



BUILDINGS BULLETIN 2014-006

Operational

Supersedes: None

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Purpose: This bulletin clarifies when to apply the 2008 Construction Codes or the 2014 Construction Codes to new buildings, alterations, partial demolitions and full demolitions, including the applicable provisions of Chapter BC 33 (Safeguards During Construction or Demolition).

Related Code/Zoning Section(s): AC 28-101.4 BC 3310
BC 403.5.2 LL 141/2013

Subject(s): Construction documents, application for; Construction documents, approval of; New building, application; Alterations, application; Partial demolition, application; Full demolition, application; Construction, safeguards; Demolition, safeguards; 2008 Construction Codes, applicability; 2014 Construction Codes, applicability; 2014 Construction Codes, effective date; Local Law 141 of 2013; Site safety plan ; Additional exit stairway, effective date

I. Background

Local Law 141 of 2013 (LL 141/13), signed into law on December 30, 2013, amends Chapters 1 through 5 of Title 28 of the Administrative Code (AC) and four of the city's 2008 Construction Codes (plumbing code, building code, mechanical code and fuel gas code). Section 14 of LL 141/13 states in part:

“This local law shall take effect on October 1, 2014 except . . . that this local law shall not apply to construction work related to applications for construction document approval filed prior to such effective date”

This bulletin clarifies the conditions under which the provisions of LL 141/13 (“2014 Construction Codes”) apply or the conditions under which the provisions of the 2008 Construction Codes may be applicable.

II. New Buildings and Alterations to Existing Buildings

Except as provided in Sections III, IV, and V of this bulletin, the 2008 Construction Codes apply to applications for a New Building (NB), Alteration Type 1 (ALT-1), Alteration Type 2 (ALT-2), and Alteration Type 3 (ALT-3), including alteration work consisting of partial demolition work, when the application for construction document approval is submitted before October 1, 2014 and has a BIS Job Status Code of “D” and an Online Code “A/P Entire,” provided:

- the construction documents submitted meet the minimum requirements for completeness under the Department's "Plan Examination Guidelines - Minimum Requirement for Review of Design Drawings" (http://www.nyc.gov/html/dob/downloads/pdf/plan_exam_user_guide.pdf), and
- the application thereafter is diligently prosecuted to completion.

Reviews and approvals from other agencies (e.g. Transit Authority, Department of Transportation, Fire Department, Board of Standards and Appeals) need not be submitted prior to October 1, 2014 in order for the application to be subject to the 2008 Construction Codes.

With respect to alterations submitted prior to October 1, 2014, Section AC 28-101.4 of the 2008 Construction Codes apply (AC 28-101.4.3 and AC 28-101.4.4). With respect to alterations submitted on or after October 1, 2014, Section AC 28-101.4 of the 2014 Construction Codes will apply (AC 28-101.4.3, AC 28-101.4.4, and AC 28-101.4.5).

With respect to NB applications, the 2008 Construction Codes shall apply to the entire NB, including any additional filings related to the NB such as fire alarms or mechanical filings submitted on or after October 1, 2014, provided that construction documents are submitted prior to October 1, 2014 that include all necessary architectural, foundation and structural plans.

Any alteration or NB filing following the 2008 Construction Codes with a substantial increase in work scope related to the overall size or footprint of such building must fully comply in its entirety with the 2014 Construction Codes, unless otherwise reviewed and authorized by the appropriate borough office.

III. Chapter 33 Provisions – Full Demolitions

Full demolition work permits issued prior to October 1, 2014, shall comply with the 2008 Code BC Chapter 33 for the duration and for all aspects of the demolition, including any subsequent filings related to BC Chapter 33. When a full demolition permit is issued on or after October 1, 2014, the requirements of the 2014 Construction Codes update of BC Chapter 33 shall apply for the duration and for all aspects of the demolition, including any subsequent filings related to BC Chapter 33.

IV. Chapter 33 Provisions – other than Full Demolitions

BC Chapter 33 requires a site safety plan to be filed for certain work performed as part of a "major building" project.

When a site safety plan is approved on or after October 1, 2014, the requirements of the 2014 Construction Codes BC Chapter 33 shall apply for the duration of the project and for all aspects regarding the safety of public and property during construction operations, including any subsequent filings related to BC Chapter 33. For projects where the site safety plan was approved prior to October 1, 2014, the requirements of 2008 Code BC Chapter 33 shall apply for the duration of the project and for all aspects regarding the safety of public and property during construction operations, including any subsequent filings related to BC Chapter 33.

When a site safety plan is not required, the provisions of BC Chapter 33 shall follow the same Construction Codes (2008 or 2014) applicable to the underlying construction documents in accordance with Section II of this bulletin.

V. Exception - Additional Exit Stairway Effective Date

Section BC 403.5.2 (Additional Exit Stairway) of the 2014 Construction Codes shall not apply to applications until June 30, 2015 at the earliest. Section 14 of LL 141/13 states in part:

"...(iii) section 403.5.2 of the New York city building code as added by section 1 of subpart 4 of part C of this local law shall take effect the later of 18 months after the date of enactment of this local

law or the date of an amendment of the definition of floor area in the New York city zoning resolution providing for the exclusion of the floor area of the additional exit stairway and additional exit stairway width from the calculation of floor area for purposes of the New York city zoning resolution...”

Thus, the provisions of BC 403.5.2 of the 2014 Construction Codes shall apply to NB and alteration applications filed on or after the later of June 30, 2015 or the effective date of an associated zoning resolution amendment, as described above; however, other filing requirements of such applications shall be subject to the conditions outlined for NB and alteration applications in section II of this bulletin.

2014 Construction Codes Effective Date

ALL WORK EXCEPT BUILDING CODE (BC) CHAPTER 33

WORK TYPE	TRIGGER	DATE	2008 code	2014 code
New Buildings	Application for construction document approval submitted ^a	Before October 1, 2014 ^{a, b}	✓	
		On or after October 1, 2014 ^c		✓
Alterations to Existing Buildings (incl. Partial Demolitions) ^d	Application for construction document approval submitted	Before October 1, 2014 ^b	✓	
		On or after October 1, 2014		✓

BC CHAPTER 33 WORK

WORK TYPE	TRIGGER	DATE	2008 code	2014 code
Full Demolitions	Work permit issued	Before October 1, 2014	✓	
		On or after October 1, 2014		✓
BC Chapter 33 work on Site Safety Jobs ^e (excl. Full Demolitions)	Site safety plan approved	Before October 1, 2014	✓	
		On or after October 1, 2014		✓
BC Chapter 33 work on non-Site Safety Jobs (excl. Full Demolitions)	Application for construction document approval submitted ^b	Before October 1, 2014	✓	
		On or after October 1, 2014		✓

^a New Building applications must include architectural, structural, and foundation drawings, as outlined in the *Plan Examination Guidelines*, http://www.nyc.gov/html/dob/downloads/pdf/plan_exam_user_guide.pdf. Subsequent related filings can be submitted after October 1, 2014, but must follow the same year code as the original application.

^b Such applications must have a Job Status Code "D" and Online Code "A/P Entire."

^c BC Section 403.5.2 (Additional Exit Stairway) of the 2014 code will not take effect until either June 30, 2015, or the passage of an associated zoning text amendment, whichever comes later.

^d Alterations are subject to the applicable provisions in either the 2008 or 2014 edition of **§28-101.4** of the *Administrative Code*.

^e Site Safety Jobs are those requiring a site safety plan as outlined in either the 2008 or 2014 edition of **BC Section 3310**.