



19 NYCRR Part 1203 Uniform Code and the Energy Code: Minimum Standards for Administration and Enforcement

This issue of the Code Outreach Program intends to provide CEOs with guidance to ensure their local jurisdiction are aware of the recently adopted 19 NYCRR Part 1203 Uniform Code and the Energy Code: Minimum Standards for Administration and Enforcement (Part 1203).

The December 29, 2021 issue of the State Register (<https://dos.ny.gov/state-register>) announced that a new version of Part 1203 has been adopted with an effective date of December 30, 2022.

Pursuant to Executive Law § 381(1) and the Energy Law § 11-107, the Department of State is authorized to promulgate regulations establishing minimum standards for administration and enforcement of the Uniform Code and Energy Code. Additionally, unless otherwise prescribed by the Secretary of State, Executive Law § 381(2) requires local governments to administer and enforce the Uniform Code and Energy Code.

Updated versions of the Uniform Code and Energy Code became effective on May 12, 2020. Based on the new versions of the Uniform Code and Energy Code, corresponding changes were necessary to Part 1203 to coordinate these rules and regulations for administration and enforcement of the Uniform Code and Energy Code.

Notable Changes

Some notable changes made to Part 1203 compared to the current version include, **but are not limited to**, the following:

- A definitions section was added to the regulation.
- Requirements for post inspection follow-up identifying compliance status of the work inspected pertaining to inspections for building permits, operating permits, and fire safety and property maintenance.
- The operating permits section has been expanded to include more categories such as: energy storage systems, sugarhouse alternative activities, mobile food preparation vehicles, and more to align with the new version of the Uniform Code. Additionally, the threshold for assembly areas was reduced from assembly areas with an occupancy of 100 or more to 50 or more to include all assembly areas included in the Uniform Code.
- An optional exemption from the requirement to obtain an operating permit was added which allows the authority having jurisdiction to exempt processes or activities, or buildings, structures, or facilities which may normally require an operating permit provided the use is expressly authorized by a Certificate of Occupancy or the Certificate of Compliance, fire safety and property maintenance inspections are performed in accordance with section 1203.3 (h), and condition assessments are performed in compliance with section 1203.3 (j), as applicable.
- To align with the Uniform Code, the city, town, and village must establish and make available climatic and geographic design criteria as required by the Uniform Code.

What a local government now needs to do

Although the new rule has an effective date of December 30, 2022, it is important to start now to develop a Local Code Enforcement Program which complies with the new rule. The Department of State recommends each local government responsible for the administration and enforcement of the Uniform Code and/or Energy Code work with its municipal attorney to review the below documents and update their code enforcement program by local law, ordinance, or other appropriate regulation.

Helpful resources

The full text of the rule is available here:

<https://dos.ny.gov/system/files/documents/2021/12/2021-12-10-full-text-of-rule-part-1203.pdf>

The updated model local law is available here:

https://dos.ny.gov/system/files/documents/2022/01/2022%20001%2018_REG_1203_Model%20Local%20Law.pdf

The Technical Bulletin Requirements for Completing Table R301.2(1) in the 2020 Residential Code of New York State is available here:

https://dos.ny.gov/system/files/documents/2021/12/2021-12-15_tb_table-r301.2.pdf