

**ASSESSMENT OF PUBLIC COMMENTS
(19 NYCRR Parts 1219, 1220, 1221, 1222, 1223, 1224, 1225,
1226, 1227, 1228, and 1229 – Uniform Code)**

The Notice of Proposed Rule Making was published in the State Register on March 19, 2025. Public hearings for this rulemaking and the Energy Code rulemaking were jointly held in person at Albany on May 20, 2025, with 8 speakers present. Public hearings were also held virtually on May 21 and 22, 2025, with 12 and 13 speakers, respectively. The Department of State (DOS) received written comments and comments during the public hearings regarding Parts 1219 through 1228, and all such comments are described below by issue or issues raised in the comments. Comments for 19 NYCRR Subpart 1229-2 and Section 1240.6 are described and addressed in the full Assessment of Public Comments as part of the separate Energy Code rule making. Where identical, substantially similar comments, or comments supporting another comment were received from more than one commenter, those comments are discussed in one consolidated statement below.

**SUMMARY OF THE
ASSESSMENT OF PUBLIC COMMENTS**

Formatting changes were made throughout the 2025 Residential Code of New York State (RCNYS), the 2025 Building Code of New York State (BCNYS), 2025 Plumbing Code of New York State (PCNYS), 2025 Mechanical Code of New York State (MCNYS), 2025 Fuel Gas Code of New York State (FGCNYS), 2025 Fire Code of New York State (FCNYS), 2025 Existing Building Code of New York State (EBCNYS), and 2025 Property Maintenance Code of New York State (PMCNYS). As examples, margins were changed, spaces were added or removed, certain text was indented, page breaks were added or removed, blank pages were removed, duplicative code language was deleted, italicization was added or removed, and certain code language was clarified in such a manner as to require sections to be renumbered. Additionally, updates were made to incorporate recently released International Code Council (ICC) errata changes.

Many comments were received regarding the installation of automatic sprinkler systems in one- and two-family dwellings. The proposed 2025 Uniform Code maintains the 2020 RCNYS provisions regarding automatic sprinkler systems in one- and two-family dwellings but adds a sprinkler requirement for new townhouse units that are served by a municipal water supply system.

Comments were received which identified formatting errors in the Notice of Proposed Rulemaking (NPRM) documents; these errors have been corrected.

Comments were received which expressed support of other organizations' comments provided to DOS. DOS noted these comments and addressed all comments received during the public comment period in the assessment below.

Comments were received regarding the potential cost impact of certain proposed code modifications. The specific code provisions commented upon are addressed in the assessment below.

A number of comments were received regarding references in the proposed Uniform Code to NYS regulations and laws pertaining to or administered by agencies other than DOS. Since the Uniform Code is incorporated by reference into the NYS regulations, it needs to be coordinated with other regulations and laws which include similar or overlapping requirements to ensure that there is no conflict between the provisions in different regulations or laws. Such other regulations and laws are referenced specifically in the responses to the comments to which they pertain.

A comment was received on the Energy Code which requested adding requirements for “smart” electrical panels. This comment is assessed in the Energy Code Assessment of Public Comments as comment #1.01. “Smart” electrical panels, which are not mandated by either the Uniform Code or Energy Code, when voluntary installed are subject to the same requirements as traditional electrical panels – all electrical panels, regardless of type, must comply with all relevant sections of the Uniform Code and with NFPA 70. As such, no

changes to the Uniform Code are necessary to provide requirements for “smart” electrical panels, and no change was made based on this comment.

ASSESSMENT OF PUBLIC COMMENTS

Multiple Code Books

COMMENT 1: A comment was received which requested reverting changes to multiple sections throughout the RCNYS back to the 2020 RCNYS language. A number of sections throughout the RCNYS have NY-specific changes which add an exception to various code requirements for owner-occupied one-family dwellings.

In the 2020 RCNYS, such exceptions read as follows: “Owner-occupied one-family dwellings subject to approval by the building official.” In the proposed update, such exception language was modified to read: “Owner-occupied one-family dwellings, unless expressly required by statute, local law, ordinance, or other regulations.” The comment requested to change all instances of this exception back to the 2020 RCNYS language.

Note: This comment and the associated response are applicable to the RCNYS and PMCNYS.

RESPONSE TO COMMENT 1: The language of the 2020 owner-occupied one-family dwelling exceptions was modified in order to facilitate more consistent enforcement of this provision throughout New York State. Previously, use of this exception was subject to the discretion of the code official, potentially giving rise to situations where such a dwelling was allowed to utilize the exception in one municipality, while a similar dwelling was not permitted to do so in a different municipality. The modified language allows consistent application of this exception throughout the state while still accounting for areas in which use of such exception is not permitted due to statute, local law, ordinance, or other regulations. DOS has received a number of technical support inquiries regarding this provision and possible inconsistent enforcement. Reversing this

change back to the 2020 language could result in inconsistent application of this exception throughout the state, which is counter to the intent of the Uniform Code. As such, no change was made based on this comment.

COMMENT 2: A comment was received which requested removal of the proposed updates to RCNYS Sections R201.1 through R201.4, returning these sections to the 2020 RCNYS language.

Note: This comment and the associated response are applicable to all Uniform Code books.

RESPONSE TO COMMENT 2: RCNYS Sections R201.1 through R201.4 provide scope and applicability for the defined terms used in Chapter 2, detailing how definitions are applied, use of definitions in other Uniform Code books, use of italics to denote defined terms, and how to determine definitions for words and terms not defined in the Uniform Code. DOS received comments on the existing 2020 RCNYS language in these sections, stating that the wording of these sections was unclear and requesting clarification regarding italicization or lack thereof, as well as how these sections apply to defined multiple-word phrases (“terms”). Based on these comments, the changes published with the Notice of Proposed Rulemaking were made to add clarity to these sections. As such, no change was made based on this comment.

COMMENT 3: A comment was received requesting changes to the Chapter 1 section on suspension or revocation of permits in all the Uniform Code Books. The comment noted several areas where the sections are not identical across the different code books and requested removal of the “false statement or misrepresentation as to the material facts” portion (including the itemized list). The comment also requested the addition of “based on the authority having jurisdiction’s Code Enforcement Program” as a reason for suspension or revocation of permits. The comment also requested removal of this section from the PMCNYS.

Note: This comment and the associated response are applicable to all Uniform Code books.

RESPONSE TO COMMENT 3: The “Suspension or revocation of permit” section is intended to be standardized across all the code books so that all books have the same language. The “false statement or misrepresentation as to the material facts” portion of the section is based on 2024 International Building Code (IBC) language, which was identified as being a beneficial addition to the 2020 language for this section, since it provides the code official with guidance on when to suspend or revoke a permit. This section was included in the PMCNYS in order to standardize Chapter 1 across code books.

Based on this comment, changes were made throughout the code books to standardize the language so that this section is the same across all the books.

COMMENT 4: A comment was received which noted inconsistencies in language between the section entitled “Facilities regulated by New York State departments and agencies” across the different Uniform Code books. The comment requested deleting this section in its entirety from all Uniform Code books.

Note: This comment and the associated response are applicable to all Uniform Code books.

RESPONSE TO COMMENT 4: The “Facilities regulated by New York State departments and agencies” sections are mostly unchanged from the 2020 Uniform Code language, apart from minor editorial changes to standardize the sections between Uniform Code Books. Minor variations in the language between code books are necessary since the section requires structures to comply with “this code or the RCNYS” in several code books, language which would be redundant if included within the RCNYS itself. Apart from that sentence, the language in the RCNYS is intended to be the same as the language in the other books.

Based on this comment, changes were made throughout the code books to standardize the language so that this section is the same across all the books (except the RCNYS), as described above.

COMMENT 5: A comment was received requesting deletion of BCNYS Section 105.3.1, “Approval of construction documents.” The comment asserted that regulations require this provision to be included in local

laws. A similar comment to Section 3103.1.3 (Temporary Structures) requested the removal of the word “approval” and replacement with the word “permit” suggesting permit is the more appropriate term for alignment with the requirements for local laws.

Note: This comment and the associated response are also applicable to all Uniform Code Books.

RESPONSE TO COMMENT 5: These sections are unchanged from the 2020 BCNYS except for a change in section number. Section 105.3.1 is necessary since it provides clear requirements for how building permits shall be issued and how work shall be done. This also makes the enforcement-related requirements described in this section part of the Uniform Code. This will ensure that each authority having jurisdiction (AHJ) is able to impose the penalties prescribed in Executive Law §382 if a person or entity fails to comply with such requirements, which will facilitate effective and meaningful enforcement of the Uniform Code. In order to avoid potential conflicts with changes to local laws and other sections of codes specifically pertaining to permitting, the term “approval” is more appropriate and provides for more flexibility. No change was made based on these comments.

COMMENT 6: Comments were received regarding the flood changes developed in consultation with the Department of Environmental Conservation (DEC) as directed by Executive Law §378(1-a)(b), which were implemented across the Uniform Code. The comments opposed the changes to the definition of flood hazard area, as well as the changes to flood provisions in various sections throughout the Uniform Code books, including sea level rise provisions, base flood elevation changes, and changes to provisions for underground tanks. The comments generally requested reversion to either the 2020 RCNYS language or the 2024 International Residential Code (IRC) language.

Note: This comment and the associated response are applicable to all Uniform Code books.

RESPONSE TO COMMENT 6: The DEC flood changes were discussed in the Regulatory Impact Statement (RIS) for the proposed rule. See the RIS section titled “New York State Department of Environmental

Conservation (DEC) flood provisions” for more information. No change was made based on this comment for the reasons set forth in the aforementioned section of the RIS, because the alternatives presented do not comply with Executive Law §378(1-a), as amended by Chapter 19 of the Laws of 2023, to require that the Uniform Code address future physical climate risks due to sea level rise, storm surges, and flooding.

COMMENT 7: A comment was received which requested reverting the pool barrier maximum chain link mesh size provisions back to 2-1/4” as permitted by the 2020 Uniform Code.

Note: This comment and the associated response are applicable to the RCNYS and BCNYS.

RESPONSE TO COMMENT 7: Pool barrier provision changes were discussed in the RIS for the proposed rule. See the RIS section titled “Coordinating pool and hot tub provisions with industry standards and specific provisions from ICC’s International Swimming Pool and Spa Code” for more information. The proposed amendments align with the current industry shift to a 1 ¾ inches (44 mm) mesh size to provide even more protection against accessing the pool. No change was made based on this comment.

COMMENT 8: Comments were received which requested reversion of RCNYS Table P2903.2 to the 2024 IRC version. This table provides maximum flow rates for various plumbing fixtures. The comments asserted that lowered flow rates can adversely affect plumbing in older buildings which were not designed for such lower flow rates, and can lead to issues with waste clearance, water hammers, and pipe noise. One comment suggested that a 1.1/1.6 dual flush toilet cannot meet the requirements of footnote c, specifically the composite average flush value of 2 small flushes and 1 large flush. The comment also stated that the meaning of “temporary” in footnote d regarding temporary increases for kitchen faucet flow was unclear.

Note: This comment and the associated response are applicable to the RCNYS and PCNYS.

RESPONSE TO COMMENT 8: The maximum flow rates are based on U.S. Environmental Protection Agency (EPA) WaterSense Program Guidelines and will result in water savings throughout NYS. Water savings are beneficial as clean water supply is necessary for life and health of all NYS residents, and lowering water usage ensures that the clean water supply will remain sufficient to meet people’s needs.

Dual flush toilets with a flow of 1.1/1.6 gpm meet the requirements of footnote c. The average of the 3 values (1.1, 1.1, and 1.6) calculates out to be 1.26 gpm, which is lower than the maximum allowed 1.28 gpm. The maximum flow rate of 1.28 gpm is mandated by NYS Environmental Conservation Law, Article 15, Title 3, Section 15-0314, including the requirements for dual flush toilets.

Footnote d, which allows for kitchen faucets to temporarily increase flow during usage, includes the requirement that the flow rate return to below the maximum permitted by the table when the water is shut off. As such, the temporary increase is limited to during the time the water is running and reverts back automatically once the water is shut off.

No change was made based on this comment.

COMMENT 9: A comment was received which requested modification to RCNYS Section M2005.1 and addition of a Table M2005.1. The comment stated that this change was preliminarily approved for the 2027 IRC and stated that it enhances readability of the code by changing the requirements from paragraph to tabular format.

Note: This comment and the associated response are applicable to the RCNYS, MCNYS, and PCNYS.

RESPONSE TO COMMENT 9: The proposed IRC update mentioned by the comment reformats paragraph text into a table, adds some new appliances and equipment to the table, and adds a new UL reference standard. While this change was preliminarily approved for the 2027 IRC, it has not gone through the full consensus review process, which may include changes to the proposed language. The ICC consensus process ensures that all interested parties can participate in the update process, as well as ensuring consistency and eliminating

potential conflicts between provisions in different model code books. No change was made based on this comment.

COMMENT 10: A comment was received requesting a 30-day extension to the public comment period.

Note: This comment and the associated response are applicable to all Uniform Code books.

RESPONSE TO COMMENT 10: The proposed rule was posted on the DOS website and published in the State Register on March 19, 2025. The State Administrative Procedures Act (SAPA) requires a 60-day comment period following such rule-making publications. The public comment period for the proposed rule ended on May 27, 2025, a 69-day public comment period, which complies with the SAPA requirements. No change was made based on this comment.

COMMENT 11: Comments were received stating that the BCNYS definitions for the terms “Shower,” “Cleansing Shower,” and “Rinsing Shower” as well as FCNYS definitions for the terms “gypsum panel product” and “Type X” are not necessary because, per Section 201.4, words and terms not otherwise defined have the ordinarily accepted meaning. The commenter noted that the terms “Cleansing Shower” and “Rinsing Shower” are only used in BCNYS Section 2902.1.4 and the terms “gypsum panel product” and “Type X” are only used within other definitions. The comments asserted that there may be instances where these terms are used and not defined in the various referenced standards of the 2025 BCNYS and expressed concerns about a possible conflict with those standards.

Note: These comments and their associated response are applicable to the BCNYS, FCNYS, and PCNYS.

RESPONSE TO COMMENT 11: The definitions mentioned by the commenter intend to provide a clear distinction between the shower types that are required only for indoor and outdoor public swimming pools as per footnote f in BCNYS Table 2902.1.4. It should be noted that “public swimming pool” is also a defined term

added to the 2025 BCNYS Chapter 2 for further clarity. In assessing this comment, the DOS has determined some additional clarification of the code language is needed and has modified footnote f in BCNYS Table 2902.1.4 accordingly by deleting “plumbing fixtures for indoor and outdoor swimming pools” and replacing it with “*showers* for indoor and outdoor *public swimming pools*.” Regarding the definitions for “gypsum panel product” and “Type X”, these terms are necessary for code users to understand the purpose of the terms as used rather than the ordinarily accepted meaning. The terms and definitions are derived directly from the ICC model codes. No changes were made to these definitions based on these comments.

COMMENT 12: A comment was received requesting DOS to reinstate Technical Committees composed of industry professionals to review the code and provide suggestions for code revisions.

Note: This comment and the associated response are applicable to all Uniform Code books.

RESPONSE TO COMMENT 12: The Uniform Code is based on the ICC model codes, which are produced through a consensus process involving industry professionals, designers, government officials, and other interested parties. This consensus process updates the model codes on a 3-year cycle. The Uniform Code utilizes these model codes as a basis, providing the Uniform Code with a standardized set of provisions which has gone through a consensus update process. Additionally, the changes to the Uniform Code are required to comply with the SAPA procedures which include multiple opportunities for public participation. No change was made based on this comment.

COMMENT 13: Comments were received stating that the BCNYS definitions for the terms “Public Swimming Pool (Public Pool)” and “Residential Swimming Pool (Residential Pool)” are not necessary because, per Section 201.4, those terms have their ordinarily accepted meaning. Additionally, the commenter noted that the term

“Public Swimming Pool” is only used in BCNYS Section 2902.1.4 and that “Residential Swimming Pool” is not used in the 2025 BCNYS.

Note: These comments and the associated response are applicable to the BCNYS and PCNYS.

RESPONSE TO COMMENT 13: The referenced definitions were added to the 2025 BCNYS in correlation with the shower fixture requirements for indoor and outdoor public swimming pools (denoted by footnote f in BCNYS Table 2902.1.4 and further clarified by BCNYS Section 2902.1.4). These definitions provide a distinction between a public pool versus a residential pool when evaluating pools and enforcing BCNYS Section 2902.1.4 requirements. The defined term “residential pool” term is used within the “Public Swimming Pool (Public Pool)” definition to provide clarity on the exclusion of residential pools from the definition. Therefore, no change was made based on this comment.

COMMENT 14: Comments were received which requested modifying the NY-specific changes to BCNYS Section 1108.6.2.2.1, compliance with which is required in several sections of the EBCNYS. Specifically, the comment requested modification of the required percentage of Type A units to use the 2% specified in the IBC, suggesting that requiring more Type A units will adversely affect affordability of housing.

Note: This comment and the associated response are applicable to the BCNYS and EBCNYS.

RESPONSE TO COMMENT 14: The NY-specific changes to the requirements for Type A units is part of the accessible building updates to the Uniform Code, which were discussed in detail in the RIS for this proposed rule. See RIS pages 49-57 for more details. No change was made based on this comment for the reasons set forth in pages 49-57 of the RIS.

COMMENT 15: DOS received a comment requesting modification of the language of BCNYS Section 107.2.1 - “Information on Construction Documents” and BCNYS Section 107.2.10 - “Design Professional.”

Specifically, the comment requested removal of the “stricter of Code Enforcement Program of the authority having jurisdiction or a Part 1203-Compliant Code Enforcement Program” language in both sections, as well as spelling out “applicable statute, regulation, or local law or ordinance” rather than just stating “other applicable laws.”

Note: This comment and the associated response are applicable to all Uniform Code books.

RESPONSE TO COMMENT 15: Due to the reorganization of Chapter 1s throughout the 2025 Uniform Code, the section defining “other applicable laws” for the purposes of Chapter 1 was moved to Section 101 or 102 (depending on the code book). For example, Section R101.4.1 of the RCNYS states:

“for the purpose of this chapter, the term “other applicable law” shall include the authority having jurisdiction’s Code Enforcement Program; any local law, ordinance, or regulation establishing the authority having jurisdiction’s Code Enforcement Program; and any other applicable statute, regulation, rule, local law, or ordinance.”

As a result, other sections throughout Chapter 1 were modified to state “other applicable laws” instead of “other applicable laws, ordinances, or regulations” (or similar). DOS also implemented the commenter’s suggestion to remove the “including but not limited to” language and made changes to other sections throughout Chapter 1 in all code books to correlate the language between books. Additionally, please see comment number 24 for additional discussion on the comments related to the “stricter of” language.

COMMENT 16: A comment was received requesting deletion of footnotes f and g from BCNYS Table 2902.1. The comment asserted that footnote g could cause confusion during enforcement due to questions arising from responsibility for enforcement.

Note: This comment and the associated response are applicable to the BCNYS and PCNYS.

RESPONSE TO COMMENT 16: New York State Department of Health (NYSDOH) regulations include requirements for plumbing fixtures for mass gatherings, and this footnote provides important direction as to

exactly where such requirements can be found for ease of reference. No change was made based on this comment.

COMMENT 17: A comment was received supporting the adoption of the 2024 I-Codes. The commenter noted that the adoption will include the 2023 edition of NFPA 70, the National Electric Code (NEC), as a referenced standard, which is the most recent edition of that NFPA standard. The commenter noted that the 2024 I-Codes are developed with high regard to personal and public safety and stated that their adoption will also complement the State’s mandates to move towards more use of electric vehicles, electric heat, electric appliances, etc., supporting green energy and lessening reliance on fossil fuels.

Note: This comment and the associated response are applicable to all Uniform Code books.

RESPONSE TO COMMENT 17: The Uniform Code books are based on the 2024 I-Codes. The comment does not request any changes to the proposed code, and as such no changes were made based on this comment.

COMMENT 18: A comment was received noting that the MCNYS does not include requirements for welding procedures to comply with ASME B31 and ASME Section IX. The commenter expressed that not including these requirements presents potential risks of physical damage, fire, leaks, and property damage.

Note: This comment and the associated response are applicable to the MCNYS and FGCNYS.

RESPONSE TO COMMENT 18: Welding standards such as ASME B31 have not undergone the ICC consensus review process and are not currently required by the MCNYS. The possibility of referencing or including such standards may be considered in future code development cycles; however, no such changes are being proposed at this time. No change was made based on this comment.

COMMENT 19: A comment was received requesting deletion of sections regarding portable unvented kerosene heaters in the MCNYS and FCNYS. The comment asserted that these provisions could cause confusion during enforcement due to questions arising from responsibility for enforcement.

Note: This comment and the associated response are applicable to the MCNYS and FCNYS.

RESPONSE TO COMMENT 19: The portable unvented kerosene heater sections are unchanged (apart from section number changes) from the 2020 MCNYS and 2020 FCNYS. New York State Real Property Law (Real Property Law) Article 7A: “Portable Kerosene Heaters” includes requirements for portable unvented kerosene heaters, and the Uniform Code is kept in compliance with that law by incorporating MCNYS Section 922.2 and modifying the ICC language in FCNYS Section 4301.1.

Real Property Law §239-c states that “no portable kerosene heater shall be offered for sale in this state for use in a structure unless it has been approved by the Secretary of State or their designee.” Therefore, the UL 647 listing and labeling requirements in the MCNYS and FCNYS mandate that all portable heaters be tested for compliance with the standard. Additionally, a label indicating UL 674 approval must be placed on the heaters, thereby giving an enforcement means by which code officials can verify that any portable kerosene heaters they encounter are also compliant with the Real Property Law.

Additionally, DOS notes that Real Property Law Article 7A includes other requirements that may be relevant to code enforcement, such as: the sale of unapproved kerosene heaters in the state; penalties for violations of the law; and other applicability provisions relative to city population sizes and the sale or use of any portable kerosene heaters restricted or prohibited by any municipality’s general, special, or local law, rule, or regulation. Code officials must also comply with other laws which would include the regulations as required by Real Property Law Article 7A. No change was made based on this comment.

COMMENT 20: A comment was received requesting deletion of the required placard language from FCNYS Section 116.2, which specifies requirements for notice given in cases of imminent danger. The comment asserts that requiring specific placard language violates New York State Home Rule and is not required by regulation.

Note: This comment and the associated response are applicable to the FCNYS and PMCNYS.

RESPONSE TO COMMENT 20: The language in FCNYS Section 116.2 is unchanged from the 2020 FCNYS except for being renumbered from 109.1.1 to 116.2. Standardization of language on placards posted in cases of imminent danger ensures that such placards adequately inform the reader of the hazards associated with the structure, allows for easy recognition for people with experience in such matters, and does not violate New York State Home Rule authority because it is consistent with the statement of legislative findings and purpose codified in section 371 of the Executive Law. Without standardization, placards might not adequately inform the public of hazards, and experience with placards in one jurisdiction would not necessarily be applicable in another jurisdiction. No change was made based on this comment.

COMMENT 21: A comment was received which requested modifications to FCNYS Section 115.1.1. FCNYS Section 115.1.1 provides requirements for unsafe structures and equipment. Specifically, the comment requested removal of “unsafe structures shall be taken down and removed or made safe, as the authority having jurisdiction deems necessary and as provided for in this section” and the requirement to secure in accordance with Section 311. The comment asserts that these requirements will violate Municipal Home Rule Law by adopting provisions from 19 NYCRR Part 1203 into the Uniform Code.

Note: This comment and the associated response are applicable to the FCNYS and PMCNYS.

RESPONSE TO COMMENT 21: These administration and enforcement provisions have been brought into the Uniform Code to aid the AHJ with administration and enforcement because if a provision was inadvertently not included in the local law, the inclusion of provisions into the Uniform Code ensure that the provision is available to the AHJ; additionally, the inclusion of the provision allows administrative and enforcement

provisions to carry the same legal authority as the other provisions of the Uniform Code and does not violate New York State Home Rule authority because it is consistent with the statement of legislative findings and purpose codified in Executive Law §371. No change was made based on this comment.

COMMENT 22: A comment was received requesting that the disconnecting means (E-Stop) requirements for electric vehicle (EV) charging stations be excluded from the 2025 BCNYS Section 406.2.7.1 and the 2025 FCNYS Section 611, asserting that E-Stops provide a false sense of security. The comment also asserted that E-Stops encourage people to engage with EV charging equipment that is still unsafe, presenting injury risks to emergency responders and building owners.

Note: This comment and the associated response are applicable to the BCNYS and FCNYS.

RESPONSE TO COMMENT 22: The requirements for disconnecting means (E-Stop) in Section 611 of the 2025 FCNYS align with the requirements in the draft version of NFPA 70-2026. EV chargers are an evolving technology, and utilizing up-to-date standards ensures that the code provisions keep pace with changes in this technology. The NFPA 70 committee recognizes that EV chargers present a significant risk during failure and emergency responders need to be able to isolate the equipment to perform the emergency response activities. Article 625.43 of the draft NFPA 70-26 specifies requirements for electric vehicle power transfer systems, including requirements for equipment disconnects and emergency shutoffs. No change was made based on this comment.

COMMENT 23: A comment was received which requested inclusion of a baseline minimum framework for securing code compliance in rental properties, as well as development of minimum enforcement standards.

Note: This comment and the associated response are applicable to all Uniform Code books.

RESPONSE TO COMMENT 23: This proposed rule will amend and update the Uniform Code which includes the regulations that establish the minimum standards for building construction set forth in 19 NYCRR

Parts 1219-1229 pursuant to Executive Law §377. The minimum standards for administration and enforcement of the Uniform Code are set forth in 19 NYCRR Part 1203 pursuant to Executive Law §381. The topics addressed by this comment were found to be outside the scope of the proposed rulemaking because the topics pertain to Part 1203. As was done during the 2020 code update process, DOS intends to amend and update Part 1203 following this rulemaking and may consider this comment in developing such future proposed rules. No change was made based on this comment.

COMMENT 24: Comments were received which requested modification of language in numerous sections throughout Chapter 1 in all Uniform Code books. The language identified in the comments is “the stricter of the authority having jurisdiction’s Code Enforcement Program or a Part 1203-Compliant Code Enforcement Program.” The comments asserted that this language was confusing and could be interpreted to mean that enforcement should be done to the strictest of any Part 1203-Compliant Code Enforcement Program, such as programs from other municipalities. The comments requested modification to read “the authority having jurisdiction’s Code Enforcement Program.” Additionally, the comments requested deletion of the definition of “Part 1203-Compliant Code Enforcement Program,” and modification of related definitions and sections related to the definition and “stricter of” language, including the definitions for “permit” and “operating permit,” as well as language relating to certificates of occupancy, notice, construction inspections and documents, and other similar sections in various code books.

Note: This comment and the associated response are applicable to all Uniform Code books.

RESPONSE TO COMMENT 24: The language indicating the “stricter of an AHJ’s code enforcement program or a Part 1203-Compliant Code Enforcement Program” is included in the Uniform Code in order to give local jurisdictions the tools necessary to enforce the Uniform Code’s minimum standards with or without the specific local laws required by Part 1203. By including language stating the stricter of the two, AHJ are

given the means by which to enforce updated provisions of Part 1203 which are not included in their specific local law, or to enforce more restrictive administration and enforcement provisions included in their local law. It is not the intention of this language to allow the use of *any* code enforcement program that meets Part 1203, nor is it the intention to direct a local AHJ to enforce another AHJ’s code enforcement program that happens to be stricter than theirs. This language remains unchanged from the 2020 version of the Uniform Code and is present in numerous sections through the code books. No changes were made based on these comments.

2025 Residential Code of New York State (2025 RCNYS)

COMMENT 25: A comment was received requesting modifications to Sections R102.6 and R102.6.1, which provide administrative requirements for existing structures and change in use or occupancy. According to the comment, these sections, as written, require additions, alterations, or repairs to meet the requirements for new construction. The comment also expressed concerns that Appendix BO, which is adopted as part of the RCNYS and contains the requirements for existing buildings and structures, was not properly referenced in these two sections, potentially resulting in users being unaware of the provisions in Appendix BO.

RESPONSE TO COMMENT 25: Section R102.6 includes the statement “as required by any provision of this code.” Since Appendix BO is adopted as part of the RCNYS, all provisions in Appendix BO are considered “provisions of this code” and thus the statement in Section R102.6 already includes Appendix BO, since the provisions in Appendix BO are included in “any provision of this code.” Section R102.6 was not changed.

DOS reviewed the proposed revisions to the Section R102.6.1 and determined that the proposed changes provide clarity and add a helpful reference to the appropriate place to find further requirements for existing buildings and structures. Section R102.6.1 was revised to add references to Appendix BO as suggested.

COMMENT 26: DOS received a comment requesting to remove the NY-specific change to Section R105.9 – Preliminary Inspection, reverting this section to the 2024 IRC language.

RESPONSE TO COMMENT 26: In the 2020 RCNYS, Appendix J (Existing Buildings and Structures) included Section AJ106.1, which contained the same language included in the proposed rule as Section R105.9. Section AJ106.1 is not present in the 2024 IRC Appendix BO. The provisions included in Section AJ106.1 were determined to be useful provisions which should be retained in the 2025 Uniform Code update, as they allow a building official to require an existing building to be investigated and evaluated to determine areas of noncompliance with the Uniform Code. These provisions authorize a building official to require an evaluation of an existing building, but do not require this evaluation for all buildings – it is left to the judgment of the building official. In this way, a building official who notes concerns regarding an existing building (such as potentially hazardous conditions) is authorized to require an evaluation be conducted. A similar section was identified in Chapter 1 of the 2024 IRC, so a NY-specific change was made to this section in order to match the 2020 provisions found in Section AJ106.1. These provisions allow identification and removal of potentially hazardous conditions, providing a benefit to life safety and fire prevention. As such, no change was made based on this comment.

COMMENT 27: A comment was received which requested deletion of the definition of “hospice residence.” The comment stated that this definition is unnecessary and asserted that the inclusion of a reference to Public Health Law created problems for code officials during enforcement. The comment asserted that code officials are not responsible for enforcing Public Health Law, stating that code officials may not understand Public Health Law or how to enforce it, and that this could lead to inconsistent enforcement.

RESPONSE TO COMMENT 27: The definition of “hospice residence” was included in the 2020 RCNYS. In the proposed rule, the maximum number of patients was updated from eight to sixteen in conformance with the Public Health Law, Section 4002(2-b). The inclusion of this definition is necessary since the term “hospice residence” is used within the RCNYS, to ensure the Uniform Code is coordinated with the Public Health Law.

This definition also provides a reference to the Public Health Law, directing users to the proper section should they wish to know more. If necessary, the Division’s staff is available to assist with providing technical support. As such, no change was made based on this comment.

COMMENT 28: A comment was received asking to delete the defined term “Materials and Methods Requirements” from Section R202 of the RCNYS. The comment stated that this term is only used in Appendix BO and could cause confusion as to whether provisions which do not fall under materials and methods are still required for existing buildings.

RESPONSE TO COMMENT 28: This definition is not a code requirement, simply a definition of a term used in the RCNYS. As noted in the comment, this term is only used within Appendix BO, and as such this definition has been moved to the definitions section in Appendix BO (Section BO103.1). This definition is needed since the term is used within the body of the appendix.

COMMENT 29: A comment was received which requested a return to the IRC language for the NY-specific modifications in the footnotes for Table R301.2 (climatic and geographic design criteria). These NY-specific modifications changed “jurisdiction” to “authority having jurisdiction” in the footnotes to this table. The comment asserted that the meaning of the two terms is the same, and that the addition of the [NY] tags to all the footnotes could cause designers to spend time determining the location of the NY-specific modification. The comment also suggested replacing the definition of “jurisdiction” with language referencing the definition of “authority having jurisdiction.”

RESPONSE TO COMMENT 29: The term “jurisdiction” is used many times throughout all Uniform Code books. The IRC definition of jurisdiction reads: “The governmental unit that has adopted this code.” In New York State, individual municipalities are not the “governmental unit that has adopted” the Uniform Code – it is

adopted by the New York State Fire Prevention and Building Code Council (“Code Council”) and approved by the Secretary of State. Local governments are responsible for the administration and enforcement of the Uniform Code and are appropriately included within the definition of “authority having jurisdiction.” Since the values in that table vary depending on the local government’s location, a single table cannot cover the entire state; each local government must complete this table independently. Therefore, the term “authority having jurisdiction” is appropriate in the footnotes.

The option of modifying the definition of “jurisdiction” was considered but ultimately decided against due to the many places this term appears in the Uniform Code. Modification of the definition of this term would have unintended consequences throughout the Uniform Code. The existence of the two distinct definitions is necessary to make it clear who is responsible. The ICC codes are generally structured to best suit the majority of international code users and regulatory authorities. In many cases outside of New York State, the authority having jurisdiction is also the same body who adopts the codes, making the two terms mean the same thing. However, as noted above for New York State, the two terms need to be separate. As such, no change was made based on this comment.

COMMENT 30: A comment was received which requested deletion of the NY-specific section R302.3.7 which provides requirements for opening protectives in horizontal and vertical assemblies. The comment asserted that there was confusion regarding what type of assembly was intended, and whether annual periodic testing (as specified in NFPA 80) would be required in residential homes. Additionally, the comment asserted that openings are not necessary between dwelling units.

RESPONSE TO COMMENT 30: DOS received questions on the 2020 Uniform Code regarding protection for openings in walls separating two-family dwellings, and the NY-specific changes referenced in this comment were developed in response to these questions in order to clarify these provisions. R302.3.2 specifies the

required fire resistance rating for vertical and horizontal assemblies separating dwelling units, but the 2024 IRC is silent on the subject of openings in these assemblies – such openings are not explicitly prohibited. DOS has been informed of instances where owners of each dwelling unit in a two-family dwelling wish to install a door in the wall separating the two dwellings. Without clear provisions regarding the protection of such openings, these openings could significantly reduce the effectiveness of the fire-resistant horizontal or vertical assembly in which the opening is made. As such, it is necessary to include in the RCNYS provisions governing the protection of such openings. Since BCNYS contains provisions for opening protection, a reference to these provisions was added to the RCNYS, requiring opening protection comply with the BCNYS provisions.

Two-family residential homes are explicitly excluded from fire safety and property maintenance (FSPM) inspection requirements, and Section R302.3.7 does not add an inspection requirement for these buildings despite the requirement for compliance with NFPA 80 in the referenced section in the BCNYS. The RCNYS also requires compliance with NFPA 72, which requires periodic annual testing for smoke alarms, without requiring FSPM inspections of two-family homes – the same is true for the reference to NFPA 80.

COMMENT 31: A comment was received which stated that Section R302.3.7 is not referenced in the parent section (R302.3), which only requires compliance with R302.3.1 through R302.3.5.

RESPONSE TO COMMENT 31: Upon review, DOS found that the comment correctly noted that Section R302.3.7 is not included in the parent section’s charging language, and as such, R302.3 was modified to include R302.3.7.

COMMENT 32: A comment was received which requested deletion of the NY-specific changes to Section R302.6 and Table R302.6 regarding dwelling-garage fire separation. The comment asserted that the addition of the word “private” caused confusion as to which garages fall under these provisions. The comment also

opposed requiring separation of the garage from all habitable space, asserting that most garages contain habitable space.

RESPONSE TO COMMENT 32: Fire separation is required between dwelling units and garages because garages are more likely to contain fire hazards. Many detached garages are constructed with connecting habitable spaces, such as a second story recreation room over a detached garage. Such habitable spaces are likely to be occupied for long periods of time and require the same amount of protection as other areas of the dwelling unit. Requiring fire separation between habitable space and garages provides occupants with a higher level of life safety and fire protection.

Upon review, DOS determined that the word “private” at the start of Section R302.6 was redundant, and so it was removed, changing “Private garages...” to “Garages...” at the start of the section.

COMMENT 33: A comment was received regarding sprinkler requirements in townhouses. Specifically, the comment requested extending the sprinkler requirements to all new townhouse units, regardless of whether such townhouse units have a public water main available for connection. The comment cited several reasons for requesting this change, as detailed below.

First, the comment stated that a public water supply is not necessary for a cost-effective installation of residential sprinklers. The comment stated that that any water supply sufficient to supply the required plumbing flow rate under the current code would also be sufficient to supply the residential sprinklers.

Second, the comment noted that rural areas face a number of challenges during fire emergencies, which can lead to longer emergency response times and difficulties in manual fire-fighting operations, and that as such sprinklers are even more vital in protecting the life safety of building occupants.

Third, the comment stated that townhouses are a multi-family occupancy, and thus the fire risk to any individual homeowner is dependent on the actions of unrelated occupants in the adjoining townhouse units.

Additionally, since townhouses are multi-family, a fire may present a life safety risk to far more occupants than in a one- or two-family home.

RESPONSE TO COMMENT 33: Townhouse automatic sprinkler requirements were discussed in the RIS for the proposed rule, in the RIS section titled “Residential Sprinklers.” The information and analysis presented in the RIS identifies why significant alternatives, including to require automatic sprinkler systems in townhouses not supplied by a municipal water supply system, are not being incorporated into the rule. This comment identifying the flow rates associated with applicable plumbing fixtures does not alone mitigate the higher costs concerns that may be applicable to townhouses not supplied by municipal water system because flow rates with applicable plumbing fixtures do not account for occupant water use and available water supply. Thus, the alternative suggested may still require an onsite water storage tank and a pump, and due to the uncertainty of the on-site well parameters including storage volume, depth, well refill rate, and water quality, such factors may affect the cost of installing a sprinkler system for a townhouse. No changes were made to the rule as a result of this comment.

COMMENT 34: Comments were received which requested deletion of the updated townhouse automatic sprinkler requirements, stating that the increased costs would present issues for prospective buyers and that maintenance costs would also be an issue.

RESPONSE TO COMMENT 34: Townhouse automatic sprinkler requirements were discussed in the RIS for the proposed rule. See the RIS section titled “Residential Sprinklers” for more information. The information and analysis presented in the RIS identifies why significant alternatives, including the alternative suggested by this comment, are not being incorporated into the rule. No change was made based on this comment.

COMMENT 35: Several comments were received which requested removal of provisions requiring automatic sprinkler systems in new single-family residences, or which supported the removal of such provisions in the NPRM.

RESPONSE TO COMMENT 35: The proposed rule requirements for automatic sprinkler systems in one- and two-family dwellings were not changes from the provisions in the 2020 RCNYS. Currently, in the 2020 RCNYS, automatic sprinkler systems are only required for live/work units, owner-occupied lodging houses, and new one- and two- family dwellings and townhouse units having a height of three stories above grade plane or more, as well as some instances in existing buildings undergoing alterations or additions.

Since the requested change was already implemented in the proposed rule, no change was made based on this comment.

COMMENT 36: A comment was received which requested deletion of the updated provisions for required smoke alarm location section of the RCNYS in the proposed rule. Specifically, the comment requested deletion of the changes requiring smoke alarms in common areas and in dwelling units where the interior floor area (for a given level) exceeds 1000 square feet (Section R310.3, items 7 & 8).

RESPONSE TO COMMENT 36: The provisions requiring smoke alarms in common areas were necessary in order to conform to the statutory requirement in Executive Law §378 (5-b), which added requirements for smoke alarms in common areas. Without this modification, the RCNYS would not be in compliance with the requirements of the Executive Law.

The provisions regarding smoke alarms in dwelling units with an interior floor area of more than 1000 square feet already exists in NFPA 72, compliance with which is already required by the RCNYS. However, since other requirements for locations of smoke alarms (which are also included in NFPA 72) are included in the RCNYS, leaving this one provision out could cause it to be missed during design and enforcement.

Additionally, not including this provision could cause confusion over whether or not compliance with that provision is necessary, since other smoke alarm location provisions from NFPA 72 are included in the RCNYS, which could suggest to users that this provision was intentionally not included.

In order to remain in compliance with Executive Law and to coordinate with NFPA 72, both of these provisions are necessary. As such, no change was made based on this comment.

COMMENT 37: A comment was received requesting the provisions regarding smoke alarm and heat detection interconnection (Sections R310.4 and R310.4.1) be modified to use the language in the 2024 IRC. The comment asserted that the requirements as written will require interconnection of all smoke alarms in any dwelling unit undergoing any sort of repair, alteration, or addition.

RESPONSE TO COMMENT 37: Sections R310.4 and R310.4.1 are unchanged from the 2020 RCNYS except for the modification of section numbers to account for the 2024 IRC reorganization of Chapter 3. As in the 2020 RCNYS, in the 2025 RCNYS Section R310.4 exception language, smoke alarm interconnection is not required where “existing smoke alarms are not interconnected or where such new smoke alarm or alarm is not capable of being interconnected to the existing smoke alarms.” Using this exception, existing dwelling units undergoing repairs, alterations, or additions would not be required to install interconnected smoke alarms if the existing smoke alarms in the existing dwelling are not interconnected.

The requirements for smoke alarm interconnection are unchanged from the 2020 RCNYS. Similarly, the requirements for heat detection are also unchanged from the 2020 RCNYS. As such, no change was made based on this comment.

COMMENT 38: A comment was received requesting modification of the language of Section R310.8 to change “lodging houses” to “owner-occupied lodging houses.” The comment asserted that Executive Law

§378(8) only requires portable smoke alarms in “owner-occupied lodging houses” and as such this section is not in conformance with Executive Law.

RESPONSE TO COMMENT 38: Executive Law §378 provides a list of subjects which must be addressed in the Uniform Code. §378(8) requires inclusion of “Standards for hotels, motels and lodging houses requiring (in addition to any other requirement) portable smoke-detecting alarm devices for the deaf and hard of hearing of audible and visual design, available for three percent of all units available for occupancy, with a minimum of one unit.” This requirement does not specify “owner-occupied lodging houses,” and “lodging houses” is not a defined term in Executive Law §372 (which provides definitions for Article 18). As such, the addition of “owner-occupied” to the section would cause this section to be out of compliance with the provisions of Executive Law, and therefore no change was made based on this comment.

COMMENT 39: A comment was received noting an incorrect section reference in Section BO102.5, stating that the reference to Section R311.2.2 should be modified to Section R311, due to NY-specific modifications to Section 311.

RESPONSE TO COMMENT 39: DOS reviewed Section 311 and determined that the section reference needed to be modified. Section BO102.5 was modified to reference Section R311.1.

COMMENT 40: A comment was received which requested copying the FCNYS provisions referenced by Section R317.6.1 into the body of the section to prevent users from needing to consult the FCNYS.

RESPONSE TO COMMENT 40: Other sections of the RCNYS direct users to other books within the Uniform Code. For example, the carbon monoxide provisions in Section 311 direct the user to the FCNYS carbon monoxide provisions. The RCNYS uses cross references to increase readability and efficiency for the user, while reducing the overall volume of text. Additionally, duplication of language between books can, over

multiple code update cycles, result in cases where the language is updated in one book but not in the other, thus creating inconsistencies or conflicts within the Uniform Code, and potentially resulting in hazardous conditions. As such, no change was made based on this comment.

COMMENT 41: A comment was received which requested deletion of Sections R322.1 and R322.1.1. The comment asserted that these sections would require all townhouses with 4 or more units to be accessible and would require any single-family home with a room used as a guestroom to be accessible.

RESPONSE TO COMMENT 41: Section R322.1 and R322.1.1 require compliance with the Group R-3 accessibility provisions of the BCNYS for buildings with 4 or more dwelling or sleeping units, and for dwellings with guestrooms, with stated exceptions. Additionally, Section R322.1 is IRC language and is not modified by NY.

The provisions of the BCNYS for Group R-3 can be found in Section 1108.6.3 and its subsections. The provisions which would apply to RCNYS structures include requirements for structures with “four or more sleeping units intended to be occupied as a residence.” The BCNYS defines a “sleeping unit” as a “single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.” One- and two-family dwellings, as well as townhouse units, provide both sanitation and kitchen facilities and thus would not fall under the definition of “sleeping unit” per the BCNYS. The individual bedrooms in such structures, regardless of whether such bedrooms are intended for use by guests, also do not fall under the definition of “sleeping unit” because they are part of a dwelling unit. As such, these accessibility provisions do not apply to one- and two-family dwellings and townhouses. Modifications were made to Section R322.1.1 in order to clarify that these provisions apply to guestrooms in lodging houses and bed-and-breakfast dwellings.

COMMENT 42: A comment was received requesting deletion of the NY-specific section R330.12, “Toxic and highly toxic gas.” The comment stated that it was unclear what exactly constituted a “potential to release toxic or highly toxic gas” – questioning whether events such as thermal runaway, malfunctions, or overcharging causing the release of toxic gases would be included. The comment also stated that the definition of toxic was unclear.

RESPONSE TO COMMENT 42: The provision discussed in the comment, R330.12 is unchanged from the 2020 RCNYS except for a section number change (it was Section R327.11 in the 2020 RCNYS). The word “toxic” is defined in the 2025 BCNYS, and the use of words defined in other codes is specified in Section R201.3, which indicates that words shall have the meaning ascribed to them as stated in the listed codes, which includes the BCNYS.

Section R330.12 states that “ESS that have the potential to release toxic or highly toxic gas during charging, discharging and normal use conditions shall not be installed within one- and two-family dwellings and townhouses.” Specifically, this provision specifies “during charging, discharging and normal use conditions” – events such as thermal runaway, malfunctions, or overcharging would not constitute charging, discharging, or normal use conditions. As such, the potential for Energy Storage Systems (ESS) to release toxic gas during such events would not trigger the requirements of R330.12, since those events do not fall into the conditions specified by that section.

No change was made based on this comment.

COMMENT 43: A comment was received asking to remove the residential energy provisions from the Energy Conservation Construction Code of New York State (ECCCNYS or “Energy Code”) and place them in the RCNYS, or to copy the residential provisions from the ECCCNYS into the RCNYS. The commenter asserted

that including these provisions in the RCNYS is necessary to prevent users of the RCNYS from having to consult other code books.

RESPONSE TO COMMENT 43: Chapter 11 was removed from the RCNYS for several reasons. In previous code versions, there have been discrepancies between the residential provisions in the ECCCNY and Chapter 11 of the RCNYS. Since the provisions in Chapter 11 of the RCNYS are simply provided for convenience, the provisions in the ECCCNY govern for any discrepancies. However, users of the RCNYS may not be aware of these discrepancies and may design or construct buildings using the incorrect requirements included in the RCNYS.

Additionally, the Uniform Code and the Energy Code are established under different laws. Executive Law §§370-383 establishes the State Fire Prevention and Building Code Council (Code Council) and authorizes such council to formulate the Uniform Code. Energy Law §11-103(2)(a) authorizes the Code Council to review and amend ECCCNY or to adopt a new ECCCNY. Since the Energy Code and the Uniform Code are established under different laws, they may be updated at different times if the law so requires. If the Energy Code is updated while the Uniform Code is not updated, this could cause discrepancies between the residential provisions of the ECCCNY and Chapter 11 of the RCNYS.

To prevent discrepancies and allow for independent updating of the Uniform Code and Energy Code, no change was made based on this comment.

COMMENT 44: A comment was received which requested removal of the NY-specific modification to Section M1411.2 regarding the inclusion of manufacturer's installation instructions in the refrigeration system listing and requiring compliance with the applicable standards.

RESPONSE TO COMMENT 44: The proposed NY-specific modifications to Section M1411.2 are beneficial because they add a reference to ASHRAE 15.2, which includes important provisions which were removed from

ASHRAE 15. Additionally, the requirement of including the installation instructions as part of the listing is not new - it is required as part of the listing process and is required in Section R106.1.2. Confirming that the installation conforms to the manufacturer's installation instructions which were used for the listing is an important safety check to ensure the installation was properly performed in accordance with the listing. No change was made based on this comment.

COMMENT 45: A comment was received which requested a return to IRC language in Section M1505.4.1, which provides requirements for ventilation system design. Specifically, the comment asserted that the term “balanced” was unclear, and that, with the NY-specific modifications, the section would require new homes to include an energy recovery system, which may impact the cost of home construction.

RESPONSE TO COMMENT 45: The changes to Section M1505.4.1 were necessary in order to match ECCCNY provisions for energy recovery ventilation. Energy recovery ventilation requirements were discussed in the Energy Code RIS for the proposed rule. See the RIS section titled “Energy recovery ventilation (ERV) required for residential buildings in Climate Zone 6” for more information. No change was made based on this comment.

COMMENT 46: A comment was received which requested deletion of the NY-specific changes to Section M1505.4.3. The comment asserted that the increase in required ventilation would increase construction costs for homes.

RESPONSE TO COMMENT 46: Comments were received on the proposed changes to the Energy Code upon which these changes to the RCNYS were based. These comments stated that the proposed changes were less restrictive when compared to the 2024 IECC. It was not the intention of DOS to be less restrictive with this provision and therefore these changes were removed from the Energy Code. Please see the Assessment of

Public Comments for the Energy Code for more details. For consistency between the Energy Code and Uniform Code, the proposed NY-specific changes to Section M1505.4.3 and Table M1505.4.3(1) have been removed, changing this section back to the 2024 IRC language.

COMMENT 47: A comment was received which requested deletion of the exception from Section G2418.2. Section G2418.2 provides requirements for design and installation of piping, including piping supports and anchors. The comment asserted that the language in the exception is not truly an exception, but rather a more specific provision for corrugated stainless steel tubing (CSST), and asserted that the requirement was covered in the body of Section G2418.2. The comment further asserted that the exception could be interpreted as requiring no supports of any kind for CSST.

RESPONSE TO COMMENT 47: Upon review, DOS determined that the provisions included in the exception to G2418.2 are covered by the body of the section. Therefore, the exception was found to be redundant and could cause confusion, and as such, the exception was removed.

COMMENT 48: A comment was received asking for removal of Section P3202 of the 2025 RCNYS. Section P3202 provides requirements for grease interceptors, or for inclusion of all provisions regarding grease interceptors in the PCNYS. The comment asserts that this provision is not in line with the intent of NYS Executive Law §378(18), stating that this law is intended to apply to commercial buildings only, and states that the law would not apply to detached one- and two-family dwellings, townhouses, and owner-occupied lodging houses. The comment states that live/work units are required to meet BCNYS provisions which require compliance with PCNYS provisions, which include grease interceptor provisions. The comment also states that bed and breakfast dwellings, since they are limited to 10 lodgers, are unlikely to have a grease interceptor installed.

RESPONSE TO COMMENT 48: Per Executive Law §378(18), grease interceptor provisions must be included in the Uniform Code for interceptors in buildings open to the public. Since bed and breakfast dwellings are open to the public and are governed by the RCNYS, grease interceptor provisions must be included in the RCNYS. While most one- or two-family homes, townhouses, and owner-occupied lodging houses are typically not subject to these provisions, some such buildings may have grease interceptors located in an area open to the public, or within the public right-of-way, which would also be subject to these provisions.

In the RCNYS, references to other codes are common. There are many sections which reference other Uniform Code books (such as the BCNYS or FCNYS), including Chapter 2, which includes defined words and terms in other code books in the RCNYS. Duplication of provisions between code books in the Uniform Code can lead to discrepancies between code sections. A code provision may be updated in one code book but not in the other, and this can lead to inconsistent enforcement and confusion over which version of the code provisions apply. As such, no change was made based on this comment.

COMMENT 49: A comment was received which requested deletion of Section E3707, which contains provisions for electrification readiness. The comment asserted that these provisions were only applicable “where required,” but that no other sections of the RCNYS require these provisions. The comment noted that Appendix RK (“Electric-Ready Residential Building Provisions”) is adopted in the 2025 ECCCNY and asserted that this appendix contains all provisions included in Section E3707. The comment suggested that, since Chapter 11 (which, in the 2024 IRC, contains copied provisions from the 2024 IECC) is marked reserved in the 2025 RCNYS, other provisions from the ECCCNY should not be included in the RCNYS. The comment also included concerns about potential costs.

RESPONSE TO COMMENT 49: These provisions were included in the Uniform Code to ensure the safety and code compliance of electric-ready construction to the extent that electrification readiness provisions are

required by another provision of the Uniform Code or Energy Code, or where electrification readiness is voluntarily included. Electrification readiness is a growing trend in the housing construction industry, and as such these provisions are necessary to ensure the safety of such installations. Additionally, in the event that some AHJs may seek to implement more restrictive energy standards which require electrification readiness – the proposed provisions ensure that the Uniform Code includes code requirements that can be utilized in such instances. As such, no change was made based on this comment.

COMMENT 50: A comment was received suggesting the removal of all informational appendices from the RCNYS. The comment stated that inclusion of such informational appendices could lead to inconsistent enforcement of the Uniform Code between jurisdictions, as well as potentially create legal ambiguity if such appendices were misinterpreted to be required sections of the code. The comment also included the concern that inclusion of such appendices would add “clutter” and complexity to the code, potentially causing confusion or misapplication of code provisions.

Note: This comment and the associated response are applicable to all Uniform Code books.

RESPONSE TO COMMENT 50: Many of the informational appendices referenced in this public comment exist in the 2020 RCNYS, and DOS has not received any questions from code officials or design professionals regarding the use of informational appendices, nor has DOS been made aware of issues, such as those suggested by the commenter, arising from the inclusion of these appendices. Informational appendices are labeled as being included only for informational purposes in a note at the start of each appendix, as well as in Chapter 1 of the RCNYS. Informational appendices have been included in the Uniform Code since the 2003 version of the code, which was the first time the ICC model codes were utilized as a basis for the NYS Uniform Code. Informational appendices provide guidance to users of the code on a variety of topics. The code constitutes minimum requirements for construction, but some building owners may find exceeding such minimum requirements to be

desirable for a variety of reasons, and a number of informational appendices provide guidance on how to achieve such goals. Additionally, some informational appendices provide guidance on less-frequently used construction types, such as strawbale construction, providing guidance to designers and code officials on the best way to design and construct using such materials.

Due to the long-standing inclusion of informational appendices in the Uniform Code, the benefits presented by inclusion of such appendices, and the lack of reported issues, DOS made no change based on this comment.

COMMENT 51: A comment was received which requested removal of the definition of “Dwelling” in Appendix BA (Manufactured Housing). The comment asserted that the definition was problematic and conflicted with the definition of “dwelling unit” in Chapter 2. The comment noted that specific requirements for multiple dwellings are not included in Appendix BA. The comment also asserted that a structure containing more than two dwelling units was not included in the scope of the RCNYS.

RESPONSE TO COMMENT 51: In September 2024, the Department of Housing and Urban Development (HUD) released the updated 24 CFR Part 3285, effective March 17, 2025. These updates include a change to the definition of “dwelling” to state “any structure that contains one to a maximum of four dwelling units, designed to be permanently occupied for residential living purposes.” In order to remain consistent with the updated 24 CFR Part 3285, this definition of dwelling was added to Appendix BA. This definition is only applicable to Appendix BA and does not apply to the rest of the RCNYS. Since HUD standards govern the design and construction of manufactured homes, alignment between Appendix BA and the HUD standards is necessary. Additionally, since HUD standards contain provisions for multiple dwellings, inclusion of such standards in Appendix BA is unnecessary, and might conflict with HUD standards.

Changes were made to the scoping sections of Chapter 1 in both the RCNYS and BCNYS to emphasize that manufactured homes fall under the scope of the RCNYS regardless of the number of dwelling units. Additionally, the language of Section BA103.1 was clarified to indicate that the definitions included in Appendix BA are for use only in that appendix.

COMMENT 52: A comment was received which requested deletion of the definitions of “attached manufactured home” and “fire separation wall” from Appendix BA of the RCNYS (Manufactured Homes), as well as deletion of the term “attached manufactured home” from section BA101.1. The comment stated that the term “fire separation wall” is not used in the appendix and thus does not need to be defined. The comment also stated that the term “attached manufactured home” is only used in BA101.1 and is not necessary to be included there, as it is a HUD term not used elsewhere in the appendix.

RESPONSE TO COMMENT 52: DOS reviewed Appendix BA and determined that the term “fire separation wall” is indeed not used in this appendix, and as such the definition was removed.

The term “attached manufactured home” refers to manufactured homes which are structurally independent but have the appearance of a physical connection. The inclusion of this term in Section BA101.1, which provides the scope of the appendix, ensures that no confusion arises regarding how attached manufactured homes are treated, and whether they fall under the scope of the appendix. Since the term is used in Section BA101.1, the definition is needed. As such, this term and definition were not removed.

COMMENT 53: A comment was received which requested deletion of Section BA119 and BA119.1 from Appendix BA – Manufactured Homes. Section BA119.1 requires alterations to manufactured homes to comply with the Manufactured Home Standards. The comment asserted that confusion exists as to what provisions in the Manufactured Home Standards were referenced by this section, and how this requirement interacts with

Section BA102.3, which states that alterations may be made to a manufactured home without requiring compliance with all the provisions of the appendix, provided the alteration conforms to Appendix BO.

RESPONSE TO COMMENT 53: The provisions in Section BA119.1 exist in the 2020 RCNYS, in Section AE406.1. Apart from a section number change, there are no other changes in the provisions from the 2020 RCNYS. Since manufactured homes differ from homes constructed on-site in a variety of ways, the Manufactured Home Standards are necessary to ensure requirements are specifically tailored to manufactured homes. These standards govern the construction and alteration of manufactured homes, and it is necessary to follow these standards. Section BA119.1 clarifies that alterations must also comply with the “occupancy, fire safety and energy conservation requirements” of the Manufactured Home Standards. As such, no change was made based on this comment.

COMMENT 54: A comment was received requesting deletion of the definition of “relocation” in Appendix BO. The comment stated that this definition is unnecessary and noted that there are no italicized instances of its use within the body of the Appendix. The comment noted that the definition included in Appendix BO is not substantially different from the commonly accepted dictionary definition of the word, which is “moving from one place to another.”

RESPONSE TO COMMENT 54: The definition of “relocation” included in Appendix BO specifies that a relocated building is one that is “relocated from its existing foundation to a new foundation.” This is more specific than simply “moving from one place to another” – it requires the building be moved to a new foundation and clarifies that relocating a building does not require relocation of the foundation, just the superstructure. This provides clarity to users of the code as to exactly what is included in a relocation. DOS notes that the commenter correctly noted several instances of non-italicization of the defined term – all instances of the defined term have been italicized.

COMMENT 55: A comment was received requesting deletion of Section BO105.5.4, which states: “Where level 2 alterations subject portions of existing electrical systems to increased loads, such portions shall be made to comply with Chapter 34 through Chapter 43.” The comment asserts that this provision is “ambiguous and problematic,” stating that it is partially covered by Section BO105.1.1 and, depending on interpretation, it is unclear how much of a building’s electrical system would need to be made to comply with “Chapter 34 through Chapter 43.”

RESPONSE TO COMMENT 55: This provision exists in the 2020 RCNYS in Section AJ601.12, and the requirements are unchanged. Section BO105.1.1, which was referenced in the comment, only requires “newly installed electrical equipment and wiring relating to work done” to comply with Chapters 34-43. However, level 2 alterations can include a substantial amount of work, and could significantly increase loads on an existing electrical system. Without Section BO105.5.4, a deficient existing electrical system could be heavily overloaded during a level 2 alteration, which could result in unsafe situations, increased risk of fire, and other hazards. Electrical wiring has a maximum safe current that can be passed through it, and exceeding this maximum rated current results in significant risks. If alterations to an existing building subject portions of the electrical system to increased loads, it is necessary to bring these portions into compliance with the current code provisions in order to ensure the safety of the building and its occupants. As such, no change was made based on this comment.

COMMENT 56: A comment was received requesting deletion of the “and any spaces other than habitable” from the requirements for minimum ceiling heights in Sections BO107.2.3 and BO105.9. The comment stated that this provision is not included in the requirements for new construction and questioned why it was included in the requirements for existing buildings but not in the requirements for new buildings.

RESPONSE TO COMMENT 56: DOS reviewed Sections R313.1.2, BO105.9, and BO107.2.3 and determined that these sections are not fully in alignment with each other, as described in the comment. Sections BO105.9 and BO107.2.3 were modified by removing the phrase “and any spaces other than habitable,” coordinating these sections with Section R313.1.2.

2025 Building Code of New York State (2025 BCNYS)

COMMENT 57: A comment was received requesting deletion of Section 102.2.2 (change in use or occupancy). The comment asserted that this section is unnecessary in the BCNYS since change in use or occupancy is covered by the EBCNYS.

RESPONSE TO COMMENT 57: Section 102.2.2 directs the user to the EBCNYS for change in use or occupancy provisions. Users of the code may not be familiar with all code books, and inclusion of this provision in the BCNYS ensures that such users are correctly directed, while also ensuring that any provisions included in the BCNYS, FCNYS, or other codes regarding change in use or occupancy are included in the requirements. Chapter 1 provides administrative provisions, which may be used during code enforcement, and these chapters are standardized across the Uniform Code books where possible to ensure that these provisions are available when needed for code enforcement. No change was made based on this comment.

COMMENT 58: A comment was received requesting deletion of the definitions of “carbon monoxide source” and its two sub-definitions. The comment asserted that these terms were defined in the FCNYS and thus not needed in the BCNYS.

RESPONSE TO COMMENT 58: The term “carbon monoxide source” and its two sub-definitions (“carbon monoxide source, direct” and “carbon monoxide source, indirect”) are used within the body of the BCNYS, and

thus are appropriate to include within Chapter 2 of the BCNYS for ease of use. No change was made based on this comment.

COMMENT 59: A comment was received which requested clarification on the occupancy classification for commercial vehicle storage with regards to parking garages. The comment noted that the term “commercial vehicle” is defined in Chapter 2, but that “commercial vehicle storage” is not included in the lists of occupancy types for Group S-1 and S-2 occupancies. The comment noted that Sections 903.2.9 and 903.2.10.1 (which provide sprinkler requirements for Group S-1 and S-2, respectively) both require automatic sprinkler systems for “storage of commercial motor vehicles where the fire area exceeds 5,000 square feet.” The comment asserted that the inclusion of commercial vehicle storage in both sections creates confusion as to what occupancy classification is appropriate for commercial vehicle storage and requested that commercial vehicle storage be classified as Group S-1.

RESPONSE TO COMMENT 59: Commercial motor vehicle storage may vary significantly from one operation to the next depending on fleet makeup, vehicle density in the storage area, stored cargo or equipment on the vehicles, and other factors. The registered design professional is responsible for determining the proper classification of the storage area based on the above factors when compared to the occupancy classifications in Chapter 3 of the BCNYS. The two code sections noted in the comment are appropriate as they in fact cover different scenarios. No change was made based on this comment.

COMMENT 60: A comment was received requesting modification to Section 706.1.1, exception #2, to add clarification about shared electric and other utilities. The comment also requested clarification of the language regarding the maximum height and area limits to specify that these limits refer to the limits for a single building.

RESPONSE TO COMMENT 60: Chapter 7 covers fire and smoke protection provisions; therefore, inclusion of electric and other utility provisions would not be appropriate. Other chapters in the FCNYS provide provisions addressing utilities in buildings with party walls on lot lines.

Clarification was added regarding maximum height and area limits, changing the language to clearly specify the limits are for a single building.

COMMENT 61: A comment was received which requested clarification of Section 907.2.1.3, which provides requirements for automatic smoke detection systems in assembly (Group A) occupancies. The comment noted that Section 907.2.1 only requires manual fire alarm systems (which activate the occupant notification system) for occupancies with an occupant load of 300 or more, while Section 907.2.1.3 requires installation of an automatic smoke detection system (which activates the occupant notification system) in all assembly occupancies which are not protected by an automatic sprinkler system. The comment asserted that there was conflict between these two sections, since Section 907.2.1.3 requires an occupant notification system in all assembly occupancies, while Section 907.2.1 only requires an occupant notification system in assembly occupancies with an occupant load of 300 or more.

RESPONSE TO COMMENT 61: This comment refers to a section that is unchanged from the 2020 Uniform Code. According to both the 2020 and the proposed BCNYS and FCNYS, Section 907.2.1 governs the thresholds for subsection 907.2.1.3. It offers the user guidance as to when a notification system is required, and does not create a conflict between sections. No change was made based on this comment.

COMMENT 62: A comment was received requesting modification of the language of Section 907.2.11.8 (which provides requirements for portable smoke alarms) to specify “Group R-1 hotels and motels” and include “R2 hotels and motels.” The comment asserted that this section is not in conformance with Executive Law

§378(8) since Group R-2 hotels and motels are not included in Section 907.2.11.8, and all Group R-1 occupancies are included. The comment also requested further modifying the provisions requiring portable smoke alarms to specify that such alarms are for the deaf and hearing impaired.

RESPONSE TO COMMENT 62: DOS reviewed the proposed revision and found that most of the proposed language clarifies the section and is consistent with Executive Law §378(8). However, the request to add language specifying that the required portable alarms are for the deaf and hearing impaired was determined to be unnecessary to comply with the law. The language of 907.2.11.8 was modified to read: “907.2.11.8 Portable smoke alarms in hotels, motels and lodging houses. In addition to any other requirement of this code, portable smoke alarms of both audible and visual design shall be provided in all hotels, motels, and lodging houses.” The rest of the section is unchanged.

COMMENT 63: A comment was received which requested reversion to IBC language for Section 1004.8, which provides provisions for live loads in concentrated business use areas, asserting that the NY-specific modifications made the language confusing.

RESPONSE TO COMMENT 63: The NY-specific modifications were made to this section based on comments received by DOS suggesting that as written in the 2020 BCNYS, this section required clarification. Reviewing the subject language, it was determined that the NY-specific modifications in Section 1004.8 are appropriate. Additionally, this change was proposed at the ICC Group B Committee Action Hearing 1 and was preliminarily approved, providing further support regarding the reasonableness and clarity of the NY-specific modifications in Section 1004.8. As such, no change was made based on this comment.

COMMENT 64: A comment was received requesting modification to Section 1102.1, which provides accessibility design requirements. The commenter requested the addition of a reference to Appendix E, which

has been adopted as part of the BCNYS and provides supplementary accessibility requirements. The commenter stated that the provisions in Appendix E are not referenced elsewhere in the BCNYS and expressed concerns that these provisions may be overlooked without this modification.

RESPONSE TO COMMENT 64: Upon review, DOS determined that a reference to Appendix E in Section 1102.1 is appropriate. Section 1102.1 was modified to include a reference to Appendix E.

COMMENT 65: A comment was received which requested modification of Section 1104.5, which provides accessible route location requirements. Specifically, the comment requested adding a new item #4 reading either “Accessible routes serving only as part of an accessible means of egress are not required to comply with A117.1-17 Section 507” or “Accessible routes are not required to be physically separated from vehicular traffic unless specifically required by this code.” The comment asserted that the requirement for accessible routes to be separated from vehicle traffic in A117.1-17 Section 507 is not feasible for smaller facilities and would eliminate the use of parking lots as accessible routes to the public way, possibly resulting in parking lots not being made accessible.

RESPONSE TO COMMENT 65: Section 507.1 of ICC A117.1-17, exception #2 states. “accessible routes only from parking spaces complying with Section 502 and passenger loading zones complying with Section 503 to accessible entrances shall not be required to comply with this section.” Under this exception, accessible routes between parking lots and the buildings they serve are not required to be physically protected. Accessible routes between parking areas and the building entrance are required by Section 1106 of the BCNYS .

Additionally, the exception to Section 1028.5 offers alternatives for buildings that cannot provide a direct exit discharge to a public way. If the conditions of the exception are met, a route to the public way is not required, and thus a protected accessible route is no longer required.

New York State specific changes to the requirements for protected accessible routes like the one proposed would require further study, review, and discussion at the ICC level to ensure they do not place New York State out of alignment with Federal requirements and/or nationwide standards of practice and codes. Other sections may rely on these requirements and changing them could cause such other sections to no longer function as intended, possibly reducing the level of safety provided by these sections. As such, no change was made based on this comment.

COMMENT 66: A comment was received which requested deletion of the NY-specific modifications to Section 1106.2 and deletion of Table 1106.2(2), which provide requirements for accessible parking. The comment asserted that inclusion of these provisions would cause issues for owners of existing parking lots due to EBCNYS provisions which reference these sections. The comment also asserted that these requirements are stricter than those required by the federal ADA.

RESPONSE TO COMMENT 66: The provisions included in the NY-specific modification to Section 1106.2 and Table 1106.2(2) are required by New York State Vehicle and Traffic Law §1203-c. As such, no change was made based on this comment.

COMMENT 67: A comment was received which requested deletion of the [NY] tag on Table 1106.2(1), asserting that there was no change between that table and the version in the IBC.

RESPONSE TO COMMENT 67: Table 1106.2 in the IBC was renumbered to Table 1106.2(1) to accommodate the NY-specific addition of the related Table 1106.2(2). Due to the renumbering, Table 1106.2(1) required an [NY] tag. No change was made based on this comment.

COMMENT 68: A comment was received requesting changes to Section 1107.2.2 regarding accessible parking spaces. The comment requested adding provisions for use of A117.1 alternate widths for van accessible parking spaces and access aisles.

RESPONSE TO COMMENT 68: The provisions for vehicle space and access aisle widths are required by Vehicle and Traffic Law Section 1203-c. As such, no change was made based on this comment.

COMMENT 69: Comments were received which requested clarification and modification of the code in reference to the changes to snow load provisions and methodology for calculating snow load. One comment requested, in Section 1608.2, the removal of the 1.6 multiplier for snow loads found in Figure 1608.2(5) and the addition of language for snow load increases due to elevation. The comment asserted that the elevation increase is necessary to adequately reflect snow loads in high elevation areas. The comment also asserted that the 1.6 multiplier was “arbitrary and excessive.”

Additionally, a comment asserted that the new snow loads required by the 2024 IBC would result in ground snow loads increasing significantly in some areas of New York. As a result, existing buildings undergoing re-roofing projects (typically classified as alterations under the EBCNYS) would be subject to these new load provisions and, when combined with decreased snow melt caused by increased insulation as required by the Energy Code, would potentially require structural modifications or reinforcement to accommodate the new loads, impacting the cost of such projects.

A comment was received which requested addition of the winter wind parameter for snow drift (“W₂”) to the notations list in Section 1602.1.

RESPONSE TO COMMENT 69: The 2024 IBC made extensive changes to the snow loads section due to changes in ASCE 7-22. New snow load maps were developed using more recent data, representing reliability-targeted loads (“strength loads”). The 2020 BCNYS snow loads (and the 2018 IBC snow loads upon which the

2020 BCNYS provisions are based) are “service loads”.¹ These two types of loads cannot be compared directly, as they are developed using different methodologies. To convert from a “service load” to a “strength load,” the service snow load must be multiplied by a factor of 1.6.² Without this factor, the new load combinations cannot be used, as those expect a strength load, not a service load, and use of a service load in place of a strength load would result in severely under-designed structures.

New York State included the 2020 snow load map as an additional figure in this proposed rule based on comments received during the NRD phase stating concerns for areas of decreased snow load when compared to the snow loads required by the 2020 BCNYS. In response to these concerns, the 2020 map (Figure 1608.2(5)) was added as a “minimum”— designers must calculate the snow load using the new figures in the BCNYS, which gives strength loads. Then, the designer must calculate the loads based on Figure 1608.2(5) (the 2020 snow load map), which gives service loads. To compare the two loads, the service loads must be multiplied by a factor of 1.6.

The provisions regarding snow load increase for elevation in the 2020 BCNYS are included in Note #1 on Figure 1608.2(5). This note contains the exact language from the 2020 BCNYS. The IBC figures are already adjusted for elevation, and thus inclusion of this provision in Section 1608.2 would not be appropriate, as it could result in unnecessary load increases.

Section 706.2 of the 2025 EBCNYS requires replacement or reinforcement of load-carrying elements as needed to carry the gravity loads required by the 2025 BCNYS (which would include the new snow loads) when the alteration itself causes an increase of more than 5 percent in the design dead, live, or snow load,

¹ “Strength loads” typically refer to the maximum expected load in extreme conditions (such as a 500-year storm), while “service loads” refer to the typical load a structure would expect to see in any given year.

² The 1.6 factor is derived from the load combination equations in ASCE 7-16, which use a 1.6 factor for snow loads since snow loads in ASCE 7-16 were service loads. In contrast, the load combination equations in ASCE 7-22 use a factor of 1.0 for snow loads, since these are strength loads.

including snow drift effects. An increase in snow loads for new construction (in comparison to the snow loads for which the building was designed) would not, by itself, require reinforcement or replacement of load-carrying elements in existing buildings. The requirement for reinforcement or replacement is triggered by an alteration being performed which increases the loads by more than 5 percent. For example, if the new roofing material was heavier than the existing roofing material, resulting in an increase in loads of more than 5 percent, then the alteration would trigger an analysis to determine the new loads' impact on the load-carrying elements and whether these elements have sufficient capacity to support the new loads.

For structural modifications required as a result of decreased snow melt (which could potentially result in increased snow load) due to increased insulation requirements of the Energy Code, Sections C503.1 and R503.1 of the 2025 ECCCNY State “*Alterations shall not create an unsafe or hazardous condition or overload existing building systems.*” This allows a designer/owner to use resources such as an engineering analysis to show the limitations of the capacity of the existing structure to safely support additional loads resulting from increased insulation requirements. In cases where the increased insulation would overload the capacity of the existing structural elements, the Energy Code permits engineering analysis to be used to limit the amount of required insulation to an amount which does not create an unsafe or hazardous condition or overload an existing building system.

As discussed above, the updated snow load provisions in the 2025 BCNY State and the Energy Code insulation requirements for alterations do not necessarily require structural modifications to existing buildings or structures. DOS anticipates issuing guidance documents in the form of code outreach programs and/or technical bulletins to help the code community better understand the use of these various code sections to ensure uniform enforcement.

Upon review, DOS determined that the notations included in the list in 1602.1 are mostly notations which are used in multiple sections throughout Chapter 16. DOS reviewed the notations used throughout

Chapter 16 and noted that a few sections use the same notation to represent different things, such as the use of “R” to represent either rain load or seismic response modification coefficient, depending on section. As such, these additional notations were not added to the notations list.

No changes were made based on these comments.

COMMENT 70: A comment was received requesting that DOS consider adding provisions to Chapter 19 for concrete shear for cantilevered retaining walls, basement walls, and industrial flat slabs, in order to align with provisions that the American Concrete Institute (ACI) recently released in their 2025 edition of the ACI 318 “Building Code Requirements for Structural Concrete” standard. The commenter stated that the new shear provisions in Section 22.5.5.1 of the 2019 edition of ACI 318, which is referenced in the proposed 2025 BCNYS, penalizes the design of concrete cantilever retaining walls, basement walls, and industrial flat slabs due to changes in the shear design equations in ACI 318-19 which will likely necessitate adding shear reinforcement (which was previously not required in such members) or require large increases in the size of such members. The commenter also stated that the 2025 edition of the ACI 318 standard revises the 2019 edition shear provisions for cantilever retaining walls and basement walls back to the 2014 requirements.

RESPONSE TO COMMENT 70: The 2025 BCNYS is based on the 2024 International Building Code (IBC), which references the 2019 edition of ACI 318. The 2025 edition of ACI 318 referenced by the commenter was under development and therefore unavailable during the 2024 I-Codes development cycle, and could not be reviewed or approved for incorporation by the IBC.

The 2025 BCNYS requires compliance with all of ACI 318 for concrete, not just the provisions relevant to cantilever retaining walls, basement walls, and industrial flat slabs. The current IBC provisions were evaluated for use with the 2019 edition of ACI 318, and changing the referenced edition of ACI 318 could cause unintended consequences for other concrete elements. Similarly, adopting ACI 318-25 only for cantilever

retaining walls and basement walls may not be appropriate, as these provisions may rely on updated provisions elsewhere in the 2025 edition which are not present in the 2019 edition. DOS anticipates that ACI 381-25 may be reviewed and incorporated by the ICC for the 2027 or 2030 I-Codes development cycles, and any necessary changes to the IBC to correlate with that edition would be made at that time. The commenter notes that the 2019 provisions are more conservative than the previous provisions, and as such, use of these provisions does not present a risk to life safety. To prevent unintended consequences which could result in inadequately designed structures, no change was made based on this comment.

COMMENT 71: Comments were received regarding required plumbing facilities and signage for required plumbing facilities.

Specifically, one comment was received which requested removal of Section 2902.1.4 and its subsections. These sections provide requirements for showers at public swimming pools. The comment asserted that NYSDOH regulations are not enforced by code officials and should not be included in the Uniform Code.

Another comment was received requesting that the exceptions in Section 2902.4 regarding gender neutral signage for toilet facilities be deleted and the ICC language be retained. The comment asserted that the exceptions were not written as exceptions and were redundant with other sections.

RESPONSE TO COMMENT 71: Section 2902.1.4 references NYSDOH provisions to raise users' awareness of additional public pool regulations enforced by that state agency by stating "In addition to New York State Department of Health regulations (10 NYCRR Subpart 6-1) ..." – the section then goes on to state requirements which are not included in the NYSDOH regulations, such as the types of showers and the swimming pool design criteria that determine the minimum number required, which are enforceable requirements of the Uniform Code. NYSDOH regulations are not included in the Uniform Code, which is why references are provided for users, to allow them to find the specific sections which address these topics.

While NYSDOH regulation 10 NYCRR section 6-1.29(12.0) requires that adequate dressing room and sanitary facilities be provided for all swimming pools and their plumbing fixtures and installations be provided in accordance with the Uniform Code, the proposed provisions ensure that hygiene facilities (showers) and changing rooms are provided in sufficient quantities for public pools. This is consistent with other requirements throughout the code, such as the minimum plumbing facilities Table 2902.1.

The exceptions in Section 2902.4 are unchanged from the 2020 BCNYS and are necessary to ensure that gender-neutral signage provisions, which are required by Civil Rights Law §79-p, as added by Chapter 353 of the Laws of 2020, are uniformly enforced.

No change was made based on this comment.

COMMENT 72: A comment was received requesting reversion back to IBC language of the NY-specific modifications which changed the terms “inmate” and “prisoner” to “incarcerated individual” and the term “detainee” to “detained individual.” The comment asserted that the Uniform Code is not required to follow the New York State law which requires such term changes and stated that such changes have not yet been propagated through all New York State laws. The comment also asserted that these changes add several NY-specific modifications which should be avoided.

RESPONSE TO COMMENT 72: The change to use the terms such as “incarcerated individual” and “detained individual” were included in the Uniform Code in alignment with Chapter 486 of the Laws of 2022.

Additionally, proposal G8-25 was submitted to the 2027 ICC code update process and was preliminarily approved at Committee Action Hearing 1. As such, no change was made based on this comment.

2025 Existing Building Code of New York State (2025 EBCNYS)

COMMENT 73: A comment was received which stated that provisions in Chapter 1 were repeated within the chapter. Specifically, Sections 105.9, 105.9.1, and 105.9.2 are the same as Sections 110.1, 110.2, and 110.2.1.

RESPONSE TO COMMENT 73: DOS reviewed the noted sections and found that the content of the sections was the same, though the content of Section 105.9.2 had been modified to present the requirements in list form rather than within a paragraph. As such, sections 105.9, 105.9.1, and 105.9.2 were removed, and Section 110.1 was modified to match the layout included in Section 105.9.2 in the proposed rule, since list form was determined to be more beneficial for clarity and ease of use.

COMMENT 74: A comment was received requesting deletion or modification of the definition of “reconfiguration of space.” The comment asserted that the definition was unnecessary, and that the portion of the definition that included “a change of a space from nonhabitable to habitable” was unclear and could cause conflicts with the change of occupancy provisions.

RESPONSE TO COMMENT 74: The terms “reconfiguration of space” and “reconfigured space” are used throughout the EBCNYS and DOS has received questions regarding the meaning of these terms. Upon review, DOS determined that modification of the proposed definition was appropriate for clarity and to avoid confusion regarding change of occupancy provisions. The definition was modified to read as follows: “The act of rearranging or changing the layout, arrangement, or design of a space. This includes, but is not limited to: the installation or removal of walls, partitions, or any other division of space, or a change in the positions or arrangement of objects, furniture, or components within a space.”

COMMENT 75: A comment was received requesting deletion of the requirements for community storm shelters from Section 303.1. The comment asserted that maintenance is not under the scope of the EBCNYS, but rather under the scope of the PMCNYS, and that a similar provision exists in the PMCNYS.

RESPONSE TO COMMENT 75: Upon review, DOS determined that maintenance is not within the scope of the EBCNYS, but that evaluation and repair do fall under the scope of the EBCNYS. Section 303.1 was revised to read: “[NY] 303.1 General. This section applies to the design and construction of storm shelters for the purpose of providing protection during tornadoes, hurricanes and other severe windstorms. Community storm shelters shall be evaluated and repaired in accordance with this section and ICC 500.”

COMMENT 76: A comment was received which requested deletion of Sections 306.7.19 and 306.7.19.1, which provide requirements for accessible parking in off-street parking lots. The comment asserted that this could have large cost impacts on owners of existing off-street parking lots, and that this could prevent some owners from being able to repaint or repave parking lots. The comment also asserted that these requirements are stricter than those required by the federal ADA.

RESPONSE TO COMMENT 76: Sections 306.7.19 and 306.7.19.1 are unchanged from the 2020 EBCNYS except for section number changes. The provisions included in these sections are required by New York State Vehicle and Traffic Law §1203-c. As such, no change was made based on this comment.

COMMENT 77: A comment was received requesting the removal of language from the exception in Section 803.2.2 of the 2020 EBCNYS, which allows buildings without an existing water supply present at the floor of the proposed work area to be exempt, provided they comply with other provisions included in the exception.

RESPONSE TO COMMENT 77: This comment is based on a 2020 provision which was modified in the proposed rule. The change removes the terms “private service main, or fire sprinkler riser” from the exception to Section 803.2.2.

The exception to Section 803.2.2 provides an alternative method of compliance for buildings where the floor on which the work area is located is not served by an existing water supply. For buildings where the area of work is relatively small, and located many stories above the ground, the requirements of this section could require costly renovations to the existing water system to add pumps, piping, and other such elements (which would likely also require the removal and replacement of finishes in various areas). This provision offers flexibility for business owners to undertake necessary alteration work in a more cost effective manner. As such, no change was made based on this comment.

COMMENT 78: A comment was received which requested modifications to Section 804.5.1.1, which includes provisions for single-exit buildings. The comment asserted that Section 101.2 of the BCNYS allows the use of the BCNYS for alterations, and that this creates potential problems between the EBCNYS and the BCNYS provisions for single-exit buildings. The comment requested deletion of any provisions which are the same as those in the BCNYS.

RESPONSE TO COMMENT 78: Per Section 101.4.7 of the BCNYS, “the provisions of the Existing Building Code of New York State and the other publications incorporated by reference in 19 NYCRR Part 1227 shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.” With this section, the BCNYS directs the user to the EBCNYS for construction involving existing buildings. As such, duplication of some provisions of the BCNYS within the EBCNYS is necessary to ensure these requirements apply to both existing and new buildings. The only modifications to the single-exit

provisions in the EBCNYS is the clarification that occupiable roofs count as a story for these purposes. No change was made based on this comment.

COMMENT 79: A comment was received requesting deletion of Section B104 and all associated subsections from Appendix B. These sections include provisions for enhanced classroom acoustics. The comment asserted that these NY-specific modifications made it unclear whether or not Appendix B was informational.

RESPONSE TO COMMENT 79: Appendix B is included in the list of appendices included for informational purposes found in Section 101.2.1. Additionally, a note at the beginning of Appendix B states “This appendix is informative and is not part of this code.” The EBCNYS is based on the International Existing Building Code (IEBC) published by ICC. The provisions included in Section B104 were added to the body of the IEBC in the 2024 IEBC as mandatory provisions. However, DOS received comments stating that inclusion of these provisions as mandatory would pose too onerous a burden on educational facilities and requesting that these provisions be retained as informational guidance for facilities wishing to include enhanced acoustics as part of building projects. Therefore, these provisions were removed from the body of the EBCNYS and added to the optional Appendix B. No change was made based on this comment.

COMMENT 80: A comment was received which requested deletion of “the provisions of this appendix are applicable when a State or Federal emergency declaration is issued” from Section E101.1. Appendix E includes provisions for temporary emergency use of existing buildings. The comment notes that the appendix was not marked as informational but was not included in the adopted appendices list in Chapter 1. The comment asserted there was ambiguity as to whether this appendix was adopted, and so requested deletion of the NY modification, or deletion of the appendix entirely.

RESPONSE TO COMMENT 80: Adoption of Appendix E (Temporary Emergency Uses) was discussed in the RIS for this proposed rule. See the RIS section titled “Temporary use of buildings in emergencies” for more information. Upon review, DOS determined that Chapter 1 lacking Appendix E from the list of adopted appendices was an inadvertent omission, and Appendix E has been added to the list of adopted appendices in Chapter 1, Section 101.2.1.

2025 Mechanical Code of New York State (2025 MCNYS)

COMMENT 81: A comment was received requesting deletion of Section 1004.1.1. The comment asserted that this provision could cause confusion during enforcement due to questions arising from responsibility for enforcement.

RESPONSE TO COMMENT 81: Section 1004.1.1 is unchanged from the 2020 MCNYS. NYS regulations include requirements for low- and high-pressure boilers. This section provides important pointers to where such requirements can be found for ease of reference. No change was made based on this comment.

COMMENT 82: A comment was received which requested modifications to the values in Table 1103.1 for refrigerant R-454B based on the changes included in 2024 edition of ASHRAE 34. The comment also requested modification of Section 1109.2.5 based on preliminarily approved changes to the 2027 IMC, and requested changes to the editions of standards as follows: ASHRAE 15-2022 to ASHRAE 15-2024, ASHRAE 34-2022 to ASHRAE 34-2024, UL/CSA 60335-2-40-2019 to UL/CSA 60335-2-40-2022, and UL/CSA 60335-2-89-2017 to UL/CSA 60335-2-89-2021.

RESPONSE TO COMMENT 82: The requested modifications to Section 1109.2.5 are already incorporated in this proposed rule based on the preliminarily approved changes to the 2027 IMC (See ICC Change Proposal M75-24). After reviewing Table 4-2 in ASHRAE 34-2024, DOS confirmed that the R-454B values in Table

1103.1 of this proposed rule match the values shown in ASHRAE 34-2024. Furthermore, DOS noted that ASHRAE published several addenda for the 2022 edition of the ASHRAE 34 standard, which included updates to Table 4-2 refrigerant values. These addenda changes, including those for R-454B and other refrigerants, were also incorporated into Table 1103.1 of this proposed rule.

Additionally, during the assessment of this comment, DOS reviewed the ASHRAE 34-2022 addenda and noted some changes to the LFL and RCL values for several A2 and A2L refrigerants. Since use of incorrect RCL and LFL values could present a safety hazard, these values were updated in Table 1103.1 to align with the ASHRAE 34-2022 addenda changes.

The proposed Chapter 15 (Referenced Standards) already includes the requested editions for the UL/CSA standards, so no changes are necessary. However, the 2024 editions of ASHRAE standards 15 and 34 are still under review by the ICC for the 2027 I-Code development cycle and have not yet been approved. Therefore, ASHRAE 15 and ASHRAE 34 editions were not updated to 2024.

COMMENT 83: A comment was received which requested reversion to IMC language for Sections 1107.4 and 1107.5. The comment discussed the NY-specific modifications, which limit the piping and fitting material types allowed for refrigeration systems used in residential occupancies serving only a single dwelling or sleeping unit, to aluminum, copper, and copper alloy. The comment asserted that limitations on use of other materials would limit flexibility for designers and cause confusion in enforcement and also asserted that these limitations are not backed up by technical data.

RESPONSE TO COMMENT 83: The modifications to Sections 1107.4 and 1107.5 are based on ICC proposal M62-24, which was preliminarily approved as part of the ICC 2027 code update process. ASHRAE separated the provisions for residential air conditioning systems used for a single dwelling or sleeping unit into ASHRAE 15.2, which contains different requirements than ASHRAE 15 in some instances. The NY-specific

modification addresses this issue by including the ASHRAE 15.2 requirements, ensuring that the provisions are consistent with ASHRAE standards. As such, no change was made based on this comment.

COMMENT 84: A comment was received in support of the A2L refrigerant provisions included in the proposed rule.

RESPONSE TO COMMENT 84: No change was requested as part of this comment.

COMMENT 85: Comments were received which requested addition of provisions allowing use of A3 refrigerants such as propane to the MCNYS. The comments asserted that such refrigerants are helpful in the reduction of greenhouse gas emissions and have low global warming potential.

RESPONSE TO COMMENT 85: The use of A3 refrigerants has not gone through a consensus review process such as the ICC code update process. A3 refrigerants are flammable, and as such require stricter fire safety provisions than other refrigerant types. Additionally, codes and standards regarding use, installation, and testing of A3 refrigerants have not been finalized by the proper organizations (such as NFPA and ASHRAE) and are therefore not available to DOS for review. The greenhouse gas reduction potential of A3 refrigerants has been noted, and this issue may be revisited in future code update cycles.

Additionally, during the assessment of this comment, DOS reviewed ASHRAE 34-2022 and all associated addenda, which were found to contain Refrigerant Concentration Limit (RCL) and Lower Flammability Limit (LFL) value changes to several A3 refrigerants. Use of incorrect RCL and LFL values could present a safety hazard, and as such changes were made to the RCL and LFL values of those noted A3 refrigerants to correlate Table 1103.1 with ASHRAE 34-2022.

COMMENT 86: A comment was received which requested updating to the following reference standards to the editions shown: ASHRAE 15, 2022 edition; ASHRAE 34, 2022 edition; UL-60335-2-40, 2022 edition; and UL-60335-2-89, 2021 edition.

RESPONSE TO COMMENT 86: Proposed MCNYS Chapter 15 (Referenced Standards) already references the requested editions of all the listed standards. As such, no change was made based on this comment.

2025 Fire Code of New York State (2025 FCNYS)

COMMENT 87: A comment was received which requested deletion of the operating permit requirements included in Chapter 1 of the FCNYS, and replacing these requirements with a provision stating operating permits be required “at the discretion of the authority having jurisdiction.” The comment asserted that these provisions are included in Part 1203, and that inclusion of them in Part 1203 requires updating Part 1203 when changes are made to the FCNYS. The comment also asserted that “the Secretary of State does not have independent authority to add requirements for operating permits beyond what is authorized or described in 19 NYCRR Part 1203.3(g).”

RESPONSE TO COMMENT 87: In an effort to ensure that code users have all pertinent information available to them, the operating permit requirements have been expanded and correlated to match the ICC model codes where appropriate. The inclusion of the operating permits section in the FCNYS provides important permitting threshold information and useful code references identifying where to find applicable requirements within the code. As was done during the 2020 code update process, a full update to Part 1203 will be undertaken following this rulemaking which will enable AHJs to similarly update their local laws at that time as needed. No change was made based on this comment.

COMMENT 88: A comment was received requesting modification of the definition of “atrium” in the FCNYS to match the definition in the BCNYS, stating that the IBC definition had previously been updated, but that this change had not been propagated to the IFC.

RESPONSE TO COMMENT 88: Upon review, DOS determined that the definition of “atrium” was updated in the 2021 IBC, and that prior to that update, the IBC and IFC had the same definition of “atrium.” The definition was modified in the FCNYS to match the BCNYS version.

COMMENT 89: A comment was received requesting modification of Section 312.2 to add a specific minimum distance from the front of an electric vehicle (EV) charger to the bollards which protect it from vehicle impacts.

RESPONSE TO COMMENT 89: The 2025 FCNYS requires EV chargers to be protected in accordance with NFPA 70-23 section 110.27 (b). This NFPA provision provides the designer with flexibility while requiring compliance with the manufacturer’s installation instructions. In contrast to other elements protected by bollards, EV chargers must interact with said vehicles, and the charging efficiency decreases as distance increases between the EV and the charger. No change was made based on this comment.

COMMENT 90: A comment was received requesting that the exception for post spacing width for protecting EV chargers in item #2 of Section 312.2 be removed or modified.

RESPONSE TO COMMENT 90: The use of an electric vehicle charging station presents multiple challenges for mobility-impaired users: access needs to be provided for exiting the vehicle; the user interface on the EV charger must be accessible; and an accessible pathway must exist from the charger to the EV charging port on the vehicle which allows the user to maintain control of the charging cord and navigate around obstacles such as posts, structural curbing, wheel stops, barriers integrated into equipment bases, or raised platforms. The proposed exception, which allows an increase in post spacing, was added to facilitate accessibility for mobility-

impaired users interfacing with the EV charger. According to the U.S. Access Board recommendations, the preferred interaction for a wheelchair user is typically to the side of the wheelchair or parallel access due to the extended reach of the user.³ The proposed exception allows the design professional to develop an accessible, user-friendly layout while maintaining requirements for protection of the charger in accordance with NFPA 70-23, Section 110.27 (b). The exception to item #2 was modified to include language requiring vehicle impact protection is maintained.

COMMENT 91: A comment was received requesting deletion of the “[NY]” tag on Section 322.1, asserting that no NY-specific modifications were made to the section.

RESPONSE TO COMMENT 91: NY-specific modifications were made to the section by changing “mobility devices” to “micromobility devices” in order to use the defined term. As such, no change was made based on this comment.

COMMENT 92: Comments were received which requested deletion of the NY-specific modifications to Sections 403.2, 403.2.5, 403.4.4, 403.9.2, and 403.9.2.4, regarding drills in Group E (educational) occupancies and Group R-2 college and university buildings. The comments asserted that enforcement authority for these provisions was unclear, and inclusion of these provisions could cause issues for code officials.

RESPONSE TO COMMENT 92: These sections are unchanged from the 2020 FCNYS except for section number changes. The IFC contains requirements for drills in Group E (educational) occupancies. Without the NY-specific modifications, these requirements are not in conformance with New York State Education Law. These NY-specific modifications align the provisions in the FCNYS with the New York State Education Law,

³ U.S. Access Board, “Design Recommendations for Accessible Electric Vehicle Charging Stations” <https://www.access-board.gov/files/usab-evse-guide.pdf> updated 7/17/2023

eliminating conflict. Although the comment suggests the potential for issues related to enforcement authority, these provisions have existed for several code cycles without any noted concerns of enforcement. If necessary, the Division’s staff is available to assist with providing technical support. As such, no change was made based on these comments.

COMMENT 93: A comment was received requesting deletion of the NY-specific modifications to Section 403.4, which provides requirements for School Safety Plans in Group E occupancies. The comment asserted that enforcement authority for these provisions was unclear, and inclusion of these provisions could cause issues for code officials.

RESPONSE TO COMMENT 93: The IFC contains requirements for fire safety and evacuation plans in Group E occupancies. Without the NY-specific modifications, these requirements are not in conformance with New York State Education Law. These NY-specific modifications align the provisions in the FCNYS with the New York State Education Law, eliminating conflict. The enforcement authority is the same as any provision of the Uniform Code and would be the responsibility of the authority having jurisdiction. If necessary, the Division’s staff is available to assist with providing technical support. As such, no change was made based on this comment.

COMMENT 94: Comments were received requesting deletion of the NY-specific modifications to Sections 403.7.3.2, 403.7.3.3, and 403.7.3.6, which include provisions for Group I-3 occupancies having locking doors in the means of egress and Section 404.4 which requires lockdown plans to be available in a public location on an accessible route and be available to local law enforcement personnel. The comments asserted that including key locations in the fire safety plans and training staff on their locations and use and allowing public access to this information and these plans presents a security risk, and that the meaning of “staff” is unclear.

RESPONSE TO COMMENT 94: Section 403.7.3.6 is unchanged from the 2020 FNCYS except for a section number. The NY-specific modifications to Sections 403.7.3.2 and 403.7.3.3 were proposed to the ICC 2027 Group A hearings (proposal F67-24) and were preliminarily approved, providing support for these NY-specific modifications at the ICC level. These NY-specific modifications ensure that, for locked doors in the means of egress, key locations are known (or easily referenced), and staff are trained in their locations and use. This ensures that, during emergencies, the risks created by having locked doors in the means of egress are mitigated. Additionally, the modifications to Section 404.4 were a direct result of new legislation enacted that modified Executive Law §378 (see Executive Law §378(3-a)), which not only specifically required copies be available for law enforcement, but required these sections of code to be reviewed and updated after direct coordination with organizations that advocate on behalf of individuals with disabilities. The updated language in Section 404.4 and other sections is a result of that coordination. As such, no change was made based on these comments.

COMMENT 95: A comment was received requesting deletion of the NY-specific modifications to Section 403.11.2, reverting to IFC language. The comment asserted that the NY-specific modifications, which reference Title 10 of the NYCRR, creates confusion during enforcement as to jurisdictional authority.

RESPONSE TO COMMENT 95: The 2020 FCNYS included reference to Title 10 of the NYCRR, but the reference was not as detailed, simply reading “See Part 18 of NYS Sanitary Code, Title 10 NYCRR, for public functions with attendance of over 5,000 people.” DOS has clarified the language with more detail concerning what the Title 10 provisions of the NYCRR cover. The Title 10 New York State regulations exist independently of their inclusion in the Uniform Code, and these references are provided for ease of use and understanding. No change was made based on this comment.

COMMENT 96: A comment was received which requested removal of the NY-specific modifications to Section 404.2.3.1. Specifically, the NY-specific change adds language to item #7, allowing Group E occupancies to be exempted at the discretion of law enforcement.

RESPONSE TO COMMENT 96: Section 404.2.3.1 provides requirements for lockdown plans, and item #7 requires “a means for providing two-way communication between a central location and each area subject to being secured during a lockdown.” In consultation with New York State Troopers, this modification was requested, since two-way communication use is dependent on their tactics and technology. No change was made based on this comment.

COMMENT 97: A comment was received requesting deletion of Section 404.4.2, which provides requirements for published formats of fire safety and evacuation plans. The comment asserted that the cost impact was too high, and that code officials would not know how to enforce these requirements, potentially creating liability issues.

RESPONSE TO COMMENT 97: Section 404.4.2 requires fire safety and evacuation plans to be made available in large-print document format, Braille, and “other universally accessible formats in plain language upon request.” The section then provides examples of “universally accessible formats in plain language.” These provisions were added to the FCNYS in order to comply with Executive Law §378(3-a)(c)(iv), which requires fire safety and evacuation plans to be made available in “a large-print document (18-point font size or larger); Braille (Grade II); and/or any other alternative formats upon request.” DOS worked with several advocacy groups to develop the examples of “universally accessible formats in plain language” provided in the code. Without Section 404.4.2, the Uniform Code will not be in conformance with Executive Law. To alleviate concerns and for clarity, changes were made to both sections to further clarify that the published formats are

only required for high-rise buildings, and to add exceptions for those high-rise building types identified in Executive Law §378(3-a)(g), where the Executive Law §378(3-a) requirements do not apply.

COMMENT 98: A comment was received requesting removal of the NY-specific changes to the title of Section 405, which removed the word “evacuation” from “emergency evacuation drills.” The comment asserted that this change was unnecessary since the section covers evacuation drills.

RESPONSE TO COMMENT 98: While most occupants of a building evacuate during fire drills, some occupants may be unable to evacuate for a variety of reasons. These occupants typically “shelter in place” during fire drills, which makes these drills not simply evacuation drills. Additionally, the section contains some provisions for lockdown drills. To accurately reflect the contents of the section, the title reads “emergency drills.” No change was made based on this comment.

COMMENT 99: A comment was received which requested deletion of the [NY] tag in Section 510.3.1. The comment asserted that the change in Section 510.3.1 is not sufficiently large to merit an [NY] tag.

RESPONSE TO COMMENT 99: In Section 510.3.1 two NY-specific modifications were made: “construction permit” was changed to “building permit” and the section reference in chapter 1 was changed. Use of the [NY] tag for section reference changes is standard practice throughout the 2020 and 2025 FCNYS, so this section requires an [NY] tag for consistency with actions on other sections. No change was made based on this comment.

COMMENT 100: A comment was received requesting deletion of Section 605.9, stating that the content of the section is duplicative of Section 605.1.1.1.

RESPONSE TO COMMENT 100: Section 605.9 does not exist in this proposed rule. DOS reviewed the sections and did not find duplicative content. As such, no change was made based on this comment.

COMMENT 101: A comment was received which requested revisions to Section 1013.7 regarding symbols. The comment asserted that how the section was applied in conjunction with Section 1013.6.1 was unclear and claimed that the provisions could result in illegible signs.

RESPONSE TO COMMENT 101: The requirements of Section 1013.7 do not contradict Section 1013.6 and are in addition to the requirements of Section 1013.6. Exit signs must comply with Section 1013.6 regardless of whether they have a symbol or not. Section 1013.7 merely provides requirements for the use of a symbol, should one be desired. The minimum letter size requirements of Section 1013.6.1 ensure legibility of text on exit signs. No change was made based on this comment.

COMMENT 102: A comment was received which requested modification to Section 1101.1. This section details what buildings and structures must comply with the requirements of Chapter 11. The comment asserted that the references within the section create confusion as to what applies to all existing buildings and what applies only to existing buildings undergoing construction.

RESPONSE TO COMMENT 102: Section 1101.1 is unchanged from the 2020 FCNYS. The sections referenced in Section 1101.1 provide detail on the types of buildings and structures to which these sections apply and reference other Uniform Code books (such as the RCNYS, BCNYS, or EBCNYS) as applicable. Section 1101.1 dictates which sections apply to all existing buildings, and which sections apply only to existing buildings undergoing construction. No change was made based on this comment.

COMMENT 103: A comment was received requesting modification to Section 1204.2 (portable generators). The comment requested adding ANSI/PGMA G300 as an alternative to the UL standard (UL 2201) currently referenced for listing and labeling requirements. The comment asserted that generators which are listed and labeled to the required UL standard represent 1% of the market, making them hard to find and costly, and that generators labeled to the proposed standard provide equivalent safety. The comment also stated that inclusion of “Portable generators manufactured after January 1, 2021” in Section 1204.2 makes these provisions retroactive, applying to generators purchased prior to the adoption of the proposed code.

RESPONSE TO COMMENT 103: The United States Consumer Product Safety Commission (CPSC) performed testing on generators certified to the two standards (UL 2201 and PGMA G300) and assembled their results in a document titled “Briefing Package on Assessment of Portable Generator Voluntary Standards’ Effectiveness in Addressing CO Hazard, and Information on Availability of Compliant Portable Generators.” This document stated that testing results showed that compliance with UL 2201 prevented nearly 100% of deaths vs. baseline (non-compliant with either standard) generators, while compliance with PGMA G300 prevented 86.6% of deaths vs. baseline generators. In light of these differences, the UL 2201 standard was adopted. Additionally, to afford manufacturers time to come into compliance, the compliance date was changed to January 1, 2027.

COMMENT 104: Comments were received which asserted that Sections 1207.1.4.1 and 1207.10.5 did not include NY-specific modifications and thus should not have an [NY] tag.

RESPONSE TO COMMENT 104: Sections 1207.1.4.1 and 1207.10.5 include the NY-specific modification changing “operational permits” to “operating permits” in order to use the defined term which is coordinated with NYS regulations. No change was made based on this comment.

COMMENT 105: A comment was received requesting modification to Section 1207.1.8.1 (hazard support personnel). The comment requested clarification of the use of hazard support personnel. The comment stated that, as written, the provisions could be read as requiring the owner to dispatch private hazard support personnel, and not allowing local governments or local emergency services to provide such hazard support personnel (when requested by the owner). The comment provided suggested textual modifications to clarify this issue.

RESPONSE TO COMMENT 105: DOS reviewed the suggested modifications to Section 1207.1.8.1 and revised Section 1207.1.8.1 accordingly in order to provide additional clarity.

COMMENT 106: A comment was received which requested deletion of Section 1207.5.4.2. The comment asserted that the provisions were unclear and that this provision could cause alarms to not sound in actual emergencies.

RESPONSE TO COMMENT 106: The changes to Section 1207.5.4.2 are part of the ESS requirements, which were discussed in the RIS for this proposed rule. See RIS pages 61-67 for more information. ESS technology is rapidly changing, and operating parameters are specific to the equipment installed. Therefore, this provision requires compliance with the registered design professional's specifications and the manufacturer's installation instructions to set parameter limits defining when an ESS is safe, when it needs attention, and when it requires emergency action. No change was made based on this comment.

COMMENT 107: A comment was received in support of the ESS provisions included in this proposed rule.

RESPONSE TO COMMENT 107: The comment was noted. No change was requested as part of this comment.

COMMENT 108: A comment was received requesting clarification on Section 5307.4, which provides requirements for carbon dioxide (CO₂) enrichment systems. The comment expressed concerns regarding whether a CO₂ incubator would be included in the definition of “CO₂ enrichment system” and thus be subject to the requirements of Section 5307.4. The comment stated that CO₂ incubators have integrated safety shutoffs which prevent the discharge of CO₂ to the room in which the incubator is located, and do not present the same safety hazards as CO₂ enrichment systems.

RESPONSE TO COMMENT 108: CO₂ incubators are specialized equipment which maintain an elevated CO₂ environment within an enclosed chamber and are generally used to provide a controlled environment for biological or cell culture growth in a laboratory setting. The defined term “carbon dioxide enrichment system” is used to refer to systems which raise the CO₂ level inside an occupiable room or area (such as a greenhouse). Such systems are often used for plant cultivation, and since such spaces are occupiable, require specific safety provisions as detailed in the FCNYS to mitigate the significant asphyxiation risk to the occupants of the room.

CO₂ incubators are self-contained systems with built-in safety mechanisms preventing CO₂ leakage and are not considered carbon dioxide enrichment systems, as they are self-contained units which do not replace the oxygen in a room’s interior environment with CO₂, but instead maintain a higher CO₂ environment only within the self-contained unit. Since incubators do not fall under the definition of CO₂ enrichment systems, the requirements of FCNYS Section 5307.4 do not apply to them. However, other FCNYS Chapter 53 provisions for compressed gases apply to all equipment or devices which have CO₂ storage tanks supplying them, regardless of the amount of CO₂ used. No change was made based on this comment.

COMMENT 109: A comment was received requesting inclusion of provisions for a specific coating product which the comment asserted will reduce the ignition of protected products.

RESPONSE TO COMMENT 109: In accordance with Executive Law §377(2)(e), the Uniform Code is not permitted to show preferential treatment to specific products. Additionally, the existence of proper testing standards for this material is unclear, and the use of this type of coating material has not gone through a consensus process to determine the appropriate requirements for such a material. As such, no change was made based on this comment.

2025 Property Maintenance Code of New York State (2025 PMCNYS)

COMMENT 110: A comment was received requesting modification of Section 109.1 to match the language found in the same section in the FCNYS, which emphasizes protection from hazards and life safety.

RESPONSE TO COMMENT 110: After review, DOS determined that the language included in the same section in the FCNYS matches the language in the 2020 PMCNYS. Section 109.1 was modified to match the language in Section 107.1 of the 2020 PMCNYS (which also matches the proposed FCNYS section).

COMMENT 111: A comment was received requesting that, instead of marking Section 109.1.5 “Reserved,” the section be modified to match Section 115.1.1 of the FCNYS. The comment noted that the “Unsafe Structures and Equipment” sections of the PMCNYS and FCNYS are otherwise identical, but that this section was missing from the PMCNYS.

RESPONSE TO COMMENT 111: Upon review, DOS determined that this section was omitted in error. Section 109.1.5 has been revised to align with Section 115.1.1 of the FCNYS for consistency and clarity.

COMMENT 112: Comments were received requesting deletion of Sections 112 and 113 in the PMCNYS. These sections include provisions for permits and construction documents. The comments noted that the

PMCNYS does not apply to construction, but to maintenance, and stated that permit and construction document requirements are not applicable to the PMCNYS.

RESPONSE TO COMMENT 112: Maintenance and other requirements of the PMCNYS may necessitate construction to be performed on a building or structure to bring it into compliance with the PMCNYS. While this construction must be performed in accordance with one or more of the other Uniform Code books, the need for the construction to occur arose from the PMCNYS requirements. By including the permit and construction document requirements in the PMCNYS, it provides users consulting the PMCNYS with information on these subjects and makes it clear that construction arising from the PMCNYS provisions is still required to comply with these requirements. Inclusion of these sections also maintains consistency between Chapter 1 provisions in the Uniform Code books, since these sections are included in all other Uniform Code books. No change was made based on these comments.

COMMENT 113: A comment was received requesting deletion of the word “uncultivated” from the definition of “weeds,” which reads: “Uncultivated vegetation such as grasses, brush, briars, and annual plants, excluding trees and cultivated vegetation, such as shrubs, flowers, gardens, and vegetation used for agricultural purposes.” The comment asserted that defining what constitutes uncultivated vegetation is difficult for a code official and could cause issues in interpretation and enforcement.

RESPONSE TO COMMENT 113: The definition of “weeds” is unchanged from the 2020 PMCNYS. Without the term “uncultivated,” grasses used as lawn groundcover might be interpreted as falling under the definition of weeds, since they are grasses, just cultivated ones. Ornamental grasses are often cultivated as decorative vegetation but might also be considered to fall under the definition of weeds if so modified. Additionally, the term “cultivated” is used later in the definition and was not proposed to be removed. As such, no change was made based on this comment.

COMMENT 114: A comment was received which requested deletion of Sections 304.2.1 and 305.3.1. These sections contain provisions regarding lead-based paint. The comment asserted that these sections imply that code officials are required to enforce the requirements of 40 CFR Part 745, which is under the jurisdiction of the federal EPA.

RESPONSE TO COMMENT 114: Sections 304.2.1 and 305.3.1 are unchanged from the 2020 PMCNYS. These sections simply state that 40 CFR Part 745 includes requirements regarding lead-based paint and provides some examples of situations which would fall under the requirements of 40 CFR Part 745. These sections clarify that such requirements exist and contain citations to the relevant authorities for ease of reference. No change was made based on this comment.

COMMENT 115: A comment was received requesting deletion of exception #7 from Section 404.3, which provides requirements for minimum ceiling heights. Exception #7 states “Ceiling heights reduced by necessary repairs shall be no lower than 6 feet, 8 inches (2032 mm).” The comment suggests that the term “necessary repairs” is unclear and difficult to enforce, and that exception #7 may cause conflicts with the other items in this section.

RESPONSE TO COMMENT 115: Exception #7 in Section 404.3 is unchanged from the 2020 PMCNYS except for a number change. Repairs to the structure may necessitate reductions in ceiling heights for a variety of reasons, including the use of larger members or repair hardware. This provision allows these necessary repairs to be completed while maintaining compliance with the PMCNYS. No change was made based on this comment.

COMMENT 116: A comment was received requesting addition of an ESS section to Chapter 6 of the PMCNYS. The comment requested the addition of copied language from Section R330.10 of the RCNYS, stating that since this provision covers use of an electric vehicle as backup power for a dwelling unit, which occurs while the dwelling unit is occupied, it is also appropriate to include in the PMCNYS.

RESPONSE TO COMMENT 116: The requirements in RCNYS Section R330.10 are included in the FCNYS in Section 1207.11.9. Since the FCNYS is a maintenance code as well as a construction code, inclusion of this section in the FCNYS ensures that these provisions are included for maintenance purposes as well as construction purposes, making duplication in the PMCNYS not necessary. As such, no change was made based on this comment.

Description of Changes Made in the Rule

This rule will repeal the current versions of Parts 1219 through 1229 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) and add new Parts 1219 through 1229. Non-substantive changes were made to the following subdivisions of Parts 1220 through 1229 and to the Uniform Code books included in the NPRM published on March 19, 2025.

Changes Made to Title 19 NYCRR Parts 1219 through 1229

The following changes were made to Title 19 of the NYCRR:

19 NYCRR Sections 1219.2(a)(1)-(8),(b); 1220.1; 1220.2(a),(a)(5),(a)(6),(b)-(d); 1221.1; 1221.2(a),(b),(c),(d)(1) – (4); 1222.1; 1222.2(a),(b),(c),(d)(1)-(4),(d)(6); 1223.1; 1223.2(a),(b),(c),(d)(1)-(4),(d)(6); 1224.1; 1224.2(a),(b),(c),(d)(1)-(4),(d)(6); 1225.1; 1225.2(a),(b),(c),(d)(1)-(3); 1226.1; 1226.2(a),(b),(c),(d)(1)-(3); 1227.1; 1227.2(a),(b),(c),(d)(1)-(4); 1229-2.3(a)(5)(ii)-(iii),(b),(c); 1264.4(b),(e); 1265.3(c),(h),(j),(k): The rule as originally proposed would have incorporated by reference the 2024 BCNYS, 2024 EBCNYS, 2024 FCNYS, 2024 FGCNYS, 2024 MCNYS, 2024 PCNYS, 2024 PMCNYS, and 2024

RCNYS with a publication date of March 2025. The rule as now adopted incorporates the 2025 BCNYS, 2025 EBCNYS, 2025 FCNYS, 2025 FGCNYS, 2025 MCNYS, 2025 PCNYS, 2025 PMCNYS, and 2025 RCNYS with a publication date of July 2025.

19 NYCRR Section 1226.2(a) was revised to align with the Chapter 1 Scope of the 2025 PMCNYS.

19 NYCRR Section 1228.2(a)(9) was revised because the rule as now adopted incorporates by reference the publication entitled “Uniform Code Provisions for Rail Stations” with a publication date of July 2025.

19 NYCRR Section 1229-2.3(a) was revised to add a definition for “authority having jurisdiction” for clarity, to modify the definition of “fuel cell system” by removing the phrase “with no carbon byproducts,” and to modify the definition of “manufacturing facility” to provide examples for clarity.

19 NYCRR Section 1229-2.4(a) was revised to clarify the prohibition against installation of fossil-fuel equipment and buildings systems is applicable to “new” buildings and subject to the statutory exemptions.

19 NYCRR Section 1229-2.5(b) was revised to clarify that the New York State Public Service Commission’s orders and rules establish the standards and criteria for making the reasonableness determination regarding the grid exemption.

19 NYCRR Section 1229-2.5(c)(2)(ii)(a) was revised to clarify that provisions requiring electrification ready are only applicable to new and not existing buildings.

19 NYCRR Section 1229-2.5(c)(2)(ii)(b) was revised to provide examples of demonstrating measurable emissions reductions or increased energy efficiency.

Changes Made to the 2025 NYS Code Books

General Changes

Formatting changes were made throughout the Uniform Code books. As an example, margins were changed, spaces were added or removed, certain text was indented, punctuation was added, and italics formatting

was removed from non-defined terms. Duplicative code language was deleted, and certain code language was clarified in such a manner as to require sections to be renumbered in certain chapters of the 2025 Codes. The [NY] prefix was deleted when used within the body of the code provision for consistency (see BCNYS Section 1608.2). Instances of incorrect section and chapter references were corrected. Changes were made to incorporate recently released ICC errata. Additional changes to the Uniform Code Provisions for Rail Stations were made to align with NFPA 130, recently issued variances related to rail stations, and rail station best practices.

With respect to the Referenced Standards chapters in each of the books, the publication titles and reference numbers, names and addresses of the publishers, and publication dates were corrected for several publications. In addition, several reference standards were updated to no longer be incorporated by reference, because such standards were found to be either testing standards or design standards which are not required for code officials to be able to enforce the applicable provisions of the Uniform Code.

The publication date was amended to read “Publication Date: July 2025,” consequently, the definitions of all Code Books found in each Chapter 2 were amended to reference the same as in: “(publication date July, 2025).” Similarly, the edition year in all code books was amended to read “2025” in the definitions of all code books in each Chapter 2.

Changes to the Residential Code of New York State

Section R101.2: Item #7 added, which reads “Manufactured homes used as dwelling units.”

Section R101.2.1: Appendix CG, “Nonsewered Sanitation Systems” added to informational appendices table.

Section R102.6: effective date changed to “December 31, 2025.”

Section R102.6.1: First sentence revised from “Additions, alterations or repairs to any structure shall conform...” to “Additions, alterations or repairs to any structure shall comply with the requirements of Appendix BO. All new work shall conform...”

Section R302.3: “[NY]” added, referenced sections changed to “Sections 302.3.1 through 302.3.7.”

Section R306.1.4.1: “[NY]” added, “design” removed from title, “design flood elevation” changed to “base flood elevation” in body of section.

Section R319.6: Exception #3 removed.

Section R322.1: Bed and breakfast dwellings added to the exception, “[NY]” added.

Section R322.1.1: Section removed.

Section G2418.2: “[NY]” removed, exception removed.

Section M1505.4.1: ECCCCNYS reference changed to R403.6.1.

Section M1505.4.3: “[NY]” removed, Equation 15-1 changed to “Ventilation rate in cubic feet per minute = $(0.01 \times \text{total square foot area of house}) + [7.5 \times (\text{number of bedrooms} + 1)]$ ”

Table M1505.4.3(1): Values changed to match 2024 IRC.

Table P2902.3: Duplicate “Backflow preventer plumbing devices” header row removed.

Chapter 44: ANSI/ACCA Manual D edition changed to 2016.

Chapter 44: ICC A117.1 standard title updated to include Supplement 1.

Chapter 44: ICC 500 standard edition updated to 2023 edition.

Chapter 44: NFPA 13R standard removed.

Chapter 44: Asterisk removed from PTIDC10.5 standard (no longer incorporated by reference).

Chapter 44: Asterisk removed from UL 7103-2019 standard (no longer incorporated by reference).

Section BA103.1: The section was modified to read “For the purpose of this appendix, certain abbreviations, terms, phrases, words and their derivatives shall be defined as follows:”

Section BA103.1: “Fire Separation Distance” definition removed.

Section BO102.5: Section reference changed to R311.1.

Section BO105.9: “And any spaces other than habitable” removed from second sentence and sentence structure modified to correct grammar.

Section BO107.2.3: “And any spaces other than habitable” removed from second sentence and sentence structure modified to correct grammar.

Changes to the Building Code of New York State

Section 101.2: Item #1.7 added, which reads “manufactured homes used as dwelling units” and modified formatting on previous two lines accordingly.

Section 101.2.2: Capitalization corrected in title. Added “this code or” to the reference to the RCNYS.

Section 102.6: effective date changed to “December 31, 2025.”

Section 102.7: Exception revised to remove itemized list.

Section 103.3: Section shown and marked reserved.

Section 105.8: Added 2 exceptions reading: “Where specifically identified in the code enforcement program, an authority having jurisdiction may exempt the requirement for an operating permit for the processes or activities, or the buildings, structures, or facilities listed in Sections 105.5.1 through 105.5.61 of the Fire Code of New York State, provided that the use is expressly authorized by a certificate of occupancy or 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 Appendix C of the Property Maintenance Code of New York State, as applicable” and “An operating permit shall not be required if periodic inspections are performed for compliance with

the applicable provisions of the Uniform Code to conduct such activity or to use such category of building to the satisfaction of the authority having jurisdiction.”

Sections 107.3-107.5: Sections shown and marked reserved.

Section 108.2-108.4: Sections shown and marked reserved.

Section 110.6: Section shown and marked reserved

Section 111.2-111.4: Sections shown and marked reserved.

Section 113.3-113.4: Sections shown and marked reserved.

Section 114.2-114.4: Sections shown and marked reserved.

Section 115.2-115.4: Sections shown and marked reserved.

Section 202: Changed the definition of “atrium” to match the FCNYS definition.

Section 202: In the definition of “story above grade plane,” removed “or” from the end of item #1.

Table 509.1: “[NY]” added, new entry added to table for “Energy storage systems having an energy capacity greater than the threshold quantity specified in Table 1206.1 of the Fire Code of New York State.”

Section 706.1.1: “[NY]” added, added “for a single building” to the end of the first sentence in exception #1.

Section 907.2.8.2: Changed “dwelling and sleeping units” to “dwelling or sleeping units.”

Section 907.2.11.8: Section title changed to “Portable smoke alarms in hotels, motels, and lodging houses.” First sentence of section modified to read “In addition to any other requirement of this code, portable smoke alarms of both audible and visual design shall be provided in all hotels, motels, and lodging houses.”

Table 2902.1: Footnote references updated as shown below. Footnote f revised to read “showers” instead of “plumbing fixtures.”

[NY] TABLE 2902.1—MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES* (See Sections 2902.1.1 and 2902.2)§									
NO. §	CLASSIFICATIONS	DESCRIPTIONS	WATER CLOSETS: (URINALS: SEE SECTION 424.2 OF THE PLUMBING CODE OF NEW YORK STATE)§		LAVATORIES§		BATHTUBS/ SHOWERS§	DRINKING FOUNTAIN (SEE SECTION 410 OF THE PLUMBING CODE OF NEW YORK STATE)§	OTHER§
			MALES	FEMALES	MALES	FEMALES			
		Theaters and other buildings for the performing arts and motion pictures ⁴⁵	1 per 125§	1 per 65§	1 per 200§		—§	1 per 500§	1 service sink§
		Night clubs, bars, taverns, dance halls and buildings for similar purposes ⁴⁶	1 per 40§	1 per 40§	1 per 75§		—§	1 per 500§	1 service sink§
		Restaurants, banquet halls and food courts ⁴⁵	1 per 75§	1 per 75§	1 per 200§		—§	1 per 500§	1 service sink§
		Casino gaming areas§	1 per 100 for the first 400 and 1 per 250 for the remainder (exceeding 400)§	1 per 50 for the first 400 and 1 per 150 for the remainder (exceeding 400)§	1 per 250 for the first 750 and 1 per 500 for the remainder (exceeding 750)§		—§	1 per 1,000§	1 service sink§
1§	Assembly ⁴⁵	Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums ⁴⁵	1 per 125§	1 per 65§	1 per 200§		—§	1 per 500§	1 service sink§
		Passenger terminals and transportation facilities ⁴⁵	1 per 500§	1 per 500§	1 per 750§		—§	1 per 1,000§	1 service sink§
		Places of worship and other religious services ⁴⁵	1 per 150§	1 per 75§	1 per 200§		—§	1 per 1,000§	1 service sink§
		Coliseums, arenas, skating rinks, pools and tennis courts for indoor sporting events and activities ⁴⁵	1 per 75 for the first 1,500 and 1 per 120 for the remainder (exceeding 1,500)§	1 per 40 for the first 1,520 and 1 per 60 for the remainder (exceeding 1,520)§	1 per 200§	1 per 150§	—Note 1§	1 per 1,000§	1 service sink§
		Stadiums, amusement parks, bleachers and grandstands for outdoor sporting events and activities ⁴⁵	1 per 75 for the first 1,500 and 1 per 120 for the remainder (exceeding 1,500)§	1 per 40 for the first 1,520 and 1 per 60 for the remainder (exceeding 1,520)§	1 per 200§	1 per 150§	—Note 1§	1 per 1,000§	1 service sink§

Section 2902.1.4.3: Section references corrected to Sections 2902.1.4.1 and 2902.1.4.2.

Chapter 35: ASCE 8 edition changed to 2022, “standard” removed from start of title.

Chapter 35: ASCE 16 edition changed to 2016.

Chapter 35: ASCE 29 edition changed to 2005, added “ASCE/SEI/SFPE” to standard number.

Chapter 35: AWC NDS supplement edition changed to 2024.

Chapter 35: BHMA A156.10 edition changed to 2017.

Chapter 35: Asterisk removed from PTI DC-10.5-19 (no longer incorporated by reference).

Chapter 35: Asterisk removed from UL 7103-2019 (no longer incorporated by reference).

Changes to the Plumbing Code of New York State

Section 101.2.2: Capitalization corrected in title, added “this code or” to the reference to the RCNYS.

Section 105.5.5: Section revised to match BCNYS Section 105.6.

Section 105.6: Exceptions added to match BCNYS Section 105.8.

Section 305.8.2: Second exception changed to read “It shall be permitted for the piping, fittings, hangers, and supports below the slab or below the framing to be in contact with the structural elements of the foundation that are designed to resist the effects of expansive soil swelling and shrinking in accordance with Section 1808.6.1 of the Building Code of New York State.”

Table 403.1: Footnote references updated as shown below. Footnote f revised to read “showers” instead of “plumbing fixtures.”

[NY] TABLE 403.1—MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES ^a (See Sections 403.1.1 and 403.2.)									
NO. §	CLASSIFICATIONS	DESCRIPTIONS	WATER CLOSETS (URINALS: SEE SECTION 424.2) §		LAVATORIES §		BATHTUBS/SHOWERS §	DRINKING FOUNTAIN (SEE SECTION 410) §	OTHER §
			MALES §	FEMALES §	MALES §	FEMALES §			
		Theaters and other buildings for the performing arts and motion pictures ^{d5}	1 per 125 §	1 per 65 §	1 per 200 §		— §	1 per 500 §	1 service sink §
		Nightclubs, bars, taverns, dance halls and buildings for similar purposes ^{d5}	1 per 40 §	1 per 40 §	1 per 75 §		— §	1 per 500 §	1 service sink §
		Restaurants, banquet halls and food courts ^{d5}	1 per 75 §	1 per 75 §	1 per 200 §		— §	1 per 500 §	1 service sink §
		Casino gaming areas §	1 per 100 for the first 400 and 1 per 250 for the remainder exceeding 400 §	1 per 50 for the first 400 and 1 per 150 for the remainder exceeding 400 §	1 per 250 for the first 750 and 1 per 500 for the remainder (exceeding 750) §		— §	1 per 1,000 §	1 service sink §
1 §	Assembly ^{d5}	Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums ^{d5}	1 per 125 §	1 per 65 §	1 per 200 §		— §	1 per 500 §	1 service sink §
		Passenger terminals (and transportation facilities) ^{d5}	1 per 500 §	1 per 500 §	1 per 750 §		— §	1 per 1,000 §	1 service sink §
		Places of worship and other religious services ^{d5}	1 per 150 §	1 per 75 §	1 per 200 §		— §	1 per 1,000 §	1 service sink §
		Coliseums, arenas, skating rinks, pools and tennis courts for indoor sporting events and activities ^{d5}	1 per 75 for the first 1,500 and 1 per 120 for the remainder exceeding 1,500 §	1 per 40 for the first 1,520 and 1 per 60 for the remainder exceeding 1,520 §	1 per 200 §	1 per 150 §	— Note f §	1 per 1,000 §	1 service sink §
		Stadiums, amusement parks, bleachers and grandstands for outdoor sporting events and activities ^{d5}	1 per 75 for the first 1,500 and 1 per 120 for the remainder exceeding 1,500 §	1 per 40 for the first 1,520 and 1 per 60 for the remainder exceeding 1,520 §	1 per 200 §	1 per 150 §	— Note f §	1 per 1,000 §	1 service sink §

Section 403.1.4.3: Section references corrected to Sections 403.1.4.1 and 403.1.4.2.

Section 607.2.1: Reference to the International Energy Conservation Code corrected to the ECCNYS.

Section 607.2.2: Reference to the International Energy Conservation Code corrected to the ECCNYS.

Section 607.5: Reference to the International Energy Conservation Code corrected to the ECCNYS.

Section 613.1: Second sentence deleted.

Section 718.1: Section revised to read: “Building sewer and sewer service lateral rehabilitation. Cured-in-place rehabilitation of *building sewer* piping and *sewer* service lateral piping shall be in accordance with ASTM F1216, ASTM F1743, ASTM F2561, or ASTM F2599. Cured-in-place rehabilitation of building sewer and sewer service lateral pipe and its connection to the main sewer pipe shall be in accordance with ASTM F2561. All cured-in-place rehabilitation of *building sewer* piping and *sewer* service laterals shall include the use of hydrophilic rings or gaskets meeting ASTM F3240 to ensure water tightness and elimination of ground water penetration.”

Section 903.1.1: Vent extension above roof corrected to read “18 inches” instead of “6 inches.”

Chapter 15: “PLUMBING” changed to “title” in second paragraph of user notes.

Chapter 15: ANSI A118.10-(R2019) changed to A118.10-14(R2019).

Section D101.1: “United States” changed to “New York State.”

Table D101.1: “the United States” changed to “New York State.”

A117.1-2017 Excerpts, Chapter 6: Section 613 and subsections added.

Changes to the Mechanical Code of New York State

Section 101.2.2: Capitalization corrected in title, added “this code or” to the reference to the RCNYS.

Section 105.4.5: Section revised to match BCNYS Section 105.6.

Section 105.5: 2 exceptions added to match BCNYS Section 105.8.

Section 106.1.1: “and” removed from the end of item #4 and added to the end of item #5.

Section 403.3.2: “[NY]” added, “and either Section R403.6.1 or C403.7.4 of the Energy Conservation Construction Code of New York State” added to the end of the first sentence.

Section 403.3.2.1: “[NY]” added, second sentence revised to read “Local exhaust or supply systems, including outdoor air ducts connected to the return side of an air handler, are permitted to serve as such a system, unless otherwise required by the Energy Conservation Construction Code of New York State.”

Table 1103.1: Table values were revised as shown in the table below:

[NY] TABLE 1103.1—REFRIGERANT CLASSIFICATION, AMOUNT AND OEL—continued											
CHEMICAL REFRIGERANT [§]	FORMULA [§]	CHEMICAL NAME OF BLENDS [§]	REFRIGERANT SAFETY GROUP CLASSIFICATION [§]	AMOUNT OF REFRIGERANT (PER OCCUPIED SPACE [§]						OEL ⁴⁶	(F) DEGREES OF HAZARD ⁴⁵
				RCL [§]		LFL ⁴⁹					
§	§	§	§	lb/ 1000ft ³	ppm [§]	g/m ³	lb/ 1000ft ³	ppm [§]	g/m ³	ppm [§]	§
R-433D [§]	zeotrope [§]	R-1270/290(35.0/65.0) [§]	A3 [§]	0.3 [§]	2,700 [§]	4.8 [§]	2.5 [§]	22,000 [§]	39 [§]	730 [§]	— [§]
R-467A [§]	zeotrope [§]	R-32/125/134a/600a(22.0/5.0/72.4/0.6) [§]	A2L [§]	6.75.7 [§]	31,000 [§]	110.92 [§]	-22.9 [§]	125,000 [§]	-367 [§]	1,000 [§]	— [§]
R-468A [§]	zeotrope [§]	R-1132a/32/1234yf(3.5/21.5/75.0) [§]	A2L [§]	4.14.2 [§]	18,000 [§]	66.68 [§]	-16.9 [§]	73,000 [§]	-270 [§]	610 [§]	— [§]
R-468B [§]	zeotrope [§]	R-1132a/32/1234yf(6.0/13.0/81.0) [§]	A2L [§]	4.44.3 [§]	18,000 [§]	70 [§]	-17.3 [§]	72,000 [§]	-278 [§]	570 [§]	— [§]
R-468C [§]	zeotrope [§]	R-1132a/32/1234yf(6.0/42.0/52.0) [§]	A2L [§]	4.3 [§]	23,000 [§]	69 [§]	-17.2 [§]	92,000 [§]	-276 [§]	710 [§]	— [§]
R-475B [§]	zeotrope [§]	R-1234yf/134a/1234ze(F)(35.4/10.1/54.5) [§]	A2L [§]	5.9 [§]	20,000 [§]	93 [§]	23.0 [§]	80,000 [§]	370 [§]	670 [§]	— [§]
R-487B [§]	zeotrope [§]	R-170/1270(17.0/83.0) [§]	A3 [§]	0.13 [§]	1,300 [§]	2.1 [§]	2.3 [§]	22,000 [§]	36 [§]	560 [§]	— [§]
R-493A [§]	zeotrope [§]	R-290/600a/600(9.4/30.9/59.7) [§]	A3 [§]	3.9 [§]	1,700 [§]	3.9 [§]	2.2 [§]	15,000 [§]	35 [§]	1000 [§]	— [§]
R-493B [§]	zeotrope [§]	R-290/600a/600(11.8/29.1/59.1) [§]	A3 [§]	0.24 [§]	1,700 [§]	3.9 [§]	2.2 [§]	15,000 [§]	35 [§]	1000 [§]	— [§]
R-493C [§]	zeotrope [§]	R-290/600a/600(15.1/28.3/56.6) [§]	A3 [§]	0.25 [§]	1,800 [§]	4.1 [§]	2.2 [§]	15,000 [§]	34 [§]	1000 [§]	— [§]
R-494A [§]	zeotrope [§]	R-744/152a/1311(4.0/60.0/36.0) [§]	A2 [§]	2.3 [§]	11,000 [§]	36 [§]	19 [§]	87,000 [§]	301 [§]	910 [§]	— [§]
R-495A	zeotrope	R-32/1234yf/134a/1234ze(F)(4.5/76.0/9.0/10.5)	A2L	5.3	19,000	85	22	77,000	340	580	—

Chapter 15: ANSI/ACCA Manual D edition changed to 2016.

Chapter 15: Asterisk removed from UL 8782-2017 standard (no longer incorporated by reference).

Changes to the Fuel Gas Code of New York State

Section 101.2.7: Capitalization corrected in title.

Section 102.2: Effective date changed to “December 31, 2025.”

Section 105.5.5: Section revised to match BCNYS Section 105.6.

Section 105.7: 2 exceptions added to match BCNYS Section 105.8.

Table 504.2(6): Section reference in footnote changed to B102.5(10).

Table 504.3(2): “Type B Double-Wall Vent and Connector” changed to “Single-Wall Metal Vent Connector.”

Chapter 8: Asterisk removed from ASME B31.12 (no longer incorporated by reference).

Chapter 8: ASTM A268 standard edition changed to 2020.

Changes to Fire Code of New York State

Section 102.13: Effective date changed to “December 31, 2025.”

Section 105.4: Section revised to match BCNYS Section 105.6.

Section 105.1.2: Exception #2 was revised to add “to construct or modify buildings” to the description of building permits.

Section 105.5: “Exception:” changed to “Exceptions:” and a second exception was added reading “An operating permit shall not be required if periodic inspections are performed for compliance with the applicable provisions of the Uniform Code to conduct such activity or to use such category of building to the satisfaction of the authority having jurisdiction.”

Section 201.3: Exception removed.

Section 312.2: Added “while maintaining vehicle impact protection” to the end of the exception to item #2.

Section 404.2.2.1: “for high-rise buildings” was added to the section title and the first sentence.

Additionally, the following exceptions were added to the end of the section:

1. Hospitals as defined in subdivision one of section twenty-eight hundred one of the NYS Public Health Law.

2. Assisted living residences licensed under article forty-six-B of the NYS Public Health Law.
3. Adult care facilities licensed under article seven of the NYS Social Services Law.
4. Residential *high-rise buildings* whose units are limited to households containing residents fifty years of age and older and that have implemented specialized evacuation plans in consultation with local first responders may use those plans to satisfy the requirements of Section 404.2.2.1.

Section 404.4.1: “[NY]” added to section number.

Section 404.4.2: “for high-rise buildings” was added to the section title and the first sentence.

Additionally, the following exceptions were added to the end of the section:

1. Hospitals as defined in subdivision one of section twenty-eight hundred one of the NYS Public Health Law.
2. Assisted living residences licensed under article forty-six-B of the NYS Public Health Law.
3. Adult care facilities licensed under article seven of the NYS Social Services Law.
4. Residential *high-rise buildings* whose units are limited to households containing residents fifty years of age and older and that have implemented specialized evacuation plans in consultation with local first responders may use those plans to satisfy the requirements of Section 404.4.

Section 1002.1: Added “[NY]” to section title and “minimum width or” to capacity of means of egress.

Section 1104.8: First sentence removed.

Table 1104.18: Section references revised in footnotes d and e.

Section 1204.2: “[NY]” tag added, section revised to read “...after January 1, 2027...”

Section 1207.1.8.1: First sentence revised to read “The system owner shall be responsible for ensuring that one or more hazard support personnel dispatch within 15 minutes, and arrive to the premise within 4 hours, as required and approved.”

Section 1207.3.4.1: First sentence modified to read “...knowledgeable persons trained in accordance with the manufacturer’s instructions or the battery system installer’s instructions.”

Section 3312.1: Section reference revised in item #1.

Section 5704.2.9.6.1.4: Added language specifying 2021 edition of NFPA 30.

Section 5904.2: Table reference revised to Table 5003.1.1(3).

Chapter 80: ICC 500 number & title revised to: “ICC/NSSA 500—2023 ICC/NSSA Standard for the Design and Construction of Storm Shelters”

Chapter 80: NFPA 30-21 standard added. “5704.2.9.6.1.4” removed from NFPA 30-24 entry.

Chapter 80: Asterisks removed from API Publ 2201, API RP 1604, API RP 2009, API RP 2028, API RP 651, API Std. 2015, and API Std 653 (no longer incorporated by reference).

Changes to Property Maintenance Code of New York State

Section 109.1: Revised to read: “...the authority having jurisdiction shall exercise its powers in due and proper manner so as to extend to the public protection from the hazards of threat to human life, safety, or health.”

Section 109.1.5: Revised to match Section 115.1.1 of the FCNYS.

Section 112.5: 2 exceptions added to match BCNYS Section 105.8.

Section 304.3: Revised to match Section 505.1 of the FCNYS.

Section 314.1: Duplicate text reading “maintained in” removed.

Section 404.3: Exception #8 was added, which reads “Buildings and structures regulated by the Residential Code of New York State which comply with the minimum ceiling height requirements provided in Appendix BO of the Residential Code of New York State.”

Section 501.1: “[P]” added to section number.

Chapter 8: The referenced standard NFPA 1403-18 was corrected to NFPA 1402-19 and the standard title was revised to read “Standard on Facilities for Fire Training and Associated Props.”

Changes to Existing Building Code of New York State

Section 101.2.1: Appendix E “Temporary Emergency Uses” added to list of adopted appendices.

Section 102.6: Effective date changed to “December 31, 2025.”

Section 105.8: 2 exceptions added to match BCNYS Section 105.8.

Section 110.1: Revised to format requirements in numbered list form.

Section 303.2.1: In exception #1, “required occupant capacity” changed to “required design occupant capacity.”

Section 202: Definition of “Reconfiguration of Space” changed to read “The act of rearranging or changing the layout, arrangement, or design of a space. This includes, but is not limited to: the installation or removal of walls, partitions, or any other division of space, or a change in the positions or arrangement of objects, furniture, or components within a space.”

Section 303.1: “Maintained” deleted from second sentence.

Section 502.1.1: “[BS]” added to section title.

Section 502.3. Section reference in last sentence changed to Section 502.4.

Section 503.11: Exception #2 revised to read “Where the intended alteration involves only the lowest story of a building, structural components of the lateral load-resisting system above that story need not comply with this section.”

Section 804.6.4: BCNYS section reference revised to Section 1010.2.8.

Section 1010.2: Reference to Table 1011.5 changed to Table 1011.6.

Section 1103.2: Grammar corrected in Exception #3.

Chapter 16: Asterisk removed from ICCPC (no longer incorporated by reference).

Changes to The Uniform Code Provisions for Rail Stations

Section 102.3.1.2.8: NFPA 130 reference 5.3.8.5.2.1.3 added the following language “Exception: Where approved by the building official, turnstiles or similar devices without manually operated components and a minimum lane width of 22-inches, shall be permitted to be credited a higher capacity.”

Section 303.2.1.3: “existing” deleted from first sentence.

Section 303.2.11: In item #6, second and third sentences were revised to read “An attempt to egress shall initiate an irreversible process that shall allow such egress in not more than 15 seconds when a physical effort to exit is applied to the egress side door hardware for not more than 2 seconds. Initiation of the irreversible process shall activate an audible signal in the vicinity of the door. Once the delay electronics have been deactivated, rearming the delay electronics may occur after 15 seconds of inactivity.”

Section 303.2.11: In item #8, required signage revised to read “PUSH UNTIL ALARM SOUNDS. DOOR CAN BE OPENED WHEN ALARM ENDS.”

Section 304.6: “Subterranean” was removed from the first sentence.

Section 304.6: Item #5 revised to read “...from the street level to 36 inches above the street level...”