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DEPARTMENT OF STATE

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Minutes of the NYS Fire Prevention and Building Code Council meeting on Friday, February 28, 2025, commencing at 10:05 a.m. and held by videoconference at:

- ❖ 99 Washington Avenue, Albany, NY, Conference Rooms 505, 1112, and 1135;
- ❖ 123 Williams Street, NYC, NY, Conference Room 231; and
- ❖ 295 Main Street, Buffalo, New York, in Conference Room 803.

Council members and designees present:

Matthew Tebo, Presiding (Albany)
James Cable (Albany)
Joseph DeStefano (Albany)
Robert Hughes (Albany)
Timothy DeRuyscher (Albany)
John Kunac (Albany)
Joseph Toomey (Albany)

William Tuyn (Buffalo)
Dominic Marinelli (Buffalo)
Joseph Palozzola (NYC)
Patrick Dolan (NYC)
Michael Sabatino (NYC)
Keith Wen (Remote)

Staff present: John Addario, Panagiota Hyde, Kevin Duerr-Clark, Emma Gonzalez-Laders, Chad Sievers, Larissa DeLango, Stephen Van Hoose, David Gonzalez, Anna Binau, Amalia Talty, China Clarke, Gregory Benton, Jeanne Rice, Christopher Jensen, and Daniel Carroll.

Agenda Item 1. Welcome.

Chairperson Tebo opened and welcomed everyone to the meeting, then thanked Michael Weber for years of service to the Council as a designee for Division of Housing and Community Renewal Commissioner Visnauskas and introduced a new designee to the Code Council for Department of Labor Commissioner Reardon: John Kunac. Chairperson Tebo also introduced a new staff member in the Energy Services Unit: Nicholas Petramale.

Chairperson Tebo summarized the agenda and discussed the next steps for the code update: the Notice of Proposed Rule Making (NPRM) is anticipated to be filed the week following this meeting, the public comment period would open on March 19th, 2025, and public hearings would be held on May 20, 21, and 22, 2025. Two hearings would be remote, while one would be held in Albany.

Kevin Duerr-Clark read the attendance roll, noting that quorum was established with thirteen (13) members in locations open to the public and one (1) member attending remotely at a location that is not open to the public.

Chairperson Tebo asked Kevin Duerr-Clark if there were any agenda changes and was informed there were none.

Agenda Item 2. Draft Minutes – September 27, 2025

Chairperson Tebo asked if there were any changes to be made to the minutes of the September 27, 2024, meeting. Hearing none, James Cable motioned to approve the minutes, which was

seconded by Joseph DeStefano. The motion was unanimously approved by voice vote. Joseph Toomey, Timothy DeRuyscher, and John Kunac abstained from the vote, stating they were not present at the 9/27/24 meeting.

Agenda Item 3. Division Update

Chairperson Tebo stated that the Division update would include a division update from John Addario, and updates on recent legislative activity.

John Addario provided an update on various topics including:

- Bids on the proposed single exit buildings study have been received and are under review.
- Staff are in the process of proposed rulemaking to amend Part 1205, which was published in the January 29th State Register. A public hearing will be held on April 2nd and the public comment period will end on April 7th.
- Proposals for the 2027 ICC code update process have been submitted.
 - DOS staff submitted approximately 30 proposed changes to the IECC.
 - DOS staff submitted approximately 30 proposed changes to the ICC Group B codes.
 - ICC Group B hearings start at the end of April.

Anna Binau provided an update on a recent legislative amendment to Executive Law §378(5-b). Executive Law §378(5-b), as amended by Chapter 465 of the Laws of 2024 and Chapter 21 of the Laws of 2025, requires the Uniform Code to include requirements for smoke detectors in common spaces serving multi-family dwellings of three or more units.

Amalia Talty provided an update on a legislative amendment to Executive Law §378 requiring new construction which includes off-street parking to provide electric vehicle (EV) charging stations and EV ready parking spaces, noting that the approval memo for this amendment stated that revisions were necessary to allow the Code Council with flexibility to ensure these requirements remain affordable and determine whether the requirements should apply to newly constructed two-family homes. Amalia Talty noted that the Senate recently passed a bill (Bill No. S.801/A.4200) which would repeal the aforementioned amendment to the Executive Law and pass a new law amending Energy Law §11-104 requiring any Energy Code update adopted after December 31, 2026, to include EV charging station and EV ready infrastructure provisions for new buildings with off-street parking.

Amalia Talty also provided an update on legislative amendments to Executive Law §374, which expands the size of the Code Council by adding one member representing agricultural producers and one member representing state agencies, to be appointed by the Governor. The Department of Agriculture and Markets was added to the list of state agencies which can provide such representatives. Executive Law §374, as amended by Chapter 604 of the Laws of 2024 and Chapter 4 of the Laws of 2025, will increase the size of the Code Council from 17 members to 19 members and will take effect on July 1, 2025.

Agenda Item 4. Uniform Code and Energy Code Updates - NPRM

Kevin Duerr-Clark provided a brief overview of the code update process thus far:

- In March 2022, after staff presented a high-level list of notable changes of the 2021 International Code Council (ICC) model codes, the Code Council decided to base the next version of the Uniform Code and Energy Code on the 2024 ICC model codes.
- Staff then began a more detailed review of the 2021 ICC code book changes and continued reviewing and participating in the development of the 2024 ICC code books to

be well positioned to provide the Code Council with details and recommendations for an updated Code based on the 2024 ICC Codes that were under development.

- Since the March 2023 meeting, the Code Council and the public have been presented with numerous versions of the Notice of Rule in Development (NRD) documents. Staff began integrating the 2021 and the not yet published 2024 ICC language, overlaying onto the 2020 NYS code language, streamlining the integration of new proposed code language in advance of the release of the 2024 International Codes.
- NRD documents were posted prior to the July 2024 meeting, which included all of the proposed language changes to the 2020 NYS code books.
- Since posting, over 4,000 comments have been received on those NRD documents.
- Since July 2024, staff has shifted gears from the NRD style documents to begin working in and producing actual code books. Utilizing Adobe FrameMaker, NYS specific changes were integrated into the now-published ICC model code books, producing final draft documents to be used in the NPRM.

Kevin Duerr-Clark then noted several items which were not included in the Energy Code and Uniform Code documents provided to the Code Council prior to this meeting, but which are anticipated to be addressed prior to producing the finalized NPRM documents. Next, Kevin Duerr-Clark provided an overview of changes between the NRD and the NPRM in the Uniform Code book Chapter 1s. Afterwards, Stephen Van Hoose presented an overview of changes to the Building Code, and Chad Sievers presented an overview of changes to the Fire Code. Finally, Kevin Duerr-Clark provided overviews of the changes to the Residential Code, Existing Building Code, Property Maintenance Code, Fuel Gas Code, Plumbing Code, and Mechanical Code. See the document entitled “Notable Changes in the NPRM Uniform Code and NPRM Energy Code” for more detailed information on these changes.

Emma Gonzalez-Laders provided an overview of the Energy Code development process, then presented an overview of changes to the Energy Code between the NRD and NPRM, noting that no significant changes have been made since the NRD. See the document entitled “Notable Changes in the NPRM Uniform Code and NPRM Energy Code” for more detailed information on these changes.

Chris Corcoran from NYSERDA presented information on the cost effectiveness analysis of the proposed revisions to the Energy Code, including:

- The proposed revisions are cost effective for the Energy Code as a whole, and also for both the commercial and residential portions when considered separately.
- The proposed revisions will provide a statewide site energy savings of 18% when compared to the current Energy Code.
- Full reports on cost effectiveness including methodology are posted on NYSERDA's website.

Chairperson Tebo moved to grant DOS approval to proceed with filing the NPRM in the State Register. Joseph Toomey and James Cable seconded the motion, and it was approved unanimously by voice vote.

Agenda Item 5. Uniform Code and Energy Code Updates - SEQR

Anna Binau provided an overview and current status of the State Environmental Quality Review (SEQR) process for the current code update. Anna Binau noted that at the July 26, 2024 Code Council meeting, the Council voted to designate the Council as the lead agency for the purpose of environmental review under SEQR, and for DOS to act administratively on the Council's behalf, including publishing the draft scope to the DOS website and the Environmental Notice

Bulletin (ENB). The notice of draft scope was published in the ENB on August 7, 2024, and public comments were received until September 6, 2024.

Anna Binau stated that, at the September 27, 2024, the Code Council voted to request that DOS publish the final scope on DOS's website and in the ENB, and request that DOS prepare the Draft Generic Environmental Impact Statement (GEIS) based on the final scope. The notice of final scope was published in the ENB on October 9, 2024. The draft GEIS was drafted by DOS staff and was included in the informational packet provided to Code Council members prior to this meeting. Anna Binau provided a brief summary of the contents of the draft GEIS, which includes environmental impacts and risks of the proposed changes to the Uniform Code and Energy Code as well as the Regulatory Impact Statement. Anna Binau noted that the draft GEIS would be issued along with the NPRM, and that a public comment period will be available for the draft GEIS and is anticipated to end on May 27, 2025. Anna Binau provided an overview of the rest of the process, including actions anticipated to be taken at future Code Council meetings.

Chairperson Tebo motioned, with Panagiota Hyde reading the motion, to publish the draft GEIS on the DOS website, to publish a notice of acceptance of the draft GEIS in the ENB, and for DOS to conduct an in-person and virtual public hearing on the draft GEIS on May 16, 2025, with notice of public hearing to be published on the DOS website and in the ENB and State Register. The motion was seconded by Joseph Toomey, and passed unanimously with 13, since William Tuyn was not present.

Agenda Item 6. Executive Session 11:28 a.m. – 12:05 p.m.

Chairperson Tebo moved to enter into executive session to discuss litigation strategy in the case of *Mulhern Gas Co., Inc., et al. v. Walter T. Mosley, et al.* Joseph Toomey seconded the motion, and the motion passed unanimously by voice vote. The meeting went off the record at 11:28 a.m.

The meeting exited the executive session and went back on the record at 12:05 p.m.

Agenda Item 7. Public Comment

Chairperson Tebo gave the public an opportunity to address the Code Council, which included in-person and online commentators. Kevin Duerr-Clark stated that names would be called in order from an established list of over seventy (70) registered commenters.

Various representatives from the New York State Legislature, the New York State Building Official Council (NYSBOC), NYS Fire Marshalls, the Firefighters Association of New York (FASNY), the International Code Council, many non-profit environmental organizations, and the general public provided comments.

Comment topics predominantly included the following:

- Support for and concerns with revised sprinkler requirements for new townhouses with municipal water supplies.
- Support for electrification.
- Various concerns with some updated Energy Law provisions for new residential buildings, such as EV charger requirements, solar provisions, and energy storage, that have been relegated to appendices in the Energy Code.
- Incorporating the language of other agency regulations adds more challenges for enforcement.

- Changes in flood hazard areas from the 1% (100-year) to 0.2% (500-year) floodplain and its potential impacts.
- Codifying new kitchen exhaust requirements for mobile food trucks.
- Incorporating modifications and redundant language in various sections that seemed unnecessary.
- Increasing the percentage of Type B Accessible dwelling units in Residential occupancies.
- Thanks to DBSC staff for the NPRM documents and statements of intent to review and provide comments. Recognizing the importance of Staff involvement with the ICC code development process.

Below is the list of speakers and/or organization they represented, presented in the order they spoke.

1. Assemblymember Emily Gallagher (NYC)
2. Neil Jimenez – legislative director Assemblymember Yudelka Tapia (virtual)
3. Christopher Meader – firefighter Town of Poughkeepsie
4. Assemblymember Sarahana Shrestha (virtual)
5. Justin Flag on behalf of Senator Liz Kruger (virtual)
6. Marty Moseley – NYS Building Officials Conference (NYSBOC), immediate past president, City of Ithaca Code Enforcement Official (Albany)
7. Mark LaFavre – NYSBOC, second Vice President, Town Planning & Zoning (Albany)
8. Valerie Scott – NYSBOC, first Vice President, City of Albany Code Enforcement Official (Albany)
9. Ed Casado – NYSBOC, President Central Chapter (Albany)
10. Rick LaJoy – NYSBOC, City of Albany Code Enforcement Official (Albany)
11. Chris Roth – NYS Fire Marshal’s Association, President (Albany)
12. Steven Klein – NYS Firefighters Association, past President, lifelong firefighter in Nassau County (Albany)
13. Sal Penelli – NYS Building Officials Association, President (Albany)
14. Dottie Mazzarella – ICC (Albany)
15. Francis Spinelli – Chief of City of Newburgh Fire Department (Albany)
16. Michael Hernandez – Rewiring America (Albany)
17. Thomas McKinney – FASNY (Albany)
18. Assemblymember Anna Kelles (virtual)
19. Mary Thompson – CEO of Home Builders and Remodelers of Central NY (virtual)
20. Michael Trunzo – represent Clean Alliance America (virtual)
21. Michael Fazio – NYS Builders Association (virtual)
22. Jeffrey Hugo – National Fire Sprinkler Association (virtual)
23. Dan Buuck – National Association for Home Builders (virtual)
24. John Rath – Director of Operations for NY GEO (virtual)
25. Bill Nowak – Board member of NY GEO (virtual)
26. Dustin Howard – landowner/future homeowner in Saratoga County (virtual)
27. Eric Wood –NY Public Interest Research Group (virtual)
28. Melissa Carlson – Architect in Rochester, Climate Activist (virtual)
29. Sara Bayer – Board Member of NY Passive House (virtual)
30. Steve Cowell – Director of Northeast Energy Efficiency Council (virtual)
31. Barton Schoenfeld – Valatie, Cardiologist (virtual)
32. Paul Kiesler – co-chair Climate Reality Project (virtual)
33. Steve McDaniel – NYSBOC, past president (virtual)
34. Bradford Kiefer – representing the Structural Engineers of New York Code Advisory Committee (virtual)
35. Anne Pernick – SAFE Cities (virtual)

36. Jane Sanders – board member of NY Passive House (virtual)
37. AJ Ruther – Alliance for Green Economy (virtual)
38. Michael Niechwiadowicz – City of Ithaca Building Department (virtual)
39. Mark Kresowk – Energy Efficiency Economy (virtual)
40. Adam Flint – represent the Network for Sustainable Tomorrow (virtual)
41. Isaac Silberman-Gorn – Climate Justice consultant (virtual)
42. Bill Knickerbocker – delegate of NYSBOC (virtual)
43. Annie Carforo – Climate Justice campaign manager at WE ACT for Environmental Justice (virtual)
44. Jed Prickett – Alliance for Clean Energy NY (virtual)
45. James Kier – member of NYSBOC (virtual)
46. Allison Considine – Building Decarbonization Coalition (virtual)
47. Amy Goldman – member of Religious Action Center of NY (virtual)
48. Marth Robertson – Thompkins County Climate and Sustainable Energy Advisory Board (virtual)
49. Thomas Wright – New Yorkers for Clean Power (virtual)
50. Cornelia Wu – Director of Codes and Standards at NEAP (virtual)
51. Diana Strablow – volunteer with Sierra Club (virtual)
52. Kashif Hussain – NYC Deputy Public Advocate for Infrastructure & Environmental Justice, NYCOPA (virtual)
53. Marcy Cleveland – BPI certified building analyst, board of directors for Mid Hudson Energy Transition (virtual)
54. Damian Hodkinson – Vice President for Business Development and Multifamily Manager at Halco (virtual)
55. Nicky Ordway – mother in NYC, grassroots group in Brooklyn (virtual)
56. Kim Franchek – climate activist (virtual)
57. Niamh Moore – Healthy Communities and Special Projects (virtual)
58. Mark Dunlea – climate activist (virtual)
59. Jordan Jackson – building performance analyst (virtual)
60. Andrew Foster – NY citizen in Adirondack Park (virtual)
61. Jeffrey Shapiro – representing the IRC Fire Sprinkler Coalition (virtual)
62. Lisa Marshall – Director of Organizing and Advocacy at Clean Power (virtual)
63. Ellen Waggener – member of Town’s CAC (virtual)
64. Mike Frisina – climate activist (virtual)
65. Nathan Strieter – climate activist (virtual)
66. Michael Rangstrom – President of Southern Tier Building Officials Conference (STBOA), chapter of NYSBOC (virtual)
67. Martha Sickles – climate activist (virtual)
68. Rosibel Tavares – Senior Sustainability Consultant, KC3 (virtual)
69. Duane Pierce – employee of ISO (virtual)
70. Santosh Nandabalan – staff at NY Communities for Changes (virtual)

The video recording and transcript of the Code Council meeting provides more details of the comments received.

Agenda Item 8. Future Meetings

Chairperson Tebo stated that future meetings are scheduled for June 27, July 25, and December 5, 2025.

Agenda Item 9. Other Business

Chairperson Tebo thanked all staff, Code Development, Energy Code Services, Legal, other DOS staff assisting, and the Code Council members.

William Tuyn noted that the comments today were not part of the formal public comment period for the Notice of Proposed Rule Making. William Tuyn professed deep concern about the legislature requiring electrification and the effects this could have on the electrical grid, stating that there is a focus on electrification rather than renewables and other technology. William Tuyn stated that NYS builds about 40,000 new houses per year and noted that many public comments stated that the largest source of greenhouse gases is buildings. He then cited EPA which states that the number one source of greenhouse gases (34%) is the production of electricity, #2 is industry, #3 is agriculture, #4 is transportation, and #5 is buildings, at only 6%. William Tuyn expressed a desire to concentrate on renewables and the electrical grid.

Chairperson Tebo asked if there was any other business to come before the council, and hearing none, motioned to adjourn the meeting.

The meeting adjourned at approximately 3:50 p.m.