

CHAPTER 8

CHANGE OF OCCUPANCY

SECTION 801 GENERAL

801.1 Repair and alteration with no change of occupancy classification. Any repair or alteration work undertaken in connection with a change of occupancy that does not involve a change of occupancy classification as described in the *Building Code of New York State* shall conform to the applicable requirements for the work as classified in Chapter 3 and to the requirements of Sections 802 through 811.

Exceptions:

1. Compliance with all of the provisions of Chapter 7 is not required where the change of occupancy classification complies with the requirements of Section 812.3.
2. As modified in Section 1005 for historic buildings.
3. As permitted in Chapter 12.

801.2 Partial change of occupancy group. Where a portion of an existing building is changed to a new occupancy group, Section 812 shall apply.

801.3 Certificate of occupancy required. A certificate of occupancy shall be issued where a change of occupancy occurs that results in a different occupancy classification as determined by the *Building Code of New York State*.

SECTION 802 SPECIAL USE AND OCCUPANCY

802.1 Compliance with the *Building Code of New York State*. Where the character or use of an existing building or part of an existing building is changed to one of the following special use or occupancy categories as defined in Chapter 4 of the *Building Code of New York State*, the building shall comply with all of the applicable requirements of the *Building Code of New York State*.

1. Covered mall buildings.
2. Atriums.
3. Motor vehicle related occupancies.
4. Aircraft related occupancies.
5. Motion picture projection rooms.
6. Stages and platforms.
7. Special amusement buildings.
8. Incidental use areas.
9. Hazardous materials.

802.2 Underground buildings. An underground building in which there is a change of use shall comply with the requirements of the *Building Code of New York State* applicable to underground structures.

802.3 Nightclubs. Where there is a change of occupancy classification to a nightclub, or the character of use within a Group A-2 or A-3 occupancy of an existing building or portion thereof is changed to a nightclub, the building shall comply with the provisions of this subdivision.

802.3.1. Location. Nightclubs shall not be located on a story of a building where such use would not be permitted by Table 503 of the *Building Code of New York State*, and as modified by Section 504 where applicable.

802.3.2 Interior finish. Interior finishes in nightclubs and the means of egress therefrom shall be in conformance with Table 803.5 of the *Building Code of New York State*.

802.3.3 Sprinkler system. An approved, supervised automatic sprinkler system conforming with the provisions of Section 903.3 of the *Fire Code of New York State* shall be installed throughout all floor areas containing a nightclub having an occupant load of 100 or more persons, and on all floor levels between the nightclub and the level of exit discharge.

802.3.4 Fire alarm system. An approved, supervised automatic fire alarm system conforming with the provisions of Section 907 of the *Fire Code of New York State* shall be installed throughout all buildings containing a nightclub, except that notification appliances shall be required only on floor levels containing a nightclub.

802.3.5 Means of egress. Means of egress from nightclubs shall conform with the requirements of Chapter 10 of the *Building Code of New York State*.

Exceptions:

1. Existing doors having a clear opening width of not less than 28 inches (710 mm) and a height of 78 inches (1980 mm) shall be permitted to remain in use.
2. Existing stairways having a width of not less than 36 inches (915 mm) shall be permitted to remain in use.
3. Existing stairways shall be permitted to remain in use if the riser height does not exceed 8 ¹/₄ inches (210 mm) and the tread is not less than 9 inches (229 mm), and that variations in riser height do not exceed ¹/₄ inch (6.5 mm) in any run of stairs.
4. Existing guards and handrails having a height of not less than 34 inches (865 mm) and openings not exceeding 6 inches (155 mm) shall be permitted to remain in use.

**SECTION 803
BUILDING ELEMENTS AND MATERIALS**

803.1 General. Building elements and materials in portions of buildings undergoing a change of occupancy classification shall comply with Section 812.

**SECTION 804
FIRE PROTECTION**

804.1 General. Fire protection requirements of Section 812 shall apply where a building or portions thereof undergo a change of occupancy classification.

804.1.1 Group A. Where a building or portions thereof undergo a change from any occupancy to an A occupancy or to a different subgroup within an existing occupancy, the entire building shall comply with Chapter 9 of the *Building Code of New York State*.

Exceptions:

1. Where portions of an existing building that are changed to an A occupancy are separated from the remainder of the building with fire barriers having a fire resistance rating as required in the *Building Code of New York State* for a separated occupancy, only that portion changed to an A occupancy and the means of egress therefrom shall comply with Chapter 9 of the *Building Code of New York State*.
2. This section does not apply to Group A5 occupancies.

**SECTION 805
MEANS OF EGRESS**

805.1 General. Means of egress in portions of buildings undergoing a change of occupancy classification shall comply with Section 812.

**SECTION 806
ACCESSIBILITY**

806.1 General. Accessibility in portions of buildings undergoing a change of occupancy classification shall comply with Section 812.5.

**SECTION 807
STRUCTURAL**

807.1 Gravity loads. Buildings or portions thereof subject to a change of occupancy where such change in the nature of occupancy results in higher uniform or concentrated loads based on Tables 1607.1 and 1607.6 of the *Building Code of New York State* shall comply with the gravity load provisions of the *Building Code of New York State*.

Exceptions:

1. Structural elements whose stress is not increased by more than 5 percent.
2. Existing elements to remain in structures less than 3,500 square feet (325 m²) per floor and less than four stories, shall be permitted with live loads identified in Table 807.1, provided:
 - a. The floor structure does not permit direct access by heavy equipment such as forklifts, through a loading dock or doors more than 44 inches (1118 mm) in width, and
 - b. Incidental storage or retail shelves shall not be permitted to exceed 6 feet 8 inches (2632 mm) in height.

**TABLE 807.1
MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS AND
MINIMUM CONCENTRATED LIVE LOADS
FOR BUILDINGS MEETING THE CONDITIONS OF 807.1
EXCEPTION #2**

OCCUPANCY OR USE	UNIFORM LOAD (PSF)	CONCENTRATED LOAD (LBS)
Corridors	Same as Occupancy Served	
Dining Rooms and Restaurants	75	
Offices	40	
Stairs and Exits	75	300
Stores – Retail – First Floor	75	

807.2 Snow and wind loads. Buildings and structures subject to a change of occupancy where such change in the nature of occupancy results in higher wind or snow importance factors based on Table 1604.5 of the *Building Code of New York State* shall be analyzed and shall comply with the applicable wind or snow load provisions of the *Building Code of New York State*.

Exception: Where the new occupancy with a higher importance factor is less than or equal to 10 percent of the total building floor area. The cumulative effect of the area of occupancy changes shall be considered for the purposes of this exception.

807.3 Seismic loads. Buildings built after January 1, 2003 with a change of occupancy shall comply with the seismic provisions of Sections 807.3.1 and 807.3.2.

807.3.1 Compliance with the *Building Code of New York State*. When a building or portion thereof is subject to a change of occupancy such that a change in the nature of the occupancy results in a higher seismic factor based on Table 1604.5 of the *Building Code of New York State* or where such change of occupancy results in a reclassification of a building to a higher hazard category as shown in Table 812.4.1 and a change of a Group M occupancy to a Group A, E, I-1 R-1, R-2, or R-4 occupancy with two-thirds or more of the floors involved in Level 3 alteration work, the build-

ing shall conform to the seismic requirements of the *Building Code of New York State* for the new seismic use group.

Exceptions:

1. Group M occupancies being changed to Group A, E, I-1, R-1, R-2, or R-4 occupancies for buildings less than six stories in height and in Seismic Design Category A, B, or C.
2. Specific detailing provisions required for a new structure are not required to be met where it can be shown that an acceptable level of performance and seismic safety is obtained for the applicable seismic use group using reduced *Building Code of New York State* level seismic forces as specified in Section 407.1.1.3. The rehabilitation procedures shall be approved by the code enforcement official and shall consider the regularity, over-strength, redundancy, and ductility of the lateral-load-resisting system within the context of the existing detailing of the system.
3. Where the area of the new occupancy with a higher hazard category is less than or equal to 10 percent of the total building floor area and the new occupancy is not classified as Seismic Use Group IV. For the purposes of this exception, where a structure is occupied for two or more occupancies not included in the same seismic use group, the structure shall be assigned the classification of the highest seismic use group corresponding to the various occupancies. Where structures have two or more portions that are structurally separated in accordance with Section 1620 of the *Building Code of New York State*, each portion shall be separately classified. Where a structurally separated portion of a structure provides required access to, required egress from, or shares life safety components with another portion having a higher seismic use group, both portions shall be assigned the higher seismic use group. The cumulative effect of the area of occupancy changes shall be considered for the purposes of this exception.
4. Where the new occupancy with a higher hazard category is within only one story of a building or structure, only the lateral-force-resisting elements in that story and all lateral-force-resisting elements below that story shall be required to comply with Section 807.3.1 and Exception 2. The lateral forces generated by masses of such upper floors shall be included in the analysis and design of the lateral-force-resisting systems for the strengthened floor. Such forces may be applied to the floor level immediately above the topmost strengthened floor and be distributed in that floor in a manner consistent with the construction and layout of the exempted floor.
5. Unreinforced masonry bearing wall buildings in Seismic Use Group II and in Seismic Use Groups II and III when in Seismic Design Categories A, B,

and C shall be allowed to be strengthened to meet the requirements of Appendix A of the code (GSREB).

807.3.2 Access to Seismic Use Group IV. Where the change of occupancy is such that compliance with Section 807.3.1 is required and the seismic use group is a Category IV, the operational access to such Seismic Use Group IV existing structure shall not be through an adjacent structure.

Exception: Where the adjacent structure conforms to the requirements for Seismic Use Group IV structures.

Where operational access is less than 10 feet (3048 mm) from an interior lot line or less than 10 feet (3048 mm) from another structure, access protection from potential falling debris shall be provided by the owner of the Seismic Use Group IV structure.

SECTION 808 ELECTRICAL

808.1 Special occupancies. Where the occupancy of an existing building or part of an existing building is changed to one of the following special occupancies as described in NFPA 70, the electrical wiring and equipment of the building or portion thereof that contains the proposed occupancy shall comply with the applicable requirements of NFPA 70 whether or not a change of occupancy group is involved:

1. Hazardous locations.
2. Commercial garages, repair, and storage.
3. Aircraft hangars.
4. Gasoline dispensing and service stations.
5. Bulk storage plants.
6. Spray application, dipping, and coating processes.
7. Health care facilities.
8. Places of assembly.
9. Theaters, audience areas of motion picture and television studios, and similar locations.
10. Motion picture and television studios and similar locations.
11. Motion picture projectors.
12. Agricultural buildings.

808.2 Unsafe conditions. Where the occupancy of an existing building or part of an existing building is changed, all unsafe conditions shall be corrected without requiring that all parts of the electrical system be brought up to the current edition of NFPA 70.

808.3 Service upgrade. Where the occupancy of an existing building or part of an existing building is changed, electrical service shall be upgraded to meet the requirements of NFPA 70 for the new occupancy.

808.4 Number of electrical outlets. Where the occupancy of an existing building or part of an existing building is changed, the number of electrical outlets shall comply with NFPA 70 for the new occupancy.

SECTION 809 MECHANICAL

809.1 Mechanical requirements. Where the occupancy of an existing building or part of an existing building is changed such that the new occupancy is subject to different kitchen exhaust requirements or to increased mechanical ventilation requirements in accordance with the *Mechanical Code of New York State*, the new occupancy shall comply with the intent of the respective *Mechanical Code of New York State* provisions.

SECTION 810 PLUMBING

810.1 Increased demand. Where the occupancy of an existing building or part of an existing building is changed such that the new occupancy is subject to increased or different plumbing fixture requirements or to increased water supply requirements in accordance with the *Plumbing Code of New York State*, the new occupancy shall comply with the intent of the respective *Plumbing Code of New York State* provisions.

810.2 Food handling occupancies. If the new occupancy is a food handling establishment, all existing sanitary waste lines above the food or drink preparation or storage areas shall be panned or otherwise protected to prevent leaking pipes or condensation on pipes from contaminating food or drink. New drainage lines shall not be installed above such areas and shall be protected in accordance with the *Plumbing Code of New York State*.

810.3 Interceptor required. If the new occupancy will produce grease or oil-laden wastes, interceptors shall be provided as required in the *Plumbing Code of New York State*.

810.4 Chemical wastes. If the new occupancy will produce chemical wastes, the following shall apply:

1. If the existing piping is not compatible with the chemical waste, the waste shall be neutralized prior to entering the drainage system, or the piping shall be changed to a compatible material.
2. No chemical waste shall discharge to a public sewer system without the approval of the sewage authority.

810.5 Group I-2. If the occupancy group is changed to Group I-2, the plumbing system shall comply with the applicable requirements of the *Plumbing Code of New York State*.

SECTION 811 OTHER REQUIREMENTS

811.1 Light and ventilation. Light and ventilation shall comply with the requirements of the *Building Code of New York State* for the new occupancy.

SECTION 812 CHANGE OF OCCUPANCY CLASSIFICATION

812.1 Compliance with Chapter 7. The occupancy classification of an existing building may be changed, provided that the

building meets all of the requirements of Chapter 7 applied throughout the building for the new occupancy group and complies with the requirements of Sections 802 through 812.

812.1.1 Change of occupancy group without separation.

Where a portion of an existing building is changed to a new occupancy group and that portion is not separated from the remainder of the building with fire barriers having a fire-resistance rating as required in the *Building Code of New York State* for the separate occupancy, the entire building shall comply with all of the requirements of Chapter 7 applied throughout the building for the most restrictive occupancy group in the building and with the requirements of this chapter.

Exception: Compliance with all of the provisions of Chapter 7 is not required when the change of occupancy group complies with the requirements of Section 812.3.

812.1.2 Change of occupancy group with separation.

A portion of an existing building that is changed to a new occupancy group and that is separated from the remainder of the building with fire barriers having a fire-resistance rating as required in the *Building Code of New York State* for the separate occupancy shall comply with all the requirements of Chapter 7 for the new occupancy group and with the requirements of this chapter.

Exception: Compliance with all of the provisions of Chapter 7 is not required when the change of use complies with the requirements of Section 812.3.

812.2 Hazard category classifications. The relative degree of hazard between different occupancy groups shall be as set forth in the hazard category classifications specified in Tables 812.4.1, 812.4.2, and 812.4.3 of Sections 812.4.1, 812.4.2, and 812.4.3.

812.2.1 Change of occupancy classification to an equal or lesser hazard.

An existing building or portion thereof may have its use changed to an occupancy group within the same hazard classification category or to an occupancy group within a lesser hazard classification category (higher number) in all hazard category classifications, provided it complies with the provisions of Chapter 7 for the new occupancy group, applied throughout the building or portion thereof.

Exception: Compliance with all the provisions of Chapter 7 is not required where the change of occupancy group complies with the requirements of Section 812.3.

812.2.2 Change of occupancy classification to a higher hazard.

An existing building shall comply with all of the applicable requirements of this chapter when a change in occupancy group places it in a higher hazard category or when the occupancy group is changed within Group H.

812.2.3 Change of occupancy classification to a higher hazard in all hazard classifications.

An existing building may have its use changed to a higher hazard rating (lower number) in all hazard category classifications designated in Tables 812.4.1, 812.4.2, and 812.4.3, provided it complies with this chapter or with Chapter 12.

812.3 Change of occupancy classification to an equal or lesser hazard in all hazard classifications. A change of use to an occupancy group within the same hazard classification category or to an occupancy group within a lesser hazard classification category (higher number) in the hazard category classifications addressed by Tables 812.4.1, 812.4.2, and 812.4.3 shall be permitted in an existing building or portion thereof, provided the provisions of Sections 812.3.1 through 812.3.5 are met.

812.3.1 Minimum requirements. Regardless of the occupancy group involved, the following requirements shall be met:

1. The capacity of the means of egress shall comply with the *Building Code of New York State*.
2. The interior finish of walls and ceilings shall comply with the requirements of the *Building Code of New York State* for the new occupancy group.

812.3.2 Groups I-1, R-1, R-2 or R-4. Where the new use is classified as a Group I-1, R-1, R-2 or R-4 occupancy the following requirements shall be met:

1. Corridor doors and transoms shall comply with the requirements of Sections 605.5.1 and 605.5.2.
2. Automatic sprinkler systems shall comply with the requirements of Section 604.2.
3. Fire alarm and detection systems shall comply with the requirements of Section 604.4.

812.3.3 Group I-2. Where the new use is classified as a Group I-2 occupancy, the following requirements shall be met:

1. Egress doorways from patient sleeping rooms and from suites of rooms shall comply with the requirements of Section 605.4.1.2.
2. Shaft enclosures shall comply with the requirements of Section 703.1.
3. Smoke barriers shall comply with the requirements of Section 603.3.
4. Automatic sprinkler systems shall comply with the requirements of Section 604.2.
5. Fire alarm and detection systems shall comply with the requirements of Section 604.4.

812.3.4 Group I-3. Where the new use is classified as a Group I-3 occupancy, the following requirements shall be met:

1. Locking of egress doors shall comply with the requirements of Section 605.4.5.
2. Shaft enclosures shall comply with the requirements of Section 703.1.
3. Automatic sprinkler systems shall comply with the requirements of Section 604.2.
4. Fire alarm and detection systems shall comply with the requirements of Section 604.4.

812.3.5 Group R-3. Where the new use is classified as a Group R-3 occupancy, the following requirements shall be met:

1. Dwelling unit separation shall comply with the requirements of Section 703.2.1.
2. The smoke alarm requirements of Section 604.4.3 shall be met.

812.4 Fire and life safety. The fire and life safety provisions of this section shall be applicable to buildings or portions of buildings undergoing a change of occupancy classification.

812.4.1 Means of egress, general. Hazard categories in regard to life safety and means of egress shall be in accordance with Table 812.4.1.

**TABLE 812.4.1
HAZARD CATEGORIES AND CLASSIFICATIONS:
LIFE SAFETY AND EXITS**

RELATIVE HAZARD	OCCUPANCY CLASSIFICATIONS
1 (Highest Hazard)	H
2	I-2, I-3, I-4
3	A, E, I-1, M, R-1, R-2, R-4
4	B, F-1, R-3, S-1
5 (Lowest Hazard)	F-2, S-2, U

812.4.1.1 Means of egress for change to higher hazard category. When a change of occupancy group is made to a higher hazard category (lower number) as shown in Table 812.4.1, the means of egress shall comply with the requirements of Chapter 10 of the *Building Code of New York State*.

Exceptions:

1. Stairways shall be enclosed in compliance with the applicable provisions of Section 703.1.
2. Existing stairways including handrails and guards complying with the requirements of Chapter 7 shall be permitted for continued use subject to approval of the code enforcement official.
3. Any stairway replacing an existing stairway within a space where the pitch or slope cannot be reduced because of existing construction shall not be required to comply with the maximum riser height and minimum tread depth requirements.
4. Existing corridor walls constructed of wood lath and plaster in good condition or 1/2-inch-thick (12.7 mm) gypsum wallboard shall be permitted.
5. Existing corridor doorways, transoms, and other corridor openings shall comply with the

requirements in Sections 605.5.1, 605.5.2, and 605.5.3.

6. Existing dead-end corridors shall comply with the requirements in Section 605.6.
7. An existing operable window with clear opening area no less than 4 square feet (0.38 m²) and with minimum opening height or width of 18 inches (457 mm) shall be accepted as an emergency escape and rescue opening.

812.4.1.2 Means of egress for change of use to equal or lower hazard category. When a change of occupancy group is made to an equal or lesser hazard category (higher number) as shown in Table 812.4.1, existing elements of the means of egress shall comply with the requirements of Section 705 for the new occupancy group. Newly constructed or configured means of egress shall comply with the requirements of Chapter 10 of the *Building Code of New York State*.

Exception:

1. Any stairway replacing an existing stairway within a space where the pitch or slope cannot be reduced because of existing construction shall not be required to comply with the maximum riser height and minimum tread depth requirements.
2. Compliance with Section 705 is not required where the change of occupancy group complies with the requirements of Section 812.3.

812.4.1.3 Egress capacity. Egress capacity shall meet or exceed the occupant load as specified in the *Building Code of New York State* if the change of occupancy classification is to an equal or lesser hazard category when evaluated in accordance with Table 812.4.1.

812.4.1.4 Handrails. Existing stairways shall comply with the handrail requirements of Section 605.9 in the area of the change of occupancy classification.

812.4.1.5 Guards. Existing guards shall comply with the requirements in Section 605.10 in the area of the change of occupancy classification.

812.4.2 Heights and areas. Hazard categories in regard to height and area shall be in accordance with Table 812.4.2.

**TABLE 812.4.2
HAZARD CATEGORIES AND CLASSIFICATIONS:
HEIGHTS AND AREAS**

RELATIVE HAZARD	OCCUPANCY CLASSIFICATIONS
1 (Highest Hazard)	H
2	A-1, A-2, A-3, A-4, I, R-1, R-2, R-4
3	E, F-1, S-1, M
4 (Lowest Hazard)	B, F-2, S-2, A-5, R-3, U

812.4.2.1 Height and area for change to higher hazard category. When a change of occupancy group is made to a higher hazard category as shown in Table 812.4.2, heights and areas of buildings and structures shall comply with the requirements of Chapter 5 of the *Building Code of New York State* for the new occupancy group.

Exception: A one-story building changed to Group E occupancy shall not be required to meet the area limitations of the *Building Code of New York State*.

812.4.2.2 Height and area for change to equal or lesser hazard category. When a change of occupancy group is made to an equal or lesser hazard category as shown in Table 812.4.2, the height and area of the existing building shall be deemed acceptable.

812.4.2.3 Fire barriers. When a change of occupancy group is made to a higher hazard category as shown in Table 812.4.2, fire barriers in separated mixed-use buildings shall comply with the fire resistance requirements of the *Building Code of New York State*.

Exception: Where the fire barriers are required to have a 1-hour fire-resistance rating, existing wood lath and plaster in good condition or existing 1/2-inch-thick (12.7 mm) gypsum wallboard shall be permitted.

812.4.3 Exterior wall fire-resistance ratings. Hazard categories in regard to fire-resistance ratings of exterior walls shall be in accordance with Table 812.4.3.

**TABLE 812.4.3
HAZARD CATEGORIES AND CLASSIFICATIONS:
EXPOSURE OF EXTERIOR WALLS**

RELATIVE HAZARD	OCCUPANCY CLASSIFICATION
1 (Highest Hazard)	H
2	F-1, M, S-1
3	A, B, E, I, R
4 (Lowest Hazard)	F-2, S-2, U

812.4.3.1 Exterior wall rating for change of occupancy classification to a higher hazard category. When a change of occupancy group is made to a higher hazard category as shown in Table 812.4.3, exterior walls shall have fire resistance and exterior opening protectives as required by the *Building Code of New York State*. This provision shall not apply to walls at right angles to the property line.

Exception: A 2-hour fire-resistance rating shall be allowed where the building does not exceed three stories in height and is classified as one of the following groups: A-2 and A-3 with an occupant load of less than 300, B, F, M, or S.

812.4.3.2 Exterior wall rating for change of occupancy classification to an equal or lesser hazard cate-

gory. When a change of occupancy group is made to an equal or lesser hazard category as shown in Table 812.4.3, existing exterior walls, including openings, shall be accepted.

812.4.3.3 Opening protectives. Openings in exterior walls shall be protected as required by the *Building Code of New York State*. Where openings in the exterior walls are required to be protected because of their distance from the property line, the sum of the area of such openings shall not exceed 50 percent of the total area of the wall in each story.

Exceptions:

1. Where the *Building Code of New York State* permits openings in excess of 50 percent.
2. Protected openings shall not be required in buildings of Group R occupancy that do not exceed three stories in height and that are located not less than 3 feet (914 mm) from the property line.
3. Where exterior opening protectives are required, an automatic sprinkler system throughout may be substituted for opening protection.
4. Exterior opening protectives are not required when the change of occupancy group is to an equal or lower hazard classification in accordance with Table 812.4.3.

812.4.4 Enclosure of vertical shafts. Enclosure of vertical shafts shall be in accordance with Sections 812.4.4.1 through 812.4.4.4.

812.4.4.1 Minimum requirements. Vertical shafts shall be designed to meet the *Building Code of New York State* requirements for atriums or the requirements of this section.

812.4.4.2 Stairways. When a change of occupancy group is made to a higher hazard category as shown in Table 812.4.1, interior stairways shall be enclosed as required by the *Building Code of New York State*.

Exceptions:

1. In other than Group I occupancies, an enclosure shall not be required for openings serving only one adjacent floor and that are not connected with corridors or stairways serving other floors.
2. Unenclosed existing stairways need not be enclosed in a continuous vertical shaft if each story is separated from other stories by 1-hour fire-resistance-rated construction or approved wired glass set in steel frames and all exit corridors are sprinklered. The openings between the corridor and the occupant space shall have at least one sprinkler head above the openings on the tenant side. The sprinkler system shall be permitted to be supplied from the domestic water-supply systems, provided the system is of adequate pressure, capacity, and sizing for

the combined domestic and sprinkler requirements.

3. Existing penetrations of stairway enclosures shall be accepted if they are protected in accordance with the *Building Code of New York State*.

812.4.4.3 Other vertical shafts. Interior vertical shafts other than stairways, including but not limited to elevator hoistways and service and utility shafts, shall be enclosed as required by the *Building Code of New York State* when there is a change of use to a higher hazard category as specified in Table 812.4.1.

Exceptions:

1. Existing 1-hour interior shaft enclosures shall be accepted where a higher rating is required.
2. Vertical openings, other than stairways, in buildings of other than Group I occupancy and connecting less than 6 stories shall not be required to be enclosed if the entire building is provided with an approved automatic sprinkler system.

812.4.4.4 Openings. All openings into existing vertical shaft enclosures shall be protected by fire assemblies having a fire-protection rating of not less than 1 hour and shall be maintained self-closing or shall be automatic closing by actuation of a smoke detector. All other openings shall be fire protected in an approved manner. Existing fusible link-type automatic door-closing devices shall be permitted in all shafts except stairways if the fusible link rating does not exceed 135°F (57°C).

812.5 Accessibility. Existing buildings or portions thereof that undergo a change of group or occupancy classification shall have all of the following accessible features:

1. At least one accessible building entrance.
2. At least one accessible route from an accessible building entrance to primary function areas.
3. Signage complying with Section 1110 of the *Building Code of New York State*.
4. Accessible parking, where parking is provided.
5. At least one accessible passenger loading zone, where loading zones are provided.
6. At least one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.
7. Where more than four Groups R-2 or R-3 dwelling units or sleeping units are being constructed, twenty-five percent shall comply with Section 1107.6 of the *Building Code of New York State*.

Exception: Buildings without elevator service where the lowest story containing Group R-2 or R-3 dwelling units is not the ground floor.

Where it is technically infeasible to comply with the new construction standards for any of these requirements for a change of group or occupancy, the above items shall conform to the requirements to the maximum extent technically feasi-

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ble. Changes of group or occupancy that incorporate any alterations or additions shall comply with this section and Sections 506.1, 606.1 and 905.1 as applicable.

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