APPENDIX S

NEW YORK STATE AGENCIES WITH CONSTRUCTION REGULATIONS

The following is a list of New York State Agencies with construction related regulations or construction authority that complement the requirements of the Uniform Fire Prevention and Building Code. These listed requirements are not enforceable by a Code Enforcement Official unless empowered by other law, statute, ordinance or regulation. Note: This list may not be all-inclusive and is subject to change; it is published as a courtesy to enforcers, designers and the public.

### Adirondack Park Agency

P.O. Box 99  
1133 NYS Route 86  
Ray Brook, NY 12977  
Phone: 518-891-4050  
Fax: 518-891-3938  
www.apa.state.ny.us

The APA is responsible for maintaining the protection of the forest preserve and overseeing development proposals of the privately owned lands within the Adirondack Park

**Applicable Regulations:**

The Adirondack Park Agency administers the Adirondack Park Agency Act (Executive Law, article 27), the Freshwater Wetlands Act (Environmental Conservation Law, article 24) within the Adirondack Park and, for private lands within the Adirondack Park, the Wild Scenic and Recreational Rivers System Act (Environmental Conservation Law, article 15, title 27).

http://www.apa.state.ny.us/Regulations/index.html

### NYS Commission on Quality of Care & Advocacy for Persons with Disabilities

401 State Street  
Schenectady, NY 12305  
Phone: 518-474-2825  
Fax: 518-473-6005  
www.cqcapd.state.ny.us

In 2005 the NYS Commission on Quality of Care for the Mentally Disabled and the NYS Office of Advocate for Persons with Disabilities were merged to form a new agency: the NYS Commission on Quality of Care and Advocacy for Persons with Disabilities. Through its Advocacy and Outreach Division, the Commission promotes the inclusion of people with disabilities in all aspects of community life by supporting policies which ensure that people with disabilities have every opportunity to be productive and participating citizens able to exercise all of the rights and responsibilities accorded all New Yorkers. Implementation of progressive legislation and regulations protecting the equal rights of persons with disabilities is but one of the tools used by the Commission to help achieve this goal. Implementation and refinement of the accessibility requirements of the New York State Uniform Fire Prevention and Building Code are but one example of many such activities.

In addition to providing information and technical assistance on a variety of disability related subjects, the Commission also provides information and technical assistance regarding the accessibility requirements of the New York State Fire Prevention and Building Code, the Americans with Disabilities Act Accessibility Guidelines to local codes enforcement officers, architects, disability advocates and the public at large and the non-discrimination provisions and accessibility provisions of the Fair Housing Amendments Act of 1988.
About OASAS

The New York State Office of Alcoholism and Substance Abuse Services (OASAS) plans, develops and regulates structured addiction treatment and prevention systems. OASAS licenses and regulates more than 1,200 addiction treatment providers statewide and operates 13 Addiction Treatment Centers. The agency also provides funding for approximately 300 prevention providers at 1,700 education and prevention programs based in schools and communities throughout the state. Additionally, in July 2005, the agency assumed responsibility for overseeing the outreach, prevention, treatment, training and certification related to compulsive gambling services.

Applicable Regulations:

Chemical Dependence Services
Part 814 General Facility Requirements
Individual programs and modalities are governed by the regulatory requirements found in Title 14 and may have other specific facility requirements within the Part 800 series. Please see the link below for additional information:

http://www.oasas.state.ny.us/regs/menu-regs.htm

### Office of Alcoholism and Substance Abuse Services
Occupancy Classifications for the Codes of New York State

<table>
<thead>
<tr>
<th>Modality</th>
<th>Reference</th>
<th>OASAS</th>
<th>Comments/Qualifications/Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chemical Dependence Crisis Services</td>
<td>Part 816</td>
<td>I-2</td>
<td>R-1=Transient boarding houses with stays less than 30 days, R-4 = 5 - 16 beds.</td>
</tr>
<tr>
<td>Chemical Dependence Residential Rehab for Youth</td>
<td>Part 817***</td>
<td>R-2; R-4</td>
<td>R-1=Transient boarding houses with stays less than 30 days, R-4 = 5 - 16 beds.</td>
</tr>
<tr>
<td>Chemical Dependence Inpatient Rehabilitation</td>
<td>Part 818</td>
<td>R-2; R-4</td>
<td>R-1=Transient boarding houses with stays less than 30 days, R-4 = 5 - 16 beds.</td>
</tr>
<tr>
<td>Chemical Dependence Residential Services</td>
<td>Part 819</td>
<td>R-2; R-4</td>
<td>R-1=Transient boarding houses with stays less than 30 days, R-4 = 5 - 16 beds.</td>
</tr>
<tr>
<td>Residential Chemical Dependency for Youth</td>
<td>Part 820</td>
<td>R-2; R-4</td>
<td>R-1=Transient boarding houses with stays less than 30 days, R-4 = 5 - 16 beds.</td>
</tr>
<tr>
<td>Non-med Supervised Chemical Dependence Outpatient</td>
<td>Part 821</td>
<td>B</td>
<td>Clinic/Professional Office Services</td>
</tr>
<tr>
<td>Chemical Dependence Outpatient</td>
<td>Part 822</td>
<td>B</td>
<td>Clinic/Professional Office Services</td>
</tr>
<tr>
<td>Outpatient Chemical Dependency for Youth</td>
<td>Part 823</td>
<td>B</td>
<td>Clinic/Professional Office Services</td>
</tr>
</tbody>
</table>

*** Not yet promulgated as of 8/24/2005
The New York State Office of Children and Family Services (OCFS) is charged by State Law to regulate, license/register and monitor those child care settings that meet the State definition of child day care. At the current time there are approximately 18,800 regulated facilities that are licensed or registered under the auspice of OCFS. The types of licensed and registered care are day care centers (outside of New York City); School Age Child Care Programs (statewide) that provide supervision for children before and after school and out of normal school hours; group family day care (statewide) which can care for up to 14 children in a provider’s home; and registered family day care programs that can provide care to a maximum of 8 children in a provider’s home.

**Applicable Regulations:**

Day Care Regulations

* Child Day Care Definitions, Enforcement & Hearings (Part 413)
* School Age Child Care (Part 414)
* Group Family Day Care Homes (Part 416)
* Family Day Care Homes (Part 417)
* Child Day Care Centers (Subpart 418-1)
* Small Day Care Centers (Subpart 418-2 )

<table>
<thead>
<tr>
<th>INSTITUTIONAL **</th>
<th>I-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>facility for 13 or more children operated by a child care agency</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP RESIDENCE ***</th>
<th>I-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>institution for not more than 25 children operated by an authorized agency</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP HOME ***</th>
<th>R-4 or Residential Code if:</th>
</tr>
</thead>
<tbody>
<tr>
<td>family-type home for not less than seven, nor more than twelve, children who are at least 5 years old, operated by an authorized agency (except min. age not applicable to siblings in same facility nor mother in same facility)</td>
<td>One- or two-family dwellings or Multiple single-family (townhouses) @ three stories or less</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>AGENCY BOARDING HOME ****</th>
<th>Residential Code if:</th>
</tr>
</thead>
<tbody>
<tr>
<td>family-type home for not more than six children, operated by an authorized agency (except for more than six brothers and sisters of the same family)</td>
<td>One- or two-family dwellings or Multiple single-family (townhouses) @ three stories or less</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUPERVISED INDEPENDENT LIVING ****</th>
<th>Residential Code if:</th>
</tr>
</thead>
<tbody>
<tr>
<td>family-type home for not more than three children who reside in the community</td>
<td>One- or two-family dwellings or Multiple single-family (townhouses) @ three stories or less</td>
</tr>
</tbody>
</table>

Other applicable regulations, as follows, require each building to have an annual inspection by the local fire authority or the insurance carrier.

** 18 NYCRR 442.5(I)
*** 18 NYCRR 448.3(b)(10)(xyi)
**** 18 NYCRR 447.2(b)(4)(xxi)
### Office of Children and Family Services Day Care Classification for the Codes of New York State

<table>
<thead>
<tr>
<th>Day Care Type</th>
<th>Residential Code if:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family day care homes</td>
<td>One- or two-family dwellings or Multiple single family (townhouses) @ three stories or less</td>
</tr>
<tr>
<td>3 - 6 children</td>
<td>R3 - one- or two-family dwelling if: Dwelling not residential code</td>
</tr>
<tr>
<td>6 weeks - 12 years</td>
<td>R2 - permanent multiple dwellings</td>
</tr>
<tr>
<td>Group family day care homes</td>
<td>Residential Code if:</td>
</tr>
<tr>
<td>7 - 12 children</td>
<td>One- or two-family dwellings or Multiple single family (townhouses) @ three stories or less</td>
</tr>
<tr>
<td>6 weeks to 12 years</td>
<td>R3 - one- or two-family dwelling if: Dwelling not residential code</td>
</tr>
<tr>
<td>Child day care center</td>
<td>R2 - permanent multiple dwellings</td>
</tr>
<tr>
<td>7 or more children</td>
<td>I4 - institutional</td>
</tr>
<tr>
<td>6 weeks - 12 years</td>
<td>E - educational If: 5 - 100 children, 2 1/2 years or less; on level of exit discharge with each room having a door directly to the exterior</td>
</tr>
<tr>
<td>School-age day care</td>
<td>E - educational older than 2 1/2 years</td>
</tr>
<tr>
<td>6 years - 12 years</td>
<td>Small day care center</td>
</tr>
</tbody>
</table>

Prepared by the NYS Department of State, Division of Code Enforcement and Administration. Effective January 1, 2003.

### NYS Department of Correctional Services

Building 2  
1220 Washington Ave  
Albany, New York 12226-2050  
(518) 457-8126

The Department of Correctional Services is responsible for the confinement and habilitation of approximately 65,000 inmates held at 70 state correctional facilities.
The Dormitory Authority of the State of New York is a public benefit corporation that finances and constructs a variety of facilities for New York State agencies, municipal agencies, educational and not-for-profit institutions, independent hospitals, independent colleges, court facilities and facilities for the aged.

In accordance with Part 1204 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York, the Dormitory Authority is designated as a construction permitting agency and is responsible for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (Uniform Code) with respect to certain construction activities it undertakes.

Projects in the following New York State programs are subject to the Dormitory Authority’s Construction Permitting Program:

- Department of Health (DOH)
- Office of Alcohol and Substance Abuse Services (OASAS) (state operated facilities only)
- Office of Mental Health (OMH)
- Office of Mental Retardation and Developmental Disabilities (OMRDD)
- State Education Department (SED)
- State University of New York (SUNY)

There may be extenuating circumstances requiring certain other projects to be included in the program. In such cases, the Dormitory Authority Code Compliance Unit will make a determination.

Where the Dormitory Authority participates in the construction of a new building or existing building, and where upon its completion such building will be in the custody of an entity other than a state agency, administration and enforcement of the Uniform Code will be the responsibility of the code enforcement agency generally performing those functions at the location of the work.
New York State Education Law Section 408 requires the Commissioner of Education to review and approve the plans and specifications for any capital construction project for a public school district outside of New York City. The New York City Board of Education is responsible for approval of capital construction projects in New York City. Additionally, Department of State regulations place the responsibility for enforcement of the New York State Uniform Fire Prevention and Building Code, in public school buildings, with the Education Department.

Education Law Section 409 allows the Commissioner to adopt regulations to assure the health and safety of students and staff in relation to proper heating, lighting, ventilation, sanitation and health, fire and accident protection. To this end the Education Department has been adopting regulations and reviewing plans and specifications since 1904.

The regulations applicable to public schools, which are in addition to the NYS Uniform Code, can be found in the Commissioners Regulations Part 155 and the State Education Department’s Manual of Planning Standards. These standards along with a host of additional information concerning health and safety in public schools can be found on the State Education Department Office of Facilities Planning’s web site, www.emsc.nysed.gov/facplan.

For additional information and technical assistance please call the NYSED Office of Facilities Planning at 518-474-3906.

Office of Facilities Planning,
Room 1060 EBA Education Building, Albany, NY 12234
Tel. (518) 474-3906 Fax (518) 486-5918
WEBSITE: http://www.nysed.gov/fmis/facplan/

**Applicable Regulations:**

Laws, Regulations and Policies Relating to Public and Non-public Schools in New York State, pertaining to Facilities Planning
http://www.emsc.nysed.gov/facplan/LawsRegs.htm

**Additional Information:**

The Office of the Professions
Phone: 518-474-3817
Title VIII - The Professions
Article 145 Engineering and land surveying
Article 147 Architecture
Article 148 Landscape architecture
Article 161 Interior design
http://www.op.nysed.gov/
Executive Order 111

“All agencies and departments over which the Governor has Executive authority, and all public benefit corporations and public authorities the heads of which are appointed by the Governor (hereinafter referred to as “State agencies and other affected entities”), shall seek to achieve a reduction in energy consumption by all buildings they own, lease or operate of 35 percent by 2010 relative to 1990 levels. All State agencies and other affected entities shall establish agency-wide reduction targets and associated schedules to reach this goal and shall also be responsible for establishing peak electric demand reduction targets for each state facility by 2005 and 2010.”

http://www.nyserda.org/program/exorder111.asp
DEC plays a key role in enhancing the quality of life and economic well-being of New Yorkers. The department manages natural resources and protects environmental quality to improve public health and increase the economic benefits that flow from new technologies and environmentally sound development. DEC public services make New York State an attractive place for business, tourism and recreation.

**Natural Resources and Water Quality Programs**
DEC manages the state’s natural resources to provide healthy, abundant populations of fish and wildlife, clean lakes and rivers, thriving forests and safe, productive mines and wells.

**Mineral Resources** (518) 402-8076
Activities: regulates and monitors the drilling and production of oil, natural gas and solution salt; the underground storage of natural gas and liquefied petroleum gas; and the extraction of rocks and minerals, including reclamation of affected land.

**Water** (518) 402-8233
Activities: protects water quality in lakes, rivers, aquifers and coastal areas by regulating wastewater discharges, monitoring water bodies and controlling surface runoff; provides technical assistance and education; manages freshwater resources; and helps prevent flood damage and beach erosion.

**Air and Waste Management Programs**
DEC protects land, air and water through pollution control and prevention, waste reduction, and cleanup of hazardous spills and sites.

**Air Resources** (518) 402-8452
Activities: regulates, permits and monitors sources of air pollution; forecasts ozone and stagnation events; educates the public about reducing air pollution; and researches atmospheric dynamics, pollution and emission sources.

**Environmental Remediation** (518) 402-9706
Activities: manages the Inactive Hazardous Waste Disposal Site Remediation Program and the Construction Grants Program for wastewater treatment facilities; manages and promotes the Environmental Restoration (Brownfields) Program, the Voluntary Cleanup Program, and the Spill Prevention and Response Program; and regulates petroleum and chemical bulk storage facilities, underground storage tanks and major oil storage facilities.

**Solid and Hazardous Materials** (518) 402-8651
Activities: Carries out regulatory programs; encourages waste reduction, reuse and recycling for solid and hazardous waste facilities and generators of hazardous waste; promotes sound management, including waste reduction, reuse and recycling; provides technical and compliance assistance for waste disposal and generation; controls disposal of radioactive materials and application of pesticides; and provides cancer researchers with a database on pesticide application and sales.
Applicable Regulations:

Laws, Regulations and Policies Relating to:
Chapter III- Air Resources Parts 200-317
Chapter IV- Quality Services Parts 320-486
Chapter V - Resource Management Services Parts 500-614
Chapter VI - General Regulations Parts 615-624
Chapter X - Division of Water Resources Parts 649-941

http://www.dec.state.ny.us/website/regs/

Design And Construction Contract
Administration
35th Floor, Room 3564
Corning Tower, Empire State Plaza
Albany, NY 12242
Tel: 518-474-0200
Fax: 518-486-1650
www.ogs.state.ny.us

The New York State Office of General Services manages and leases real property, designs and builds facilities, and delivers a wide array of support services.
Applicable Regulations:

In addition to the requirements set forth in Title 19 NYCRR, Department of Health, the Bureau of Community Environmental Health and Food Protection (CEHFP) and the Bureau of Water Supply Protection (BWSP) have additional requirements that can be found at: http://www.health.state.ny.us/nysdoh/phforum/nycrr10.htm

Subpart 5-1 for Public Water Systems
Subpart 6-1 for Swimming Pools
Subpart 6-2 for Bathing Beaches
Subpart 7-1 for Temporary Residences (Hotels/Motels/Mass Gatherings)
Subpart 7-2 for Children’s Camps
Subpart 7-3 for Campgrounds
Part 14 for Food Service Establishments
Part 15 for Migrant Farmworker Housing
Part 17 for Mobile Home Parks
Part 74 for Approval of Realty Subdivisions

Appendix 5B for Standards for Water Wells (previously called Rural Water Supply)
Appendix 75A Wastewater Treatment Standards – Individual Household Systems

Program: Public Water Systems

Regulatory Authority: Subpart 5-1 of the State Sanitary Code (10 NYCRR Part 5)

Provides for regulation of the design, operation and maintenance of public water systems and their sources. Applies to public water systems defined in Subpart 5-1.1 and covers source water quality, drinking water standards, design and approval for water system infrastructure, treatment requirements, monitoring, operations, cross connection control, water supply emergency plans, public education and notification. Requires notification and approval before treatment modifications are made to public water systems.
**Program: Public Swimming Pools and Bathing Beaches**

Regulatory Authority: Subparts 6-1 (Swimming Pools) and 6-2 (Bathing Beaches of the State Sanitary Code (10 NYCRR Part 6)

Swimming Pool – A structure, together with buildings and appurtenances used in connection therewith, intended for bathing, swimming or diving purposes, made of concrete, masonry, metal or other impervious material, located either indoors or outdoors.

Bathing Beach – A bathing place together with any buildings or appurtenances, and the water and land areas used in connection therewith, at a pond, lake, stream or other body of fresh or salt water which is used for bathing or swimming with the express or implied permission or consent of the owner or lessee of the premises or which is operated for a fee or any other consideration or which is openly advertised as a place for bathing or swimming.

This program contains the design criteria for new construction or modification, fencing requirements, supervision/lifeguard standards, pool water chemistry and treatment; and water quality at all pools, spas and beaches available to the general public, except those owned and/or maintained by an individual for use of family or friends.

Other State agencies that may have additional regulatory oversight include Department of Labor and Department of Environmental Conservation.

**Program: Temporary Residences and Mass Gatherings**

Regulatory Authority: Subpart 7-1 of the State Sanitary Code (10 NYCRR Part 7)

Temporary Residence – A property consisting of a tract of land and any tents, vehicles, buildings, rooms, camping sites or other structures and installations, temporary or permanent pertaining thereto, any part of which is utilized or maintained primarily for overnight occupancy by people, with or without stipulated agreement as to the duration of their stay, who are provided at least some part or portion of the use of the property’s facilities with the consent or implied permission of the owner, operator or lessee thereof.

Mass Gathering – A gathering that is likely to attract 5,000 people or more and continue for 24 hours or more but shall not include a temporary residence under permit.

This program contains provisions that regulate temporary residences (hotel, motels, cabin colonies) providing accommodations for 10 or more guests for at least 60 hours in a calendar year, including standards for fire safety (exiting, fire alarm systems), food service, water supply and sewage disposal. Facilities located in cities having a population of 125,000 or more, which receive all water from a public water supply and discharge all sewage in a public sewer system are exempt. It also contains specific provisions for mass gatherings, which in addition to the above requirements include security, transportation, medical care, noise control and site lighting.

Other State agencies that may have additional regulatory oversight include Department of Labor, Department of Environmental Conservation (Temporary Residences), New York State Police, Department of Transportation (Mass Gatherings).
Program: Children’s Camps

Regulatory Authority: Subpart 7-2 of the State Sanitary Code (10 NYCRR Part 7)

Children’s Overnight Camp – A property consisting of a tract of land and any tents, vehicles, buildings or other structures that may be pertinent to its use, any part of which may be occupied by persons under 18 years of age for the purpose of outdoor or indoor organized activities and on which provisions are made for overnight occupancy of children.

Summer Day Camp – A property consisting of a tract of land and any tents, vehicles, building or other structures that may be pertinent to its use, any part of which may be occupied on a scheduled basis at any time between June 1 and September 15 in any year by children under 16 years of age, under general supervision, primarily for the purpose of outdoor organized group activities for a period of less than twenty-four hours on any day the property is so occupied, and/or which no provisions are made for overnight occupancy by such children.

Traveling Summer Day Camp – A summer day camp which regularly operates in a period between May 15 and September 15, and which regularly transports children under 16 years of age on a regular schedule to a facility, site or property, including any tract of land, beach, park, stadium, building, tents or other structures pertinent to its use and primarily for the purpose of organized group activity.

This program contains provisions for camper supervision, activity safety, fire safety, housing, water supply, sewage disposal, food preparation, transportation and medical safety.

Other State agencies that may have additional regulatory requirements, State Education Department, Department of Environmental Conservation.

Program: Campgrounds

Regulatory Authority: Subpart 7-3 of the State Sanitary Code (10 NYCRR Part 7)

Campground – Any parcel or tract of land including buildings or other structures, under the control of any person, where five or more campsites are available for temporary or seasonal occupancy.

This program includes standards for the water supply, sewage disposal, food service; fire safety and design, operation and maintenance at facilities operating more than 60 hours in any calendar year available to the public, not including those regulated by another State agency.

Other State agencies that may have additional regulatory oversight include Department of Environmental Conservation, Department of Labor.

Program: Food Protection

Regulatory Authority: Subparts 14-1, 14-2, 14-4 and 14-5 of the State Sanitary Code (10 NYCRR Part 14)

Food Service Establishment – (Subpart 14-1) – A place where food is prepared and intended for individual portion service and includes the site at which the individual portions are provided, whether consumption occurs on or off the premises. The term excludes food processing establishments, retail food stores, private homes where food is prepared or served for family consumption, and food service operations where a distinct group mutually provides, prepares, serves and consumes the food such as a “covered-dish supper” limited to a congregation, club or fraternal organization.

Temporary Food Service Establishment – (Subpart 14-2) – A place where food is prepared or handled and served to the public, with or without charge and which operates at a fixed location in conjunction with a single event or celebration of not more than 14 consecutive days’ duration.
This program provides standards to regulate food service establishments, school and institutional food services, temporary food service establishments, mobile food pushcarts (Subpart 14-4) and vending machines (Subpart 14-5) for food and beverages.

Other State agencies that may have additional regulatory oversight include Department of Agriculture and Markets and Department of Environmental Conservation.

**Program: Migrant Farmworker Housing**

Regulatory Authority: Part 15 of the State Sanitary Code (10 NYCRR Part 15)

Migrant Farmworker Housing – Facilities occupied by five or more persons, one of whom is employed to perform farm activities.

This program provides standards for housing, water and sewage disposal/treatment, food service, fire safety, laundry and bathing facilities for housing occupied by migrant laborers who are employed to perform farm activities of a seasonal or temporary nature. This program does not include housing at facilities that provide year round employment such as dairy farms.

Other State agencies that may have additional regulatory requirement include Department of Labor, Department of Environmental Conservation, and Division of Housing and Community Renewal. The United States Department of Labor may also have additional requirements for migrant housing.

**Program: Mobile Home Parks**

Regulatory Authority: Part 17 of the State Sanitary Code (10 NYCRR Part 17)

Mobile Home Park – A property consisting of a tract of land maintained by an operator for placement of five or more mobile homes and/or manufactured homes, and buildings or other structures that may be pertinent to their use, any part of which may be occupied by persons for residential purposes other than recreation, traveling or vacationing and who are provided services or facilities necessary for their use of the property.

Other State agencies that may have additional regulatory oversight include the Department of Environmental Conservation and Division of Housing and Community Renewal. The U.S. Department of Housing and Urban Development may also have additional requirements for mobile home parks.

**Program: Wastewater Treatment Standards – Individual Household Systems**

Regulatory Authority: Appendix 75A of the State Sanitary Code (10 NYCRR Part 75)

Provides for regulation of the design and construction of individual on-site wastewater treatment systems that are not otherwise regulated by the Department of Environmental Conservation under Article 17 of the Environmental Conservation Law. By interagency agreement, on-site wastewater treatment systems at residences and some commercial facilities (those requiring Health Department permits to operate) are addressed under 10 NYCRR Part 75 and Appendix 75A. Wastewater treatment standards for individual household systems are included as Appendix 75-A of this regulation, and standards for commercial systems are provided by the Department of Environmental Conservation.

**Program: Standards for Water Wells (previously called Rural Water Supply)**

Regulatory Authority: Part 5 Appendix 5-B of the State Sanitary Code (10 NYCRR Part 5)

Provides the minimum standards for construction, renovation, development and abandonment of drinking water wells used for drinking, culinary and/or food processing purposes (new rule anticipated to be adopted in fall of 2005 will replace existing Appendix 5-B, “Rural Water Supply”).

**Program: Approval of Realty Subdivisions**

Regulatory Authority: Part 74 of the State Sanitary Code (10 NYCRR Part 74)
Provides for regulation of the design and construction of sewerage and water facilities for realty subdivisions. Health Department review and approval is required to address community sewerage, individual onsite wastewater treatment and disposal, public water and individual water supply systems.

Construction requirements set forth by the Department of Health for Article 28 licensed health care facilities, Title 10 NYCRR by visiting NYSDOH website at

- Part 711 for General Standards of Construction
- Part 712 for Standards of Construction for New Hospitals
- Part 713 for Standards of Construction for Nursing Homes
- Part 715 for Standards of Construction for New Diagnostic or Treatment Centers
- Part 716 for Standards of Construction for New Rehabilitation Facilities
- Part 717 for Standards of Construction for New Hospice Facilities and Units

For Article 28 Licensed Health Care facilities, the following base occupancies apply per the Building Code of New York State. The Department of Health may apply additional requirements specific to the program and scope of services provided:

- Acute Care Hospitals: Institutional I-2
- Nursing Homes: Institutional I-2
- Diagnostic or Treatment: Business Occupancy

Additional Information:

Department of Health Bureau of Community Environmental Health and Food Protection
547 River Street
Flanigan Square, Room 515
Troy, NY 12180-2216
or call 1-800-458-1158 ext. 27600.

The Division of Housing and Community Renewal is responsible for the supervision, maintenance and development of affordable low- and moderate-income housing in New York State. The Division performs a number of activities in fulfillment of this mission, including:

- Housing Operations - Oversight and regulation of the State’s public and publicly assisted rental housing;
- Community Development - Administration of housing development and community preservation programs, including State and Federal grants and loans to housing developers to partially finance construction or renovation of affordable housing; and
- Rent Administration - Administration of the rent regulation process for more than one million rent-regulated apartments in both New York City, and those localities in the counties of Albany, Erie, Nassau, Rockland, Schenectady, Rensselaer and Westchester subject to rent laws.
Additional Information:

http://www.dher.state.ny.us/general/dherpub.htm

NYS Department of Labor
W. Averell Harriman State Office Campus
Building 12
Albany, NY 12240
Phone: 518-457-9000
www.labor.state.ny.us

Engineering Services Unit

The Engineering Services Unit is responsible for the review and approval of permit applications for places of public assembly, ski tows, tramways, elevators and escalators, large tents for 300 or more occupants, bleachers, window cleaning scaffolds and other devices. The Unit develops standards to conduct safety and health activities mandated by law, reviews variance requests and reviews design plans submitted by public employers to the Hazard Abatement Board. For additional information about Engineering Services Unit visit us at www.labor.state.ny.us/business_ny/employer_responsibilities/safety_health.html

Applicable regulations:

Listing of DOL Laws and Regulations that Effect NYS UFP&BC

The synopsis only covers the section of laws and codes that overlap with building code requirements.


Part 4-6 contains requirements for construction of boiler rooms with clearance requirements greater than most manufacturers’ minimums. DOL currently issues variances for clearances less than required in CR but greater than manufacturers’ specifications. Also includes requirements for boiler room egress. Biennial inspections required by certified boiler inspectors, conducted by authorized insurance companies or the jurisdiction.

Industrial Code Rule 14, “Construction, Installation, Inspection and Maintenance of High Pressure Boilers; Construction of Unfired Pressure Vessels.”

Part 14-1.10 contains requirements for platforms and ladders to gain access to remote areas of the boiler and controls. Variances are issued under certain conditions to allow portable approved ladders in lieu of platforms.

Part 2-2 contains requirements for minimum clearances of the boilers from building walls or partition for proper care, maintenance and inspection, which may be greater than the manufacturers’ minimums. DOL currently issues variances for clearances less than required in CR but greater than manufacturers’ specifications in order to maintain satisfactory accessibility. Annual inspections required by certified boiler inspector, conducted by authorized insurance companies or the jurisdiction.


This code rule was last updated in 1923, so many sections are obsolete (no one under 18 can be employed as an elevator operator). As per title ICR 8 only applies to factories and mercantile establishments. Requires filing of plans with DOL and issuance of approval of plans by DOL.

Industrial Code Rule 36, “Places of Public Assembly.”
Covers areas of public assembly, including theaters, moving picture houses, assemble halls, with capacity of 150 persons. Specifies requirements for egress, construction, railings, wall decorations/hangings, bleachers, tents, etc. Includes both indoor and outdoor public assembly. Requires filing of plans with DOL or local enforcing authority, inspection of premises and certificate of compliance.

**Industrial Code Rule 39, “Possession, Handling, Storage & Transportation of Explosives.”**

Covers the manufacture, ownership, possession, storage, use transportation, purchase, sale or gift of explosives. Specifies requirements for the construction of magazines used to store explosives. Also provides requirements for the placement of magazines in proximity to other structures and public transportation.

**Industrial Code Rule 45, “Amusement Devices, Viewing Stands and Tents at Carnival, Fairs and Amusement Parks.”**

Provides requirements for viewing stands and tents, other temporary structures where an admission fee is usually charged. Permit is required prior to use of such in NYS. Annual inspections required.

**Industrial Code Rule 56, “Asbestos.”**

Requires asbestos survey prior to any demolition activities on buildings, with specific exceptions. Provides requirements for asbestos abatement.

http://www.labor.state.ny.us/workerprotection/safetyhealth/DOSH_CODE_RULES.shtm

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**New York State Office of Mental Health**

44 Holland Avenue
Albany, New York 12229
Phone: 1-800-597-8481
http://www.omh.state.ny.us/

New York State has a large, multi-faceted mental health system that serves more than 500,000 individuals each year. The Office of Mental Health (OMH) operates psychiatric centers across the State, and also regulates, certifies and oversees more than 2,500 programs, which are operated by local governments and nonprofit agencies. These programs include various inpatient and outpatient programs, emergency, community support, residential and family care programs.

**Applicable Regulations:**

Part 584 - Operation of Residential Treatment Facilities for Children and Youth

http://www.omh.state.ny.us/omhweb/policy/policy.htm
The New York State Office of Mental Retardation and Developmental Disabilities (OMRDD) and its local governments have a responsibility for the prevention and early detection of mental retardation and developmental disabilities and for the comprehensively planned provision of services including care, treatment, habilitation and rehabilitation of their citizens with mental retardation and developmental disabilities.

**Applicable Regulations:**

- Mental Hygiene Law, Chapter 676, Title C
- The Mental Retardation & Developmental Disabilities Act
- [http://www.oasas.state.ny.us/regs/menu-regs.htm](http://www.oasas.state.ny.us/regs/menu-regs.htm)

### Office of Mental Retardation & Developmental Disabilities

**Occupancy Conversion for the new Codes of New York State**

**COMMUNITY RESIDENCE**

- **Residential for 14 persons or fewer:**
  - one-family or two-family
  - Residential code if:
    - One- or two-family dwellings
    - of Multiple single-family (townhouses) @ three stories or less
    - R3 - one- or two-family dwelling
    - if: Dwelling not residential code

- **Residential for 14 persons or fewer:**
  - when located in a permanent multiple dwelling
  - R2 - permanent multiple dwelling

- **Residential for 15 persons or more:**
  - when located permanent multiple dwelling
  - R2 - permanent multiple dwelling

**DEVELOPMENTAL CENTERS**

- where building is serving 1 to 14 persons
  - R3 - one- or two-family dwelling
  - (not residential code)

- where building is located in a multiple dwelling
  - R2 - permanent multiple dwelling

**DAY HABILITATION**

- **Nonresidential for day training facility, clinic treatment facility & day treatment facility**
  - B - business

- **Nonresidential Sheltered Workshop certified as a day training facility**
  - B - business

Prepared by the NYS Department of State, Division of Code Enforcement and Administration Effective January 1, 2003
The Metropolitan Transit Authority (MTA) is an agency responsible for building and maintaining all forms of structures to support its vast transit system infrastructure.

The MTA complies with the Uniform Fire Prevention and Building Code of New York State and its Referenced Standards.

New York State Office of Parks, Recreation and Historic Preservation
Empire State Plaza
Agency Building 1
Albany NY, 12238
(518) 474-0456
(518) 486-1899 TDD
http://nysparks.state.ny.us/

New York State Historic Preservation Office
Peebles Island Resource Center
P.O. Box 189
Waterford, NY 12188-0189
(518) 237-8643
http://nysparks.state.ny.us/shpo/

New York’s State Historic Preservation Office (SHPO) helps communities identify, evaluate, preserve and revitalize their historic, archeological and cultural resources. The SHPO administers programs authorized by both the National Historic Preservation Act of 1966 and the New York State Historic Preservation Act of 1980. These programs, including the Statewide Historic Resources Survey, the New York State and National Registers of Historic Places, the federal historic rehabilitation tax credit, the Certified Local Government program, the state historic preservation grants program, state and federal environmental review, and a wide range of technical assistance, are provided through a network of teams assigned to territories across the state. The SHPO works with governments, the public and educational and not-for-profit organizations to raise historic preservation awareness, to instill in New Yorkers a sense of pride in the state’s unique history and to encourage heritage tourism and community revitalization.

Applicable Regulations:

New York State and National Registers Information
Http://nysparks.state.ny.us/shpo/register/index.htm
The Department of Public Service has a broad mandate to ensure that all New Yorkers have access to reliable and low-cost utility services. The Department is the staff arm of the Public Service Commission. The Commission regulates the state’s electric, gas, steam, telecommunication and water utilities. The Commission also oversees the cable industry. The Commission is charged by law with responsibility for setting rates and ensuring that adequate service is provided by New York’s utilities. In addition, the Commission exercises jurisdiction over the siting of major gas and electric transmission facilities and has responsibility for ensuring the safety of natural gas and liquid petroleum pipelines.

Applicable Regulations:

Article 7A – Home insulation and energy conservation act

New York Power Authority

30 South Pearl Street,
Albany, N.Y., 12207-3425
Our corporate switchboard can be reached at (914) 681-6200.

The New York Power Authority (NYPA) is one of the largest state-owned power organizations, operating 17 generating facilities and more than 1,400 circuit-miles of transmission lines.

NYPA sells power to government agencies; to community-owned electric systems and rural electric cooperatives; to job-producing companies; to private utilities for resale—without profit—to their customers; and to neighboring states, under federal requirements.

NYPA provides a variety of energy-related services to businesses and municipalities.

In addition to the requirements set forth in the current edition of the Building Code of New York State, the State University Construction Fund (SUCF) requires additional safeguards for all buildings and accessory structures (including equipment and mechanical services) constructed with its funds on SUNY campuses. A full description of these additional safeguards can be found at http://www.sucf.suny.edu/design/bulletin.shtml
Division of Code Enforcement and Administration
Phone (518)-474-4073

The Codes Division provides a variety of services related to New York’s Uniform Fire Prevention and Building Code and State Energy Conservation Construction Code. The Division provides technical assistance, administers variances, delivers educational courses, oversees the enforcement practices of local governments and serves as secretariat to the State Fire Prevention and Building Code Council.
In addition to the requirements set forth in 19 NYCRR, the New York State Uniform Fire Prevention and Building Code, the Authority/Corporation requires that new buildings, accessory structures and structures related to buildings be designed in compliance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the Code of Federal Regulations, Occupational Safety and Health Standards (29 CFR 1910) where the Authority/Corporation is the owner and occupant. The Authority/Corporation leases land to both the public and private sector and performs Code Administration and Enforcement for any work or construction by a public or private entity upon lands of the Authority/Corporation. Public and private entities should contact one of the following offices for additional information.