



LAND USE ALERT

MAY 2009

Revised NYC Building Code to Include New Fire Safety and Layout Regulations; Submit Plans by July 1 to be Grandfathered

New York City's revised building code, which will cover new construction and include changes to regulations concerning fire safety and layouts of stairwells and corridors, will go into effect July 1.

Developers and owners who prefer to be grandfathered under and conform to the old set of regulations must submit plans for new buildings by that date.

Some administrative matters—filing fees, for instance, and enforcement and inspections—will change July 1 for all, but owners and developers who submit plans by that date will have the choice of working with the old or new substantive regulations. The substantive regulations involve fire safety requirements and rules concerning interior layouts, including stairway designs and lengths of corridors.

Besides meeting the July 1 filing date, owners and developers must “commence work” within 12 months of the filing and then move “diligently toward completion,” according to the Building Department's new code.

Owners seeking to make additions or alterations to existing buildings, meanwhile, will continue to be able to do so under the old regulations, with some limitations. They will have the option to apply under and conform to the revised regulations.

What This Means To You: Become acquainted with the new regulations and how they will affect your new developments and planned alterations to existing properties. (For clarification and amplification on the substantive and administrative regulations, both new and old, contact our land use attorneys. You'll have the advantage of their experience both in city government and in representing real estate interests in front of the Buildings and Planning Departments.)

With the assistance of counsel, decide whether the new code or the existing code meets your needs best. If you prefer to be grandfathered, where possible, under the old code, expedite your applications to the Department of Buildings to meet the July 1 deadline.

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