THE MAYOR'S ADVISORY COMMISSION

Report on the Adoption of a Model Building Code

NYC BUILDINGS

safety • service • integrity

Michael R. Bloomberg, MAYOR
Patricia J. Lancaster, AIA, COMMISSIONER

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Building Trades Employers Association

Marolyn Davenport
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Real Estate Board of New York

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Building Construction and Trades Council

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Jerilyn Perine (Piotr Grebski, Tim Joseph)
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Chair, Housing & Buildings Committee
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Jack Rudin (John Menz)
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1.2 Guests

Michael H. Clemens
Manager, Indianapolis Resource Center
International Code Council

Robert Davidson, Fire Marshal
South Brunswick, NJ
International Fire Code Council

Jim Dolen
Manager of Fire Codes Field Office
National Fire Protection Association

Dorothy Harris, Asst. Secretary of State
NYS Department of State
Director, International Code Council

Richard Magee
Nassau County Fire Marshal
Uniondale, NY

Nancy McNabb, AIA
Regional Mgr. Building Code Field Officer
National Fire Protection Association

Ronald Piester, Asst. Dir. for Code Dev.
NYS Department of State
International Building Code Council

Ben Roy
Mid-Atlantic Regional Manager
National Fire Protection Association

Joseph Sauerwein
Chief Fire Marshal
Town of Brookhaven, NY

Jay Woodward
Staff Architect
International Code Council

1.3 Government

Rosaura Almonte
Secretary to Asst. Commissioner
NYC Department of Buildings

Phyllis Arnold
General Counsel
NYC Department of Buildings

Susanne Arbitman
Building Code Coordinator
NYC Department of Buildings

Jon Bosse, Esq.
Code Implementation Unit
NYC Department of Buildings

Sid Dinsay
Press Secretary
NYC Department of Buildings

Ilyse Fink
Director of Communications
NYC Department of Buildings

Allison Gorelik
Secretary to Code Implem. Unit
NYC Department of Buildings

Steve Goulden
Law Department

Sam Marcovici
Electrical Engineer, BEC/Advisory Board
NYC Department of Buildings

Douglas McDonald, P.E.
Executive Assistant, Technical Affairs
NYC Department of Buildings

Marinetta Paone
Asst. Implementation Coordinator, CIU
NYC Department of Buildings

Sabrina Perna
Operations Analyst, BEC
NYC Department of Buildings

Stephanie Reid
Secretary to Commissioner
NYC Department of Buildings

Matthew Sapolin
Executive Director
Mayor's Office for People with Disabilities

Sam Schecter
Intergovernmental Liaison
Intergovernmental Affairs

Michael Schneider
Executive Assistant
Technical Affairs

Mark Topping
Dep. Comm. for Administration & Tech.
NYC Department of Buildings

Katherine Winningham
Law Department

The Commission would like to thank the United States General Service Administration for their help in facilitating the Mayor's Commission on a Model Building Code Public Forum (in particular, Karen Goodwin).

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2 Executive Summary

The current New York City Building Code has been the subject of both criticisms for its complexity and praise for its high-density building environment standards. Today, more likely than any other time in its history, the code is subject to the challenges of keeping up with unprecedented technological advancements while maintaining an economic balance between cost and high safety standards for which the code is so well known.

Recognizing the complexity of these issues and the importance of finding a viable solution, Mayor Bloomberg created an Advisory "Commission" to advise him on the matter. The Commission, made up of recognized government and industry experts, was given four months to complete its task and consider model codes from two of the most well-known national code making organizations in the country, the International Code Council (ICC) and the National Fire Protection Association (NFPA).

The ICC's "International Building Code 2000" (IBC 2000) and the NFPA's "National Fire Protection Association 5000" were both extensively examined, not for content, but for format and ease of adaptability to the provisions of the NYC Building Code. The premise is that the intent and high standards of the existing code should be preserved either by integrated language change or by separate amendments, while a new format is adopted.

Integrated language is much preferred for its ease of use and understanding but may require prohibitively high license fees and approval requirements from the national organization before any local change can be made by a jurisdiction. The use of amendments avoids the need for national organization approval and costly agreements but is considered more cumbersome to use. The availability of integrated language will likely be influenced by a pending Supreme Court decision in Veeck v. Southern Building Code Congress Int'l, Inc.

Extensive resource materials were made available to each Commission member including presentations from the ICC and the NFPA, which addressed the specific criteria the Commission was to consider. In addition, a public forum was held to receive and make available to the Commission comments from various stakeholders and the public at large. In order to facilitate its review of the model Codes, the Commission utilized assessment forms with specific criteria to measure and analyze each model Code's strengths and weaknesses.

Considering all of the above, the Commission recommends that the adoption of the International Building Code (IBC 2000), either by integrated language or amendment, over the existing Building Code or the NFPA 5000. The commission also recommends the same code development process successfully utilized for the development and adoption of the New York City Electrical Code. In this inclusive development process,

integrated language or amendments are developed through the use of consensus-building technical committees under the guidance of the Department of Buildings.

This process also involves the use of "Blue Print" legislation. In this scenario, a series of local laws are contemplated, the first of which sets forth a revised administrative code with a mandate for future technical standard development and adoption. Once fully completed, the local laws mandate the continued updating of the Building Code's administrative and technical standards. The Commission suggests a development timeframe of 18 months for the code development process and initial local law submission.

3 Introduction

The New York City Building Code is considered one of the most stringent building codes in the country. Its requirements impose technical standards designed to ensure public safety and to protect property from the dangers of high-density building environments, from the borough of Manhattan to the one- and two-family home environments of the other boroughs.

Public health and safety, however, are not the only focus points of the NYC Building Code. The Code's standards also consider the economic viability of housing construction and commercial development. Adequate and affordable housing provides a lifeline of economic resources for this city. Reducing costs associated with commercial development is also critical to the city's sustained economic growth and well-being.

Since first adopted in 1850, the New York City Building Code has progressed through a series of changes and updates reflective of the economic demands and safety concerns of individual time periods. Historically, however, the most significant changes in safety standards have come as a result of a disaster or economic hardship. The shortcomings of this reactive nature of code development emphasizes the need for a proactive method of code development that can quickly address emerging safety and economic concerns in a rapidly changing economic landscape.

3.1 The Current New York City Building Code

The current New York City Building Code has gone without significant change since 1968. Since that time, layer upon layer of regulations and amendments have created a cumbersome document of over 700 pages. Attempts to change and improve the NYC Building Code include an effort in 1979 by a "Construction Cost Task Force" charged with reviewing the New York City Building Code. The task force made several recommendations, most of which related to then-current acceptable construction materials.

Today, the Department of Buildings continues to update its Code and recently made available on the web a consolidated version of technical updates. In addition to the Department's efforts in keeping the Building Code's technical standards up-to-date, the Department has implemented a series of initiatives designed to improve agency-wide operations through the efficient interpretation and implementation of Building Code requirements. Some of these initiatives include, but are not limited to, E-filing (for subsequent submissions), E-filing of OP-38 forms, IT assessments, Improved Professional Certification Procedures, Emergency Response Procedures, Fee estimation and Pre-filing, Monitoring of Home Improvement Contractors, Indexing of Memos and PPN's, Hazardous Violation Sweeps and Building Code search capabilities for Plan Examination Staff.

3.2 The Need for Change

The New York City Building Code affects the cost of construction by dictating the type of materials which can be used by developers, detailing the kind of buildings or structures which can be built, and establishing the review process which must be followed to ensure code compliance.

Under the existing process, in order for new materials or equipment to become acceptable for use in New York City, they must either be permitted "as of right" in the Building Code or go through a Materials and Equipment Acceptance Process (MEA) within the Department of Buildings. The first option requires NYC Council approval, while for the MEA process to be used, there must already exist an underlying authority in the code to allow the material or equipment being considered. Regardless of which process is required, they both can be costly and time consuming. Often adding to the confusion is the lack of clarity as to why certain standards require legislative action to be changed while other standards require an administrative process.

The Department of Buildings, at present, is aggressively pursuing new methods and concepts designed to reduce processing time necessary to review and approve applications for construction. The Department intends to ensure public safety while streamlining procedures and providing the public with easier access to information.

Despite these efforts, the Department is limited in its ability to improve the process in many cases due to outdated, cumbersome and voluminous code requirements. As the document has become increasingly complex and convoluted over time, it has also become increasingly difficult for design professionals to accurately and consistently interpret code provisions. Ultimately, these difficulties have lead to confusion, inconsistent interpretations and delays. Moreover, the Department of Buildings has experienced a series of corruption scandals, many of which were attributable to difficulties in maneuvering through a convoluted and time consuming approval process. The process is so cumbersome that it has even spawned a flourishing industry of expeditors, individuals knowledgeable in code requirements and skilled in their ability to maneuver through complex approval processes. This adds yet another layer of cost and increased corruption hazard.

4 Commission

Mayor Bloomberg appointed an Advisory Commission comprised of recognized industry experts to research the issues and advise him on the best course of action relating to the adoption of a model code for the City of New York.

4.1 Mission, Scope and Timeframe

The Mayor's Advisory Commission on the Adoption of a Model Code was established by Executive Order No. 30, November 27, 2002 (see Appendix #8.5 for *Executive Order No. 30*). Its mission is to review and make recommendations to the Mayor regarding the adoption of a model building code for the City of New York.

Under review are the International Building Code 2000 (IBC 2000) and the National Fire Protection Association 5000 (NFPA 5000). Among the criteria being considered for each code are its:

- Comprehensiveness;
- Accessibility to users;
- Services provided by the issuing organization;
- Ease of adaptation to New York City; and
- Other advantages of adoption deemed appropriate by the Commission.

The Commission was given four months from the effective date of the Executive Order to complete its mandate and issue its findings and recommendations to the Mayor.

4.2 Structure and Participation

The Commission is comprised of 12 members appointed for their knowledge of and familiarity with the professions and trades related to the design and construction of buildings in New York City. Pursuant to the Executive Order, members of the Commission include the Commissioner of Buildings, the Commissioner of Housing Preservation and Development, and the Fire Commissioner or their respective designees. The Commissioner of Buildings or her designee chairs the Commission. The Commission is empowered to act by a majority of its members.

4.3 Membership Biographies

The following is a listing and brief biography of the Commission members:

Aine Brazil, P.E., Managing Principal, Thornton-Tomasetti Engineers
Structural Engineers Association of New York (SEAoNY)

Aine Brazil is a Managing Principal at Thornton-Tomasetti Engineers. Throughout her 24 years experience, she has been responsible for the design and construction of high-rise offices, hotels, air-rights projects with long span transfer systems, hospitals, and parking garages. High on her list of accomplishments is the role she played in leading the Structural Engineering team for the design of the 850,000 square feet expansion of New York Hospital spanning over the FDR Highway.

Ms. Brazil has authored numerous technical papers and lectured in universities throughout the country, including Cornell and Princeton. She is an active member in the American Concrete Institute (ACI), the American Society of Civil Engineers (ASCE), the Institute of Engineers in Ireland, (Member and Chartered Member); Structural Engineers Association of New York (SEAoNY) President, 1997; and is the Assistant Professor teaching Structural Engineering Design at Princeton University.

Ms. Brazil holds a Bachelor of Science degree in Engineering from the University College in Galway, Ireland and a Master of Science degree in Engineering from the Imperial College of Science and Technology in London.

Louis J. Coletti, President and Chief Executive Officer
Building Trades Employers' Association of New York City (BTEA)

Louis J. Coletti is the President and Chief Executive Officer of the Building Trades Employers' Association of New York City, an organization representing 24 contractor associations and 1500 construction management, general and subcontractor construction companies in New York City. He has previously served as Senior Vice President at the construction management firm of Lehrer McGovern Bovis and as President and CEO of the New York Building Congress.

Mr. Coletti is involved in many civic and industry organizations. He serves as a Partner on the New York City Partnership, Chairman of the Mayor's Building Industry Advisory Committee, NYC Comptroller's Construction Policy Council, and is Co-Chairman of Construction Skills 2000. He also serves as a member of the Steering Committee of the Association for a Better New York (ABNY), the Economic Development Committee of the Downtown Lower Manhattan Redevelopment Corporation, the Board of Directors of the New York City Olympics 2012 Committee, and the Non-Traditional Employment for Women Committee.

Mr. Coletti is a graduate of the David Rockefeller Fellows Program. He holds a Master's degree in Public Administration from the New York University Robert Wagner School of Public Administration and a Bachelor of Arts degree from Rutgers University.

Marolyn Davenport, Senior Vice President
Real Estate Board of New York (REBNY)

Marolyn Davenport is a Senior Vice President of the Real Estate Board of New York (REBNY), a real estate organization comprised of talented real estate professionals, including major office and residential property owners and builders, managers, brokers, financial institutions, and others professionally interested in Manhattan real estate.

A graduate of Vassar College, Ms. Davenport oversees the activities of REBNY's Property Management Division, as well as its Housing Committee, formulating and presenting industry positions on legislative and regulatory issues affecting construction and development, property management and operations. She works with REBNY members and other industry associations to set up the industry's agenda and positions on building and life safety codes, energy and telecommunications policies, security issues, and affordable housing.

Ms. Davenport serves on the NYC Building Industry Advisory Committee, the Fire Department Industry Advisory Committee, and was a member of the Department of Buildings' World Trade Center Building Code Task Force. She serves on NYSERDA's Executives for Energy Efficiency and was a member of the NYS Department of State Energy Code Review Commission. Ms. Davenport is also on the Steering Committee of the real estate industry's Information Sharing and Analysis Center formed in partnership with the US Department of Homeland Security to provide counter-terrorism information to the industry.

Stanley Dawe, Chief of Fire Prevention
Fire Department of New York (FDNY)

Stanley Dawe, recently appointed Chief of Fire Prevention, has 29 years of experience with the Fire Department of New York. His expertise is based on his broad operational experience in New York City; in particular, the high-rise area of Midtown Manhattan.

Chief Dawe has served as Fire Department liaison to the theater industry and has served as Technical Editor of *With New York Firefighter* (WNYF), the official Fire Department training publication.

His academic training is in economics. He earned a B.A. from C.W. Post and a M.A. degree from the State University of New York at Stonybrook.

Carl Galioto, A.I.A., Partner, Skidmore, Owings & Merrill, LLP
American Institute of Architects (AIA)

Carl Galioto is the firmwide partner in charge of Skidmore, Owings, & Merrill's technical group. The technical group is responsible for quality assurance, code compliance, exterior wall development, and the integration of building services and structural systems in the early design phases of projects. The technical group also has the full responsibility for construction documents and construction administration.

Mr. Galioto's areas of expertise include the implementation of security and special life safety designs for complex buildings, the renovation and restoration of Modernist landmarks, and complex healthcare projects. In addition to his varied and extensive project experience, Mr. Galioto has been responsible for the creation and implementation of firmwide standards for documentation, specifications, General Conditions, and procedures for construction administration services.

Mr. Galioto is a member of the American Institute of Architects (AIA) and the Construction Specifications Institute (CSI). He received a Bachelor of Architecture degree from the Pratt Institute.

James R. Kunen, P.E., Consultant, Rudin Management Company
Association for a Better New York (ABNY)

James R. Kunen, P.E. is currently a consultant with Rudin Management Company. During his years at Rudin Management, Mr. Kunen served as Senior Vice President, Construction Department Manager and Chief Engineer. He was responsible for the construction of 15 office buildings and apartment houses, including tenant fit-out.

Mr. Kunen is Chairman of the Board of Standards and Appeals, New Rochelle, New York Director.

He holds a Master of Engineering degree from Yale University and a Bachelor of Science degree in Architectural Engineering from the University of Illinois.

Patricia J. Lancaster, A.I.A., Commissioner
New York City Department of Buildings (DOB)

Commissioner Lancaster is a New York State Registered Architect. She has more than 20 years of experience in public/private construction partnerships, teaching, and New York City government.

Commissioner Lancaster earned her Master's degree in Architecture from the University of Washington in Seattle. Her achievements include the 2001 publication of her book, Construction in Cities: Social, Environmental, Political and Economic Concerns. In 2000, *Real Estate Weekly* named her one of the top 100 Women in Real Estate and in 1996, Professional Women in Construction (PWC) named her Woman of the Year. In addition

to being a Registered Architect, she is a licensed Real Estate Broker, a Fellow at the New York Academy of Medicine and a Fellow at the Urban Institute for Design.

Ms. Lancaster tirelessly embarks on the twin challenge of creating a work structure for the Department of Buildings that deters corruption while simultaneously improving services to property owners and the building community. In addition, the Commissioner continues to welcome revisions to the Building Code in order to enhance building performance under catastrophic conditions since the tragic events of September 11, 2001.

Fred Lindquist,P.E.,Exec. Vice Pres. & Treas., Meyer, Strong & Jones Engineers, P.C.
New York Association of Consulting Engineers (NYACE)

Fred Lindquist has almost 40 years of experience in new buildings and the renovation of existing buildings, among them, a number of landmark structures. Currently, he is an Executive Vice President and Treasurer of Meyer, Strong & Jones Engineers, P.C. and Board Member and Vice President for the Metro Region of the New York Association of Consulting Engineers (NYACE).

Mr. Lindquist has represented NYACE as a member of the Mayor's Building Industry Advisory Committee and the Reference Standards Committee for over eight years. He serves as a member of the Commissioner's Forum for the Department of Buildings, City of New York and as his firm's representative to the New York Building Congress and BOMA. He was the President of the Connecticut Building Congress and now sits on their Scholarship Board.

Mr. Lindquist is a graduate of the State University of New York at Farmingdale and is a certified GSA Value Engineer. He is a licensed Professional Engineer in the states of New York and Connecticut.

Pamela J. Loeffelman, A.I.A., Principal, Perkins Eastman Architects, P.C.
American Institute of Architects (AIA)

Pamela J. Loeffelman, A.I.A. is a Principal at Perkins Eastman Architects. Headquartered in New York City, Ms. Loeffelman currently spends time in both the Stanford, Connecticut and New York City offices. Her expertise and experience in civil buildings, commercial development and educational facilities have included a particular focus on adaptive reuse of technically complex building programs.

Ms. Loeffelman is a past Board Member of the American Institute of Architects' New York City Chapter (AIANYC) and part of the National Advisory Group for the committee on Architecture for Education. She is also a North Atlantic Regional Council Member of the Society of College and University Planners (SCUP). Ms. Loeffelman is a frequent lecturer, panel member, and juror on issues related to adaptive reuse, architecture for education, and the influence of technology on social interaction and spaces for learning.

Ms. Loeffelman has her MBA from the University of Connecticut and her Bachelor of Architecture from Virginia Polytechnic Institute and State University.

Edward J. Malloy, President
Building and Construction Trades Council of Greater New York (BCTC)

Edward J. Malloy is President of the Building and Construction Trades Council of Greater New York. First elected to this position in 1992, he represents more than 200,000 working men and women. In this role, he plays an integral part in facilitating public and private construction projects in New York City. He has won praise from political and business leaders for his innovative efforts to stimulate economic activity and create thousands of jobs.

Mr. Malloy is also a Vice President of the New York State AFL-CIO, Executive Board member of the New York City Labor Central Council, member of the New York City Council Legislative Advisory Commission on the Homeless and an Advisor to the Building and Construction Trades Department's Leadership Program.

A veteran of the United States Army, Mr. Malloy received a certificate in Labor Studies from Cornell University's New York School of Industrial Relations and graduated with a B.S. degree from the State University of New York, Empire State College.

Fruma Narov, P.E., Principal and Senior Vice President, Urbitran Associates, Inc.
New York Association of Consulting Engineers (NYACE)

Fruma Narov is a Principal and Senior Vice President of Urbitran Associates. She has more than 30 years of experience in design management and administration of engineering projects. Ms. Narov is a recognized expert in concrete technology and is also experienced in the use of structural steel and rehabilitation and reconstruction materials. She is also a well-published author, teacher and lecturer in her profession.

Ms. Narov is very active in her profession within New York City. Among her many professional affiliations are: the New York Association of Consulting Engineers, New York City Building Congress, Structural Engineers Association of New York, American Concrete Institute, Society of American Military Engineers, New York Society of Professional Engineers, and the American Society of Civil Engineers.

Ms. Narov has a B.S. in Civil Engineering from the Technion, Israel's Institute of Technology. She is a registered Professional Engineer and is also registered with the Council of Examiners for Engineering and Surveying.

Marzio Penzi, Assistant Commissioner
New York City Department of Buildings

Marzio Penzi is an Assistant Commissioner with the New York City Department of Buildings. He has overseen the operations of the Bureau of Electrical Control since 1996. His service with DOB began in 1987 when he served as Deputy Director of the Investigations, Audits and Disciplinary Unit.

Assistant Commissioner Penzi was the major architect behind the development of Local Laws 64/2001 and 41/2002 that resulted in the adoption of a new Electrical Code for the City of New York. As Chairman of the Electrical Code Advisory Committee (ECAC), Mr. Penzi hopes to continue expanding the electrical code through a progressive code development process which proactively addresses the ever changing needs of the electrical industry. A part of this updating process includes the current effort by the ECAC to establish amendments relating to the 2002 National Electrical Code (NEC). Moreover, Assistant Commissioner Penzi is also the Chair designee for the Mayor's Advisory Commission on the Adoption of a Model Building Code for the City of New York.

Mr. Penzi is a graduate of St. John's University. He holds a Bachelor of Science degree in Criminal Justice and a Master of Business Administration.

Jerilyn Perine, Commissioner
New York City Department of Housing Preservation and Development (HPD)

Jerilyn Perine is the Commissioner of the New York City Department of Housing Preservation and Development (HPD), whose mission is to promote the development of affordable housing and to ensure that the City's two million rental housing units are maintained in accordance with mandated standards.

In her 24 years of public service in New York City, Ms. Perine has held positions in the areas of economic development, urban planning and housing development, and has been at HPD since 1986. She has created and implemented programs that rehabilitated and privatized City-owned residential properties and applied early intervention and rehabilitation strategies for privately owned distressed property. Commissioner Perine is the author of Mayor Bloomberg's $3 billion housing initiative, "Housing in the New Marketplace: Creating Housing for the Next Generation," and is responsible for its implementation. She is also a member of the International Brownfields Exchange and has collaborated with housing and community development professionals throughout the world.

Ms. Perine graduated from the City College of New York with a Political Science degree and did graduate work in urban planning at New York University.

Madeline Provenzano, Councilwoman, District 13
City Council

Madeline Provenzano (D) represents the 13th Council District in The Bronx. An elected member of the City Council since 1997, Councilwoman Provenzano chairs the Committee on Housing and Buildings and is a member of the Finance, Government Operations, Rules, Privileges and Elections, and Standards and Ethics Committees. She is also a member of the first Italian-American Caucus in the City Council.

Before her election to the City Council, Councilwoman Provenzano spent 19 years in City government. Other positions included working at HIP for 11 years and serving as the Democratic District Leader in the 80th Assembly District from 1992-1998. Councilwoman Provenzano, widowed suddenly at the age of 30 with three small children, became active in her Bronx community and emerged as a dynamic and respected leader. She addressed the quality of life issues so important to her as a single parent – education, healthcare, caring for the elderly – through community activism. Her vast experience contributes to her detailed, hands-on-knowledge of the 13th Council District. The youth in her District have been reaping the rewards of Councilwoman Provenzano's leadership: updated computer facilities in every school and library in the District, increased funding for school repairs, new branch library after school programs, drama, art, a state-of-the-art roller hockey rink, free tennis lessons, invigorated sports programs, and renovated parks.

In recognition of her commitment to community service, the Councilwoman is the recipient of a number of awards from organizations such as: The Jewish Community Council of Pelham Parkway, Astor Little League, Waterbury Hockey League, Santa Maria Youth Ministry, Edgewater Park Volunteer Fire Department, Allerton Avenue Homeowners and Tenants Association, Bronxchester Little League, Friends of Pelham Bay Park, Pelham Bay Little League, Throggs Neck Benevolent Association, Owen Dolen Golden Age, Pelham Parkway Little League, Select Women's Assistance Network, Throggs Neck Girls' Softball League, Warrior Football League, Congregation Sons of Israel, and the Government Award from Il Leone di San Marco, Italian Heritage and Culture Committee. Born and raised on Staten Island, the Councilwoman attended Hunter College and has made The Bronx her home for 40 years.

Jack Rudin, Chairman, Rudin Management
Association for a Better New York (ABNY)

Jack Rudin, Chairman of Rudin Management is a builder, developer and manager of New York City real estate, and torchbearer of a family tradition of philanthropy and public service initiated more than 75 years ago by his father, Samuel.

Jack Rudin serves with distinction on the Board of Memorial Sloan-Kettering Cancer Center, the Hebrew Free Loan Society, Jazz at Lincoln Center, the George C. Marshall Foundation and Safe Horizon (formerly Victim Services). He is an Honorary Trustee of

the American Museum of Natural History and Congregation Shearith Israel (the Spanish and Portuguese Synagogue), as well as a Trustee Emeritus of Iona College.

Mr. Rudin holds awards from many organizations including The Greater New York Council's Boy Scouts of America, Jewish Theological Seminary of America, the Jewish Foundation of Christian Rescuers/ADL, Catholic Charities of the Archdiocese of New York, Conservancy for Historic Battery Park, Calvary Hospital, the Congregation of Christian Brothers, Cooper Union, the Citizens Committee, Wildlife Conservation Society, the Building Trades Employers' Association, New York Building Congress, and Jazz at Lincoln Center. Honorary degrees have been bestowed on Mr. Rudin by Iona College, 1986, The City College, The City University of New York, 1993, the Hebrew University of Jerusalem, 1993, and Yeshiva University, 1995.

5 *Resources and Information*

In order for the Commission to consider the adoption of a model building code for the City of New York, it was necessary to research and acquire information pertinent to various areas of the code development process. The ICC's IBC 2000 and the NFPA 5000 were examined for format and ease of adaptability to the existing Building Code, not for content. Representatives from the International Code Council and the National Fire Protection Association provided information about the International Building Code 2000 and the NFPA 5000 in order to assess the feasibility of adopting a model building code. Each organization highlighted its strengths in presentations to the Commission. In addition, the Commission reviewed testimonies made at a public forum by interested parties. These resources and information aided this effort and proved to be valuable tools in assessing the possible adoption of a model building code.

5.1 The International Building Code 2000 (IBC 2000)

The International Building Code (IBC) is designed to be a modern, up-to-date building code. It focuses on the design and installation of building systems through various requirements emphasizing performance. Model code regulations address the need for a contemporary building code, thus ensuring public health and safety in all communities. Furthermore, the IBC is compatible with the entire family of International Codes published by the International Code Council (ICC).

5.1.1 IBC Occupancy Classification Comparison

The International Code Council (ICC) provided the New York City Department of Buildings with the IBC Occupancy Classification Comparison. This report compares the present New York City Building Code to the IBC 2000 in terms of occupancy classifications.

5.1.2 Accumulative Supplement to the International Codes 2002

The Accumulative Supplement to the International Codes is a document that updates the 2000 editions of the International Building Code, ICC Electrical Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Private Sewage Disposal Code, International Property Maintenance Code, and the International Residential Code. It includes changes submitted in the 2000 and 2001 Code Development cycles which were approved by the memberships of Building Officials and Code Administrators International, Inc., the International Conference of Building Officials and the Southern Building Code Congress International, Inc.

This accumulative supplement is organized by code and incorporates all approved changes. Through the adoption of a model building code and this document, jurisdictions

will have the advantage of knowing the most recent developments in building regulations.

5.1.3 Seismic Design Parameters

The 1997 NEHRP *Recommended Provisions for Seismic Regulations for New Buildings* introduced a seismic design procedure (available on disc) based on the explicit use of spectral response accelerations rather than the traditional peak ground acceleration and/or peak ground velocity or zone factors.

Since 1997, additional codes and standards adopted seismic design approaches based on the spectral response acceleration procedure used by the 1997 NEHRP *Provisions*. These design documents may be divided into (1) documents used for Design of New Construction, (2) documents used for Design and Evaluation of Existing Construction and (3) documents used for Design of Residential Construction.

5.2 Family of International Codes

The International Code Council has developed a series of integrated codes regulating specific areas of construction to ensure public health and safety for both large and small communities.

5.2.1 International Residential Code 2000

Code officials recognize the need for a modern residential construction code that addresses the design and construction of one- and two-family dwellings and townhouses. The International Residential Code for One- and Two-Family Dwellings is designed to meet this need through model code regulations that safeguard public health and safety and advocate dwelling affordability in all communities. In addition, the International Residential Code is compatible with BOCA National Codes and the Standard Codes, as well as the International Codes.

5.2.2 International Property Maintenance Code 2000

The International Property Maintenance Code 2000 governs existing structures and locations ensuring that certain factual information is included in the adopting ordinance at the time it is being considered by the appropriate governmental body. The Property Maintenance Code governs the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities, facilities, etc. to ensure that structures are safe, sanitary and in good condition for occupancy and use. The Property Maintenance Code also authorizes condemnation of buildings and structures unfit for human occupancy and use, and allows for the demolition of such structures.

5.2.3 International Mechanical Code

The International Mechanical Code establishes regulations for mechanical systems using prescriptive- and performance-related provisions. Its broad-based principles make the use of new materials and new mechanical designs possible.

5.2.4 International Energy Conservation Code

The International Energy Conservation Code establishes regulations for energy-efficient buildings using prescriptive- and performance-related provisions. The principles used in developing this code were based on devising an energy conservation code that adequately conserves energy, does not increase costs unnecessarily, does not restrict the use of new materials, products, or methods of construction, and is not partial to particular industries, classes of materials, products, or methods of construction.

5.2.5 International Fuel Gas Code

The International Fuel Gas Code governs existing structures and locations to ensure that factual information is included in the adopting ordinance at the time it is being considered by the appropriate governmental body. The International Fuel Gas Code governs the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities, facilities, etc. to ensure that structures are safe, sanitary and in good condition for occupancy and use. The International Fuel Gas Code also authorizes condemnation of buildings and structures unfit for human occupancy and use, and allows for the demolition of such structures.

5.2.6 International Plumbing Code

The International Plumbing Code incorporates approved code changes from prior code development cycles and establishes regulations for plumbing systems using prescriptive- and performance-related provisions. It is based on principles that make the use of new materials and new plumbing designs possible. The International Plumbing Code is also compatible with the BOCA National Codes, the Uniform Codes and the Standard Codes.

5.2.7 International Fire Code

Internationally, code officials recognize the need for a modern, up-to-date fire code that addresses hazardous conditions from hazardous materials storage, handling and use, to the use and occupancy of buildings and locations. The International Fire Code is designed to ensure public health and safety in all communities.

5.3 NFPA 5000

The National Fire Protection Association 5000, Building Construction and Safety Code, is the first model building code developed through extensive consensus-based procedures accredited by the American National Standards Institute (ANSI). The NFPA 5000 addresses almost every aspect of the built environment.

In developing the Building Code, the NFPA's Building Code Project aims at responding to the needs of enforcement, user and design communities. It is also consistent with other code development principles to which the NFPA adheres. NFPA's goals and objectives work to deliver a safe, usable and functional building upon completion of the design process.

The coordinated efforts of NFPA, in conjunction with the International Association of Plumbing and Mechanical Officials (IAPMO), the Western Fire Chiefs Association (WFCA) and the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE), will offer the only complete set of ANSI-approved model codes integrated to ensure public safety on all included levels of the built environment.

5.3.1 NFPA 5000 Chapter 8 Fire-Resistive Materials and NYC Building Code Comparison

The NFPA 5000 Chapter 8 Fire-Resistive Materials and Construction addresses fire protection features made to restrict or resist the spread of fire and smoke beyond where the fire originated. Every building will be divided into compartments to limit the spread of fire and movement of smoke. Fire compartments shall be formed with fire barrier walls that constitute complete fire separation. In addition to this, provisions in The New York City Building Code will control the location and function of integral structural and fire protective elements of buildings, and provide for the installation of safeguards against the spread of fire within and between buildings – further ensuring public safety.

5.3.2 NFPA 5000 Chapter 11 Means of Egress and NYC Building Code Comparison

The NFPA 5000 Chapter 11 Means of Egress Comparison and the New York City Code address the provisions that control design, construction, protection, location, arrangement, and maintenance of required exit facilities. Building design and life safety compliance options must be compatible with prescriptive and performance-based provisions to ensure a safe means of egress from all buildings erected, altered or changed in occupancy (with the exception of exit requirements for special uses and occupancies).

5.4 "New York State: Building a Case for Standards"

In "New York State: Building a Case for Standards," Robert C. Thompson, R.A., A.I.A. discusses how the International Code Council's (ICC) International Family of Codes for New York are intended to result in a healthy, more stable economy and a safer living environment for all communities. Thompson reports that industry leaders advocate the

adoption of a new generation of codes and standards in order to make future building development in New York State more promising. Thompson also includes information and opinions from various governmental and industry leaders throughout the nation to further support the expectation for a better economy and a more lucrative business prospect throughout the state. Thompson concludes that standards should change as technology advances - thus promoting safeguards for public health and safety - in addition to the welfare of occupants and users of structures.

5.5 ICBO Notice of Clarification

The International Conference of Building Officials' (ICBO) Notice of Clarification is one that informs its readers about the IBC's role in a revision of the Building Code of NYC (if the City decides to adopt the I-Codes as the format for its construction codes). Being that the International Codes are "model" codes upon which states and local municipalities build their local codes, the code development process is designed to be completely open to participation by any interested party. Therefore, any individual, organization, manufacturer, design professional, code enforcement officer, etc. is permitted to submit, review, and comment on a prospective code provision. The designated committees then report their findings and publish them for all to review.

5.6 NMHC Building Codes Update

The National Multi-Housing Council provides building code updates concerning the ICC and NFPA. As of January 2003, the existing Building Officials and Code Administrators (BOCA), International Conference of Building Officials (ICBO), and Southern Building Code Congress International (SBCCI) offices work as regional ICC offices providing technical, educational and product evaluation services.

5.7 State of Oregon, Comparison of NFPA and ICC Final Report and Recommendations

The Code Review Committee of the Building Codes Division Department of Business and Consumer Services prepared a final report comparison of NFPA and ICC. The State Fire Marshal and the Administrator of the Building Code Division met monthly over the last two years to review and compare new model codes to existing State codes. The purpose of the review was to analyze each code, the process used to create and maintain it, and the support services available in order to provide a recommendation for adoption of the next model codes for the State of Oregon.

The Committee concluded that the selected building and fire codes be from the same set of published codes. They found that the ICC codes are more consistent with existing Oregon codes regarding organization, occupancy classification and language. Although the NFPA and the ICC codes reflect improvements in technology, the Committee found that the national process for amending and maintaining the ICC codes is more accessible

and appropriate for the adoption of regulatory codes. The Committee recommended that the International Building Code and the International Fire Code be the base model codes for the next Oregon Structural Specialty Code and the Oregon Fire Code, respectively.

5.8 IBC/BCCNY Comparison

The IBC/BCCNY Comparison can primarily be used as a resource for future code development committees. The benefit of this document (available on disc) is that it focuses on the differences between the existing Building Code for the City of New York and the International Building Code. Analyzing the differences between the two codes facilitates the effort to establish a model building code suitable for our current state of technology. This comparison will help prospective code development committees implement integrated language into a unified Building Code – one that can be accessed and utilized throughout the nation.

5.9 ICC/IBC Presentation, January 30, 2003

The International Code Council (ICC) was established in 1994 to develop a set of comprehensive and coordinated national model construction codes by combining the existing code organizations. One of the many advantages in adopting a model building code is to ensure that all code enforcement officials, including architects, engineers, designers, and contractors, can work with a consistent set of requirements throughout the United States. By adopting the IBC, New York City would become the sole author of its document. New York City could make its own changes. If there is a consideration that needs to be placed in a code, there is a way to implement that change. Anyone can debate an issue and propose a change.

5.10 NFPA Presentation, January 30, 2003

The NFPA provides advisory services, certification and training, fire analysis and research, fire investigation, public safety education, member programs, and publications. In addition to the NFPA 5000, there are codes specifically designated to fire, life safety, fuel, plumbing, and energy efficiency. The NFPA presentation focused on how the code is easy to use organizationally; the performance chapter eliminates bureaucracy; and the integration of rehabilitation provisions is important in an urban area. The number of revisions that New York City would need to incorporate will be made through organizational changes. The integrated document would be licensed to the City of New York.

5.11 Public Forum

On February 14, 2003, the Department of Buildings held a public forum at the Alexander Hamilton U.S. Custom House in Manhattan. The purpose of the forum was to give the interested public an opportunity to present testimony to the Mayoral Code Commission regarding the possible adoption of a model building code for the City of New York.

The forum proved to be a valuable source of information for consideration by the Commission. Many of the top experts in the fields of structural engineering, fire fighting, fire protection and engineering, building code development, building operations, architecture, structural engineering, and other related fields, presented focused, insightful testimony. The emotionally moving testimony of families of rescue personnel and ordinary citizens involved in the World Trade Center disaster brought home the importance of the Commission's endeavor.

5.11.1 Testimony

The majority of testimony addressed the areas of consideration outlined in the Mayor's Executive Order. Those who supported the adoption of the IBC noted its strengths, including:

- ICC representatives' willingness to participate at the local level
- ICC provides high quality, "tried and true" services
- IBC's ease and clarity of use by design professionals
- IBC and its I-Codes are well-integrated and cross-referenced, comprehensive and readily accessible to users
- Provides uniform accessibility standards; higher level of accessibility than NFPA 5000
- Widespread adoption and use of IBC - especially in jurisdictions close to New York – most notably New York State
- Adoption of IBC could result in a lowering of construction costs
- IBC referenced by the U. S. Department of Defense
- Consensus-based code development process
- Number of votes allotted to a jurisdiction in code development process based on its population

Strengths noted by supporters of adopting the NFPA 5000 included:

- NFPA provides high quality services; cost effective training; administrative professional certification programs for plan examiners; free code books and materials
- Text organized by occupancy group
- Integrated performance and prescriptive requirements
- Consensus-based code development process; those other than building officials can participate
- NFPA's process accredited by ANSI
- Encourages rehabilitation and maintenance of existing buildings
- Meets criteria established by the Insurance Services Office for Building Code Effectiveness

Those who advocated the retention of the current Building Code noted its stringency and its reflection of New York City's unique built environment and further pointed out that

the adoption process and on-going updating through a code organization may favor special interest groups, ultimately compromising health and safety.

Forum speakers who did not necessarily favor one model over another commented on:

- Keeping the adoption process transparent, inclusive and informative
- Developing codes based on sound technological and scientific research
- Making accessibility standards as high or higher than those currently in effect
- Using the same process in the adoption of a model code that was used to revise the Electrical Code
- The importance of code updating remaining solely in the control of NYC professionals and government officials
- Using integrated language in the code text
- Evaluating the provisions in the areas of structural strength, fire protection, egress and building communications systems

(See Appendix #8.1 for *Speaker Summary.*)

6 Assessment Process

The challenge set forth by Executive Order No. 30 was to review and make recommendations to the Mayor regarding the possible adoption of a model building code for the City of New York. In order to make these recommendations, an assessment process was enacted in which the Commission set forth reviewing the International Building Code 2000 (IBC 2000) and the National Fire Prevention Association 5000 in comparison to the existing New York City Building Code. Along with this comparison, both the IBC 2000 and the NPFA 5000 were evaluated as individual entities.

6.1 Assessment Criteria and Methodology

Criteria considered in the assessment of the IBC 2000 and the NFPA 5000 included areas mandated by Executive Order No. 30 as well as other considerations deemed necessary by the Commission. Among the criteria assessed by the Commission were: organization, legibility, comprehensiveness, availability to users, ease of understanding, code development process, classification and use of terminology, as well as use of reference standards, cost of construction, maintenance of buildings and improvement in technology. The preceding areas of the IBC 2000 and NFPA 5000 were compared to the existing New York City Building Code. The Commission also assessed the components of the IBC 2000 and NFPA 5000 in several areas: ease with which the codes could be adapted to the special conditions of New York City, the advantages which would result to New York City in the event of its adoption of another code, the advantages from the application of such Code in other jurisdictions of the United States, along with its performance history, support services and training initiatives.

Assessment forms to rate the IBC 2000 and NFPA 5000 by specified criteria were created and distributed to the Commission. Upon review of resource materials, public forum comments and presentations by representatives of the International Code Council and the National Fire Protection Association, the Commission members rated the two organizations.

6.2 Assessment Forms

Two types of assessment forms were created allowing Commission members to rate the model building codes on a scale system of 1 to 5. One assessment form allowed for the rating of the individual model Code in comparison to the existing New York City Building Code. On this form, Commission members rated the Codes to the existing NYC Building Code on a scale of 1 to 5, 1 being "Inferior," 2 being "Adequate," 3 being "Equivalent," 4 being "Better," 5 being "Superior," and "NR" being "Not Ratable." The second assessment form allowed for the rating of the Code and its underlying

organization, also on a scale of 1 to 5, 1 being "Poor" and 5 being "Excellent." Both forms asked Commission members to provide the basis for their respective ratings.

6.3 Assessment Summary/Analysis

Upon completion of the assessment forms, the ratings were compiled into one form for analysis purposes. A percentage out of 100 was given to each category on the assessment form based on the ratings assigned by the Commission members. Criteria that Commission members felt they could not assess were rated NR and were not included in the overall percentage rating. All comments on the basis of rating were recorded on this summary form as well. Each Committee member rating was also weighted to the corresponding value of the selected rating category. For example, a rating of "Superior" has a value of 5. If 5 Committee members out of 10 answered a question by rating the model code as "Superior" (Value of 5), and 4 members gave an "Equivalent" (Value of 3) and one did not give a rating (NR), the overall rating would be 25 + 12 or 37 out of the total possible rating of 45 (9 times the highest rating of 5). The rating of 37/45 has a value of 82%, representing the overall percentage rating of the Commission.

The following is a summary and analysis of each question rated by the Commission:

1) Q – How would you rate the organization of the IBC / NFPA model codes?

Four Commission members rated the IBC "Better" and four rated the IBC "Superior," with two NR ratings for an overall rating of 90%. Comments included: The IBC's issue-based concept is superior to the existing Building Code, definitions that are specific to a topic are in the chapter, there is "standard" perceptive data included in the respective chapters, and the table of contents provides a greater selection of topics.

Five Commission members rated the NFPA "Better," one "Equivalent," one "Adequate," and two "Inferior," with one NR rating for an overall rating of 60%. Comments included, the NFPA version is superior to the confusing Building Code due to layers of reference standards, rules and regulations.

The Commission ratings reflect that the organization of the IBC 2000 is significantly superior to the NYC Building Code and is preferred to that of the NFPA 5000.

2) Q – How would you rate the legibility of the IBC / NFPA model codes?

Seven Commission members rated the IBC "Better" and two rated the IBC "Superior" with one NR rating for an overall rating of 84%. Comments included: clear layout, easy to read and follow, language and graphic formats lend themselves to high visibility, and the format is friendly.

One Commission member rated the NFPA "Superior," four rated the NFPA "Equivalent," one rated the NFPA "Adequate," and two rated the NFPA "Inferior," wirh two NR ratings for an overall rating of 52%. Comments included: font size is small, language is reasonably clear but the text format and editing could be better, and the NFPA has many diagrams and Annex as well as many cross-reference codes.

The Commission ratings reflect that the legibility of the IBC 2000 is significantly superior to both the NYC Building Code and the NFPA 5000.

3) Q – How would you rate the comprehensiveness of the IBC/NFPA model codes?

Eight members rated the IBC "Better" and two rated the IBC "Superior" for an overall rating of 90%. Comments included: the I-Code Series is comprehensive and well cross-referenced, the IBC contains more details, the IBC has a specific chapter for existing structures, and the NYC code is thought of as being for new constructions only.

Two members rated the NFPA 5000 "Better," three members rated the NFPA 5000 "Equivalent," and three members rated the NFPA "Adequate," with two NR ratings for an overall rating of 57%. Comments included: the NFPA still seems to rely heavily on reference standards (more than IBC), and the NFPA is not quite fully developed in areas other than fire.

The Commission ratings reflect that the comprehensiveness of the IBC 2000 is significantly superior to both the NYC Building Code and the NFPA 5000.

4) Q- How would you rate the IBC/NFPA model code's availability to users?

Four members rated the IBC "Superior," two members rated the IBC "Equivalent," and three members rated the IBC "Adequate," with one NR rating for an overall rating of 71%. Comments included: the IBC is nationally used, the electronic information in up-to-date format is always available, the ICC is very supportive in making information available both printed and by ICC staff, the IBC is as available as the current Code, and, on the internet, the ICC provides a chat room so users can communicate with others about products and issues.

Two members rated the NFPA 5000 "Better," three members rated the NFPA 5000 "Equivalent," and four members rated the NFPA 5000 "Inferior," with one NR rating for an overall rating of 46%. Comments included: common use of IBC far surpasses NFPA 5000, NFPA's representative has claimed its availability free to Department of Buildings and enforcers (department architects and engineers), limited adoption by other jurisdictions, NFPA 5000 is available on line, and it is only one year old.

The Commission ratings reflect that the IBC's availability to users is superior to that of the NYC Building Code and the NFPA 5000.

5) Q - How would you rate the IBC/NFPA model code's ease of understanding?

Four Commission members rated the IBC "Superior" and six members rated the IBC "Better," with an overall rating of 88%. Comments included: the ease of understanding is superior considering structural sections, the language and grammar is relatively simple, the concepts are readily understandable, published commentary supports intent of Code, putting definitions in sections where applicable, and portrait-style page format provides more space for tables.

One Commission member rated the NFPA 5000 "Superior," two members rated the NFPA 5000 "Better," two members rated the NFPA 5000 "Equivalent," one member rated the NFPA 5000 "Adequate," and two members rated the NFPA 5000 "Inferior," with two NR ratings for an overall rating of 57%. Comments included: by avoiding the NYC code reference standards approach, the legibility, and understandability is improved and there are too many cross-references.

The Commission ratings reflect the IBC's ease of understanding as highly superior to that of the NYC Building Code and the NFPA 5000.

6) Q - How does the IBC/NFPA model code's development process compare with the existing Building Code in terms of methodology and updating flexibility?

Three members rated the IBC "Superior" and seven members rated the IBC "Better" for an overall rating of 86%. Comments included: the process is better in terms of new technologies, there are regularly scheduled updates, the IBC code development process is based on nationwide experience and reviewed in a balanced, open process, it is updated every three years, it has a unified format, it is supported by active committees, and the IBC process is more comprehensive with nationwide support and understanding.

Two members rated the NFPA 5000 "Better," two members rated the NFPA 5000 "Equivalent," and one member rated the NFPA 5000 "Adequate," three members rated the NFPA 5000 "Inferior," with two NR ratings for an overall rating of 47%. Comments included: the possibility for well-funded interest groups to dominate a vote by multiple - party representation, the code development process is not one of NFPA's strong features, the process is not under the control of code officials, and the NFPA 5000 is a fine code, but the structure for change needs to be further developed.

The Commission ratings reflect the IBC's code development process as significantly superior to the NYC Building Code and the NFPA 5000 in terms of methodology and updating flexibility.

7) Q – How similar or consistent is the IBC/NFPA model code's classification and use of terminology to the existing NYC Building Code?

Three members rated the IBC "Better," five members rated the IBC "Equivalent," and one member rated the IBC "Adequate," with one NR rating for an overall rating of 64%. Comments included: confusion will result from the inconsistent use of letter designations for certificate of occupancy classifications, seems to be organized in a sensible, simple, easy-to-follow way, classification is clearer; for example, it is much clearer to have Assembly occupancies as "A" instead of "F."

Three Commission members rated the NFPA 5000 "Equivalent," four members rated the NFPA 5000 "Adequate," and one member rated the NFPA 5000 "Inferior," with two NR ratings for an overall rating of 45%. Comments included: classifications by occupancy and materials seem odd, some different terminology (especially in construction type and occupancy), the NFPA 5000 has 15 occupancy classifications whereas the NYC Building Code has 19 occupancy classifications.

The Commission ratings reflect that the similarity and consistency of the IBC's classification and use of terminology to the existing Building Code is preferred to that of the NFPA 5000.

8) Q – How does the IBC/NFPA model codes compare to the existing NYC Building Code in terms of its use of reference standards? (Note that a rating of "Better" or "Superior" means lesser use of reference standards.)

Two members rated the IBC "Superior," five members rated the IBC "Better," one member rated the IBC "Equivalent," and one member rated the IBC "Adequate," with one NR rating for an overall rating of 78%. Comments included: the existing Building Code is somewhat more self-contained, the IBC references numerous standards throughout its text, based on structural use, the IBC is superior compared to the existing Building Code, ICC's publication of ASTM and UL standards is a huge advantage, reference standard format may be preferable, regular updating of IBC keeps users informed of reference standard changes, and NYC Code has not been updated since 1993.

Three members rated the NFPA 5000 "Better," three members rated the NFPA 5000 "Equivalent," and two members rated the NFPA 5000 "Adequate," with two NR ratings for an overall rating of 62%. Comments included: reliance on reference standards by both the NFPA 5000 and the existing Building Code, there are advantages to a reference standard format, NFPA 5000 uses ASTM, UL and ANSI reference standards.

The Commission ratings reflect that the IBC comparison to the existing NYC Building Code, in terms of its use of reference standards, is better than the NFPA 5000.

9) Q – How would you rate the cost of construction and maintenance of buildings following the IBC/NFPA model codes as compared to the existing NYC Building Code?

Five members rated the IBC "Better," one member rated the IBC "Equivalent," and two members rated the IBC "Adequate," with two NR ratings for an overall rating of 68%. Comments included: Some NYC Building Code items are more stringent in fire ratings and maintenance, sprinkler system is more stringent in IBC, based on structural costs, the IBC is at least equivalent to the existing Building Code, ICC estimates savings of 5% to 15% with IBC, and some costs will be added if seismic and wind-resistance are incorporated in designs (as these are not in the IBC).

Four members rated the NFPA 5000 "Equivalent" and three members rated the NFPA 5000 "Adequate," with three NR ratings for an overall rating of 51%. Comments included: similar fire rating required, detailed means of egress explanation, more regulation, NFPA may cost more.

The Commission ratings reflect that the cost of construction and maintenance of buildings following the IBC is better than the existing NYC Building Code and that of the NFPA 5000.

10) Q – How much of an improvement in technology does the IBC/NFPA model codes introduce as compared to the existing Building Code?

Four members rated the IBC "Superior" and four members rated the IBC "Better," with two NR ratings for an overall rating of 90%. Comments included: the IBC uses updated formula, new technology and data, updated research is incorporated every three years, there are substantial improvements and access to more current data such as glass panel design, and the IBC is more in tune with current changes in the industry.

Three members rated the NFPA 5000 "Better," one member rated the NFPA 5000 "Equivalent," and one member rated the NFPA 5000 "Adequate," with five NR ratings for an overall rating of 68%. Comments included: the NFPA 5000 is difficult to assess because it has a minimal track record.

The Commission ratings reflect that an improvement in technology by the IBC is far superior to that of the NYC Building Code and NFPA 5000.

The Commission also rated components of the IBC 2000/NFPA 5000 based on the following questions (a rating of "Poor" has a value of 1, "Fair" has a value of 2, "Good" has a value of 3, "Very Good" has a value of 4, and "Excellent" has a value of 5. (A "NR" rating is not given a value.)

1) Q – How would you rate the ease with which the IBC/NFPA model codes could be adapted to the special conditions and requirements of New York City?

Five members rated the IBC "Excellent," one member rated the IBC "Very Good," three members rated the IBC "Good," and three members rated the IBC "Fair" for an overall average of 88%. Comments included: ICC has experience in the customization of local requirements into a model code and little or no difficulty is anticipated, provided the process is given enough time, and as demonstrated by NYS, adaptation is relatively simple and consists of an open process.

One member rated the NFPA 5000 "Good," four members rated the NFPA 5000 "Fair," and two members rated the NFPA 5000 "Poor," with three NR ratings for an overall rating of 37%. Comments included: sections based on performance-based options and building repair seem problematic, and NFPA has no experience in working with local jurisdictions in developing a new code based on its model.

The Commission ratings reflect that the ease with which the IBC could be adapted to the special conditions and requirements of NYC is far superior to that of the NFPA 5000.

2) Q – How would you rate the advantages for NYC that would result from the adoption of the IBC/NFPA model codes ?

Three members rated the IBC "Excellent," three members rated the IBC "Very Good," and four members rated the IBC "Good," for an overall rating of 78%. Comments included: preliminary review suggests lower construction costs with the benefit of national research on performance issues, regular updating, substantial technical support, and regional familiarity.

Two members rated the NFPA 5000 "Good," four members rated the NFPA 5000 "Fair," and three members rated the NFPA 5000 "Poor," with one NR rating for an overall rating of 37%. Comments included: lack of consistency in organization and terminology, the benefit of outside research, and better than modifying the existing Code.

The Commission ratings reflect the advantages that would result from the adoption of the IBC is superior to those of the NFPA 5000.

3) Q – How would you rate the IBC/NFPA model code's universality of acceptance and any advantages from the application of such code in other jurisdictions of the United States?

Six members rated the IBC "Excellent," two members rated the IBC "Very Good," and one member rated the IBC "Good," with one NR rating for an overall rating of 91%. Comments included: acceptance of the IBC by NYC will put the entire Metropolitan area on the same page regarding the Building Code, and a majority of states and jurisdictions have adopted, or are in the process of adopting, the IBC.

Two members rated the NFPA 5000 "Fair," and six members rated the NFPA 5000 "Poor," with two NR ratings for an overall rating of 25%. Comments included: the NFPA is too new, the NFPA 5000 has not been adopted in other jurisdictions, and the entire Metropolitan area will be using an I-Code.

The Commission ratings reflect that the universality of acceptance and any advantages from the application of the IBC in other jurisdictions in the United States is highly superior to the NFPA 5000.

4) Q – How would you rate the performance history of the IBC/NFPA model codes ?

Two members rated the IBC "Excellent," three members rated the IBC "Very Good," and four members rated the IBC "Good," with one NR rating for an overall rating of 75%. Comments included: the IBC, with its predecessor codes, has a solid history of real world implementation, consolidation of existing model codes.

One member rated the NFPA 5000 "Very Good," one member rated the NFPA 5000 "Fair," and four members rated the NFPA 5000 "Poor," with four NR ratings for an overall rating of 33%. Comments included: the NFPA 5000 is a newly written code without a prior history or track record, NFPA 5000 has not been adopted in other jurisdictions, and other than in fire, the NFPA 5000 is relatively new.

The Commission ratings reflect that the performance history of the IBC is highly superior to that of the NFPA 5000.

5) Q – How do you consider the support services provided by the ICC/NFPA, which would be available to NYC in the event of its adoption of a model code?

Four members rated the ICC "Excellent," four members rated the ICC "Very Good," and one member rated the ICC "Good," with one NR rating for an overall rating of 86%. Comments included: support services are good, but not free, the quantity and quality of support services, reference material and background information cannot be matched, and designated committee will provide support universally.

Three members rated the NFPA 5000 "Good," two members rated the NFPA 5000 "Fair," and three members rated the NFPA 5000 "Poor," with two NR ratings for an overall rating of 40%. Comments included: the depth of support and resources for the NFPA 5000 is unclear, and the NFPA 5000 and IBC have equivalent service support.

The Commission ratings reflect that support services provided by the ICC are highly superior to those of the NFPA 5000.

6) Q – How would you rate the training that would be provided by the ICC/NFPA?

Four members rated the ICC "Excellent," four members rated the ICC "Very Good," and one member rated the ICC "Good," with one NR rating for an overall rating of 86%. Comments included: the training available by ICC will elevate the understanding of codes to an unprecedented level in NYC's history, where practical, could lead to uniformity with other jurisdictions, have exhibited tremendous support at the state level and would assume similar support for NYC.

One member rated the NFPA 5000 "Very Good," one member rated the NFPA 5000 "Good," three members rated the NFPA 5000 "Fair," and one member rated the NFPA 5000 "Poor," with four NR ratings for an overall rating of 46%. Comments included: training provided to NYC Department of Buildings, concern about the adequacy of staff support, extensive seminar schedules and available materials.

The Commission ratings reflect that the training provided by the ICC is superior to that of the NFPA.

(See Appendix #8.2 for *Assessment Forms*.)

7 Findings and Recommendations

Commission findings strongly favor the IBC 2000 as the model code of preference. The Commission found the IBC superior to the existing Building Code by margins greater than margins of preference for the NFPA 5000 in every category of measurement.

7.1 Commission Recommendations

The Commission recommends the use of the International Building Code as the model code of choice for New York City. The Commission also recommends the creation of a Building Code Committee and any necessary subcommittees to review the IBC for revision through the placement of modifying language within the IBC text itself, or if that method is found to be unavailable or prohibitive, by separate amendments.

7.1.1 Code Development

In light of our recommendation to adopt a model building code with New York City language/amendments, a process to effectuate this recommendation must be developed. We recommend a process similar to that used recently by the City to adopt a national Electrical Code with local New York City amendments. The process utilized for the Electrical Code has the benefit of having been proven successful, in large part due to its inclusive nature, which allowed a voice for all interested parties. The consensus-building nature of the process resulted in unanimous votes for the relevant code legislation in the New York City Council.

The process should provide for a Building Code Advisory Board to report to the Commissioner, Managing Committee, Technical Committees and their subcommittees. All these committees will meet separately to focus on the selected model code and the suggested technical language/amendments that are tailored to the conditions found in New York City.

See Appendix for Organizational Chart of the proposed committees.

7.1.2 Advisory Board / Code Committees

The Building Code Advisory Board should be convened exclusively to deal with specific issues sent forward from the Managing Committee to the Commissioner where consensus is not obtained. The Board should be comprised of industry experts who represent the industry at large, as well as issue-specific experts and/or representatives who can best advise the Commissioner. The Commissioner should convene this Board on an as-needed basis.

The Managing Committee shall report to the Commissioner and be comprised of the Chairs of the lower Technical Committees, along with industry representatives designated by the Commissioner. The Managing Committee shall review and present the recommendations of the various Technical Committees (see Appendix #8.3 for Managing Committee Org. Chart).

The Technical Committees shall be comprised of technical experts from the Department, industry, labor, real estate, government, and professional organizations. Technical Committees shall review assigned portions of the existing New York City Building Code and the selected International Building Code, developing language/amendments which will modify the model Code to reflect the unique conditions found in the City of New York. Technical Committees shall be established to review provisions regarding the following subject matter:

Administration/Enforcement, Construction Requirements, Fire Protection, Egress, Structural/Foundation, Existing Buildings, Materials, Mechanical/HVAC/Boiler, Residential (1 & 2 family), Plumbing, Elevators/Conveyors and Construction Safety/Demolition (see Appendix #8.4 for Technical Committees Org. Chart).

In cases where there is subject matter overlap between two or more Technical Committees, subcommittees may be established consisting of members of the affected committees, as well as any other necessary technical experts.

7.1.3 Integrated Language or Amendments

The development of NYC language or amendments modifying the IBC should proceed after review of the IBC by the NYC Building Code Committees and any necessary subcommittees. The Code Commission recommends that the preferred format for insuring that the IBC addresses the unique built conditions of New York City is through the placement of modifying language within the IBC text itself, also referred to as "integrated language."

The integrated language approach offers the most user-friendly format, whereby only a single source document need be consulted regarding the applicability and requirements of the IBC to New York City construction. However, the use of the integrated language format brings with it presently unresolved legal issues regarding ownership, control and copyright status of such integrated language. These issues were discussed at the Code Commission meetings with legal counsel.

These unresolved legal issues regarding the use of the integrated language format may be impacted by a future decision of the United States Supreme Court in the appeal of Veeck v. Southern Building Code Congress Int'l, Inc., 2002 U.S. App. LEXIS 10963 (5th Cir. June 7, 2002)(*en banc*). In Veeck, the Court of Appeals for the Fifth Circuit upheld the right of a third party to post on his personal website a model building code enacted by a municipality finding no infringement of the national code drafting organization's

copyright. This decision is being appealed to the United States Supreme Court with a decision anticipated this summer.

Regardless of the outcome in the Veeck case, the Code Commission recommends that the process continue towards development of integrated language until such time as that approach is definitively foreclosed, since any work on developing integrated language could be adapted to separate amendments, if necessary.

7.1.4 Short Term Goal

The Commission recommends that the Department of Buildings submit to the New York City Council a local law similar in scope and mandate to that of Local Law 64/01 (Electrical Code) within 18 months of the code development period.

7.1.5 Long Term Goal

The Commission further recommends that every effort be made to complete this code revision process by the year 2006.

8 APPENDIX

8.1 Speaker Summary

Mayoral Commission on the Adoption of a Model Building Code
Public Forum – February 14, 2003
Summary by Speaker

Sally Regenhard
Skyscraper Safety Campaign
- WTC Family
- Endorses use of IBC
- Willingness of representatives of IBC to participate at a local level
- NYC needs simplified code

Monica Gabrielle
Skyscraper Safety Campaign
WTC Family
- NYBC antiquated and inadequate
- No gypsum board stairways and shafts
- More and wider stairways in high-rises
- Fire protection expertise incorporated into design and construction of high-rises

Carol Ashley
Self
- WTC Family
- Urges adoption of IBC
- Universality for contractors
- Alignment with state code
- Dept of Defense references IBC
- Offers National Contractor's Examination
- Representative votes based on population of area served
- Assess from professional and personal points of view
- Maximize safe egress
- Uniform accessibility standards

Wilton A. Sekzer
911 Families for a Secure America
- Encourages adoption of IBC

Vincent Dunn
Deputy Chief FDNY- Retired

- Full evacuation drills
- Exits and stairway widths sufficient to allow evacuation within time limit of fire rating
- Encase structural elements in masonry
- limit use of lightweight bar joists
- require use of smoke-proof stairways; prohibit structure used in WTC
- enclose elevator shaftways in concrete; better insulation of electric wiring in elevators
- phase III elevators
- limit HVAC ducts
- greater thickness for concrete floors and walls
- no non-sprinklered high rises
- antenna for high rises
- PA buildings should comply with NYCBC

Beverly Eckert
Voices of September 11

- WTC Family
- Urges building code reform

Glenn Corbett
John Jay College

- Recommends IBC
- Cost effective due to prevalence of IBC
- Adopt IFC; ensures buildings are maintained properly

Frieda Zames
Disabled in Action

- Make sure disabled will not have any accessibility loss due to adoption of either IBC or NFPA

John Maniscalco
NFPA

- Recommends adoption of NFPA 5000
- Only model code approved by the American National Standards Institute
- Meets criteria established by the Insurance Services Office for Building Code Effectiveness
- High quality of services NFPA offers
- Cost effective through free code materials and training

Rick Bell, AIA
AIA

- Adopt model code, e.g. IBC NYS with amendments appropriate to NYC
- Simplification and standardization of terminology used to make designs compatible on state and city levels
- IBC provides updating of reference standards
- IBC would encourage innovation in the specification of new materials
- IBC would make building in NYC more competitive regarding the rest of the country
- Adoption would require amendments including the adoption of the model Fire Code

Stew O'Brien
Plumbing Foundation
- Strongly urge the Commission to use the process used to revise Electrical Code
- Updating code to be only in the hands of professionals and government officials in NYC

Ernest Conrad, P.E
BOMA/ NY
- Endorses IBC
- Process of consensus ensures safest, most efficient buildings at competitive cost

John Cavanaugh
Uniformed Fire Officers Association
- Some IBC provisions less stringent than current NYC Fire Code
- NFPA 5000 considers the safety of firefighters
- fosters relationships between building officials and the fire service
- NFPA 5000 may also be less restrictive that current NYC Fire Code

Alexander Wood
Disabilities Network of NYC
- Recommends Commission include qualified members of the disabled community in adoption process
- Submitted position paper as additional material

David Jacoby, P.E.
ARUP
- Address threats to built environment in BC
- Consider human behavior issues
- Egress issues
- Fire alarm systems
- Emergency responder issues
- Active fire protection systems
- Fire performance
- Modification of codes based on sound technological basis

John Calderon, R.A AIA
Self
- Supports adoption of IBC
- Reduce construction cost
- In line with NYS and other jurisdictions that have adopted IBC
- Supports AIA Codes and Standards Committee recommendations

Lou Rugulo
Self
- How each code addresses energy efficiency

Laura Weinberg Aronow
WTC Family
- Fireproofing – no spray on
- Cellphone communications
- Structural support redundancy
- Evacuation plans

Nicholas Legatos
PRELOAD, Inc.
- Supports NFPA 5000
- Input from experts essential

Lisa Gesson
EPVA
- IBC provides higher level of accessibility than NFPA 5000
- ADA references IBC for Federal guidelines
- Other adjacent jurisdictions have or will shortly adopt IBC
- Urges integrated language

Marc Ameruso
Self
- Supports IBC
- No major rewriting of NYC code
- Adopt IBC into clearly organized and cross referenced document with explanations of Code
- Seeks inclusion of a number of safety requirements discussed in WTC Building Code Task Force Report.

David Yassky
Council Member
- General support for Commission's effort

S. Aconsky
Self
- Advocates continuation of the DOB Fire Alarm Code Revision Committee's efforts

Prof. James Quintiere
Self
- Recommends NYC require the Model Code organization they adopt to advocate for the needed science and engineering to make codes sound

Gordon MacEwan
International Assn. of Plumbing and Mechanical Officials
- Supports NFPA 5000
- NFPA's process accredited by ANSI
- not just building officials involved in process
- occupancy-based organization of text
- encourages rehabilitation and maintenance of existing buildings
- availablity of organization's technical expertise

Steven Zalben, AIA
Self
- stay with NYCBC

Jim Mundy
Fire Safety Coalition of the City of New York
- supports IBC
- comprehensive and integrated
- IBC has high quality services
- IBC certification process and identified support are well seasoned, mature and in place
- Consistency across jurisdictions
- IBC and I Codes well-integrated versus "hodge-podge" of NYC laws, rules, directives, etc.

Leonard Williams
Master Plumbers Council of the City of New York
- Model Code would not benefit NYC
- Special interest groups could weaken some aspects of the existing Code and compromise health and safety

Jim Hart
United Association of Journeymen
and Apprentices of the Plumbing and Pipe Fitting Industry
of the US and Canada
- Supports NFPA 5000
- Consensus-based process
- Recent adoption of NEC
- Free code books, support services and training for enforcement officials
- High prescriptive requirements

Greg Moten, AIA
Self
- Supports IBC
- Comprehensiveness
- Accessibility to users
- Services provided
- Ease of adaptability, better understanding and consistency in design
- IBC prior history with other jurisdictions, namely NYS

Ben Roy
NFPA
- Accredited by ANSI
- Organized based on occupancy or use
- Integrated, performance-based design issues
- Integrated prescriptive provisions
- Clearly stated goals including fire fighter and first responder safety
- Cost effective training and provision of code books
- Expert support staff
- Administer professional certification programs for plan examiners

Monty Mitchell, AIA

- Supports IBC
- Cites NYS adoption

Tod Rittenhouse
SEAoNY

- Supports IBC – structural provisions similar in both yet IBC more widely adopted
- Outlines structural engineering concerns
- SEAoNY currently comparing IBC to NYCBC
- Suggests procedure for adoption process
- Adoption process must be transparent, inclusive, informative (per New York New Visions)

8.2 Assessment Forms

8.2.1 IBC Assessment Analysis and Summary

IBC 2000 ASSESSMENT ANALYSIS AND SUMMARY

On a scale of 1 to 5, 1 being "Inferior," 2 being "Adequate," 3 being "Equivalent," 4 being "Better," 5 being "Superior," and "NR" being "Not Ratable", 10 out of 12 Commission members have rated the components of the IBC 2000 compared to the existing New York City Building Code. In each box, you will find the ratings given by the 10 Commission members as well as the average score received by the IBC 2000. A percentage will be given (out of 100%) in each box based on the amount of members rating the Code and the rating number given to the IBC as per the rating scale. In the third column, you will find the basis for rating comments submitted by Commission members.

	Inferior Adequate Equivalent Better Superior 1 2 3 4 5 NR	**Basis For Rating**
1. How would you rate the **organization** of the IBC?	4 4 2 4 Members rated the IBC Better(4) = 16 4 Members rated the IBC Superior(5) = 20 2 Members did not rate this category. Total possible points for this category = 40 Total points received = 36 36/40= **90%** average score	• The IBC's issue-based concept is superior to NFPA and similar yet superior to NYC's Building Code. • Organized salespeople • Willing to partner with government • Definitions that are specific to a topic are in that chapter and there is "standard" perceptive data included in the respective chapters. • Easy to navigate • Table of Contents provides a greater selection of topics than the NYC Code.
	Inferior Adequate Equivalent Better Superior	**Basis For Rating**

	1 2 3 4 5 NR	
2. How would you rate the **legibility** of the IBC?	7 2 1 7 Members rated the IBC Better (4) = 28 2 Members rated the IBC Superior (5) = 10 1 Member did not rate this category. Total possible points for this category = 45 Total points received = 38 38/45= **84%** average score	• Clear layout • Easy to read and follow • Both the language and graphic format lend themselves to high visibility. • Good spacing • Has potential for adopting and integrating specific NYC standards • The format is friendly. • Typeface is larger. • Format is easier to use.
3. How would you rate the **comprehensiveness** of the IBC?	8 2 8 Members rated the IBC Better (4) = 32 2 Members rated the IBC Superior (5) = 10 Total possible points for this category = 50 Total points received for this category = 42 42/50=**84%** average score	• Covers all disciplines in same format • The I-Code series is comprehensive and well cross-referenced. • One of a series of codes • IBC contains more details. • IBC has a specific chapter for existing structures. • NYC Code is thought of as being for new construction only.

	Inferior 1	**Adequate** 2	**Equivalent** 3	**Better** 4	**Superior** 5	NR	**Basis For Rating**
4. How would you rate the IBC's **availability to users?**		3	2		4	1	• Nationally used • Electronic information in up-to-date format is always available. • Must pay for access • Very supportive in making information available both printed and by ICC staff. • The IBC is as available as the current code. • IBC (internet) provides a chat room so users can communicate with others about products and issues.
	3 Members rated the IBC Adequate (2) = 6 2 Members rated the IBC Equivalent (3) = 6 4 Members rated the IBC Superior (5) = 20 1 Member did not rate this category Total possible points for this category = 45 Total points received for this category = 32 32/45 = **71%** average score						
5. How would you rate the IBC's **ease of understanding?**				6	4		• The ease of understanding is superior considering structural sections. • The language and grammar is relatively simple. • The concepts are readily understandable. • Similar format and similar terminology • Published commentary supports intent of code. • Putting definitions in sections where applicable • Portrait-style page format provides more space for tables.
	6 Members rated the IBC Better (4) = 24 4 Members rated the IBC Superior (5) = 20 Total possible points for this category = 50 Total points received for this category = 44 44/50 = **88%** average score						

	Inferior 1	**Adequate** 2	**Equivalent** 3	**Better** 4	**Superior** 5	NR	**Basis For Rating**
6. How does the IBC code development process compare with the existing Building Code in terms of methodology and updating flexibility?				7	3		• Better process in terms of addressing new technologies, but there are many issues regarding the roles of the City Council, and the individual city agencies, in the process • Nation wide support and reviewed in a balanced open process and updated every three years • Unified format and comprehensive. • Support by active committees • Has nationwide support and understanding • The present Building Code of NYC has infrequent updates and methodology of its Code and its development process is unknown.
	7 Members rated the IBC Better (4) = 28 3 Members rated the IBC Superior (5) = 15 Total possible points for this category = 50 Total points received for this category = 43 43/50 = **86%** average score						
7. How similar or consistent is the IBC's **classification and use of terminology** to the existing Building Code?		1	5	3		1	• Inconsistent use of letter designations for certificate of occupancy classifications will create confusion. • Similar, but clearer. For example it is much clearer to have Assembly occupancies as "A" instead of "F". • Seems to be organized in a sensible, simple, easy-to-follow way.
	1 Member rated the IBC Adequate (2) = 2 5 Members rated the IBC Equivalent (3) = 15 3 Members rated the IBC Better (4) = 12 1 Member did not rate this category Total possible points for this category = 45 Total points received for this category = 29 29/45 = **64%** average score						

	Inferior 1	**Adequate** 2	**Equivalent** 3	**Better** 4	**Superior** 5	NR	**Basis For Rating**
8. How does the IBC compare to the existing Building Code in terms of its **use of reference standards?** (Note that a rating of "Better" or "Superior" means lesser use of reference standards.)		1	1	5	2	1	• The existing Building Code is somewhat more self-contained. • The IBC references numerous other standards throughout its text. • Based on structural use the IBC is superior compared to the existing Building Code in terms of its use of reference standards. • The NYC Code divides between the main body of the Code and reference standards. Combining this into one document is a substantial advantage. • ICC's publication of ASTM and UL standards is a huge advantage. • A reference standard format may be preferable. • Referenced within text as needed Separate chapter with titles and relevant IBC code section • NYC code last updated in 1993.

1 Member rated the IBC Adequate (2) = 2
1 Member rated the IBC Equivalent (3) = 3
5 Members rated the IBC Better (4) = 20
2 Members rated the IBC Superior (5) = 10
1 Member did not rate this category

Total possible points for this category = 45
Total points received for this category = 35

35/45 = **78%** average score

	Inferior 1	**Adequate** 2	**Equivalent** 3	**Better** 4	**Superior** 5	NR	**Basis For Rating**
9. How would you rate the cost of construction and maintenance of buildings, following the IBC as compared with the existing NYC Building Code? (Note that a rating of "Better" or "Superior" means lesser cost and lesser maintenance.) *		2	1	5		2	• Some NYC Building Code items are more stringent in fire rating and maintenance. • Sprinkler system is more stringent in IBC. • Based on structural costs the IBC is at least equivalent to the existing Building Code. • IBC does not have the NYC "barnacles" grown over the years such as black iron supports. Most studies indicate that savings would result if IBC were adopted. • ICC estimates savings of 5% - 15% with IBC. • Some costs will be added if seismic and wind resistance are incorporated in designs, as these are not in the IBC. • Actual process to update is based on current materials. • It is difficult to gauge the cost implications. • Although some requirements of the IBC may be more stringent than the NYC Code, others are less restrictive.
	2 Members rated the IBC Adequate (2) = 4 1 Member rated the IBC Equivalent (3) = 3 5 Members rated the IBC Better (4) = 20 2 Members did not rate this category Total possible points for this category = 40 Total points received for this category = 27 27/40 = **68%** average score						

	Inferior 1	**Adequate** 2	**Equivalent** 3	**Better** 4	**Superior** 5	NR	**Basis For Rating**
10. How much of an **improvement in technology** does the IBC introduce as compared to the existing Building Code? *				4	4	2	• IBC uses updated formula, new technology and data. • Up to date research gets incorporated every three years. • There are substantial improvements and access to more current data such as glass panel design. • Updated every three years • Modern technology incorporated • Ongoing process • The IBC is more in tune with current changes in the industry.
				4 Members rated the IBC Better (4) = 16 4 Members rated the IBC Superior (5) = 20 2 Members did not rate this category Total possible points for this category = 40 Total points received for this category = 36 36/40 = **90%** average score			

On a scale of 1 to 5, 1 being "poor" and 5 being "Excellent" 10 of the Commission members rated the components of the IBC 2000 which were then converted to a percentage out of 100.

	Poor 1	**Fair** 2	**Good** 3	**Very Good** 4	**Excellent** 5	NR	**Basis for Rating**
1. How would you rate the ease with which the International Building Code could be adapted to the special conditions and requirements of New York City?		3	3	1	3		• ICC has experience in the customization of local requirements into a model code and little or no difficulty is anticipated, provided the process is given enough time. • NY State has done it. Proceed from the state version and add to it. • Focus on format. • Open process • As demonstrated by NYS, adaptation is relatively simple. All interest groups shall be a party to this process. • NYC will have to write its own Appendix, just as New York State did, to address its special nuances.
	3 Members rated the IBC as Fair (2) = 6 3 Members rated the IBC as Good (3) = 9 1 Member rated the IBC as Very Good (4) = 4 5 Members rated the IBC as Excellent (5) = 25 Total possible points for this category = 50 Total points received for this category = 44 44/50 = **88%** average score						
2. How would you rate the advantages, which would result to New York City, in the event of its adoption of the International Building Code?			4	3	3		• Preliminary review suggests lower construction costs with the benefit of national research on performance issues. • Regular updating • Substantial technical support • Advantageous copyright agreements • Regional familiarity • Converting the NYC Building Code to a living document is the main advantage • Regular updates of reference standards and technology made available to users would be profitable.
	4 Members rated the IBC as Good (3) = 12 3 Members rated the IBC as Very Good (4) = 12 3Members rated the IBC as Excellent (5) = 15 Total possible points for this category = 50 Total points received for this category = 39 39/50 = **78%** average score						

	Poor 1	**Fair** 2	**Good** 3	**Very Good** 4	**Excellent** 5	NR	**Basis for Rating**
3. How would you rate the IBC's universality of acceptance and any advantages from the application of such Code in other jurisdictions of the United States?			1	2	6	1	• There is no greater universally accepted series of codes and acceptance of this by NYC will put the entire Metropolitan area on the same basis. • Greater usage by other jurisdictions • A majority of states and agencies has adopted, or is in the process of adopting, the IBC. • The IBC is exclusively used. • IBC will be made easier for everyone because the rules are the same in different fields/areas.
			1 Member rated the IBC as Good (3) = 3 2 Members rated the IBC as Very Good (4) = 8 6 Members rated the IBC as Excellent (5) = 30 1 Member did not rate this category Total possible points for this category = 45 Total points received for this category = 41 41/45 = **91%** average score				
4. How would you rate the performance history of the IBC?			4	3	2	1	• The IBC, with its predecessor codes, has a solid history of real world implementation. • So far the IBC has a good reputation. • Consolidation of existing "model "codes. • Did not advertise aggressively in the past
			4 Members rated the IBC as Good (3) = 12 3 Members rated the IBC as Very Good (4) = 12 2 Members rated the IBC as Excellent (5) = 10 1 Member did not rate this category Total possible points for this category = 45 Total points received for this category = 34 34/45 = **75%** average score				

	Poor 1	**Fair** 2	**Good** 3	**Very Good** 4	**Excellent** 5	NR	**Basis for Rating**
5. How do you consider the support services provided by the International Code Council, which would be available to New York City in the event of its adoption of the International Building Code? *			1	4	4	1	• We understand that the support services are very good, but it is our understanding that they are not free. • The quantity and quality of support services reference material and background information cannot be matched. • Proactive support, plus encouragement for NYC to become involved in the process is going forward. • Designated committee will provide support universally. It will be made simple for NYC.
			1 Member rated the IBC as Good (3) = 3 4 Members rated the IBC as Very Good (4) = 16 4 Members rated the IBC as Excellent (5) = 20 1 Member did not rate this category Total possible points for this category = 45 Total points received for this category = 39 39/45 = **86%** average score				
6. How would you rate the training that would be provided by the ICC? *			1	3	3	3	• The training available will elevate understanding of codes to an unprecedented level in New York City's history. • Where practical, training could lead to uniformity with other jurisdictions. • Have exhibited tremendous support at the state level and would assume similar support for New York City • Extensive training service
			1 Member rated the IBC as Good (3) = 3 3 Members rated the IBC as Very Good (4) = 12 3 Members rated the IBC as Excellent (5) = 15 3 Members did not rate this category Total possible points for this category = 35 Total points received for this category = 30 30/35 = **85%** average score				

NFPA 5000 ASSESSMENTANALYSIS AND SUMMARY

On a scale of 1 to 5, 1 being "Inferior", 2 being "Adequate", 3 being "Equivalent", 4 being "Better", 5 being "Superior" and "NR" being "Not Ratable", 10 out of 12 Commission members have rated the components of the NFPA 5000 compared to the existing New York City Building Code. In each box, you will find the ratings given by the 10 Commission members as well as the average score received by the NFPA 5000. A percentage will be given (out of 100) in each box based on the amount of members rating the code and the rating number given to the NFPA 5000 as per the rating scale. In the third column, you will find the basis for rating comments submitted by Commission members.

	Inferior 1	**Adequate** 2	**Equivalent** 3	**Better** 4	**Superior** 5	NR	**Basis For Rating**
1. How would you rate the **organization** of the NFPA 5000?	2	1	1	5		1	• The reorganization into strictly occupancy-based code, with 15 occupancies • NFPA has an outstanding reputation for unbiased fire prevention recommendations. • The organization of NYC Code with administrative sections, followed by reference standards, rules and regulations is confusing. • Better than current NYC Code • 55 Chapters without page break and extensively detailed references on related codes
	2 Members rated the NFPA 5000 Inferior (1) = 2 1 Member rated the NFPA 5000 Adequate (2) = 2 1 Member rated the NFPA 5000 Equivalent (3) = 3 5 Members rated the NFPA 5000 Better (4) = 20 1 Member did not rate this category. Total possible points for this category = 45 Total points received = 27 27/45= **60%** average score						

	Inferior 1	**Adequate** 2	**Equivalent** 3	**Better** 4	**Superior** 5	NR	**Basis For Rating**
2. How would you rate the **legibility** of the NFPA 5000?	2	1	4		1	2	• Font size is small. • Language is reasonably clear but text format and editing could be better. • Clear layout • The format is less user friendly than IBC. • Has many diagrams and Annex (reference sources) as well as too many cross-reference codes
	2 Members rated the NFPA 5000 Inferior (1) = 2 1 Member rated the NFPA 5000 Adequate (2) = 2 4 Members rated the NFPA 5000 Equivalent (3) = 12 1 Member rated the NFPA 5000 Superior (5) = 5 2 Members did not rate this category. Total possible points for this category = 40 Total points received = 21 21/40**= 52%** average score						
3. How would you rate the **comprehensiveness** of the NFPA 5000?		3	3	2		2	• Still seems to rely heavily on reference to standards (more than IBC) • It covers the required areas. • The NFPA is not yet fully developed in areas other than fire.
	3 Members rated the NFPA 5000 Adequate (2) = 6 3 Members rated the NFPA 5000 Equivalent (3) = 9 2 Members rated the NFPA 5000 Better (4) = 8 2 Members did not rate this category. Total possible points for this category = 40 Total points received = 23 23/40**= 57%** average score						

	Inferior 1	**Adequate** 2	**Equivalent** 3	**Better** 4	**Superior** 5	NR	**Basis For Rating**
4. How would you rate the NFPA 5000's **availability to users**?	4		3	2		1	• Based on the probability of adoption in surrounding states and federal agencies the availability, (i.e. common use of IBC) far surpasses NFPA. • Their representative has claimed its availability free to DOB and enforcers (architects and engineers). • Limited adoption by other jurisdictions • NFPA indicated that their code was available on-line. • NFPA 5000 is only one year old (relatively new).
	4 Members rated the NFPA 5000 Inferior (1) = 4 3 Members rated the NFPA 5000 Equivalent (3) = 9 2 Members rated the NFPA 5000 Better (4) = 8 1 Member did not rate this category. Total possible points for this category = 45 Total points received = 21 21/45**= 46%** average score						
5. How would you rate the NFPA 5000's **ease of understanding**?	2	1	2	2	1	2	• By avoiding the NYC Code reference standards approach, the legibility and understandability is improved. • Based on structural • Too many cross-references
	2 Members rated the NFPA 5000 Inferior (1) = 2 1 Member rated the NFPA 5000 Adequate (2) = 2 2 Members rated the NFPA 5000 Equivalent (3) = 6 2 Members rated the NFPA 5000 Better (4) = 8 1 Member rated the NFPA 5000 Superior (5) = 5 2 Members did not rate this category. Total possible points for this category = 40 Total points received = 23 23/40**= 57%** average score						

	Inferior 1	**Adequate** 2	**Equivalent** 3	**Better** 4	**Superior** 5	NR	**Basis For Rating**
6. How does the NFPA 5000 **code development process** compare with the existing Building Code in terms of methodology and updating flexibility?	3	1	2	2		2	• The number of committees and the possibility for a well funded interest group to dominate a vote by sending multiple parties • Too new • The code development process is not one of NFPA's strong features. Up to one third of the votes could be held by product manufacturers. • Better than current NYC • The process is not under the control of code officials. • The NFPA is a fine code but the structure for change needs to be further developed. • No information regarding the NYC Building Code development processes • NFPA C3 partners are responsible for updating the code periodically.
	3 Members rated the NFPA 5000 Inferior (1) = 3 1 Member rated the NFPA 5000 Adequate (2) = 2 2 Members rated the NFPA 5000 Equivalent (3) = 6 2 Members rated the NFPA 5000 Better (4) = 8 2 Members did not rate this category. Total possible points for this category = 40 Total points received = 19 19/40= **47%** average score						
7. How similar or consistent is the NFPA 5000's **classification and use of terminology** to the existing Building Code?	1	4	3			2	• Classifications by occupancy and materials seem odd. • Some different terminology especially in construction type and occupancy • NFPA-15 occupancy, NYC Building Code-19 occupancy classification.
	1 Member rated the NFPA 5000 Inferior (1) = 1 4 Members rated the NFPA 5000 Adequate (2) = 8 3 Members rated the NFPA 5000 Equivalent (3) = 9 2 Members did not rate this category. Total possible points for this category = 40 Total points received = 18 18/40= **45%** average score						

	Inferior 1	**Adequate** 2	**Equivalent** 3	**Better** 4	**Superior** 5	NR	**Basis For Rating**
8. How does the NFPA 5000 compare to the existing Building Code in terms of its **use of reference standards**? (Note that a rating of "Better" or "Superior" means lesser use of reference standards.)		2	3	3		2	• Both seem to rely heavily on reference standards • Integrated into the subject as opposed to a separate volume • There are advantages to a reference standard format. • Slightly better but there is substantial reliance on other NFPA standards • The extensive Building Code is somewhat more self-contained. The NFPA 5000 references numerous other standards throughout the text. • NFPA 5000 uses ASTM, UL, ANSI reference standards.
		2 Members rated the NFPA 5000 Adequate (2) = 4 3 Members rated the NFPA 5000 Equivalent (3) = 9 3 Members rated the NFPA 5000 Better (4) = 12 2 Members did not rate this category. Total possible points for this category = 40 Total points received = 25 25/40= **62%** average score					
9. How would you rate the **cost of construction and maintenance** of buildings, following the NFPA 5000, as compared with the existing NYC Building Code? (Note that a rating of "Better" or "Superior" means lesser cost and lesser maintenance.) *		3	4			3	• Verify that NFPA 5000 requires that a building be designed so that there is "a high probability that the building continues to perform the function for its intended uses for a fire, earthquake, flood and other internal or external event," versus the IBC that is set up to "maintain sufficient structural stability to allow occupants to safely escape". • There are costs for seismic and wind resistance, which are good standards for NYC (input from Oregon comparison). • Based on structural • Detailed means of egress explanation, more regulation therefore, NFPA may cost more
		3 Members rated the NFPA 5000 Adequate (2) = 6 4 Members rated the NFPA 5000 Equivalent (3) = 12 3 Members did not rate this category. Total possible points for this category = 35 Total points received = 18 18/35= **51%** average score					

	Inferior 1	**Adequate** 2	**Equivalent** 3	**Better** 4	**Superior** 5	NR	**Basis For Rating**
10. How much of an improvement in **technology** does the NFPA 5000 introduce as compared to the existing Building Code? *		1	1	3		5	• Hard to assess • New York would benefit from nation-wide research • No track record • Updated information including seismic winds regulation and S. I unit (metric system) • NFPA has developed new Code 5000 recently.
	1 Member rated the NFPA 5000 Adequate (2) = 2 1 Member rated the NFPA 5000 Equivalent (3) = 3 3 Members rated the NFPA 5000 Better (4) = 12 5 Members did not rate this category. Total possible points for this category = 25 Total points received = 17 17/25**= 68%** average score						

On a scale of 1 to 5, 1 being "poor" and 5 being "Excellent", 10 of the Commission members rated the components of the NFPA 5000 which were then converted to a percentage out of 100.

	Poor 1	**Fair** 2	**Good** 3	**Very Good** 4	**Excellent** 5	NR	**Basis for Rating**
1. How would you rate the ease with which the NFPA 5000 could be adapted to the special conditions and requirements of New York City?	2	4	1			3	• Because the format of the Codes varies to a greater extent, I think a code by code comparison will be more difficult. • Sections based on performance-based options and building repair seem problematic. • NFPA has no experience in working with local jurisdictions in developing a new code based on its model. • Code in NYC was developed more than 60 years ago.
	2 Members rated the NFPA 5000 as Poor (1) = 2 4 Members rated the NFPA 5000 as Fair (2) = 8 1 Member rated the NFPA 5000 as Good (3) = 3 3 Members did not rate this category Total possible points for this category = 35 Total points received for this category = 13 13/35 = **37%** average score						
2. How would you rate the advantages, which would result to New York City, in the event of its adoption of the NFPA 5000?	3	4	2			1	• If both are "Model Codes," the advantage of adopting a code that does not set precedence anywhere else is not of value. • Updated every three years but New York is out of sink with other codes • It would be better than modifying the existing Code and there would be the benefit of outside research. • Lack of consistence in organization and terminology (occupancy based organization).
	3 Members rated the NFPA 5000 as Poor (1) = 3 4 Members rated the NFPA 5000 as Fair (2) = 8 2 Member rated the NFPA 5000 as Good (3) = 6 1 Member did not rate this category Total possible points for this category = 45 Total points received for this category = 17 17/45 = **37%** average score						

	Poor 1	**Fair** 2	**Good** 3	**Very Good** 4	**Excellent** 5	NR	**Basis for Rating**
3. How would you rate the NFPA 5000's universality of acceptance and any advantages from the application of such Code in other jurisdictions of the United States?	6	2				2	• If both are "Model Codes" the advantage of adopting a code that does not set precedence anywhere else is not of value. • Too new • No jurisdiction has adopted NFPA 5000 and the entire Metropolitan area will be using an I-Code basis. • NFPA 5000 has not been adopted in other jurisdictions. • Insufficient information
	6 Members rated the NFPA 5000 as Poor (1) = 6 2 Members rated the NFPA 5000 as Fair (2) = 4 2 Members did not rate this category Total possible points for this category = 40 Total points received for this category = 10 10/40 = **25%** average score						
4. How would you rate the performance history of the NFPA 5000?	4	1		1		4	• If both are "Model Codes," the advantage of adopting a code that does not set precedence anywhere else is not of value. • Too New • This is a newly written code with no prior history. • No track record • NFPA 5000 has not been adopted in other jurisdictions. • Other than in fire, the NFPA is relatively new. • Insufficient information
	4 Members rated the NFPA 5000 as Poor (1) = 4 1 Member rated the NFPA 5000 as Fair (2) = 2 1 Member rated the NFPA 5000 as Very Good (4) = 4 4 Members did not rate this category Total possible points for this category = 30 Total points received for this category = 10 10/30 = **33%** average score						

	Poor 1	**Fair** 2	**Good** 3	**Very Good** 4	**Excellent** 5	NR	**Basis for Rating**
5. How do you consider the support services provided by the NFPA, which would be available to New York City in the event of its adoption of the International Building Code? *	3	2	3			2	• The depth of support and resources for NFPA 5000 is unclear. • NFPA and IBC have equivalent service support.
	3 Members rated the NFPA 5000 as Poor (1) = 3 2 Members rated the NFPA 5000 as Fair (2) = 4 3 Members rated the NFPA 5000 as Good (3) = 9 2 Members did not rate this category Total possible points for this category = 40 Total points received for this category = 16 16/40 = **40%** average score						
6. How would you rate the training that would be provided by NFPA? *	1	3	1	1		4	• Training provided to New York City DOB • Concern about the adequacy of staff support • Unproven, but supported by a reputable organization • Extensive seminar schedules and available materials
	1 Member rated the NFPA 5000 as Poor (1) = 1 3 Members rated the NFPA 5000 as Fair (2) = 6 1 Member rated the NFPA 5000 as Good (3) = 3 1 Member rated the NFPA 5000 as Very Good (4) = 4 4 Members did not rate this category Total possible points for this category = 30 Total points received for this category = 14 14/30 = **46%** average score						

8.2.3 IBC / NFPA Assessment and Summary Comparison

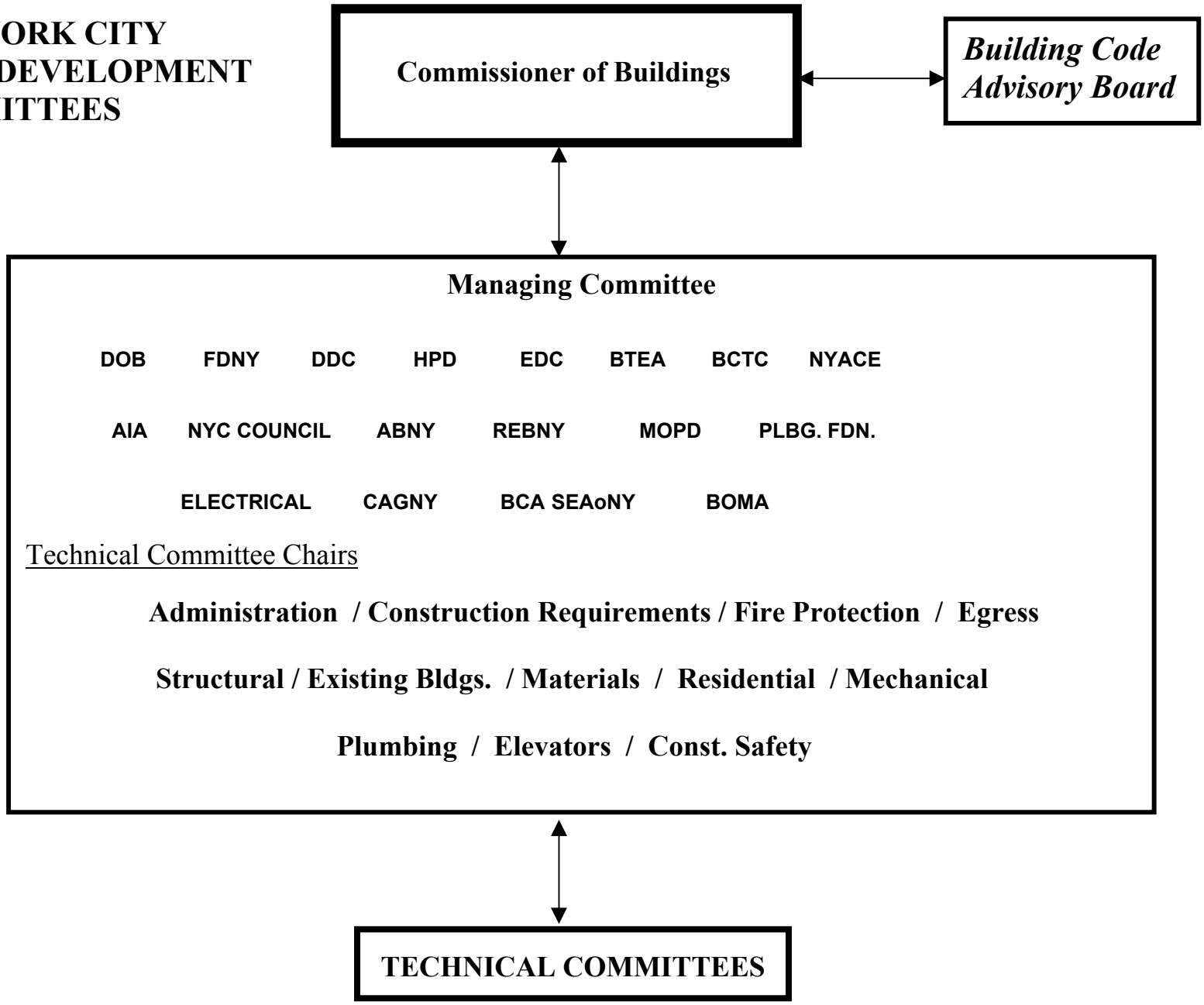
ANALYSIS and SUMMARY of the IBC 2000 and NFPA 5000

Category	1 IBC 2000	2 NFPA 5000	**Not Ratable IBC 2000**	**Not Ratable NFPA 5000**
1	90%	60%	2/10	1/10
2	84%	52%	1/10	2/10
3	84%	57%	2/10	2/10
4	71%	46%	1/10	1/10
5	88%	57%	0/10	2/10
6	86%	47%	0/10	2/10
7	64%	45%	1/10	2/10
8	78%	62%	1/10	2/10
9	68%	51%	2/10	3/10
10	90%	68%	2/10	5/10

Category	3 IBC 2000	**NFPA 5000**	**Not Ratable IBC 2000**	**Not Ratable NFPA 5000**
1	88%	37%	0/10	3/10
2	78%	37%	0/10	1/10
3	91%	25%	1/10	2/10
4	75%	33%	1/10	4/10
5	86%	40%	1/10	2/10
6	85%	46%	3/10	4/10

8.3 Building Code Managing Committee

NEW YORK CITY CODE DEVELOPMENT COMMITTEES



8.4 Building Code Technical Committees

NEW YORK CITY
BUILDING CODE
TECHNICAL COMMITTEES

Managing Committee

Administration /Enforcement	*Construction Requirements	Fire Protection	Egress	Structural/Foundation	Existing Buildings	Materials	Mechanical/HVAC/Boiler	**Residential	Plumbing	Elevators/Conveyors	Construction Safety/Demo
NYC: T26, Sub. 1-3, T27, Sub.1 **IBC:** Ch. 1, 17	**NYC:** T27,Sub. 3, 4, 7, 8, 12 **IBC:** Ch. 3-7, 31	**NYC:** T27, Sub. 5, 17 **IBC:** Ch. 7, 9	**NYC:** T27, Sub. 6 **IBC:** Ch. 10	**NYC:** T27, Sub. 9-11 **IBC:** Ch. 16-26	**NYC:** T27, Sub. 1 **IBC:** Ch. 34	**NYC:** T27, Sub. 10 **IBC:** Ch. 19-26	**NYC:** T27, Sub. 13, 7 **IBC:** Ch. 28 (Mech I-Code)	**NYC:** T27, Sub. 3,4,7,8 **IBC:** Res. I-Code	**NYC:** T27, Sub. 16 **IBC:** Ch. 29	**NYC:** T27, Sub 18 **IBC:** Ch. 30	**NYC:** T27, Sub. 19 **IBC:** Ch. 33
Chair: Alt: **DOB:** Alt:	**Chair:** Alt: **DOB:** Alt:	**Chair:** Alt: **DOB:** Alt:	**Chair:** Alt: **DOB:** Alt:	**Chair:** Alt: **DOB:** Alt:	**Chair:** Alt: **DOB:** Alt:	**Chair:** Alt: **DOB:** Alt:	**Chair:** Alt: **DOB:** Alt:	**Chair:** Alt: **DOB:** Alt:	**Chair:** Alt: **DOB:** Alt:	**Chair:** Alt: **DOB:** Alt:	**Chair:** Alt: **DOB:** Alt:
Gov't: Alt: **Industry:** Alt: **Labor:** Alt: **Prof:** Alt: **Real Estate:** Alt:	**Gov't:** Alt: **Industry:** Alt: **Labor:** Alt: **Prof:** Alt: **Real Estate:** Alt:	**Gov't:** Alt: **Industry:** Alt: **Labor:** Alt: **Prof:.** Alt: **Real Estate:** Alt:	**Gov't:** Alt: **Industry:** Alt: **Labor:** Alt: **Prof:** Alt: **Real Estate:** Alt:	**Gov't:** Alt: **Industry:** Alt: **Labor:** Alt: **Prof:** Alt: **Real Estate:** Alt:	**Gov't:** Alt: **Industry:** Alt: **Labor:** Alt: **Prof:** Alt: **Real Estate:** Alt:	**Gov't:** Alt: **Industry:** Alt: **Labor:** Alt: **Prof:** Alt: **Real Estate:** Alt:	**Gov't:** Alt: **Industry:** Alt: **Labor:** Alt: **Prof:** Alt: **Real Estate:** Alt:	**Gov't:** Alt: **Industry:** Alt: **Labor:** Alt: **Prof:** Alt: **Real Estate:** Alt:	**Gov't:** Alt: **Industry:** Alt: **Labor:** Alt: **Prof:** Alt: **Real Estate:** Alt:	**Gov't** Alt: **Industry:** Alt: **Labor:** Alt: **Prof:** Alt: **Real Estate:** Alt:	**Gov't:** Alt: **Industry:** Alt: **Labor:** Alt: **Prof:** Alt: **Real Estate:** Alt:

* includes uses and occupancies, special use & occupancy and Places of Assembly
T = Title, Ch. = Chapter, Sub. = Subchapter, NYCBC has one chapter in both title 26 & 27 therefore, Chapter 1 is assumed, e.g. T27, Sub. 3 = title 27, chapter 1, subchapter 3
** 1 & 2 family, also includes affordable housing and portions of the NYS Multiple Dwelling Law

Technical Subcommittees
(as needed)

8.5 Executive Order No. 30

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

EXECUTIVE ORDER NO. 30

November 27, 2002

MAYOR'S ADVISORY COMMISSION
ON THE ADOPTION OF INTERNATIONAL CODES

WHEREAS, the International Code Council has drafted and published the International Building Code setting forth standards relating to the construction and occupancy of buildings; and

WHEREAS, the International Building Code has been widely adopted by jurisdictions within the United States, including the State of New York; and

WHEREAS, representatives of government and of construction-related professions, trades and businesses have suggested that the International Building Code also be adopted by the City of New York;

NOW THEREFORE, by the power vested in me as Mayor of the City of New York, it hereby is ordered:

Section 1. Establishment of the Code Commission. There is hereby established the Mayor's Advisory Commission on the Adoption of the International Building Code (the "Code Commission"). The Code Commission shall include twelve members appointed by the Mayor on the basis of their knowledge of and familiarity with the professions and trades related to the design and construction of buildings in New York City. The Code Commission shall further include as members the Commissioner of Buildings, the Commissioner of Housing Preservation and Development, the Commissioner of Design and Construction and the Fire Commissioner or their respective designees. The Code Commission shall be chaired by the Commissioner of Buildings or her designee.

§ 2. Purposes of the Code Commission. The Code Commission shall review and make recommendations to the Mayor regarding the adoption by New York City of the International Building Code drafted and published by the International Code Council. Among the criteria to be considered by the Code Commission in its deliberations shall be: the comprehensiveness of the International Building Code and its accessibility to users, compared to the Building Code presently in effect in New York City; the services provided by the

International Code Council which would be available to New York City in the event of its adoption of the International Building Code; the ease with which the International Building Code could be adapted to the special conditions and requirements of New York City; the advantages which would result to New York City, in the event of its adoption of the International Building Code, from the application of such Code in other jurisdictions of the United States; and such other considerations as the Code Commission may deem appropriate.

§ 3. Powers of the Code Commission. (a) In carrying out its mandate, the Code Commission may consult with third parties as it deems appropriate and may hold public hearings, and shall obtain all information and data necessary to fulfill the purposes identified by section 2 of this Order.

(b) The Code Commission is empowered to act by a majority of its members.

§ 4. Agency Assistance and Cooperation. All City agencies, including the Department of Buildings, the Department of Housing Preservation and Development, the Department of Design and Construction and the Fire Department, shall cooperate in providing to the Code Commission such personnel, facilities, information and other assistance as are necessary and required by the Code Commission to carry out its responsibilities.

§ 5. Report and Recommendations. No later than four months from the effective date of this Order, the Code Commission shall submit to the Mayor and the City Council a report setting forth its conclusions regarding the International Building Code and its recommendations regarding the adoption of such Code by New York City.

§ 6. Effective Date. This Order shall take effect immediately.

Michael R. Bloomberg
Mayor

NYC Department of Buildings
280 Broadway, 7th Floor
New York, NY 10007

NYC.gov/buildings

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