TATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
HTTPS://DOS.NY.GOV

KATHY HOCHUL
GOVERNOR

WALTER T. MOSELEY
SECRETARY OF STATE

Draft minutes of the NYS Fire Prevention and Building Code Council meeting on Tuesday, June 16, 2026, commencing at 10:15 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)
Joseph DeStefano (Albany)
Robert Hughes (Albany)
Shawn Hamlin (Albany)
Joseph Toomey (Albany)
Timothy DeRuyscher (Albany)
Benjamin Keller (Albany)
Kristy Whitcher (Albany)
Vincent Rapacciuolo (Albany)
James Gibbons (NYC)
Keith Wen (NYC)
William Tuyn (Buffalo)
Dominic Marinelli (Buffalo)
Santos Cruz Cardona (Buffalo)

Staff present: 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, then thanked everyone for their patience since the meeting started late due to waiting for the court reporter.

Kevin Duerr-Clark called the roll, noting that quorum was established with fourteen (14) 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 three minutes to speak.

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

Agenda Item 2. Draft Minutes – March 31, 2026

Chairperson Tebo asked if there were any changes to be made to the minutes of the March 31, 2026, meeting. Hearing none, Joseph Toomey motioned to approve the minutes, which was seconded by Robert Hughes. The motion was unanimously approved by voice vote. Having not attended the previous meeting, Timothy DeRuyscher abstained from the vote.

Agenda Item 3. Division Update

Draft

Kevin Duerr-Clark provided a division update on behalf of John Addario, stating that the advanced in-service training began in Fall 2025, providing 12 hours of training related to the 2025 Uniform and Energy Code update. Kevin Duerr-Clark noted that training was held online (via webinars) and in-person, stating that, to-date, over 5,500 individuals have attended the trainings. Kevin Duerr-Clark stated that the deadline for CEOs to complete the advanced in-service training to maintain their certification is December 31st, 2026. Kevin Duerr-Clark noted that online, on-demand training courses were recently released, stating that the trainings are available 24/7, for free, for anyone to take at their convenience.

Kevin Duerr-Clark then provided an update on the ICC code update process, stating that, in April, staff went to the ICC public comment hearings in Hartford, Connecticut. At these hearings, staff presented several code changes, securing approval for two of them. Kevin Duerr-Clark explained that, in the ICC public comment hearings, ICC voting members attending in person can vote on the code changes presented at the hearings, determining whether some code changes would continue to the online governmental consensus vote and assessing proposal changes presented at the hearings. Kevin Duerr-Clark noted that Division staff, along with other NYS representatives, had a significant impact on the voting results; at certain times during the public hearings, NYS represented over one-third of the eligible voters.

Kevin Duerr-Clark then stated that the Online Governmental Consensus Vote was held in May, ending on May 22nd, noting that (barring any appeals) this completes the 2027 ICC model code development cycle. Kevin Duerr-Clark stated that in the 2027 code update process, DBSC Staff achieved success with many of their code change proposals; staff proposed 54 code changes, 21 of which were approved and will be incorporated into to the model codes that form the basis of the NYS Uniform Code. Additionally, Kevin Duerr-Clark noted that staff served in four committee seats across the code development and code interpretation committees. Kevin Duerr-Clark went on to state that, in preparation for the ICC 2030 Code Development cycle, staff have applied to numerous code development committees and are starting to evaluate code proposals for submission to the 2030 code development process.

Kevin Duerr-Clark then gave an update to the International Energy Conservation Code (IECC) development process, noting that, after the 2021 code development cycle was completed, ICC separated IECC development from the code development process for the other Model Codes, moving it to an entirely online process which runs generally parallel to the timeline for the development of the other ICC Model Codes. The second round of IECC committee deliberations ended in April, and the committee action report was published on May 8th, 2026. Kevin Duerr-Clark noted that there are several committee ratification ballot votes, with ballot #1, due June 7th, which includes public comments decided during the second committee hearing; ballot #2, due July 15th, which includes public comments which failed to get a 2/3 majority during ballot #1; and a possible ballot #3, either during the meeting on July 30th or by absentee voting due August 14th, which includes any comments which failed to get 2/3 majority during ballot #2. The final report is scheduled to be issued on August 21st, with no governmental consensus vote, though final decisions on the content are subject to appeals.

Kevin Duerr-Clark stated that DBSC staff hold one voting seat on the residential energy committee and 3 seats in sub-group positions, including envelope, HVAC, and electrical power/renewables. Kevin Duerr-Clark noted that 25 out of the 35 proposals made by DBSC staff were approved during the first hearing, with 1 being overturned during the second hearing. DBSC staff submitted 6 public comments for the second hearing, 3 of which were successful and are part of ballot #1. Kevin Duerr-Clark stated that 3 DBSC staff have applied to participate in the 2030 IECC development cycle.

Kevin Duerr-Clark noted that there are no new More Restrictive Local Standard petitions for the Uniform Code or the Energy Code, and stated that the one submission previously received (White Plains) withdrew their petition.

Draft

Chairperson Tebo predicted that the 2027 I-Codes (not including the IECC) will likely be published in the first or second quarter of 2027, noting that the IECC will likely not be published until summer 2027 or later, depending on the appeals process.

Shawn Hamlin inquired about the online AIS trainings, asking if they are available to anyone. Kevin Duerr-Clark responded that the class is available to all, providing the link to the training website: dos.ny.gov/code/service-training.

David Gonzalez gave an update on recent legislative activity, noting 6 bills that are being monitored. David Gonzalez noted that one bill, which was in the budget and enacted, relates to the Open Meetings Law, extending the repeal date of Public Officer's Law § 103/a, Videoconferencing in Public Bodies, which was due to expire on July 1, 2026.

David Gonzalez stated that the other 5 bills relate to the Uniform Code or Energy Code, or to the minimum standards for the Secretary's rulemaking. David Gonzalez noted that this update was being provided for awareness, since the bills have passed both houses of the legislature but have not yet been delivered to the Governor. The bills are as follows:

- Assembly 3126-b: This bill requires that if a complaint which is made to local code enforcement results in the issuance of a compliance order, the complainant shall also be provided with a copy of such order. Compliance with this bill would require an update to 19 NYCRR Part 1203.
- Assembly 3029-a: This bill relates to salvage or reclaimed lumber, establishing standards for the reuse of deconstructed building materials. The bill has an immediate effective date and would require updates to the Uniform Code and creation of a program for rating salvage lumber.
- Assembly 9111-c: This bill relates to portable solar generation devices, has a 90-day effective date, and requires that the next Uniform Code update be "optimized to allow" for portable solar generation devices to be connected to a building's wiring through an electrical outlet.
- Senate 4042-b: Amends Civil Rights Law and Public Buildings Law regarding adult changing stations. This bill has an immediate effective date and requires adult changing stations to be installed in designated facilities open to the public with a maximum occupancy of 2500. The bill requires the Office of General Services (OGS) to do a rulemaking to effectuate the bill, which would include specifications for adult changing stations, and would allow OGS to provide exceptions.
- Senate 1838: This bill, which relates to an emergency repair pilot program, was passed in 2023 and vetoed by the Governor. The latest bill authorizes municipalities to establish an emergency repair pilot program, with a 90-day effective date and an expiration and repeal date of May 1st, 2029. The bill requires, subject to available appropriations, that DOS work with HCR to establish a pilot program requiring any municipality that elects to participate in the program to enact a local law to enable that municipality to immediately repair hazardous code violations in buildings where the owner has not undertaken such repairs in a reasonable time, and to bill the owner for such repair costs. The bill would charge DOS and HCR to provide technical assistance to participating municipalities for implementation of the required local law, and to create a model local law that municipalities can adopt. A similar local law already exists in NYC.

David Gonzalez then provided an update on rulemakings, stating that DOS published a combined Notice of Emergency Adoption and Notice of Proposed Rulemaking regarding minimum standards for lead safety hazards, with a public hearing scheduled on July 22nd, 2026, at 10 a.m. DOS notified the 25 affected cities pursuant to DOH requirements.

Draft

David Gonzalez noted that work is underway on an update to 19 NYCRR Part 1203 to align with the 2025 Uniform Code and Energy Code updates, stating that the next step would be to publish the Notice of Rule in Development.

Agenda Item 4. Single Exit Stair Study

Chairperson Tebo stated that NYS Law requires the Code Council to issue a study by July 1, 2026. Chairperson Tebo stated that the study is in progress, with Jensen Hughes having been retained to perform the study on behalf of the Code Council. Chairperson Tebo stated that Jensen Hughes will give a presentation on the contents of the final report at the September Code Council meeting, and that DBSC staff will also be involved in the presentation. Chairperson Tebo noted that the statute does not require the Code Council to take a specific action – i.e. the Code Council is required to do the study, but that afterwards, the council can discuss and determine the best path forward considering the contents of the study. Chairperson Tebo apologized for the short review time given to the Council members for on the second draft of the study, stating that the short timeframe was necessary due to when the draft was received from Jensen Hughes. Chairperson Tebo noted that ICC acted on the subject of single exit stair buildings in the 2027 code development process, modifying the 2027 code to allow buildings up to 4 stories in height to have a single exit as long as the other requirements (travel distance, sprinklers, etc.) are met. Chairperson Tebo opened the floor to discussion on the 2nd draft of the study.

Timothy DeRuyscher provided the following comments:

- Not enough time was provided; it is difficult to review a 166-page document in 1-2 business days.
- Most non-technical persons would have a hard time attempting to understand classical risk analysis parameters and assumptions.
- The report uses classical risk assessment methodologies but does not address many factors affecting single-exit residential buildings, including:
    - Fire department response capabilities which change over time, as well as differences between regions, which vary widely throughout NYS.
    - Verification over time that the single stair (with all required fire protection features) will remain intact –3rd party verification, similar to New Zealand and US General Services Administration leasing requirements, would be needed to help ensure required features are still active. Depending on local AHJ inspection agencies is a recipe for large losses/injuries.
    - Emergencies other than fire were not considered in the study – other emergency types do occur, and the effects of removing an exit in such emergencies was not considered in the study but is necessary to fully understand the risks presented by a single exit.
    - Alignment with ICC & NFPA studies – assuming that the buildings analyzed are code-compliant multi-story buildings with 2 exits, sprinklers, detection/alarm systems, and compartmentation is different from what is proposed.
    - Societal attitudes & human factors - comparison to other countries where the attitude towards fire prevention and societal responsibility for fire is very different than in the USA, where attitudes generally lean towards “insurance will pay for it” and “it was an accident, I’m not at fault.” Comparing other countries to the US is not comparing apples to apples.

Draft

    - Occupant training on what to do in these single means of egress buildings. NYS currently requires training and drills for dormitories – the same should be done for any proposed single stair buildings. All report analysis depends on proper action by people – fire service people can confirm that this does not occur in many fire events.

- Code compliant buildings are not necessarily safe; the ICC proposal doesn't address all of the items needed. There is a tendency to operate on the premise that code compliance equals safety, when in fact this is often not the case. The outcome and goals for a single exit building are different than for a 2-exit building due to the many constantly changing factors on an individual site.
- The question of "who determines what's acceptable" is also an issue. The report and any risk assessment depend upon professional judgement to determine what is an acceptable risk to residents. An acceptable level of risk or safety is not part of the report; it is based on many assumptions on risk tolerance (as stated in the report). "Who determines what's acceptable" is dependent on the viewpoint of the stakeholders.
- The report is dependent upon assumptions. At the present time, having political directives to adopt or change time-proven strategies is blatantly wrong. Progress is often positive but must be viewed as a whole. A report that is totally dependent upon assumptions and does not address comprehensive details on what is recommended needs further work.

Timothy DeRuyscher noted that he would vote to accept this report to progress to final stage, provided that all members of this body and NYS acknowledge further work is needed to codify any future changes. Timothy DeRuyscher urged the Council to consider carefully, stating that a new building with 1 exit stair cannot be considered equal to the same building with 2 exit stairs. Timothy DeRuyscher stated that the second draft of the study included analysis of the Existing Building Code of New York (EBCNYS), which has NY-specific provisions for single-exit buildings, stating that any provisions made for single-exit new buildings would need to be evaluated to ensure they do not conflict with the requirements for existing buildings.

Next, Shawn Hamlin spoke, confirming that the planned vote was simply to move forward with the study, and that the Code Council would evaluate the final result and then decide on a position. David Gonzalez quoted the provisions of the statute as follows:

> *"The council shall conduct a study relating to standards for egress including provisions for multi-unit residential buildings above three stories, up to at least six stories. Such study shall consider examining existing building codes for single-exit, single stairway multi-unit residential buildings above three stories, up to at least six stories in the city of New York and in other cities and jurisdictions that have adopted provisions allowing for the construction of such buildings into their building codes. Such study shall be completed on or before July first, two thousand twenty-six. The council shall consider such study findings and amend the uniform code if necessary."*

Shawn Hamlin then stated that the study is very densely written, and that time is necessary to read and comprehend the study. Shawn Hamlin asked if DBSC staff had concerns on accuracy of the reference material used in the study, which could undermine the assumptions made in the study. Kevin Duerr-Clark stated that DBSC meets bi-weekly with Jensen Hughes, adding that their staff have only just begun to address DBSC staff comments as well as comments received from Code Council members, and that they will respond to all comments. Shawn Hamlin asked if the Code Council would receive the responses to all comments, and Chairperson Tebo answered that they would.

Kristy Whitcher asked if there would be additional opportunities to comment on the contents of the study, or if this was the last opportunity for comment. Chairperson Tebo stated that the proposed vote would simply authorize DBSC staff to work with Jensen Hughes to finish the study, adding that the intent is to get all comments addressed. Kristy Whitcher then stated that the choice of construction materials in the cost analysis seemed odd, which is a concern since cost is a major factor in the push for single exit

Draft

buildings. However, the cost analysis considered steel stud construction for both the single exit and two exit buildings – in upstate New York, it's unlikely that steel stud construction would be used for a two exit residential building as was modelled in the study, meaning the cost to construct the two exit building could be much lower than what is shown in the cost estimate, which could change the cost comparison between single and two exit buildings.

Keith Wen asked if the report, once finished, would serve as the basis for a code change. Chairperson Tebo answered that the statute does not require a code change – it only requires the Council to discuss the study and consider potential code changes. Keith Wen asked if Code Council members would be able to make recommendations and decisions that might disagree with the findings of the study, and David Gonzalez answered that the statute acknowledges that it is the Code Council who has the authority to make decisions on changes to the Uniform Code.

Santos Cruz Cardona stated that the recommendations in the study, regarding increased stair widths to account for fire response using the same stair as evacuating occupants, will not be sufficient to account for the complications presented by a single exit. Fire events are chaotic, and people don't always respond as expected. The sections regarding occupant egress and firefighter access were too short and did not fully address this complex issue. Santos Cruz Cardona expressed concerns that some jurisdictions may not be able to provide appropriate fire response for single exit buildings such as were analyzed in the study, and suggested, if single exit building provisions are added to the Uniform Code, limiting any such provisions to jurisdictions that are fully equipped to handle such buildings. Santos Cruz Cardona expressed hope that after the presentation on the study in September, there will be further study into such issues, including more analysis of how firefighters would operate in single exit buildings. Santos Cruz Cardona asked if occupants could shelter-in-place in their apartments and also stated that the information in the study was insufficient on topics such as fire suppression, door fire ratings, and emergency escape and rescue openings. According to Santos Cruz Cardona, 54 inches is not sufficient space for firefighters to both fight the fire and rescue building occupants. Santos Cruz Cardona asked if case studies and data from jurisdictions which have implemented single stair provisions could be acquired to see how the provisions required in those jurisdictions have or have not worked during fire events.

Chairperson Tebo noted that Jensen Hughes should expand Table 2.6 to include the reasons those jurisdictions made changes to single-exit building provisions and what rationale was used to determine the provisions required in those jurisdictions. Santos Cruz Cardona agreed, adding that this would be especially helpful for buildings with 5 or more stories, and asked for Section 5.3.2 to be expanded as well, to include what firefighters in such jurisdictions have implemented for training and response.

Robert Hughes expressed concerns that the study is coming from a motivation to create housing and may be a case of shifting the narrative and making changes towards a specific goal, stating that incentivizing might be a better strategy. Robert Hughes noted that there is a difference between the code viewpoints for existing and new buildings, where some requirements are different to make it easier for existing buildings to be code compliant.

Joseph Toomey asked Counsel what would happen if the legislative deadline (July 1st) was not able to be met. David Gonzalez answered that the legislation does not include penalties, but that there could be other ramifications if the deadline was not met. David Gonzalez speculated that, if the report was not available on July 1st, it would be necessary to have it done as soon as possible.

Ben Keller stated that the California State Fire Marshall's Office recently completed a report on a similar topic, stating that the report had a lot of relevant information and suggesting that it be reviewed. Ben Keller stated that he would provide a link to the study after the meeting.

Kristy Whitcher asked if, upon completion of this report, the Council did not feel that there was sufficient information - would the Council have the authority to commission another study (or additional research into the topic). David Gonzalez answered that the Council's authority includes the ability to commission another study but stated that resources might not be available to commission another

Draft

study. Chairperson Tebo noted that a quorum of 10 members was needed to take any action, stating that, if the Council feels there is insufficient information, they can ask staff to provide further information.

Bill Tuyn stated that the study exists, despite redlines – it can be considered compliant with the legislative deadline. Bill Tuyn noted that the law does not require the Council to act based on this study. Bill Tuyn stated that further information is needed – the study includes recommendations, but there is no ranking, risk assessment, or efficacy analysis for the recommendations. Further information from consultants and recommendations from staff should be assessed before the Council can take further action. Bill Tuyn stated that there was no reason not to approve the study to be finalized, but that further information was needed before acting based on the study.

Tim DeRuyscher agreed that the Council should approve the report finalizing but agreed that further information is needed regarding the recommended changes, stating that possible code provisions regarding single-exit buildings are not limited to what is included in the report.

Robert Hughes asked what the timeline was regarding the study. Chairperson Tebo stated that, after discussion was complete, a motion would be made to allow the report to be finalized by the deadline. The report will be published by the deadline, giving Council members the rest of the summer to review the final report. Chairperson Tebo stated that, in September, Jensen Hughes will make a presentation on the report to the Code Council, and that a robust discussion of the study could take place at that time. Chairperson Tebo noted that 10 members were necessary to take any action. Robert Hughes then asked whether any potential changes would be implemented in the next code cycle, and Chairperson Tebo stated that it would be up to the Code Council to decide.

Hearing no further comments, Chairperson Tebo made a motion for adoption of a resolution directing the Division of Building Standards & Codes to complete work on the study required by § 373-b of the Executive Law, referred to as the Single Egress Stair Building Design Assessment Report, on behalf of the Code Council on or before July 1, 2026, as required pursuant to Executive Law § 373-b. The motion was seconded by Joe Toomey and passed unanimously by voice vote.

Agenda Item 5. Public Comment

Kevin Duerr-Clark stated that two people were signed up to comment remotely via WebEx.

Dottie Mazzarella from ICC first spoke about the April ICC Public Comment Hearings on the 2027 I-Codes, stating that it was great to see so many DOS staff at the hearings and to see so many New York State recommended amendments approved for inclusion in the I-Codes. Dottie Mazzarella thanked the Governor, the Secretary of State, and the Code Council for supporting and recognizing the importance of NY participating in code development at the national level. Dottie Mazzarella anticipated that the 2027 I-Codes would be released later in the year or soon in 2027. Dottie Mazzarella noted that a number of NYS staff have applied to be on various ICC committees for the 2030 code development process, stating that committee appointments would be announced in the fall.

Conrad Speckert signed up to speak but did not acknowledge the request to unmute and speak.

Agenda Item 6. Future Meetings

- 2026
    - September 22, 2026
    - December 8, 2026

Draft

Chairperson Tebo noted that 2027 meeting dates will be scheduled in September 2026, noting that several factors influence when the meetings would be held.

Agenda Item 7. Other Business

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 Tim DeRuyscher; the motion passed unanimously by voice vote.

The meeting adjourned at approximately 11:18 a.m.

Draft