Notice of Intent to Prepare

Draft Generic Environmental Impact
(DGEIS)
For
Proposed Amendment of the
New York State Uniform Fire Prevention and Building Code
(19 NYCRR Parts 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229)
and the State Energy Conservation Construction Code
(19 NYCRR Part 1240)
July 26, 2024

This notice is issued pursuant to Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (regulations implementing the State Environmental Quality Review Act or SEQR).

The New York State Department of State (DOS) proposes to repeal and replace the regulations that implement the New York State Uniform Fire Prevention and Building Code (Uniform Code) set forth in 19 NYCRR Parts 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228 and 1229 and the New York State Energy Conservation Construction Code (Energy Code) set forth in 19 NYCRR Part 1240. The Uniform Code applies to all buildings and structures in New York State except for those located within the City of New York. The Energy Code applies to all buildings and structures in New York State, including the City of New York. The principal purpose of the amendments is to update the Uniform Code and the Energy Code to incorporate revisions to New York State laws and the International Code Council's (ICC) Model Codes since the 2020 rulemakings. The changes being proposed are significant in nature, in that both the codes changes from ICC's 2021 and 2024 Model Codes are being incorporated. Additionally, several significant New York legislative bills impacting the Uniform Code and Energy Code were passed and signed by the Governor in 2020 through 2024.

DOS has not identified any significant adverse environmental impacts from the proposed amendments. However, DOS has chosen to use a generic environmental impact statement (GEIS) as the means to discuss the objectives and the rationale for the proposed regulations, present alternative measures which are under consideration, and provide the maximum opportunity for public participation.

Scoping is a process that develops a written document that outlines the topics and analyses of potential environmental impacts of an action that will be addressed in a draft GEIS. The purpose of scoping is to narrow issues and ensure that the draft EIS will be a concise, accurate, and complete document that is adequate for public review. The scoping process has six objectives: 1) focus the draft EIS on the potentially significant adverse environmental impacts; 2) eliminate non-significant and non-relevant issues; 3) identify the extent and quality of information needed; 4) identify the range of reasonable alternatives to be discussed; 5) provide an initial identification of mitigation measures; and 6) provide the public with an opportunity to participate in the identification of impacts. The scoping process is intended to ensure public

participation in the EIS development process, allow open discussion of issues of public concern, and permit inclusion of relevant, substantive public issues in the final written scope. The requirements of scoping can be found in 6 NYCRR §617.8.

The State Fire Prevention and Building Code Council (Code Council) is the lead agency for these rulemaking proposals; however, DOS acts administratively on behalf of the Code Council to file, post, and publish any supporting documents.

Description of the Action

DOS proposes to amend the existing Uniform Code set forth in 19 NYCRR Parts 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, and 1229, and the Energy Code set forth in 19 NYCRR Part 1240, to update the Uniform Code and Energy Code to provide a basic minimum level of protection to all people of the state from hazards of fire and inadequate building construction and assure a continuing supply of energy for future generations through economically reasonable energy conservation techniques used in the design and construction of buildings in the state.

The proposed rulemakings each constitute an unlisted action, and the substantive amendments include:

A. Uniform Code

1. Department of Environmental Conservation (DEC) flood provisions;
2. A2L refrigerant provisions;
3. Residential sprinklers;
4. Energy Storage System (ESS) Inter-Agency Fire Safety Working Group recommendations;
5. Mass timber;
6. Updated reference and coordination with International Code Council (ICC) A117.1 to the 2017 version;
    a. Accessibility provisions for electric vehicle (EV) chargers;
    b. Wheelchair clear area dimension and turning radius increases;
    c. Revised and added requirements for accessible water closets, grab bars, flush controls, dispensers, roll in showers, clearances; and
    d. Assisted toileting and bathing facility provisions;
7. Adult changing station provisions;
    a. Locations where adult changing stations are required to be installed; and
    b. Accessibility provisions;
8. Powered micro-mobility devices;
    a. Charging and storage locations and
    b. Addressing hazards associated with charging through:
        i. Listings,
        ii. Separation requirements, and
        iii. Use of detection systems;
9. Lithium batteries;
    a. Storage requirements and
    b. Collection requirements;
10. Shipping container construction;

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11. Temporary use of buildings in emergencies;
12. Occupiable roofs provisions
    a. Egress,
    b. Accessibility,
    c. Additions, or
    d. Alterations;
13. Inflatable amusement devices; and
14. Coordinating pool and hot tub provisions with industry standards and ICC's International Swimming Pool and Spa Code.

B. Energy Code

1. Fossil-fuel equipment and building systems prohibition in new buildings (with corresponding provisions set forth in the Uniform Code);
2. Renewable energy (solar) with not less than 0.75 W/ft2 for commercial buildings;
3. Documentation and mitigation of energy loss associated with thermal bridges in commercial buildings;
4. More restrictive building thermal envelope requirements.
5. Eight Counties that were previously in Climate Zone 6 are now in Climate Zone 5: Allegany, Broome, Cattaraugus, Schoharie, Schuyler, Steuben, Tompkins, and Wyoming.
6. Additional efficiency credits for new buildings and existing buildings following the prescriptive compliance path;
7. Energy recovery ventilation (ERV) required for residential buildings in Climate Zone 6 and for commercial buildings with exceptions;
8. Limits on the use of electric resistance space heating;
9. Increased minimum efficiency requirements for gas-fired water heaters, hot-water boilers, air conditioning, and refrigeration equipment as mandated by federal standards;
10. Increased equipment efficiency for elevators and escalators;
11. Separate electric metering for low-rise multi-family buildings;
12. Increased lighting efficiency requirements and new threshold for alterations.

DOS has not identified any significant adverse environmental impacts from the proposed amendments. However, DOS has chosen to use a generic environmental impact statement (GEIS) as the means to discuss the objectives and the rationale for the proposed amendments, present alternative measures which are under consideration, and provide the maximum opportunity for public participation.

Scoping

To provide early public review of the proposed amendments, DOS is conducting a public scoping of issues to be addressed in the draft GEIS. A draft scope has been prepared to facilitate the scoping discussion. A copy of the draft scope is posted on the DOS website at: https://dos.ny.gov

Comment Procedures

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Comments on the draft scope will be accepted in writing or by email through **September 6, 2024**. Comments via e-mail should be submitted to **code.development@dos.ny.gov**. Please insert the phrase "Comments on Code Update draft GEIS Scope" in the subject line. Alternatively, comments submitted in writing should be sent to:

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