

# 29 Adopt an Existing Building Code

## I. Summary

**Issue:**

Existing building renovations are governed by a complex mix of new and old codes. This complexity discourages upgrades that would improve resiliency, particularly during time-sensitive recovery periods.

**Recommendation:**

The Task Force supports the Department of Buildings plans to adopt an Existing Building Code, which will simplify regulation of building upgrades and streamline permitting for resiliency improvements. The new code or other regulations should include specific provisions for post-disaster reconstruction.

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## II. Proposed Legislation, Rule or Study

The Task Force supports the Department of Buildings' plans to develop a code for existing buildings based on the International Existing Building Code. This code would be reviewed and updated every three years as is the case with the review of the city's other construction codes.

In addition to the current content of these model codes, the NYC Existing Building Code or other regulations should include streamlined permitting for resiliency improvements and specific provisions for post-disaster reconstruction.

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## III. Supporting Information

**Expanded Issue and Benefits:**

Existing buildings in New York City are governed by a confusing hybrid of modern and older, largely outdated building codes. With the adoption of the 2008 NYC Building Code, new buildings must conform to a relatively straightforward set of modern standards. An existing building, on the other hand, follows the new code for certain provisions, but has the option of following older codes (from 1968 or 1938) for other provisions. Even when an owner may prefer to primarily follow the new code, the complexity and time required to navigate the permitting and regulation process can discourage upgrades that would improve the safety and resiliency of

existing buildings. This is especially true in the wake of a crisis when there is a need to complete rehabilitation work or other upgrades as quickly as possible.

The development of an Existing Building Code would bridge the significant gap between current and past codes and provide clearer guidelines for alterations to existing buildings. For new buildings, the 2008 code addresses modern requirements for seismic, snow, flood, and wind loads. An Existing Building Code could incorporate appropriate elements of these design loads and outline procedures to follow when altering existing buildings. New York State has joined many other states in adopting the International Existing Building Code (IEBC) and as a result virtually all jurisdictions except New York City utilize the IEBC to provide standards for alterations to existing buildings.

New Jersey provides an example of the benefits of adopting an existing building code. In 1998, the State created the Rehabilitation Subcode, which aimed to make repairs and alterations to existing buildings easier and to ensure that the cost of such repairs was relatively predictable. Prior to the establishment of this code, the lack of clear guidelines led to uncertainty about the time and cost of building improvements and discouraged upgrades.<sup>1</sup> The creation of the Rehabilitation Subcode has led to many improvements in the building stock of New Jersey.

The Department of Buildings has already begun to study how best to adopt an existing building code for New York City. It has researched various models including the New Jersey Rehabilitation Subcode and the International Existing Building Code. The Task Force supports these efforts and recommends that the department continue its planning and then begin the process of stakeholder involvement to develop a New York City Existing Building Code.

In addition, the city's code could be amended to facilitate rebuilding after natural disasters. Under the current system, building owners in New York that need to rebuild their properties after an event like Superstorm Sandy only have two options: they can either rebuild their property under the original code of construction or they can rebuild under the current code. The quicker option is to rebuild their property under the original code, but by doing this many of the building deficiencies that contributed to the building's failure during the disaster are unlikely to be addressed. Alternatively, if owners elect to rebuild their property under the current code, they are exposed to increased expenses and prolonged delays in reconstruction due to stringent design requirements and permitting issues.

The adoption of an Existing Building Code, or the introduction of other DOB regulations, could include reconstruction provisions specifically for post-disaster recovery efforts. These provisions would focus on the types of damage that buildings face during high winds, heat waves, heavy rain and snow events, and flooding, specifically addressing roof replacement, basement flood damage, and electrical or heating systems damage. In addition, the Code could outline a streamlined permitting process for reconstruction improvements, saving owners time and money. Reducing the complexity of permitting requirements would not only encourage smarter upgrades by owners, but also free up building department personnel and other resources that are likely to be stretched thin following a natural disaster.

The City of Los Angeles has similar recovery provisions in place for certain aspects of construction. For example, there is a specific code provision relating to the replacement of chimneys after an earthquake. By replacing damaged chimneys with pre-selected city-approved methods, building owners are allowed to skip portions of the permitting process that would

otherwise bog down the rebuilding effort. New York should consider implementing similar provisions but on a wider array of issues. By making these decisions before a disaster, reducing the time required for the building permit process, and providing property owners with clear guidelines to improve their building's resilience, these reconstruction provisions will ensure that New York recovers faster from disasters and is better prepared for future events.

In summary, establishing an Existing Building Code would accomplish two important policy goals. First, such a code would incentivize building owners to upgrade building systems and improve building resiliency. Second, this code or other regulations would be a proactive means of responding to building damage following future natural disasters. Over time an existing building code will enable safer, more resilient buildings.

### **Implementation:**

This effort would be two to three years in duration and should involve all the stakeholders in a consensus-based process. This proposal recommends developing an Existing Buildings Code within three years.

### **Cost:**

The development of an Existing Building Code would be managed by the Department of Buildings with the voluntary collaboration of professional organizations like the AIA, SEAoNY, ACEC, and other stakeholders. The actual cost of implementing the new Code for existing buildings will depend on the provisions of the code, and will be determined as the code is being written. In general, building owners will benefit from the reductions in time and resources that will result from a streamlined process and clearer code requirements.

Investing in preventative measures and upgrades has been documented to be more economical than conducting repairs after a catastrophic event. In 2005, the Multihazard Mitigation Council conducted a congressionally mandated independent study which found that every dollar spent on mitigation saves society an average of four dollars on the cost of repairs.