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DEPARTMENT OF STATE
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Draft minutes of the NYS Fire Prevention and Building Code Council meeting on Tuesday, March 31, 2026, commencing at 10:05 a.m. and held by videoconference at:

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

Council members and designees present:

Matthew Tebo, Presiding (Albany)
James Cable (Albany)
Joseph DeStefano (Albany)
Robert Hughes (Albany)
Shawn Hamlin (Albany)
Joseph Toomey (Albany)
Kristy Whitcher (Albany)
Vincent Rapacciuolo (Albany)
James Gibbons (NYC)
William Tuyn (Buffalo)
Dominic Marinelli (Buffalo)
Santos Cruz Cardona (Buffalo) (Joined at 10:26 a.m.)

Staff present: John Addario, David Gonzalez, Kevin Duerr-Clark, Emma Gonzalez-Laders, Chris Jensen, Chad Sievers, Jeanne Rice, Stephen Van Hoose, Kathy Kosova, Kevin Motyka, and Amalia Talty.

Agenda Item 1. Welcome.

Chairperson Tebo called the meeting to order and welcomed everyone. Chairperson Tebo also welcomed newly appointed Code Council member Santos Cruz Cardona, a county board member for Monroe County. Chairperson Tebo also welcomed Commissioner Jeannette Moy, the Commissioner of the Office of General Services (OGS), noting that Commissioner Moy has designated 2 delegates: Emily Rubenstein (Deputy Commissioner of OGS) and Vincent DiBiase (Code Compliance Specialist III). Chairperson Tebo noted that previous NYC Mayor Eric Adams had left the Code Council (due to no longer serving as Mayor) and Governor Hochul appointed NYC Mayor Zohran Mamdani to the Code Council, who, in turn, re-appointed Keith Wen as designee.

Chairperson Tebo welcomed two new DOS staff members, Kathy Kosova and Kevin Motyka, who joined DOS legal counsel. Chairperson Tebo also congratulated Kevin Duerr-Clark on promotion to Deputy Director of the Building Standards and Codes Division, noting that Kevin Duerr-Clark's previous position (Assistant Director of Code Development Unit) has not yet been filled.

Chairperson Tebo noted that the 2025 Uniform and Energy Code update went into effect on December 31st, 2025, and congratulated Council members and staff on completion of this process. Chairperson Tebo stated that the ICC 2027 model code update process is nearly complete, anticipating potential receipt of 2027 model codes before the 4th quarter of 2027. Chairperson Tebo stated that upcoming Code Council meeting agenda contents would likely include primarily More Restrictive Local Standards for the Uniform Code and Energy Code.

Kevin Duerr-Clark called the roll, noting that quorum was established with eleven (11) members in locations open to the public. Kevin Duerr-Clark stated that two individuals had signed up to give public comment and noted that each commentor would be given 3 minutes to speak.

Chairperson Tebo asked Kevin Duerr-Clark if there were any agenda changes, and hearing none, provided a brief summary of the meeting agenda.

Agenda Item 2. Draft Minutes – December 5, 2025

Chairperson Tebo asked if there were any changes to be made to the minutes of the December 5, 2025, meeting. Hearing none, Joseph Toomey motioned to approve the minutes, which was seconded by Robert Hughes. The motion was unanimously approved by voice vote.

Agenda Item 3. Executive Session

Chairperson Tebo made a motion to enter executive session to discuss pending litigation in the case of *Mulhern Gas Co., Inc., et al. v. Walter T. Mosley, et al*. The motion was seconded by James Cable and was approved unanimously by voice vote. The meeting went off the record at 10:16 a.m. and went back on the record at 10:35 a.m. No actions were taken during the executive session.

Agenda Item 4. Division Update

David Gonzalez provided an update on recent legislative activity, noting that DOS staff is following several bills in the current legislative session. David Gonzalez also provided a summary of recent legislation, which requires the Code Council to promulgate standards (as part of the Energy Code) that require new buildings with new parking to install electric vehicle (EV) charging stations, noting that this would be part of the next code update and is not otherwise time constrained. David Gonzalez noted that other legislation is under discussion which would amend this section of law, stating that, if any such legislation was passed, an update would be given to the Council at that time. David Gonzalez also summarized the law requiring the preparation of a study on single exit buildings with a deadline of July 1st, 2026, noting that the study is underway and DOS has been taking actions to complete this requirement.

John Addario provided an update on the status of the Single Exit Study, stating that the consultant is currently finishing work on preliminary egress models and developing the fire and smoke models. John Addario anticipated that the first draft of the report will be provided for review in mid-April, followed by the second draft to be presented by the end of May, with the final report expected by the July 1st deadline. John Addario stated that the consultant will likely present the findings to the Code Council at the September 22nd meeting.

John Addario then provided an update on the Advanced In-Service (AIS) training for the 2025 Uniform and Energy Code update, stating that, to date, over 5000 building officials and others have been trained on the 2025 Code changes, through both online webinars and in-person events. John Addario noted that DOS will be launching a free online AIS self-study training course, which will allow participants to take the AIS training on-demand at their own convenience. John Addario noted that the deadline to complete the training requirement for code enforcement officials and building safety inspectors is December 31, 2026.

Finally, John Addario provided an update on the ICC code development process for the 2027 I-Codes, stating that, in total, DOS staff have prepared 54 code changes; with 23 proposals approved by the committees and some additional code changes passed with the collaboration of proponents within the

industry from other states. Staff are currently preparing to attend the ICC Spring hearings, which will cover both Group A and B code changes and will be held in Hartford, Connecticut, in mid- to late-April. Staff will present at least 14 DOS public comments.

Chairperson Tebo stated that the annual ICC business meeting will be held in Nashville, Tennessee, in October, and announced tentative dates and locations for future ICC meetings in 2027.

Chairperson Tebo then addressed more restrictive local standard procedures for Energy Code standards, noting that previously, more restrictive local energy codes (MRLECs) were handled by Council vote, and that the Energy Law states that municipalities can enforce their local energy codes if they are filed within 30 days from the date of adoption, until and unless the Code Council finds such code to be less restrictive than the State Energy Code. Chairperson Tebo stated that the plan for future MRLECs is to present recommendations to the Council and take a vote only for negative declarations and for standards filed more than 30 days after adoption by the local government. MRLECs, which are found to be more restrictive and are filed within the 30-day deadline, will be shared with the Code Council, but a vote will not be taken.

Emma Gonzalez-Laders stated that two MRLEC submissions have been received so far: the City of New York and the Town of Ithaca. Both submissions were received within 30 days of the date of adoption, and both appear to be more restrictive than the State Energy Code. Shawn Hamlin asked what changes were made by each local law; Emma Gonzalez-Laders stated that the Town of Ithaca adopted the commercial and residential zero-energy appendices (Appendices CC and RC of the 2025 ECCCNYS), as well as making editorial changes to correct errors in said appendices. Emma Gonzalez-Laders stated that New York City made changes throughout the ECCCNYS in a manner similar to how NYStretch modified the 2020 ECCCNYS. Robert Hughes asked whether the Council members would automatically receive copies of such MRLS filings, and Chairperson Tebo answered that copies would be provided to all Council members with the informational packets prior to the meeting. Chairperson Tebo emphasized that this new procedure was for local Energy Codes only; all Uniform Code more restrictive local standards will still be subject to a Council vote.

Agenda Item 5. Public Comment

Dottie Mazzarella from ICC confirmed that the public comment hearing for ICC will be held April 19-24 in Hartford, Connecticut and invited all interested parties to attend. Dottie Mazzarella stated that New York State is active in proposing code changes to ICC and successful in getting them approved, which means that NY-specific changes can get incorporated into the model codes. Dottie Mazzarella asked that legislators not directly legislate the Codes, stating that participation in the ICC code development process is the best way to improve the codes. Dottie Mazzarella also stated that the 2027 I-Codes are anticipated to be released in late-2026.

Michael Fazio, Executive Director of the New York State Builders Association spoke next, stating that, because New York skipped a code cycle, it was difficult and time consuming to identify the changes from the 2020 to the 2025 codes. Michael Fazio asked that changes be easier to identify in future code updates. Michael Fazio also stated that it would be helpful for builders to be trained alongside code officials.

Marty Moseley, Director of Code Enforcement and Zoning for the Town of Ithaca, thanked Chairperson Tebo and John Addario for in-person advanced-in-service trainings, stating that these trainings enabled effective question and answer sessions. Marty Moseley, as Chairman of ICC Region 6, thanked John Addario and Chairperson Tebo for enabling staff participation in ICC Region 6 meetings, which are instrumental in preparing voting guides for the ICC public comment hearings.

Agenda Item 6. Future Meetings

- 2026
    - June 16, 2026
    - September 22, 2026
    - December 8, 2026

Chairperson Tebo noted that 2027 meeting dates will be announced in September 2026.

Agenda Item 7. Other Business

William Tuyn reinforced what Michael Fazio stated in public comment, adding that not having redline copies comparing the 2020 and the 2025 made it difficult to identify the changes. William Tuyn stated that builders will typically not examine a proposed code update until the new code has gone into effect, which means they have no input on the code update process. William Tuyn stated that this causes problems with pricing for builders, while the Governor's office tries to mitigate housing costs and reduce regulatory overreach. William Tuyn expressed that Energy Code MRLS should be considered in the same way as Uniform Code MRLS, with consideration of special conditions being a part of the basis for approval, stating that differences between municipalities across the state causes issues for builders. William Tuyn expressed a desire for more input from the builders before the start of the next code update process.

Chairperson Tebo stated that getting input from builders was important and that DOS would consider how to receive input as early as possible, noting that DOS currently uses the Notice of Rule in Development to invite feedback from all stakeholders on proposed regulation early in the development process. Chairperson Tebo stated that DOS would look into how public outreach could be improved, especially for regulated parties like builders.

Robert Hughes said that getting building officials involved early in the code update process helps, stating that receiving the highlights of the proposed code changes is helpful in getting them involved, and suggesting that they could assist with outreach to other interested parties, such as builders. Chairperson Tebo thanked Robert Hughes for the suggestion.

Chairperson Tebo asked if there was any other business to come before the Council. Hearing none, Chairperson Tebo then motioned to adjourn the meeting, seconded by Joseph Toomey; the motion passed unanimously by voice vote.

The meeting adjourned at approximately 11:02 a.m.