

**Final Draft Proposed Changes to the 2020 Property Maintenance Code of New York State**  
**Issued July 2024**

This document is being developed for the purpose of posting a notice of rule in development for the New York State Fire Prevention and Building Code Council (Code Council) and the New York State Department of State. The purpose is to show the final draft proposed changes to the current version of the 2020 Property Maintenance Code of New York State (2020 PMCNYS). Separate documents will exist for each of the current NYS specific code books. This document **is not intended to include** all of the proposed code language; it only contains those sections of code that are proposed to be new or modified. Please note that unaltered portions of the 2020 code books are not included within this document and should be considered to remain the same for this code update.

This document is the final draft of the notice of rule in development being released for comment from the public and the Code Council. Accordingly, the Yellow highlighted text included in earlier versions to denote the changes from earlier versions of the documents has been removed.

**Please note:**

- Chapter 1's are included as a separate document for all of the code books
- This document does not include grammatical, punctuation, and simple word clarifications that do not change the intent or meaning of a provision.
- Where a change is made by NYS, rather than an ICC level change, “[NY]” is added to the section numbers; however, grammatical and punctuation changes made by NYS that do not change the intent or meaning of a provision are not denoted by [NY]. Similarly, updates made by NYS to cross-referenced sections or sections where the only change is to the referenced code book (i.e. ~~International Plumbing Code~~ [Plumbing Code of New York State](#) are not denoted by [NY]).
- Changes to the existing text are denoted in the following manner:
  - Text insertions: TEXT
  - Text deletions: ~~TEXT~~
- Cross-referenced code sections may not be accurate and/or may change based on existing and future modifications. Code sections are based on the anticipated 2024 ICC code section.
- Where multiple code change proposals are listed together, it represents multiple ICC code changes that dealt with the same code sections and were therefore consolidated.
- Some code changes involve complex tables, lists, or lengthy sections in which a small change was made to only a portion of the section. In those instances, the entire section, table, list, etc. that was unchanged may not be included below. A note has been added to indicate when that happens (i.e. “Items 1 through 13 remain unchanged”).
- Reference to Chapter 11 of the Residential Code of New York State for energy provisions will be corrected in the notice of proposed rule making documents to reference the corresponding provision from the Energy Conservation Construction Code of New York State.

## **Chapter 2 Definitions**

**[NY] 201.1 Scope.** Unless otherwise expressly stated, the ~~following~~ words and terms provided in italics shall, for the purposes of this code, have the meanings indicated in this chapter or as defined within the chapter or appendix where the word or term is found, except as provided in Sections 201.3 and 201.4.

**[NY] 201.2 Interchangeability.** Words and terms used in the present tense include the future; words and terms stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural includes the singular.

**[NY] 201.3 ~~Terms~~ Words and terms defined in other codes.** Where italicized words and terms are not defined in this code and are defined in the *Building Code of New York State*, *Existing Building Code of New York State*, *Fire Code of New York State*, *Fuel Gas Code of New York State*, *Mechanical Code of New York State*, *Plumbing Code of New York State*, *Residential Code of New York State* or NFPA 70, such terms shall have the meanings ascribed to them in those codes.

**Exception:** When used within this code, the terms unsafe and dangerous shall have only the meanings ascribed to them in this code and shall not have the meanings ascribed to them by the *Existing Building Code of New York State*.

**[NY] 201.4 ~~Terms~~ Words and terms not defined.** Where words and terms are not italicized or are italicized but not defined through the methods authorized in this section, such words and terms shall have the meanings defined in applicable referenced standards, statutes, or regulations or shall have the ordinarily accepted meanings such as the context implies.

**APPROVED AGENCY.** An established and recognized organization that is regularly engaged in conducting tests, furnishing inspection services or furnishing product evaluation or certification where such organization has been approved by the code official.

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

1. The building or structure has collapsed, has partially collapsed, has moved off its foundation or lacks the necessary support of the ground.

2. There exists a significant risk of collapse, detachment or dislodgment of any portion, member, appurtenance or ornamentation of the building or structure under permanent, routine or frequent loads, or under snow, wind, rain, flood, earthquake or other environmental loads when such loads are imminent.

**EMERGENCY ESCAPE AND RESCUE OPENING.** An operable exterior window, door or other similar device that provides for a means of escape and access for rescue in the event of an emergency.

**[NY] HISTORIC BUILDING.** An existing building ~~or structure~~ that is ~~one or more~~ any of the following:

1. Listed, or certified as eligible for listing, ~~by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places~~ in the National Register of Historic Places or in the New York State Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register-listed, ~~or a state-designated~~ State Register-listed, or locally designated historic district.

**[NY] INOPERABLE MOTOR VEHICLE.** A motor vehicle that cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power. An inoperable motor vehicle shall be considered unlicensed when it is required to be licensed, registered, permitted, or otherwise approved to be operated under state or local law, ordinance, or other regulation, and said license, registration, permit, or other approval has not been properly maintained.

**[NY] LIVE FIRE TRAINING BUILDING.** ~~As defined by NFPA 1402, fire service training centers, fire training structures and props, gas fueled and flammable liquid fueled live fire training systems, mobile fire training props, and~~

~~associated training props.~~ A building in which live fire training evolutions are conducted on a repetitive basis. This shall include, but not be limited to, containerized training structures, live fire training structures, and training towers.

PEER REVIEW. An independent and objective technical review conducted by an approved third party.

POWER SAFETY COVER. A pool cover that is placed over the water area, and is opened and closed with a motorized mechanism activated by a control switch.

SAFETY COVER. A structure, fabric or assembly, along with attendant appurtenances and anchoring mechanisms, that is temporarily placed or installed over an entire pool, spa, or hot tub and secured in place after all bathers are absent from the water.

STORM SHELTER. A building, structure or portion thereof, constructed in accordance with ICC 500, designated for use during hurricanes, tornadoes or other severe windstorms.

### **Chapter 3 General Requirements**

**301.2 Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements and the code under which the building was constructed, except as otherwise provided for in this code. The owner or owners agent shall be responsible to ensure that any repairs, additions, or alterations to the building or portion thereof, are performed or constructed in accordance with the International Building Code, International Residential Code, or International Existing Building Code. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises they occupy and control.

**[NY] 302.8 Motor vehicles.** Except as provided for in statute, local law, ordinance or other regulations, not more than one ~~inoperative or unlicensed~~ inoperable motor vehicle shall be parked, kept or stored on any premises, and no motor vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of motor vehicles is prohibited unless conducted inside an approved spray booth.

**Exception:** A motor vehicle of any type is permitted to be stored or undergo major overhaul, including body work, provided that such work is performed or the motor vehicle is stored inside a structure or similarly enclosed area designed and approved for such purposes.

**[NY] 303.1 Swimming pools.** Swimming pools, hot tubs, and spas, including their associated enclosures, alarms, and entrapment protection, shall be installed in accordance with sections 303.2 through 303.4 and maintained in a clean and sanitary condition, and in good repair.

**[NY] 303.2 Enclosures.** ~~The provisions of this section shall control the maintenance of barriers for swimming pools, spas and hot tubs installed, constructed or substantially modified after December 14, 2006. Design controls are intended to~~ In order to provide protection against potential drowning and near drowning, all swimming pools, spas, and hot tubs shall be provided with a permanent enclosure that restricts, ~~by restricting~~ access to swimming pools, spas and hot tubs, in compliance with this section. Enclosures for swimming pools, spas, and hot tubs which are situated on the premises of dwellings regulated under Residential Code of New York State, and detached dwellings classified as R-3 and constructed under the Building Code of New York State shall be in compliance with Section R328 of the Residential Code of New York State. Enclosures for all other swimming pools, spas, and hot tubs shall be in compliance with Section 3109 of the Building Code of New York State.

**Exemption:** Swimming pools, hot tubs, and spas that have a permanent barrier installed and maintained in accordance with the barrier requirements of the version of the Uniform Code in effect at the time of the installation shall be deemed to be in compliance with this section.

~~**[NY] 303.2.1 Compliance with other codes.** Enclosures for residential swimming pools, spas, and hot tubs shall be in compliance with Section R326 of the Residential Code of New York State. Enclosures for public swimming pools, spas, and hot tubs shall be in compliance with Section 3109 of the Building Code of New York State.~~

~~[NY] 303.2.2 Temporary barriers. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a temporary barrier during installation or construction in compliance with Section R326.4 of the Residential Code of New York State or Section 3109.3.2 of the Building Code of New York State, as applicable.~~

[NY] 303.3 Swimming pool, hot tub, and spa alarms. A swimming pool, hot tub, or spa installed, constructed or substantially modified after December 14, 2006, shall be equipped with an approved pool alarm in compliance with Section R326.7 of the Residential Code of New York State or Section R3109.5 of the Building Code of New York State.

**Exceptions:**

1. A hot tub or spa equipped with a safety cover that complies with ASTM F1346.
2. A swimming pool (other than a hot tub or spa) equipped with an automatic power safety cover that complies with ASTM F1346.

[NY] 303.4 Entrapment protection for swimming pools and spas. Swimming pools and spas shall maintain body entrapment protections for suction outlets in accordance with the Building Code of New York State or the Residential Code of New York State, as applicable.

**304.1.1 Potentially unsafe Unsafe conditions.** The following conditions shall be ~~considered to be determined as~~ potentially unsafe, shall be assessed, and shall be ~~repaired or replaced to comply with the International Building Code or addressed in compliance with the International Existing Building Code, the International Residential Code, or the International Building Code as required for existing buildings:~~

1. ~~The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength. Structural members have deterioration or distress that appears to reduce their load-carrying capacity.~~
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations have deterioration or distress that appears to reduce their load-carrying capacity. ~~is not capable of resisting all nominal loads or load effects.~~
3. Structures or components thereof have deterioration or distress that appears to reduce their load carrying capacity. ~~that have reached their limit state.~~
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.
5. ~~Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.~~
5. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
6. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
7. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
8. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.
9. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

10. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
11. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
12. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

**Exceptions:**

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

**304.18.1 Doors.** Doors providing access to ~~a~~ an individual dwelling unit, rooming unit or housekeeping unit that is rented, leased or let ~~shall be~~ where equipped with a deadbolt lock, ~~the deadbolt shall be~~ designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

**305.1.1 Potentially unsafe ~~Unsafe~~ conditions.** The following conditions shall be considered to be determined as potentially unsafe, shall be assessed, and shall be ~~repaired or replaced to comply with the International Building Code or addressed in compliance with the International Existing Building Code, the International Residential Code, or the International Building Code as required for existing buildings:~~

1. ~~The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength~~ Structural members have deterioration or distress that appears to reduce their load-carrying capacity.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations has deterioration or distress that appears to reduce their load-carrying capacity. ~~is not capable of resisting all nominal loads or load effects.~~
3. Structures or components thereof have deterioration or distress that appears to reduce their load carrying capacity. ~~that have reached their limit state.~~
4. ~~Structural members are incapable of supporting nominal loads and load effects.~~
4. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
5. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

**Exceptions:**

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

**306.1.1 Potentially unsafe ~~Unsafe~~ conditions.** Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be considered to be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or addressed in compliance with the International Existing Building Code, the International Residential Code, or the International Building Code as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
  - 1.1 Collapse of footing or foundation system.
  - 1.2 Damage to footing, foundation, concrete or other structural element due to soil expansion.

- 1.3 Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.
- 1.4 Inadequate soil as determined by a geotechnical investigation.
- 1.5 Where the allowable bearing capacity of the soil is in doubt.
- 1.6 Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
  - 2.1 *Deterioration.*
  - 2.2 *Ultimate deformation.*
  - 2.3 Fractures.
  - 2.4 Fissures.
  - 2.5 Spalling.
  - 2.6 Exposed reinforcement.
  - 2.7 *Detached, dislodged or failing connections.*
3. Aluminum that has been subjected to any of the following conditions:
  - 3.1 *Deterioration.*
  - 3.2 Corrosion.
  - 3.3 Elastic deformation.
  - 3.4 *Ultimate deformation.*
  - 3.5 Stress or strain cracks.
  - 3.6 Joint fatigue.
  - 3.7 *Detached, dislodged or failing connections.*
4. Masonry that has been subjected to any of the following conditions:
  - 4.1 *Deterioration.*
  - 4.2 *Ultimate deformation.*
  - 4.3 Fractures in masonry or mortar joints.
  - 4.4 Fissures in masonry or mortar joints.
  - 4.5 Spalling.
  - 4.6 Exposed reinforcement.
  - 4.7 *Detached, dislodged or failing connections.*
5. Steel that has been subjected to any of the following conditions:
  - 5.1 *Deterioration.*
  - 5.2 Elastic deformation.
  - 5.3 *Ultimate deformation.*
  - 5.4 Metal fatigue.
  - 5.5 *Detached, dislodged or failing connections.*
6. Wood that has been subjected to any of the following conditions:
  - 6.1 Ultimate deformation.
  - 6.2 Deterioration.
  - 6.3 Damage from insects, rodents and other vermin.
  - 6.4 Fire damage beyond charring.
  - 6.5 Significant splits and checks.
  - 6.6 Horizontal shear cracks.
  - 6.7 Vertical shear cracks.
  - 6.8 Inadequate support.
  - 6.9 *Detached, dislodged or failing connections.*
  - 6.10 Excessive cutting and notching.

**Exceptions:**

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

**307.1-General Handrails.** ~~Every exterior and interior flight of stairs~~ Stairs having more than four risers shall have a handrail on one side of the stair ~~and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking~~

~~surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.~~

~~**Exception:** Guards shall not be required where exempted by the adopted building code.~~

**307.1.1 Height.** Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

**307.2 Guards.** Guards shall be provided along open-sided walking surfaces, including balconies, porches, decks, stairs, ramps, and landings, that are more than 30 inches (762 mm) above the floor or grade below.

**Exception:** Guards shall not be required where exempted by the adopted building code.

**307.2.1 Height.** Guards shall be not less than 30 inches (762 mm) high.

### **310 ACCESSIBILITY.**

**310.1 General.** A facility that is required to be *accessible* shall be maintained *accessible* during occupancy.

**310.1.1 Maintenance.** The *accessible* features of a facility shall be maintained in good repair, in a clean, structurally sound, and sanitary condition and free from impediments to accessibility.

### **SECTION 311 STORM SHELTERS.**

**311.1 General.** Community storm shelters shall be evaluated, maintained and repaired in accordance with this section and ICC 500.

**311.2 Evaluation.** Community storm shelters shall be evaluated annually, and when requested by the authority having jurisdiction, in accordance with ICC 500.

**311.3 Maintenance and Repairs.** Community storm shelters shall be maintained in an operable condition. All structural and operational elements shall be repaired or replaced in accordance with ICC 500 where damaged or found to be inoperable.

### **SECTION 312 LIVE FIRE TRAINING BUILDINGS.**

**[NY] 312.1 Live fire training buildings.** Live fire training facilities and any appurtenances connected or attached to such buildings or structures shall be maintained in accordance with the applicable provisions of NFPA 1402 and this code NFPA 1403.

### **[NY] SECTION PARKING GARAGE CONDITION ASSESSMENTS**

**[NY] 312.1 Parking Garage Condition Assessments.** The owner or operator of each parking garage, as defined in Appendix C of this code, shall ensure condition assessments are performed for such parking garage in accordance with Appendix C of this code.

## **Chapter 4 Light, Ventilation and Occupancy**

**[NY] 404.3 Minimum ceiling heights.** Habitable spaces, hallways, corridors, laundry areas, *bathrooms, toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

#### **Exceptions:**

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not greater than 6 inches (152 mm) below the required ceiling height.

2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. [In one- and two-family dwellings, rooms occupied exclusively for bathrooms, toilet rooms and laundry rooms having a minimum ceiling height of 6 feet 8 inches \(2033 mm\).](#)
4. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.
5. Manufactured housing regulated in the *Residential Code of New York State* shall be permitted to retain ceiling heights provided at time of manufacture.
6. Spaces legally in existence before January 1, 2003, and spaces for which a variance has been legally granted shall be allowed to be occupied.
7. Ceiling heights reduced by necessary repairs shall be no lower than 6 feet, 8 inches (2032 mm).

**404.4 Bedroom and living room Habitable room requirements.** Every [habitable room](#) ~~bedroom and living room~~ shall comply with the requirements of Sections 404.4.1 through 404.4.5.

**404.4.1 Room area.** Every [habitable room](#) ~~living room shall contain not less than 120 square feet (11.2 m<sup>2</sup>) and every bedroom~~ shall contain not less than 70 square feet (6.5 m<sup>2</sup>) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m<sup>2</sup>) of floor area for each *occupant* thereof.

**404.5 Overcrowding.** *Dwelling units* shall not be occupied by more *occupants* than permitted by the minimum area requirements of Table 404.5.

**TABLE 404.5  
MINIMUM AREA REQUIREMENTS**

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room <sup>a, b</sup>	<del>120</del> 70	120	150
Dining room <sup>a, b</sup>	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot = 0.0929 m<sup>2</sup>.

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

**404.6 Efficiency unit.** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one *occupant* shall have a minimum clear floor area of 120 square feet (11.2 m<sup>2</sup>). A unit occupied by not more than two *occupants* shall have a minimum clear floor area of ~~220~~ 190 square feet (~~20.4~~ 17.7 m<sup>2</sup>). A unit occupied by three *occupants* shall have a minimum clear floor area of ~~320~~ 260 square feet (~~29.7~~ 24.1 m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.
3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.
4. The maximum number of *occupants* shall be three.

[\[NY\] 404.9 Tiny Houses.](#) The provisions of Section 404 shall not apply to tiny houses constructed in accordance with the *Residential Code of New York State* and Appendix BB of the *Residential Code of New York State*.



## **Chapter 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

[NY] 502.1 **Dwelling units.** Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

**Exception:** Owner-occupied one-family dwellings, [unless otherwise excluded by statute, local law, ordinance, or other regulations](#). ~~subject to the approval of the building official.~~

[NY] 505.1 **General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *Plumbing Code of New York State*.

**Exception:** Owner-occupied one-family dwellings, [unless otherwise excluded by statute, local law, ordinance, or other regulations](#). ~~subject to the approval of the building official.~~

[NY] 506.1 **General.** Plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

**Exception:** Owner-occupied one-family dwellings, [unless otherwise excluded by statute, local law, ordinance, or other regulations](#). ~~subject to the approval of the building official.~~

~~[P] 506.3 **Grease interceptors.** Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the building official.~~

[NY] 506.3 **Grease interceptors.** [Grease interceptors shall be maintained in accordance with this code, the \*Plumbing Code of New York State\*, and the manufacturer's installation instructions. Grease interceptors shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system, or the sewage treatment plant or processes. Records of maintenance, cleaning, and repairs shall be available for inspection by the \*code official\*. Maintenance personnel and the property owner shall ensure the required method of preventing unauthorized access is in good repair and properly secured following any maintenance performed, shall ensure the required signage is properly maintained, and that the \*grease interceptor\* is properly maintained to withstand all expected earth, pedestrian, traffic, and other loads as applicable.](#)

## **Chapter 6 Mechanical and Electrical Requirements**

[NY] 602.2 **Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating. [The installation of one or more portable space heaters shall not be used to achieve compliance with this section.](#)

**Exception:** ~~In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.~~ Owner-occupied one-family dwellings, [unless expressly required by statute, local law, ordinance, or other regulations](#). ~~subject to the approval of the building official.~~

[NY] **604.1 Facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

**Exception:** Owner-occupied one-family dwellings not supplied with electrical power, unless expressly required by statute, local law, ordinance, or other regulations, ~~subject to the approval of the building official.~~

**606.3 Private residence elevators.** Requirements for private residence elevators shall be in accordance with Sections 603.3.1 through 603.3.3.

**606.3.1 General.** The maintenance of elevators in private residences shall conform to Section 5.3 of ASME A17.1/CSA B44.

**606.3.2 Hoistway Enclosures.** Hoistway enclosures shall comply with Section 5.3.1.1 of ASME A17.1/CSA B44.

**606.3.3 Hoistway Opening Protection.** Hoistway landing doors for private residence elevators shall comply with Sections 5.3.1.8.1 through 5.3.1.8.3 of ASME A17.1/CSA B44 or Sections 10.1.4.1 through 10.1.4.3 of ASME A17.3.

[F] **607.2 Clothes dryer exhaust duct systems maintenance.** The lint trap, mechanical and heating components, and the exhaust duct system of a clothes dryer shall undergo periodic removal of accumulations of lint in accordance with the manufacturer's operating instructions to prevent obstruction of exhaust air and products of combustion.

## **Chapter 7 Fire Safety Requirements**

[BE] **702.1 General.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the code under which the building was constructed. ~~International Fire Code.~~

[BE] **702.2 Aisles.** The required width of aisles ~~in accordance~~ shall comply with the code under which the building was constructed. ~~International Fire Code shall be unobstructed.~~

[BE] **702.4 Emergency escape and rescue openings.** Required emergency escape and rescue openings shall be maintained in accordance with the code in effect at the time of construction, and both of the following:

1. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.
2. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided that the minimum net clear opening size complies with the code that was in effect at the time of construction and ~~such the unit is equipped with smoke alarms installed in accordance with Section 907.2.10 of the International Building Code.~~ Such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

[F] **704.1 Inspection, testing and maintenance.** Fire ~~detection, alarm and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents~~ protection and life safety systems shall be maintained in accordance with the *International Fire Code* in an operative condition at all times, and shall be replaced or repaired where defective.

[F] [NY] **704.1.1 Installation Fire protection and life safety systems.** ~~Fire protection systems shall be maintained in accordance with the original installation standards for that system. Required systems shall be extended, altered or augmented as necessary to maintain and continue protection where the building is altered or enlarged. Alterations to fire protection systems shall be done in accordance with applicable standards.~~ Fire protection and life safety systems shall be maintained in accordance with this code, the *International Fire Code*, and the *International Building Code*.

[F] **704.1.2 Required fire protection and life safety systems.** Fire protection and life safety systems required by this code, the *International Fire Code* or the *International Building Code* shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection and life safety system for which a design option, exception or reduction to the provisions of this code, the *International Fire Code* or the *International Building Code* has been granted shall be considered to be a required system.

**[F] 704.1.3 Fire protection systems.** Fire protection systems shall be inspected, maintained and tested in accordance with the following *International Fire Code* requirements.

1. Automatic sprinkler systems, see Section 903.5.
2. Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 904.13.5.
3. Automatic water mist extinguishing systems, see Section 904.11.
4. Carbon dioxide extinguishing systems, see Section 904.8.
5. Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.6.
6. Clean-agent extinguishing systems, see Section 904.10.
7. Dry-chemical extinguishing systems, see Section 904.6.
8. Fire alarm and fire detection systems, see Section 907.8.
9. Fire department connections, see Sections 912.4 and 912.7.
10. Fire pumps, see Section 913.5.
11. Foam extinguishing systems, see Section 904.7.
12. Halon extinguishing systems, see Section 904.9.
13. Single- and multiple-station smoke alarms, see Section 907.10.
14. Smoke and heat vents and mechanical smoke removal systems, see Section 910.5.
15. Smoke control systems, see Section 909.22.
16. Wet-chemical extinguishing systems, see Section 904.5.
17. [Duct and air transfer openings, see Section 706.](#)

**TABLE 704.2**

**FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS**

<b>SYSTEM</b>	<b>STANDARD</b>
Portable fire extinguishers	NFPA 10
Carbon dioxide fire-extinguishing systems	NFPA 12
Halon 1301 fire-extinguishing systems	NFPA 12A
Dry-chemical extinguishing systems	NFPA 17
Wet-chemical extinguishing systems	NFPA 17A
Water-based fire protection systems	NFPA 25
Fire alarm systems	NFPA 72
<a href="#">Fire dampers</a>	<a href="#">NFPA 80</a>
<a href="#">Smoke dampers</a>	<a href="#">NFPA 105</a>
Smoke and heat vents	NFPA 204
Water-mist systems	NFPA 750
Clean-agent extinguishing systems	NFPA 2001
Aerosol fire-extinguishing systems	NFPA 2010

**[F] 704.2.1 Records.** Records shall be maintained of all system inspections, tests and maintenance [in accordance with Section 109.3 of the Fire Code of New York State](#) ~~required by the referenced standards~~

**[F] 704.3 Systems out of service.** Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, either the building shall be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one approved means for notification of the fire department and shall not have duties beyond performing constant patrols of

the protected *premises* and keeping watch for fires. Actions shall be taken in accordance with Section 901 of the *International Fire Code* to bring the systems back in service.

**Exception:** Facilities with an approved notification and impairment management program. The notification and impairment program for water-based fire protection systems shall comply with NFPA 25.

[F] **704.4 Removal of or tampering with equipment.** It shall be unlawful for any person to remove, tamper with or otherwise disturb any fire ~~hydrant, fire detection and alarm system, fire suppression system or other fire appliance~~ protection or life safety system required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

[F] **704.6.1.1 Group R-1.** Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the dwelling unit or sleeping unit.
3. In each story within the dwelling unit or sleeping unit, including *basements*. For dwelling units or sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

[NY] **704.6.1.2 Groups R-2, R-3, R-4, I-1, and other dwellings.** Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1, and in dwellings regulated by the *Residential Code of New York State*, regardless of *occupant load* at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including *basements* ~~(excluding crawl spaces)~~ but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

[F] **704.6.1.3 Installation near cooking appliances.** Smoke alarms shall not be installed a minimum of 10 ft. (3.0 m) horizontally from a permanently installed cooking appliance ~~in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 704.6.1.1 or 704.6.1.2.~~

**Exception:** Smoke alarms shall be permitted to be installed a minimum 6 ft. (1.8 m) horizontally from a permanently installed cooking appliance where necessary to comply with Section 704.6.1 or 704.6.2.

- ~~1. Ionization smoke alarms shall not be installed less than 20 feet (6096 mm) horizontally from a permanently installed cooking appliance.~~
- ~~2. Ionization smoke alarms with an alarm silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.~~
- ~~3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.~~

[F] **704.7 Single- and multiple-station smoke alarms.** Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions and this code. ~~Smoke alarms shall be replaced; that do not function shall be replaced. Smoke alarms installed in one and two family dwellings shall be replaced not more than 10 years from the date of manufacture marked on the unit, or shall be replaced if the date of manufacture cannot be determined.~~

**704.7.1 Replacement.** Smoke alarms shall be replaced where any of the following apply:

1. The smoke alarm fails to respond to operability tests.
2. Where the smoke alarm exceeds 10 years from the date of manufacture marked on the unit, unless an earlier replacement is specified in the manufacturer's instructions.

[3. The smoke alarm end-of-life signal is sounded.](#)

[4. The smoke alarm date of manufacturer cannot be determined.](#)

**[F] 705.2 Carbon monoxide alarms and detectors.** Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA ~~72~~ ~~720~~. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

## **Chapter 8 Reference Standards**

### **ASME**

[A17.3-2020: Safety Code for Existing Elevators and Escalators](#)

### **ICC**

[500: ICC/NSSA Standard for the Design and Construction of Storm Shelters-2020](#)

### **NFPA**

~~[720—15: Standard for the Installation of Carbon Monoxide \(CO\) Detection and Warning Equipment](#)~~

## **[NY] Appendix C – Parking Garage Condition Assessments**

### **[NY] Section C101 General**

**[NY] C101.1 General.** In addition to any inspections or assessments required elsewhere in this code, the Uniform Code, the local Code enforcement program, or any local, state, or federal law, all parking garages shall undergo an initial condition assessment as described herein.

### **[NY] Section C102 Definitions**

**[NY] C102.1 General.** The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

**[NY] Condition assessment.** An on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component, evidence of the existence of any unsafe condition, and/or evidence indicating that the parking garage is an unsafe structure.

**[NY] Deterioration.** The weakening, disintegration, corrosion, rust, or decay of any structural element or building component or any other loss of effectiveness of a structural element or building component.

**[NY] Parking garage.** Any building or structure, or part thereof, in which any structural level, or part thereof is used for parking or storage of motor vehicles, excluding:

- (a) buildings in which the only level used for parking or storage of motor vehicles is entirely supported on soil or engineered fill, and not supported on structural framing;
- (b) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling;  
and
- (c) a townhouse unit with attached parking exclusively for such unit.

**[NY] Professional engineer.** An individual who is licensed or otherwise authorized under article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations.

**[NY] Responsible professional engineer.** The professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report.

**[NY] Unsafe condition.** The conditions identified as unsafe in sections 304.1.1, 305.1.1, and 306.1.1 of this code.

**[NY] Unsafe structure.** A structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

### **[NY] C103 Condition Assessments**

**[NY] C103.1 Responsibility.** It shall be the responsibility of the owner or operator of a *parking garage* to ensure all *condition assessments* are performed as required in Sections C104 through C106.

**[NY] C103.2 Qualifications.** Each *condition assessment* shall be conducted by or under the direct supervision of a *responsible professional engineer*.

**[NY] C103.3 Reports.** A written report of each *condition assessment* shall be prepared and provided to the *authority having jurisdiction*, in accordance with the requirements of Section C107. Before performing a *condition assessment* (other than the initial *condition assessment*) of a *parking garage*, the *responsible professional engineer* for such *condition assessment* shall review all available previous condition assessment reports for such *parking garage*.

### **[NY] C104 Initial Condition Assessment**

**[NY] C104.1 Initial condition assessment.** Each newly constructed *parking garage* shall undergo an initial condition assessment in accordance with Section 406.9 of the Building Code of New York State. In accordance with previous requirements for initial condition assessments, all *parking garages* legally in existence at the time of adoption of this code shall have already had an initial condition assessment performed as outlined below in Sections C104.2 through C104.3.3.

**[NY] C104.2 Parking garages constructed on or after August 29, 2018.** *Parking garages* constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.

**[NY] C104.3 Parking garages constructed prior to August 29, 2018.** *Parking garages* originally constructed prior to August 29, 2018, shall have undergone an initial condition assessment in accordance with Section C104.3.1 through C104.3.3.

**[NY] C104.3.1 Parking garages constructed prior to January 1, 1984.** *Parking garages* originally constructed prior to January 1, 1984, shall have undergone an initial condition assessment prior to October 1, 2019.

**[NY] C104.3.2 Parking garages constructed between January 1, 1984 and December 31, 2002.** *Parking garages* constructed between January 1, 1984 and December 31, 2002, shall have undergone an initial condition assessment prior to October 1, 2020.

**[NY] C104.3.3 Parking garages constructed between January 1, 2003 and August 28, 2018.** *Parking garages* constructed between January 1, 2003 and August 28, 2018, shall have undergone an initial condition assessment prior to October 1, 2021.

### **[NY] C105 Periodic Condition Assessment**

**[NY] C105.1 Periodic condition assessments.** Following the initial condition assessment of a *parking garage*, such *parking garage* shall undergo periodic condition assessments at intervals not to exceed three years. Periodic condition assessments may be required at a shorter period as specified by either the authority having jurisdiction in its code enforcement program or as recommended in accordance with Section C106.

**[NY] C105.2 Inspector qualifications.** Condition assessments shall be performed by, or under the supervision of, the responsible professional engineer.

### **[NY] C106 Additional condition assessments**

**[NY] C106.1 Where required.** In addition to the periodic condition assessments required under Section C105, additional condition assessments shall be performed in accordance with Sections C106.2 through C106.3

**[NY] C106.2 Recommendations of a condition assessment report.** If the latest condition assessment report for a parking garage includes a recommendation that an additional condition assessment be performed prior to the date by which the next periodic condition assessment is required in accordance with Section C105, an additional condition assessment shall be performed no later than the date recommended.

**[NY] C106.3 Additional condition assessments based on new or increased deterioration.** If the *authority having jurisdiction* determines, based on new or increased *deterioration*, that an additional *condition assessment* of the *parking garage*, or portion thereof is necessary, the additional *condition assessment* shall be performed no later than the date specified by the authority having jurisdiction.

### **[NY] C107 Condition assessment reports**

**[NY] C107.1 Condition assessment reports.** The *responsible professional engineer* shall prepare, or directly supervise the preparation of, a written report of *each condition assessment*, and shall submit such condition assessment report to the *authority having jurisdiction* within a time period as specified by the *authority having jurisdiction*. The condition assessment report shall be sealed and signed by the *responsible professional engineer*, and shall include an evaluation and/or description of:

1. the extent of *deterioration* and conditions that cause *deterioration* that could result in an unsafe condition or unsafe structure;
2. the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or *unsafe structure*;
3. the unsafe conditions;
4. the problems associated with the *deterioration*, conditions that cause *deterioration*, and unsafe conditions;
5. the corrective options available, including the recommended timeframe for remedying the *deterioration*, conditions that cause *deterioration*, and unsafe conditions;
6. the risks associated with not addressing the *deterioration*, conditions that cause *deterioration*, and unsafe conditions;
7. the *responsible professional engineer's* recommendation regarding preventative maintenance;
8. except in the case of the report of the initial condition assessment, an attestation that all available previously prepared condition assessment reports were reviewed, and considered while performing the current *condition assessment* and preparing the report; and
9. a recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. This recommendation shall include considerations of the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other relevant factors.

### **[NY] C108 Remedies**

**[NY] C108.1 Remedies.** The owner or operator of the *parking garage* shall repair or otherwise remedy all *deterioration*, all conditions that cause deterioration, and all unsafe conditions identified in a condition assessment report. All repairs and remedies shall comply with the applicable provisions of the Uniform Code, including any required permits.

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