building and Construction

108 Master Summary Records
Permanent

109 Property Maintenance or Building Inspection Records
a. Records documenting major issues:
   6 yrs. after building no longer exists, but in no case less than 21 yrs.
b. Records documenting routine/minor issues:
   6 years after last entry in record
c. Single family home:
   6 years after last entry in record
Typical Schedules for Building and Construction

**110 Fire safety inspection records**

a. Master summary record of inspections performed:
   RETENTION: PERMANENT

b. Report on inspection at school, public building, multifamily dwelling, or commercial or industrial facility and notice of violation:
   RETENTION: 21 years
   NOTE: If fire safety inspection records are combined or interfiled with building inspection records, use item no. 109.

c. Report on inspection of single family dwelling and notice of violation:
   RETENTION: 6 years

**112 Building permit and certificate of occupancy issuance records**

a. Master summary record of applications for building, plumbing, electrical, demolition or related permits, or for certificates of occupancy granted:
   RETENTION: PERMANENT

b. Log or other chronological list recording permits or certificates of occupancy issued:
   RETENTION: 1 year after last entry in record, or 1 year after posting

c. Building, plumbing, electrical, demolition or related permit file, including application and supporting materials; plans, maps and drawings; specifications; inspection reports; copies of all required permits and approvals; affidavit of compliance or completion of work; records of appeal when permit is denied; certificate of occupancy and correspondence, when permit is granted:
   RETENTION: 6 years after building no longer exists

d. Building, plumbing, electrical, demolition or related permit file, when permit is denied:
   RETENTION: 6 years after final decision

e. Building, plumbing, electrical, demolition or related permit file, when application is discontinued, has lapsed or is incomplete:
   RETENTION: 90 days after date of most recent entry in record

f. Building, plumbing, electrical, demolition or related permit file for non-structural modifications to shopping mall, office complex or similar structure (modifications not involving changes to fire suppression or alarm systems), when permit is granted:
   RETENTION: 10 years
   NOTE: Certain records covered by this item may be included under item no. 113, such as in instances where they are maintained in electronic format and not created as hard-copy output and included in the building permit file. In these cases, the electronic records covered by item no. 113 must be retained as long as specified by this item.

g. Certificate of occupancy and application when not related to building permit application:
   RETENTION: 6 years after building no longer exists
### 112 Building permit and certificate of occupancy issuance records

- h. Pre-printed construction specifications submitted as part of building permit application as required by building trade or insurance companies:
  - RETENTION: 6 years after denial of permit or completion of work
- i. Plumbing system review or similar records held by county health department which assists municipality in building permit application review and issuance:
  - NOTE: In cases where all documentation is not forwarded to the municipality, the county agency may wish to retain these records as long as the municipality retains the records covered by parts "c" through "f," above.

### 113 Building permit issuance data file

- Retained in building/property history system, and related records, created for informational and reference purposes, containing information on application for and issuance of building permits, including related inspections, certificate of occupancy issuance, and other relevant detailed information:
  - RETENTION: 0 after no longer needed
  - NOTE: Counties should consider permanent retention of the basic data elements of this building permit issuance data for all parcels of property in the county, unless that data is preserved by the master summary record (see item no. 108.) …

### 114 Building complaints/violations records

- a. Certificate of insurance or copy of insurance policy:
  - RETENTION: 6 years after denial or expiration of relevant permit
- b. Master summary record of contractors doing business in municipality/county and their insurance coverage:
  - RETENTION: 1 year after superseded or obsolete
Public Records Summary

You created them and now you have to live with them
For a long, long time... like forever

Freedom of Information Law

Provides rights of access to records of governmental decisions and policies

Covers all units of state and local government
- State agencies
- Public corporations and authorities
- Any governmental entity performing governmental function

F.O.I.L. Facts

Most all your records are public records
We just learned records must be maintained

So what if someone wants to see these records

Choice 1. They ask ... you show them
(based on a predetermined office policy)

Choice 2. they ask ... you require request in writing
You respond by ...
- Showing the records
- Denying the release of the records requested
### Deniable Records

To deny a public record the request must trigger one of the following: (9 reasons)

1. Release is specifically exempted by other statutes
2. Release would result in unwarranted invasion of privacy
3. Release would impair contract awards or collective bargaining
4. Release would effect trade secrets maintained for regulation of commercial enterprise ...

| 5. Release would effect items compiled for law enforcement which would interfere, deprive, identify or reveal |
| 6. Release would endanger life or safety |
| 7. Would provide examination questions |
| 8. Would provide computer access codes |
| 9. Would include advisory memo's that do not affect policy |

### Inter-Agency/Intra-Agency records that are NOT deniable:

- Statistical
- Instructions to Staff that affect Policy
- Agency memo's that affect Policy or Determinations
**Obtaining Records**

- Written request reasonably describing record
- 5 business days response time
- Fees may be charged
  - Only to cover costs of compiling records
- Denial must be in writing
  - Reason for denial
  - Advise of appeal rights and procedure
  - Appeal process found in Public Officers Law 89(4)
  - Article 78 of the Civil Practice Laws and Rules

**Open Meeting Law**

"Sunshine Law"

"Meeting"

An official convening of a public body for purposes of conducting public business...

**Effective 10/01/79**

**Public Meetings**

Any official convening of a public body for purposes of conducting public business must be done in a public forum
Closed/Executive Session

Is a Portion of an Open Meeting ...
Identify subject area
Motion must be made
Motion carried by majority of membership

A Meeting can be closed
For the Following Eight Subjects:

1. Matters which would imperil the public safety if disclosed
2. Matters which may disclose the identity of law enforcement agency or informer
3. Information relating to investigation or prosecution of criminal offense
4. Matters regarding proposed, pending or current litigation

5. Collective bargaining negotiations
6. Personnel or personal records
7. Preparation, grading or administration of exams
8. Acquisition/sale of real estate or securities ... only when publicity would substantially affect value
During a Closed/Executive Session

A PUBLIC BODY CAN NEVER VOTE TO APPROPRIATE PUBLIC MONIES DURING A CLOSED SESSION

Summary

Records are Public Property
Required to be Kept
Retention and Disposition Requirements
Public Officers Law
Freedom of Information
Open Meetings
Lesson 9

Remedies

Gaining Compliance
Voluntarily or Not

A Division of New York Department of State

Objectives:
Differentiate between Code Enforcement and Law Enforcement
Discuss Voluntary Remedies
Discuss Informal and Formal Remedies
Outline procedures for Involuntary Remedies

Code Enforcement

The **Mission** of Code Enforcement is Public Safety

*The Goal of Code Enforcement is Voluntary Compliance*
Executive Law 382 Remedies

Every local government shall have the power
To order in writing the remedying of any violation of the uniform fire
prevention and building code and
To issue appearance tickets for violations of the uniform code.

Shall be punishable by a fine of not more than one thousand dollars
per day of violation, or imprisonment not exceeding one year, or both.

Enforcement

Criminal Law Enforcement
Remedy is Usually Not Possible
Punish Offender

Code Enforcement
Problem is Usually Correctable
Goal is to Remedy Not to Punish

Informal Remedies
**Formal Remedies**

- **Administrative Order**
- **Order to Remedy**

**Administrative Order**

"Order to Remedy"
- Identifies Condition
- Orders Correction
- States Time
- States Penalty

**Administrative Order**

"Stop Work Order"
- Directs Construction to Cease
- Must be Rescinded Before Work Can Recomence
19 NYCRR Part 1203.5

Orders to Remedy
Effective January 12, 2015

19 NYCRR 1203.5: Time Fixed for Compliance with
Orders to Remedy

Appendix page 32

1203.5(a) Compliance with an Order to Remedy.

Section 381 of the Executive Law provides for the administration
and enforcement of the Uniform Code

Subdivision 2 of section 382 of the Executive Law provides, in part,
that any person, having been served, either personally or by
registered or certified mail

Subdivision 1 of section 381 of the Executive Law, such time period
to be stated in the order, shall be punishable by a fine of not more
than $1,000 per day of violation, or imprisonment not exceeding one
year, or both

1203.5 (c) Time for compliance with
Order to Remedy

Order to Remedy is hereby fixed at
30 days following the date of such
Order to Remedy.
1203.5 (d) Statement to be included in Order to Remedy

shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by [specify date], which is thirty (30) days after the date of this Order to Remedy.”

1203.5 (e) Service.

An order to remedy a condition found to exist in, on, or about any building in violation of the Uniform Code shall be served personally or by certified or registered mail within five (5) days of the date of the order.

1203.5 (g) Other means of enforcing the Uniform Code

(1) issuing notices of violation;
(2) issuing appearance tickets;
(3) commencing and prosecuting an appropriate action, subdivision 3 of section 382 of the Executive Law;
(4) commencing and prosecuting an appropriate action or proceeding pursuant to subdivision 3 of section 382 of the Executive Law;
(5) issuing stop work orders;
(6) revoking or suspending building permits;
(7) commencing and prosecuting an appropriate action or proceeding to impose such criminal and/or civil sanctions as may be provided in any applicable statute, regulation, rule, local law or ordinance;
(8) condemning and/or placarding a building;
(9) taking any action authorized by the procedures for identifying and addressing unsafe structures and equipment.
1203.5 (f) Requiring immediate commencement of corrective action.

(1) to begin to remedy the violations described in the Order to Remedy immediately
(2) to take such other protective actions

BUT: Penalties are not imposed until after thirty days
Administrative Remedy
Provisions in State Regulations

Variance
- Boards are Quasi-Judicial
- State Boards Only
- Follows “Result Oriented Approach”
  
**Involuntary Compliance**

Assistance from the Court

Civil Enforcement Actions
- Only Civil Penalties can be imposed
- Lower burden of proof – *Preponderance of the Evidence*

Criminal Enforcement Actions
- Criminal procedures law
- Criminal penalties and fines
- Burden of proof – *Beyond a Reasonable Doubt*

Court Responsibilities

**Local**
- Impose Fines and/or Penalties

**State Supreme**
- Removal or Abatement

**State Supreme Appellate**
- Reaffirm/Overturn other Court’s Decision
Getting to Court

Information CPL 130
An “Accusatory” instrument
Provides court with details of alleged offense

Appearance Tickets CPL 150
An “Invitation” to court

Summons
An order by a court to appear

Appearance Ticket
Title 4 CPL ARTICLE 150 - THE APPEARANCE TICKET

§ 150.10 Appearance ticket; definition, form and content

1. An appearance ticket is a written notice issued and subscribed by a police officer or other public servant authorized by state law or local law enacted pursuant to the provisions of municipal home rule law to issue the same, directing a designated person to appear in a designated local criminal court at a designated future time in connection with his alleged commission of a designated offense.

A notice conforming to such definition constitutes an appearance ticket regardless of whether it is referred to in some other provision of law as a summons or by any other name or title.

New York Criminal Procedure Law
§ 150.40 - Appearance ticket; where returnable; how and where served

1. Made returnable in a local criminal court.

2. May be served in any manner per Section 308 of Civil Practice Law and Rules.

3. Served anywhere in the county in which the offense was committed.
New York Civil Practice Law and Rules § 308.
Personal service upon a natural person

1. by delivering the summons within the state to the person to be served; or
2. by delivering the summons first class mail in an envelope bearing the legend "personal and confidential", no return address, or
3. by delivering the summons within the state to the agent for service, or
4. Affixing the summons to the door and by mailing the summons

Such affixing and mailing to be effected within twenty days of each other

Court Information

Name and Address of Defendant
Service
Inspector’s Name and Title
Date the Offense was Observed
Address where Violation Occurred
Provision Violated
To Wit Clause (where you state what you saw)
Perjury Clause
Return Date
Serving an Appearance Ticket or Summons

Name on Summons
Defendant
Corporations
Partnerships
Agents of Owners
Penalty for Failure to Appear

BUT !!!!!!!
Always talk to your municipal attorney and court office FIRST

Civil Judicial Remedies
Equitable or Injunctive Relief
Compels or prohibits an official act
Decided in State Supreme Court
Before using Criminal Remedies...

- These are Criminal Sanctions
- Proof beyond a reasonable doubt required
- CONDUCT of the CEO will be scrutinized
- Does the violation warrant establishing a criminal record for violators
- Save criminal sanctions for the most flagrant code violations
- CEO should consult the municipal attorney

Criminal Prosecution of a Code Enforcement Action

YOU have the BURDEN OF PROOF
Beyond a reasonable doubt

Take care of the PRELIMINARY MATTERS - DOCUMENTATION
- Inspections
- Notes
- Photographs

Criminal Judicial Remedies

“Formal Involuntary” actions
Irreversible process
Executive Law Article 18 allows:
- $1000 per day
- One year in jail
- OR both
Local Government may establish penalties
Cannot exceed the amounts of Section 382.2
US Constitution

14th Amendment

Your duty to impose the powers of government for health, safety and welfare of the community is balanced by the Constitution!

14th Amendment - Section 1
Citizens guaranteed Federal PRIVILEGES and IMMUNITY
Citizens must be granted DUE PROCESS
Citizens granted EQUAL PROTECTION

Involuntary Formal Remedies

- Judicial Remedies
  - Civil
  - Variance
  - Criminal (Contempt)
- Local Law Provisions
  - Condemnation
  - Posting

Chapter 1

Administrative
**[NY] 103.1 Administration and enforcement.**

- The Uniform Code shall be administered and enforced by the Authority Having Jurisdiction:
  - 1. Where a city, town, village or county is the Authority Having Jurisdiction:

**[NY] 105 BUILDING PERMITS, CONSTRUCTION INSPECTIONS, STOP WORK ORDERS, CERTIFICATES OF OCCUPANCY, AND OPERATING PERMITS**

- apply for and obtain building permits,
- to facilitate construction inspections,
- to obey stop work orders,
- to obtain certificates of occupancy, and
- to obtain operating permits
**Chapter 2 Definitions**

**Authority Having Jurisdiction** means the governmental unit or agency responsible for administration and enforcement of the Uniform Code.

**Part 1203-Compliant Code Enforcement Program** means a code enforcement program that includes the features required by Part 1203 and satisfies the requirements of Part 1203.

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**Chapter 2 Definitions**

**Building Permit.** A building permit, construction permit, demolition permit or permit that authorizes the performance of work.

**Certificate of Occupancy.** A document issued by the authority having jurisdiction certifying that the building complies with the approved construction documents that have been submitted to and approved by the authority having jurisdiction, indicating it to be in a condition suitable for occupancy.

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**[NY] 105.2 Building Permits**

No person or entity shall commence, perform or continue any work that must conform with the Uniform Code and/or the Energy Code unless:
1. such person or entity has applied to the Authority Having Jurisdiction for a Building Permit;
2. the Authority Having Jurisdiction has issued a Building Permit authorizing such work,
3. such permit has not been revoked or suspended, and
4. such permit has not expired.
[NY] 105.2.1 Work exempt from building permit requirement.

Exception. A Building Permit is not required for work in any category that is excluded from the permit requirement by the Authority Having Jurisdiction’s Code Enforcement Program, provided that Part 1203 allows an Authority Having Jurisdiction to exclude such category of work from the permit requirement. An exemption from the requirement to obtain a Building Permit shall not be deemed to be an authorization for work to be performed in violation of the Uniform Code or Energy Code, or any provision of any other applicable law.

[NY] 105.2.2 Applications for Building Permits.

Application for a Building Permit shall include:

1. Construction documents that satisfy the requirements of Section 106.2;
2. Any and all other submittal documents required by Section 106;
3. Any and all other information and documentation that may be required by the stricter of the authority having jurisdiction’s Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program; and
4. Such other information and documentation as the authority having jurisdiction may determine to be necessary to allow the authority having jurisdiction to determine whether the proposed work conforms with the Uniform Code, the Energy Code, and other applicable laws.
[NY] 105.3 Construction Inspections

Any person or entity performing work for which a Building Permit has been issued shall keep work accessible and exposed until the work has been inspected and accepted by the Authority Having Jurisdiction, or its authorized agent, at each element of the construction process that is applicable to the work and specified in the stricter of the Authority Having Jurisdiction’s Code Enforcement Program or a Part 1203-Compliant Code Enforcement Program.

[NY] 105.4 Stop Work Orders

YOU have the authority

- No permit
- Permit has been suspended, revoked or expired
- Dangerous manner, contrary to the codes or plans
- Not within the conditions of the permit

No person or entity shall commence, perform or continue any work that must conform with the Uniform Code and/or Energy Code if the Authority Having Jurisdiction has issued a Stop Work Order with respect to such work.
[NY] 105.5 Certificate of Occupancy

No person or entity shall use or occupy such building or structure, or such portion thereof, unless:

1. the Authority Having Jurisdiction has issued such Certificate of Occupancy,
2. such Certificate of Occupancy has not been revoked or suspended, and
3. in the case of a temporary Certificate of Occupancy, such temporary Certificate of Occupancy has not expired.

[NY] 105.5.1 Authorized uses and occupancies

Where a Certificate of Occupancy has been issued for a building or structure, or any portion thereof, no person or entity shall:

• use or occupy such building or structure, or such portion thereof, for any use or occupancy other than that authorized by such Certificate of Occupancy.

[NY] 105.5.2 Change of use or occupancy

No person or entity shall convert the use or occupancy of a building or structure, or any portion thereof, from one use or occupancy to another without first obtaining a Building Permit to perform the work.
There are certain activities that pose a significant hazard to life or property.

1. Manufacturing, storing or handling hazardous materials
2. Hazardous processes and activities
3. Use of pyrotechnic devices in assembly occupancies
4. Buildings containing areas of public assembly with an occupant load of 100 persons or more
5. Parking garages
6. Buildings whose use or occupancy may pose a substantial hazard to public safety

AHJ’s must establish requirements and procedures for:

- Issuing operating permits
- Permit fees
- Duration of permits
- Suspension or revocation of permits
[NY] 105.7 Violations

The term “other law” shall include:
- The Authority Having Jurisdiction’s Code Enforcement Program;
- Any regulation, local law or ordinance establishing the Authority Having Jurisdiction’s Code Enforcement Program; and
- Any other applicable statute, rule, regulation, local law or ordinance.

Summary

You must gain compliance
You should always look for voluntary compliance
If you can’t get it you will have to take appropriate actions
Going to court is very time consuming do what you can to stay out
If you have to use the court system be prepared and you should prevail
Lesson 10

LIABILITY

A Division of New York Department of State

September 23, 2020

Liability

Objectives:

Discuss legal terms pertaining to liability
Identify the three areas where liability is possible
Establish a defense against possible liability

Liability Concerns

Remember:
The CEO and the Municipality are separate and distinct entities
One, or both, may be sued
The municipality may not be liable in court
But, the CEO MAY BE!
Sovereign Immunity

Now known as “Public Duty Immunity”
Municipalities are only liable for acts which involve the performance of a set task.
Acts by municipal employees which involve the employee’s judgment do not create municipal liability

BUT, may create employee liability!

Public Officers Law

Section 18
A municipality may provide for the DEFENSE of an officer or employee in any civil action or proceeding which arises out of alleged acts or omissions within the scope of the public employment or duties of the officer or employee.

Section 19 for State Employees
Shall provide for defense...

Section 18
In addition the municipality may INDEMNIFY its officer or employees for judgments obtained against the officer or employee for acts or omissions which occurred within the scope of the public employment or duties of the individual.
“Defend” and “Indemnify”

Defend
   Representation in Court

Indemnify
   To protect against Hurt, Loss or Damage
   To make compensation for Hurt, Loss, or Monetary Damage

Indemnification

   ONLY applies to:
   Acts or omissions which occurred within the scope of the public employment or duties...

Areas of Potential Liability

   Intentional wrong doing
   Negligent wrong doing
   Violation of civil rights

   Any of these may result in a “Tort”
TORT

Definition:

A Private or Civil Wrong/Other than a Breach of Contract, arising from the Breach of a Legal Duty

Two General Categories of Torts

Intentional Torts
Injury or damage from intentional improper conduct or actions

Torts of Negligence
Injury or damage resulting from failure to exercise a permissible action properly

Distinction between torts is important
No indemnification for Intentional Torts

Examples of Intentional Torts
Malicious Prosecution
Abuse of Process
False Imprisonment
Intentional infliction of emotional distress
Assault and Battery
Civil conspiracy
Defamation; libel and slander
Trespass
Malicious Prosecution

Four Elements Must be Proven:
Institution of criminal, civil or administrative proceedings
Without probable cause
With malice
Terminating in favor of the accused

Defense against Malicious Prosecution
Always follow the same procedures
Always document violations
Treat every case the same
And AVOID “Favorable Termination for the Accused” (don’t lose the case)
by:
  Asking the judge to find guilty, but suspend the charges (A.C.O.D.)
  Asking the judge to drop the charge, but have the RECORD SHOW...
  Obtain a release from the accused

Other Types of Intentional Torts

Abuse of Process
Use of legal process for a reason other than which it was intended

False Imprisonment
Unlawful, unjustified detention of a person

Intentional Infliction of Emotional Distress
Caused by an intentional action considered to be outrageous, intolerable or beyond the reasonable bounds of decency
### Other Types of Intentional Torts

**Assault and Harassment**  
Attempt or threat to injure another

**Civil conspiracy**  
Accomplishment of an unlawful purpose, or a lawful purpose, by unlawful means

**Defamation:**
- To injure the good name or reputation of another
- Libel is defamation designed to be read
- Slander is oral or uttered defamation

### Trespass

Intentionally entering onto land under possession of another

Damage is presumed even if no physical damage is done

Best defense
- Search Warrant
- Valid Consent

**Consent may be withdrawn, if told to leave, LEAVE!**

### Torts of Negligence

Most common tort municipalities and/or their CEO's must defend against...

Where the plaintiff claims damage as a result of negligence in Code enforcement
Four Elements of a Tort

1. Duty - Owed from one to another
2. Breach of Duty - Failure to act properly
3. Damage - Injury sustained
4. Causation – Breach that caused damage

All four parts must be proven to establish liability...

General Duty Rule

Municipality is not liable for
Failure to enforce a statute or regulation
Or for failing to supply general police or fire protection

Unless a “special relationship” creates a duty
ONLY applies to MUNICIPAL LIABILITY

A “Special Relationship” determines...

General Duty vs. Special Duty
To define “Special Duty”

Past Court decisions...

No Special Duty

No Liability

Plaintiff Must Prove EACH Element

Duty
Does a “Special Duty” exist?
Is it owed by the municipality/CEO?

Breach of Duty
By improper action, MISFEASANCE
By inaction, NONFEASANCE

Damage
Physical or Monetary

Causation
The “link” or “bridge” between breach of duty and damage

If Liability is found

Plaintiff receives award for “Damages”
“Damages” usually refers to payment of money
  To compensate victim
  To punish wrongdoer
  To deter future behavior

CEO’s protection from Damages
Indemnification
Personal “Errors and Omissions” Insurance
Federal Civil Rights "1983" Actions

Lawsuit instituted pursuant to Section 1983, Title 42, U.S. Code
Successful "1983" action has two elements:
Deprived of Constitutional Rights or Privileges
Pursuant to State or Local Statute, Rule Ordinance, or Regulation
"Under Color of Law"

Areas for potential Civil Rights Actions

US Constitution, 4th Amendment
Free from unlawful search and seizure

14th Amendment - Section 1
Citizens guaranteed Federal PRIVILEGES and IMMUNITY
Citizens must be granted DUE PROCESS
Notice of Charges
Hearings
Opportunity to Defend
Right to Confront Accusers
Citizens granted EQUAL PROTECTION
Uniform treatment in similar circumstances
CEO Liability

Qualified Immunity
May protect a CEO from personal liability
Be familiar with clearly established law governing conduct
Knowledge that certain conduct violates an individual’s civil rights incurs LIABILITY
Consult municipal attorney when in doubt
Follow municipal attorney’s advice
Follow departmental procedures and regulations

Ten Rules to Help Avoid Liability?
1. Develop a reminder process so you cannot forget, miss, delay or overlook known code violations.
2. Do a diligent, thorough inspection and prepare yourself before you go.
3. In your correspondence, do not give people time to violate the code.
4. Keep accurate records and know your state’s laws about releasing public information.
5. When testifying in court, only testify to those things you actually know and have documented.
6. Give the public only accurate information. If you make a mistake, correct it immediately. Do not try to cover it up.
7. When you make an arrest or close an occupancy, get help from local law enforcement.
8. Have someone with you who is responsible for the premises when making your inspections, especially in high value or secure areas.
9. If you are refused entry, and there is no “reasonable cause” to enter, obtain an inspection warrant.
10. Treat all people fairly and honestly.
Summary

To Avoid Liability...
Know your authority and responsibility as outlined in your Local Law
Follow established procedures
Perform to the best of your abilities
Treat everyone fairly
Document EVERYTHING!
The first twister of 2018 touched down in the Yates County town of Potter about 8:15 p.m. The location, near East Swamp Road, is between Canandaigua and Seneca lakes and just a few miles north of Keuka Lake. The twister, which packed winds estimated at 100 mph, caused no injuries. But it destroyed a barn, knocked over some trees and ruined a fence. It was on the ground for two minutes and traveled about a mile.

Officials said EF1 tornadoes touched down in New Castle in Westchester County and Stony Point in Rockland County, while an EF0 twister touched down in Ronkonkoma in Suffolk. The New Castle tornado lasted approximately 11 minutes starting at 4:47 p.m. and covered 3.75 miles. It had a maximum wind speed of 110 miles per hour and was roughly 300 yards wide.

The Ronkonkoma twister landed for three minutes at 11:20 p.m., with sustained winds of 85 miles per hour. The tornado’s path was 400 yards long and 200 yards wide, and it caused some damage to homes and cars.
September 23, 2020

<table>
<thead>
<tr>
<th>Date/Time</th>
<th>EF Scale</th>
<th>Town/City</th>
<th>County</th>
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<tbody>
<tr>
<td>5/15/18 4:18PM</td>
<td>0</td>
<td>Newburg</td>
<td>Orange</td>
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<tr>
<td>5/15/18 4:29PM</td>
<td>2</td>
<td>Kent</td>
<td>Putnam</td>
</tr>
<tr>
<td>5/15/18 4:32PM</td>
<td>1</td>
<td>Patterson</td>
<td>Putnam</td>
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</table>

Rainfall amounts, Aug. 14 and 15, 2018
New York State

<table>
<thead>
<tr>
<th>Location</th>
<th>County</th>
<th>Inches</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hector</td>
<td>Schuyler</td>
<td>11.53</td>
</tr>
<tr>
<td>Pulaski</td>
<td>Oswego</td>
<td>7.1</td>
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<tr>
<td>Fairport</td>
<td>Monroe</td>
<td>6.2</td>
</tr>
<tr>
<td>Lakota</td>
<td>Oswego</td>
<td>5.2</td>
</tr>
<tr>
<td>Binghamton</td>
<td>Broome</td>
<td>5.06</td>
</tr>
<tr>
<td>Carroll</td>
<td>Madison</td>
<td>4.73</td>
</tr>
<tr>
<td>Port Bay</td>
<td>Wayne</td>
<td>3.21</td>
</tr>
<tr>
<td>Candor</td>
<td>Tioga</td>
<td>4</td>
</tr>
<tr>
<td>Fairport</td>
<td>Monroe</td>
<td>3.8</td>
</tr>
<tr>
<td>N. Norwich</td>
<td>Chenango</td>
<td>3.29</td>
</tr>
<tr>
<td>Geneva</td>
<td>Ontario</td>
<td>3.06</td>
</tr>
</tbody>
</table>

River Drainage Basins
Rivers drain the water from entire basins.
Water levels depend on many factors including basin average rain, snowfall, soil conditions, groundwater, etc.
January 25, 2018
Syracuse, N.Y. -- New York officials are keeping an eye on nearly 50 ice jams across the state this weekend, the governor's office said today.
Preparedness: measures taken to prepare for and reduce the effects of disasters. That is, to predict and, where possible, prevent disasters, mitigate their impact on vulnerable populations, and respond to and effectively cope with their consequences.

Response: the second phase of the disaster management cycle. It consists of a number of elements, for example: warning/evacuation, search and rescue, providing immediate assistance, assessing damage, continuing assistance and the immediate restoration of infrastructure.

Recovery: shared responsibility between individuals, private businesses and industries, state and local governments, and the federal government. Post-disaster recovery planning is defined as developing a set of strategies to assist a community in rebuilding after a disaster occurs.
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Mitigation: the effort to reduce loss of life and property by lessening the impact of disasters. In order for mitigation to be effective we need to take action now—before the next disaster—to reduce human and financial consequences later (analyzing risk, reducing risk, and insuring against risk). It is important to know that disasters can happen at any time and any place and if we are not prepared, consequences can be fatal.

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FEMA Recovery Funding

- FEMA Recovery policy adopted 2016
  - FEMA funding dependent on use of current building codes
- Bipartisan Budget Act of 2018
  - Increases potential cost — share with States from 75% to as high as 85%
  - However …

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FEMA Recovery Funding

- Bipartisan Recovery Act of 2018
  - Adoption of an approved mitigation plan
  - State investment in
    - Disaster relief
    - Insurance
    - Emergency management programs
  - Adoption and enforcement of the latest published edition of the building codes
  - Participation in the Community Rating System
    - Also helps reduce FEMA Flood Insurance costs
  - Funding for mitigation projects
  - Grant tax incentives for risk reduction projects
Small, Localized Event

- Conduct windshield survey to determine area affected by the event
- Create a map of the area
  - Tax map
- Conduct damage assessments
  - Identify levels of damage
NYS Division of Homeland Security & Emergency Services (DHSES)

- Individual Assistance Section
  - Responsible for identification, coordination and/or implementation of programs designed to address the needs of individuals and families affected by a disaster or event.
  - Provides support and guidance to local community recovery organizations,
  - Coordinates with state and federal partners, creates and interprets individual assistance program guidance,
  - Provides support toward the OEM goal of whole community preparedness, response and recovery.

State Response

- Large events may require more resources
  - Overwhelm local resources
  - Request assistance from State
  - County Emergency Manager
    - Request to State EOC for damage assessment teams
    - May require State declaration
    - Code Official should be involved in the discussion about damage assessment assistance
DOS - CEDAR

- NYS Department of State
- Code Enforcement Disaster Assistance Response (CEDAR) program
- Team is made up of volunteers:
  - Code Enforcement Officials
  - Building Safety Inspectors
  - Architects
  - Engineers
- Respond and conduct rapid safety assessments
- Provides equipment and forms
- Work with outside agencies/companies

Becoming a CEDAR Team Member

- Complete an application package
  - Found on Codes Division website
  - CEDAR webpage
  - www.dos.ny.gov/DCEA/cedar.html
- Application package includes
  - Application
  - Employer Release form

Continued on next slide…

Becoming a CEDAR Team Member

- Complete FEMA ICS training online
  - ICS 700 - Introduction to the National Incident Management
  - ICS 100 - Introduction to the Incident Command System
  - Links found on CEDAR webpage
  - Request a FEMA transcript be sent to the Codes Division
    - Form is on the CEDAR webpage
    - 1-hour inservice credit for each course
- Complete the 6-hour CEDAR certification course
- CEDAR team members may elect to respond only to local events if they prefer not to travel, but are encouraged to respond to all requests if available
- Deployments typically are for 3 – 4 days and housing/meals are provided
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For More Information Contact:

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Albany, NY 12231
Phone: (518) 473-0175
Email: Stephen.Quercone@dos.ny.gov

OFPC - DART

• NYS Office of Fire Prevention and Control
  • Damage Assessment Response Team (DART)
  • Teams are made up of OFPC staff
Workman’s Compensation

- NYS Executive Law 6, Section 92
  - Secretary of State appoints assistants
    - Carry out specific duties/functions
    - Fixed amount of time
    - Assistant is afforded same benefits as employee
      - Workman’s Compensation
      - Indemnification

Indemnification

Public Officers Law Article 2 Section 17:

- Employee shall mean any person …
  - Volunteer expressly authorized to participate in a state-sponsored program
- Employee shall provide necessary documentation and assist with defense
  - State shall provide defense
    - Civil action for activity carried out during deployment
**Response Levels**

Level 5 – Code Enforcement Officials from the immediate area will be utilized (County Mutual Aid System)
Level 4 - CEDAR responders from other Counties
Level 3 - CEDAR responders and State assets
Level 2 - State assets only
Level 1 - EMAC request

The response can be expanded/reduced as the event changes

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**CEDAR Teams**

- Members are assigned by County
- Activity for each team will be coordinated through County Emergency Manager
Briefing

• Review event
  • Flood, wind storm, etc.
  • Review equipment
  • Car pool assignments
  • Assigned to a Team Leader
  • Provided with travel information
  • “Logged out” with County Emergency Mgr.
Community Preparation

• CEDAR works closely with Code Official
• Windshield survey
  • Identify areas that need to be assessed
  • Tax map
• Start assessment process as soon as possible

Community Preparation

• Housing for the responding team
• Meals
• Set up Operations Work Area
  • Desk
  • Room for team to meet
• Copy tax maps for use by team
• Prepare information sheets
  • Shelter locations
  • Pet shelters
  • FEMA office

School – used to house responders
The information entered will depend on whether the form is being completed by the local official in a small event or a member of the team deployed in a large event.
Members of the teams deployed in large events will not enter the footprint area. However, this may be filled in by the local code official in a small event.
Members of the DOS CEDAR team are not authorized to 'post' buildings

FEMA Damage Assessment Guidelines

Changed in April 2016

- Categories of damage modified
  - “inaccessible” – homes not able to be assessed
  - “destroyed” – complete failure of 2 or more major structural components; only foundation remains; imminent threat of collapse
  - “major damage” – water line above 18” in an essential living area, above the outlets or a water line on the first floor when the basement is full
  - “minor damage” – water line up to 18” in an essential living space; damage to mechanical systems
  - “affected” – water in the crawl space or basement w/o water in an essential living space or damage to mechanicals
“Inaccessible”
- Conventionally built structures and manufactured homes:
  - Located on a flooded road
  - Bridge out
  - Blocked by a landslide

“Destroyed”
- Any of the following factors may constitute destroyed:
  - Complete failure of 2 or more major structural components
  - Collapse of basement walls, foundation, load-bearing walls or roof
  - Only foundation remains
  - Imminent threat of collapse
  - Sink hole
  - Potential landslide

“Major Damage”
- Building has sustained significant structural damage
- Requires extensive repairs
  - Failure/partial failure to structural elements of roof
  - Rafters, ceiling joists, ridge boards, etc
  - Failure/partial failure to structural elements of walls
  - Framing, sheathing, etc
  - Failure/partial failure to foundation
  - Crumbling, bulging, collapsing, horizontal cracks > 2”, shifting of building on foundation > 6”
“Major Damage” cont.

- Water line 18” above the floor in an essential living space,
- Water line above the electrical outlets, or
- Water line on the first floor when basement is full

“Minor Damage”

- Damage that does not affect structural integrity
  - Nonstructural damage to roof components
    - Large areas of shingles
    - Fascia board
    - Soffit
    - Flashing
    - Skylight
  - Interior damage to drywall, insulation
  - Exterior damage to house wrap, missing doors, broken window framing, or loss of exterior covering (siding, stucco)

“Minor Damage” cont.

- Multiple small cracks in the foundation
- Damage to chimney
  - Tilting, fallen, cracks or separated from building
- Damage to or submersion of mechanical components
  - Furnace, boiler, water heater, HVAC, electrical panel, etc.
- Water line less than 18” in an essential living space
- Damage or disaster related contamination to well or septic
“Affected”

- Minimal damage to the exterior of the building and non-essential basements

- Partial missing shingles
- Cosmetic damage
- Broken screens
- Gutter damage
- Damage to porch, garage
- Damage to landscaping
- Downed trees
- Water line in crawl space or basement not affecting mechanicals

FEMA Designation: Major damage
FEMA Designation: Major damage
Water 42" above first floor, basement full
Damage to electrical system
- Indicate if the water has gone over the electrical panel box and/or meter
- It is not necessary to enter the building
- Interview the occupant
- Based on local conditions

Number of residents affected:

- Maintenance of water damage may vary at different locations or properties.
**FEMA Designation:** Major damage, water 42" above first floor, basement full

- Indicate if the water has gone over the electrical panel box and/or meter
- It is not necessary to enter the building
- Use water level on face of building
- Interview the occupant
- Based on local conditions

In addition, determine if further action is necessary or not.
FEMA Designation: Major damage

- Water 42" above 1st floor, basement full
- Water was in panel box and over the meter

Indicate if the water has gone over the electrical panel box and/or meter
- It is not necessary to enter the building
- Use water level on face of building
- Interview the occupant
- Based on local conditions
After the Assessment

- Forms/maps are left with the Code Official
- Information should be used to determine where to do follow up surveys
- Work with NYS OEM Recovery and FEMA
- Prepare for issuing building permits
  - Need additional code officials?

Code Implications

- Title 19 Part 1203
- Residential Code of NYS
- Building Code of NYS
- Existing Building Code
- Zoning
- Planning
- FEMA Flood Insurance Rate Map
• The Community can waive the permit fees
  • Not required by NYS Regulation

• The Community can not waive permit requirements
  • NYS Executive Law Article 18
  • NYCRR Title 19 Part 1203

FEMA Guidelines – 2016

• FEMA Recovery Policy FP-104-009-4, Public Assistance Required Minimum Standards
  • As a condition of assistance, buildings eligible for repair, replacement, or construction located in hazard-prone areas will use, at a minimum, the hazard-resistant standards referenced in the most recent edition of the model building code (IBC, IEBC, and IRC) as of the disaster declaration date.

FEMA Guidelines – 2016

• FEMA Policy 204-078-2, Disaster Risk Reduction Minimum Codes and Standards
  • To the extent permitted by law, FEMA will require the use of national model building codes developed by the International Code Council (ICC) or equivalent voluntary consensus standards.
  • Codes referenced above are applicable to construction, alteration, relocation, addition, replacement, repair, removal, demolition, equipment, and construction elements of every building or structure or any appurtenances connected or attached to such buildings or structures.
Disaster Preparedness and the Code Official

• Disasters will continue to affect communities in New York State
• The events will impact buildings
• The community will require guidance from the Code Enforcement Official to successfully proceed through the recovery phase of the emergency management cycle, regardless of the size of the event.