

Reconstructing New York's Building Code Overhaul

by {ga=mberkeygerard}

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In March, a [fire ripped through a two-family home](#) on Woodycrest Avenue in the Bronx, killing 10 people, including nine children. It was the largest loss of life in a fire since the [Happy Land nightclub tragedy](#) in 1990.

Investigators cited a number of factors that contributed to the horrific event: a wooden staircase, the lack of a sprinkler system, and smoke detectors without batteries. Still the house complied with the city's building code, the regulations meant to ensure the safety of New York's 950,000 structures.

Recently, Mayor Michael Bloomberg took what many view as a significant step toward preventing future tragedies by proposing [a massive overhaul of the city's building code](#), the first in nearly 40 years.

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Under the proposed regulations, for example, all new buildings over 55 feet tall, which would include the Bronx home, would be required to have a more fire-resistant stairway, automatic sprinkler systems, and hardwired smoke alarms that sound in every room. If the house on Woodycrest had been built today under the new code, the city argues, the residents probably would have escaped alive.

However, some question the unintended consequences of the new regulations: specifically, if they will drive up the cost of construction and in turn, increase the cost of housing.

"I have concerns about mandating that two- and three-family houses have sprinklers and how much it will cost," said City Councilmember Erik Dilan, who chairs the Housing and Building Committee.

In its revised building code, the Bloomberg administration tried to strike a tenuous balance between safety and cost. It sought the help of 400 professionals — architects, union leaders, contractors, developers, and safety advocates — who volunteered more than 300,000 hours to help draft the 1,300 page document.

"Nobody ever wants to deal with the details," the mayor said, "but these are the things that make this city affordable and livable and safe."

Even though the city held a press conference to announce the new code, last minute revisions still are being done before it goes to the City Council at the end of May. Then over the next few months, the details will be rehashed again in public hearings. If approved by council, the new code would go into effect in July 2008

Then the biggest challenge, some argue, may be enforcing it.

REWRITING THE CODE

The last major overhaul of the building code occurred in 1968. While lawmakers have made

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some amendments to it since, the regulations were essentially piled on top of existing mandates, creating loopholes, redundancies, and conflicting rules.

Attempts to revise the code in recent years have been thwarted by the competing interests of various parties — developers, architects, contractors, unions, safety advocates and environmentalists — each with their own agendas.

"When the mayor asked me to write a new building code, I wasn't sure it was possible," said Department of Buildings Commissioner Patricia Lancaster. "It hadn't been possible in 40 years."

Experts say two factors created the climate that made the current revisions possible. First, the collapse of the Twin Towers on September 11, 2001 gave many of the stakeholders the political will to sit down and work out a new code. And Bloomberg, who keeps a check list of his administration's accomplishments, promised to do it when he was a first a candidate in 2001 and worked to keep that commitment.

Perhaps the biggest change is that, if approved, the city's code will for the first time be modeled after the [International Building Code](#), which governs construction in most U.S. states. In adapting the code for New York City, the committee modified it to address the city's density, small lots, and variety of structures.

"This is a significant development for New York City," said Carl Galimoto, a partner at the architecture firm of [Skidmore, Owings, and Merrill](#). "We will have a building code that is better informed by national standards."

CREATING SAFER BUILDINGS?

The primary goal of the building code is to ensure safety of New Yorkers by mandating how each new building is constructed.

If approved, the code would require:

- Automatic sprinklers in more residential structures
- Hardwired smoke detectors in most residences

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- New pipe systems and secondary water supplies to help firefighters get water to taller buildings.

In response to the World Trade Center collapse, new skyscrapers would include:

- Wider stairways
- Fireproof, pressurized stairways
- Stronger walls around stairs and elevator shafts
- Glow-in-the-dark exits signs
- And construction to withstand high winds and other extreme events.

"There's a lot in this code that's going to make the town a lot safer," said Fire Commissioner Nicholas Scoppetta at the press conference announcing the revisions.

Still, some critics say that there should be additional safety measures.

Last year, the New York Times [reported](#) that many of the [recommendations](#) from a major federal investigation into the World Trade Center collapse are still being debated.

Glenn Corbett, a professor of fire science at John Jay College of Criminal Justice, for example, questions why the steel joists which did not hold fireproofing in the World Trade Center when the fires burned at extreme temperatures would continue to be allowed in tall apartment buildings

"If we aren't allowing them in office buildings, we shouldn't be allowing them in residential buildings, or any high rise for that matter, until we figure out a way to properly fireproof them," Corbett told the [Associated Press](#) .

And even though the city learned valuable lessons from the Woodycrest Avenue fire in the Bronx, the proposed changes still fall short of the fire safety standards in some other large cities. For example, in many locations across the country, a two-family house like the one that burned in the Bronx must have two exits; in New York City, many two-family houses are allowed to have only one exit.

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"In Chicago there would have to be another way out," Larry Langford, a spokesperson for that city's fire department [told in the New York Times](#) after the Bronx fire.



PREVENTING CONSTRUCTION ACCIDENTS

In addition to mandating what kinds of safety features each building must contain, the building code also regulates practices on construction sites. And workplace safety is a growing concern.

There were [29 construction related deaths](#) in the year leading up to September 30, 2006, a 60 percent increase from the 18 deaths the year before.

The Bloomberg administration has made some changes to try to address workplace safety. For example, currently a safety manager is required only when a building 14 stories or more is under construction. The new code would extend that requirement to buildings 10 stories and up.

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But overall, much of the new code would not substantially change the regulations that govern demolition and construction sites, according to Henry Kita of the Building Trades Employers' Association.

"In many cases the International Building Code was not as specific as the current code," said Kita.

THE COST MORE QUESTION

New York City construction costs have been increasing by 20 percent a year, according to some estimates. The Bloomberg administration says it worked to contain cost in the future.

Proponents of the new building code say it would be easier to understand and follow, especially for contractors from outside the city. It would reduce the complex process of getting the city to approve new and less expensive materials and equipment. And the buildings department would accept online applications and allow for less frequent license renewal, which will save contractors time.

Some believe this streamlining of the process could help spur the creation of more affordable housing.

"If the administration succeeds in securing its adoption, the impact should become quickly manifest in the increased volume and lower cost of new homes in the outer boroughs, where the cost of construction is a much greater factor than in Manhattan," [wrote Peter Salins of the Manhattan Institute](#)

However, Marolyn Davenport, the senior vice president the Real Estate Board of New York, is concerned that construction costs could actually go up under the new regulations. And she argues some provisions serve no other purpose than to allow contractors to charge more for their work. For example, the current code and the new code both require that new ceilings must be hung on a metal grid.

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"There is no benefit," argues Davenport. "It just allows someone to make more money."

Mayor Bloomberg's proposed plan also calls for new environmental measures that he says may cost more in the beginning, but will save money over time. The code would require more efficient heating and cooling systems and that all roofs be painted a reflective color.

But experts say it is difficult to tell if the new rules would affect construction costs until it is put into practice.

"On the question of cost, the jury will be out for a while," said Henry Kita of the Building Trades Employers' Association.

Despite concerns about some of the costs of new regulations, City Councilmember Erik Dilan, who chairs the Housing and Buildings Committee, said he believes that "most of the issues have been hashed out" and that the new code will be approved by the end of the year, if not earlier. In that case, the new code would go into effect in July 1, 2008.

And those who drafted it made sure that it won't be another 40 years before it is revised again. It includes a provision that requires it to be reviewed and updated every three years.

"This is not the end of a process, it is the beginning of the process," said Carl Galioto, a partner at the architecture firm of [Skidmore, Owings, and Merrill](#) .

WILL THE NEW CODE BE ENFORCED?

Once the code is approved, assuming that it is, its regulations must be translated into reality at worksites throughout the city. The City Council has particular concerns in this area. For one, some members question the policy that allows builders to " [self-certify](#) ," their projects, meaning architects and engineers can decide if their projects are in compliance with regulations. The policy saves the city time and money, because the buildings department then only audits about 20 percent of the self-certified projects. But critics say some architects and engineers approve construction plans and methods that would not pass muster with inspectors.

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In February, the City Council passed two bills on the issue. One would [bar](#) those who have previous violations from self-certifying future projects. Another [punishes](#) those who falsely claim their projects are in compliance with zoning regulations. Both bills are still sitting on the mayor's desk awaiting a signature or veto.

However, Queens Councilmember David Weprin wants to eliminate self certification for one-, two-, and three-family homes altogether.

"The Department of Buildings has completely lost control of the honor system that allows builders and architects to sign off on their own work," Weprin said at a news conference last month. "As a result, we have developers acting with complete impunity with the only people that are truly watching being the community members."

AN OVERWORKED AGENCY?



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The real challenge, some say, is to ensure that the new regulations are followed.

"The code is only as good as its enforcement," said Kita.

The Department of Buildings already has a full workload. Every year, the city agency reviews over 65,000 construction plans, issues over 158,000 new and renewed permits, and performs over 320,000 inspections. And the number of complaints is rising.

A 2005 City Council [investigation](#) found that the Department of Buildings was struggling to keep up with the high volume of complaints and was slow to respond, particularly in Queens.

Complaints about after-hours construction work -- builders work at night in an effort to finish the project on time and avoid inspections -- have risen from 635 in 2001 to 6,160 in 2006, according to [a recent article in the New York Post](#). At the same time, the number of violations written by city inspectors increased only from 59 in 2001 to 249 last year.

The Department of Buildings says that it has hired more staff, increased its inspections by 18 percent, and now responds to 93 percent of non-emergency complaints within 40 days, according to the [latest data](#).

Some officials are also troubled by the rash of building collapses in recent months, each connected to renovation projects or new construction.

In March, a five-story building in East Harlem caved-in, closing subway service for hours. In Soho, a dilapidated building fell down before it could be properly demolished. The Greenwich Village bar Chumleys -- once a hang-out for literary figures like E.E. Cummings, Allen Ginsberg, and Norman Mailer -- closed its doors after its chimney collapsed. And most recently in Brooklyn, a 200-foot-long piece of roof of a building slated to be torn down for the Atlantic Yards project tumbled to the sidewalk below.

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These events have become so routine that the real estate blog [Curbed](#) has started [a building collapse betting pool](#) so readers can leave tips on the next catastrophe.

"In the Bronx, we only have seven or eight inspectors," said Camilla Pinkney-Price, who works in the office of State Senator Ruben Diaz. "Until we get that corrected, buildings are going to continue to collapse."

Related Articles:

- [NYC's Construction Boom](#) (2007)
- [Reforming the Building Code](#) (2004)
- [The Department of Buildings](#) (2002)
- [Immigrant Construction Workers](#) (2001)

Related Links:

- [History of Building Code](#)
- [Review Proposed New NYC Construction Codes](#)
- [FAQ about the new Construction Code](#)
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