Memorandum to Presidents

Date: May 29, 1990
From: Office for Capital Facilities
Subject: Revisions to Administration and Enforcement of the State Uniform Fire Prevention and Building Code
To: Presidents, State-operated Campuses
Deans, Statutory Colleges

The New York State Department of State (DOS) has issued new requirements concerning the issuance of construction permits and code compliance certificates by State agencies.

In December 1989, prior to the issuance of these new requirements, a package of material regarding proposed new rules to Administration and Enforcement of the State Uniform Fire Prevention and Building Code was sent to your Vice President for Administration by Lindo A. Signorelli, Associate Vice Chancellor for Facilities Management and Support, Office for Capital Facilities. Campus review and comments were requested. Comments received were considered in preparation of oral and written testimony made by Office for Capital Facilities' personnel at public hearings held by the Department of State in January and May, 1990. With only minor modifications and changes for clarity, the proposed new rules were finalized. This final version was received by the University on May 17, 1990, in the form of the enclosed package.

Administration and enforcement of the Uniform Code will impose significant responsibilities on each campus commencing July 1, 1990. Two main areas of activity will require new management and record keeping responsibilities:

1. **Issuance of Construction Permits and Code Compliance Certificates**

   As explained in the regulations, on or after July 1, 1990, no State Agency may commence Code-regulated work without issuing a Construction Permit prior to the start of work. Additionally, for every project for which a Construction Permit is issued, continued occupancy or re-occupancy of the building or area of work cannot occur until a Code Compliance Certificate (or Temporary Approval for Occupancy) is issued.

   For projects executed by the State University Construction Fund (SUCF) and the Dormitory Authority, code enforcement requirements for Construction Permits and Compliance Certificates will be handled directly by those agencies. However, many activities routinely undertaken by University campuses will require the issuance of Construction Permits and Code Compliance Certificates.
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The only exclusions are for "the performance of necessary repairs which do not materially affect structural elements and/or the plumbing, electrical or heating/ventilating systems ......." Additionally, a Permit may not be required if the value of the work proposed is under $20,000.

To fulfill University-wide management and reporting requirements, we are developing a computerized process to enable campus personnel to generate and track Construction Permits and Code Compliance Certificates. This system will be made available to each campus as an on-line function. We will provide additional information on this system in the near future. Sample documents are enclosed.

Since the University has been designated a "construction permitting agency," execution of these activities will require each campus to designate a Code Compliance Manager. The enclosed package from DOS describes the type of person who may be designated at your campus for this function.

2. Fire Safety Inspections

Under the new regulations, responsibility for annual fire safety inspections of buildings is placed upon each agency, including the University. These inspections at University campuses have been and will continue to be regularly conducted by well-qualified Department of State employees, in keeping with the State Education Law, Section 807-B, which provides that public college facilities shall be annually inspected. This program has been in place and operating successfully for many years. Resulting inspection reports provided to each campus by the Department of State prompt appropriate follow-up activities to correct unsafe conditions or violations. However, documentation of the inspections and reporting on the disposition of violations now becomes the University's responsibility. Specifically, preparation of an annual report is required. This report must delineate each violation not corrected within 60 days, detailing a corrective plan.

To fulfill the fire safety management and reporting requirements, we are also developing a computerized system to assist the campuses. Additional details will be provided in the near future. These activities will require designation of a Code Coordinator at your campus. The enclosed DOS package also describes the type of person who may be designated to perform this function.

The package from DOS also provides information on the required training for those who are designated as Code Compliance Managers and Code Coordinators. We will advise you if we are able to arrange for DOS to conduct regional training sessions for SUNY personnel. Training of these persons must occur within a "reasonable time" after their designation. We expect that the required training can be accomplished within the next year.
To assure and demonstrate the University's compliance with the Uniform Fire Prevention and Building Code, please formally designate and identify (in writing, to Lindo A. Signorelli) the names of the Code Compliance Manager and Code Coordinator(s) by June 25, 1990. Note that the regulations do permit the same individual to be designated for both functions.

Your cooperation is greatly appreciated.

Irving H. Freedman

Enclosures

cc: Vice Presidents for Administration

This memorandum for information to:

Presidents, Community Colleges
President Coll
Provost Nesheim
To Whom It May Concern:

The Department of State Codes Division is presenting codes training programs specifically geared to State Agency personnel who are affected by the proposed Part 448 of Title 19 NYCRR. The attached information describes our basic training courses and the training requirements prescribed through Part 448.

We will be providing a one day program for those of you who have already completed Course 40, Introduction to Code Enforcement Practices. This one day program will discuss Part 448 which details the Administrative and Enforcement provisions pertaining to State agencies responsibility to comply with the New York State Uniform Fire Prevention and Building Code. A state agency version of Course 40 is now being taught which contains part 448 training.

This program is being offered in Albany at the Alfred E. Smith Office building on May 30th and on May 31st. It will also be presented at the New York State Fire Academy in Montour Falls on June 14th.

The Division of Budget has included a provision in the proposed state budget which if enacted may require that we charge back training costs to State agencies. Based on this we anticipate a charge of $50.00 per attendee for a one-day training segment. This will be reduced if possible.

If you or your associates would like to attend this program, please reply with a short note or memo. Due to the limited room size, we may be required to limit attendance to these programs. This does not appear to present any difficulties at this time. We will contact applicable with admission confirmation.

Sincerely,

Edward Hafer
Program Manager
Codes Division
MEMORANDUM

May 14, 1990

To: State Agency Personnel involved with the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code

From: Carl R. Sager

Subject: Codes Training for State Agency personnel

The regulations for Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code (Part 448 Title 19 NYCRR) which are going into effect on June 1, 1990, requires that Code Coordinators and Code Compliance Managers complete courses of instruction as specified by the Secretary of State. To allow agencies to meet their responsibilities under the regulations we are offering code enforcement training specifically for State agency personnel.

The Division of the Budget has included a provision in the proposed state budget which if enacted will require that we charge back training costs to state agencies. Based on this we anticipate a charge of $200.00 per attendee for each 24 hour training segment. This figure will be reduced if possible.

In addition to the proposed agency charge, the 24 hour courses offered at the New York State Fire Academy require a $30.00 registration fee for State Agency personnel. This registration fee is payable by voucher or cash when the attendee arrives at the Academy. Lunch will be available for $3.00 per day. Lodging will not be available at the Academy.

Attached is a sheet detailing the training that will be required for Code Coordinators and for Code Compliance Managers. Also attached is a listing of the current course offerings at the Academy and in the Albany area. We will be advertising additional programs in the future. If you wish to enroll in these programs, please write a short note to Ed Haher at the Codes Division with the applicable details such as name, address, phone number and course number. If you have questions please contact Ed Haher or Shawn Waldron at (518) 474-4073.
Course of Instruction for
State Agency Personnel
pursuant to Part 448, Title 19 NYCRR

To be in compliance with Part 448.5(d), or 448.6(c), state agency personnel designated as Code Coordinators or Code Compliance Managers shall complete the respective course of instruction as listed below. Training which is received in the standard Basic Training Program offered for local code officials is acceptable provided the supplemental Introduction to Part 448 is completed.

Course of Instruction for Code Coordinators:

<table>
<thead>
<tr>
<th>Hours</th>
<th>Course Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>Introduction to Code Enforcement Practices as Modified for State Agency Personnel. (Codes Course 40 plus introduction to Part 448 is an equivalent substitution.)</td>
</tr>
<tr>
<td>24</td>
<td>Inspection of Existing Structures, Codes Course 41.</td>
</tr>
</tbody>
</table>

Course of Instruction for Code Compliance Managers:

<table>
<thead>
<tr>
<th>Hours</th>
<th>Course Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>Introduction to Code Enforcement Practices as Modified for State Agency Personnel. (Codes Course 40 plus introduction to Part 448 is an equivalent substitution.)</td>
</tr>
<tr>
<td>24</td>
<td>Low Rise Residential Construction, Codes Course 42.</td>
</tr>
<tr>
<td>24</td>
<td>General Construction, Codes Course 43.</td>
</tr>
</tbody>
</table>

COURSE DESCRIPTIONS

Course Title: Introduction to Code Enforcement Practices
Course Designation: Course 40
Prerequisite: None

Course Overview:

This is a 24 hour survey course designed to acquaint code enforcement officials with the basic use of the Uniform Fire Prevention and Building Code. Although it is geared toward newly appointed code officials, it is also appropriate for experienced codes personnel, insurance loss control representatives, design professionals, building construction industry personnel, the fire service and others who seek an understanding of the rationale behind the development of the Uniform Code. The course provides an overview of the code administration process, with emphasis on the organization and application of the code.

Course Title: Inspection of Existing Structures
Course Designation: Course 41
Prerequisite: Course 40

Course Overview:

An intermediate level 24 hour course designed to provide code enforcement personnel with the principles and procedures relating to the inspection of existing buildings. Although it is geared toward newly appointed code officials, it is also beneficial for experienced codes personnel, insurance loss control representatives, design professionals, building construction industry personnel, the fire service and others who need an understanding of the Uniform Code from a practical perspective.
Course Title: **Low Rise Residential Construction**
Course Designation: Course 42
Course Prerequisite: Course 40

Course Overview:

This program examines residential, wood frame, construction through plan review of a single family home and a multiple dwelling building. Code compliance checklists are used throughout the program in conjunction with lecture, visual aids, and other code research exercises.

Course Title: **General Building Construction**
Course Designation: Course 43
Prerequisite: Course 42

Course Overview:

An intermediate level course designed to acquaint the code enforcement official with use of blueprints and plan review documents to enable them to perform plan review and inspection activities on structures other than residential. Addresses all aspects of structural and finish requirements contained in Chapter B of the Uniform Code in respect to new construction. This course additionally develops the ability to establish occupant load figures in respect to occupancy and exits.

At the completion of this course the student should also be able to complete the entire building process from plan review, through the required inspections during the construction, and the issuance of a certificate of occupancy.

**COURSE OFFERINGS**

The following programs for State Agency Personnel are proposed for the Albany area.

<table>
<thead>
<tr>
<th>Code</th>
<th>Date</th>
<th>Time</th>
<th>Course Title</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>40-6001</td>
<td>April 16; 1-4 pm</td>
<td>April 17-19; 9-4 pm</td>
<td>Introduction to Code Enforcement Practices (Codes Course 40)</td>
<td>Capital District Psychiatric Center Classroom 31, third floor 75 New Scotland Avenue Albany</td>
</tr>
<tr>
<td>40-6001</td>
<td>April 20; 9-12 pm</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>42-6001</td>
<td>April 30; 1-4 pm</td>
<td>May 1-3; 9-4 pm</td>
<td>May 4; 9-12 pm</td>
<td>Low Rise Residential Construction (Codes Course 42)</td>
</tr>
<tr>
<td>43-6001</td>
<td>May 21; 1-4 pm</td>
<td>May 22-24; 9-4 pm</td>
<td>May 25; 9-12 pm</td>
<td>General Building Construction (Code Course 43)</td>
</tr>
<tr>
<td>45-6001</td>
<td>May 30; 9-4 pm</td>
<td>May 31; 9-4 pm</td>
<td>Introduction to Part 448</td>
<td>First Floor Meeting Room Alfred E. Smith State Office Bldg Washington Ave, Albany</td>
</tr>
<tr>
<td>45-6002</td>
<td></td>
<td></td>
<td>Introduction to Part 448</td>
<td></td>
</tr>
<tr>
<td>40-6004</td>
<td>June 25; 1-4 pm</td>
<td>June 26-28; 9-4 pm</td>
<td>June 29; 9-12 pm</td>
<td>Introduction to Code Enforcement Practices (Codes Course 40)</td>
</tr>
<tr>
<td>41-6001</td>
<td>July 9; 1-4 pm</td>
<td>July 10-12; 9-4 pm</td>
<td>July 13; 9-12 pm</td>
<td>Inspection of Existing Structures (Codes Course 41)</td>
</tr>
</tbody>
</table>
The following courses for State agency personnel will be offered at the NY State Fire Academy in Montour Falls.

<table>
<thead>
<tr>
<th>Course Code</th>
<th>Dates</th>
<th>Time/Day</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>45-6003</td>
<td>June 14</td>
<td>9-4 pm</td>
<td>Introduction to Part 448</td>
</tr>
</tbody>
</table>
| 40-6002     | June 18 | 1-4 pm  | Introduction to Code Enforcement Practices  
June 19-21 | 9-4 pm  | (Codes Course 40)  
June 22    | 9-12 pm |           |
| 40-6003     | June 18 | 1-4 pm  | Introduction to Code Enforcement Practices  
June 19-21 | 9-4 pm  | (Codes Course 40)  
June 22    | 9-12 pm |           |
| 41-6002     | August 20 | 1-4 pm | Inspection of Existing Structures  
August 21-23 | 9-4 pm | (Codes Course 41)  
August 24 | 9-12 pm |           |
| 42-6002     | August 27 | 1-4 pm | Low Rise Residential Construction  
August 28-30 | 9-4 pm | (Codes Course 42)  
August 31 | 9-12 pm |           |
| 43-6002     | December 3 | 1-4 pm | General Building Construction  
December 4-6 | 9-4 pm | (Codes Course 43)  
December 7 | 9-12 pm |           |

Acceptance to these programs is subject to class size limitations. Additional programs will be scheduled in the future. If you have personnel to attend these programs, contact the Codes Division Training Unit, either Ed Haher or Eric Helm, at (518) 474-4073.

EH/sct
Part 448
UNIFORM CODE: ADMINISTRATION AND ENFORCEMENT BY STATE AGENCIES

Section 448.1 Introduction. Section 381 of the Executive Law directs the Secretary of State to promulgate rules and regulations prescribing minimum standards for administration and enforcement of the New York State Uniform Fire Prevention and Building Code (Uniform Code). Section 441.2(d) of this Title provides that the State shall be accountable for administration and enforcement of the Uniform Code with respect to buildings, premises, and equipment in the custody of or activities related thereto undertaken by a state agency. This Part establishes procedures for the administration and enforcement of the Uniform Code by state agencies. Buildings and structures exempted from the Uniform Code by other precautionary statutes or regulations are not subject to the requirements of this Part.

448.2 Effective date. This Part shall take effect June 1, 1990.

(b) Code compliance certificate. A written document issued by a construction permitting agency indicating that the agency has discovered no material deviations from applicable code provisions in a building or structure or in work performed, and authorizing the use or occupancy of a particular building, structure, or equipment.
(c) Construction emergency. Damage to or a malfunction in buildings or property of the State of New York caused by an unanticipated, sudden and unexpected occurrence which involves a pressing necessity for immediate repair, reconstruction or maintenance in order to permit the safe continuation of a necessary public use or function, or to protect the property of the State of New York, or the life, health or safety of any person.
(d) Construction permit. A written document issued by a construction permitting agency authorizing construction to proceed on a particular project after a determination by the agency that the project as proposed will comply with applicable provisions of the Uniform Code.
(e) Construction permitting agency. The Department of Environmental Conservation, the Department of State, the Office of General Services, the Office of Mental Health, the Office of Mental Retardation and Developmental Disabilities, the Office of Parks, Recreation and Historic Preservation, the Facilities Development Corporation, the Urban Development Corporation, the State University of New York, the State University Construction Fund, the Dormitory Authority of the State of New York, the New York Power Authority, the New York State Thruway Authority, and any other state agency so designated by the Secretary.
(f) Custody. The effective control of a building or structure.
(1) Buildings leased pursuant to Chapter 354 of the Laws of 1963 or Chapter 152 of the Laws of 1964 are to be considered within the custody of the State of New York.
(2) The State of New York shall not be deemed to have custody of buildings or building spaces privately owned which are occupied by state agencies pursuant to a commercial lease made by the Office of General Services or the Office of Mental Health with the private owner.
(3) Criteria for determining whether the State possesses effective control of a building include but are not limited to the following:
(i) ownership of the building or the land on which it is located,
(ii) rights of entry or limitations thereon of an owner or landlord with regard to a building,
(iii) rights or obligations to make improvements or repairs to a building,
(iv) whether a lease provides for total or nearly total discretion by the lessee with regard to the use or alteration of a building,
(v) whether a particular building is subject to taxation or whether payments in lieu of taxes are paid by the occupant(s).
(g) Secretary. The Secretary of State.
(h) State agency. (1) A department, bureau, commission, board, public authority or other agency of the State of New York including a public benefit corporation whose board of directors includes any member appointed by the Governor.
(2) A subdivision of any department, bureau, commission, board, public authority or other agency of the State which is easily identifiable and which for most other purposes is treated as an independent state agency.
(i) Temporary approval for occupancy. A written document permitting a building or a portion thereof to be occupied for a temporary period not in accordance with a building or structure.

448.4 Custody by the Office of General Services. For the purposes of this Part the Office of General Services shall be considered to have custody of all buildings leased pursuant to Chapter 152 of the Laws of 1964 or Chapter 354 of the Laws of 1963 and of all buildings within the statutory jurisdiction of the Office of General Services which have not been transferred by lease into the custody of a lessee.

448.5 Code coordinator. (a) Each state agency unless exempted pursuant to Section 448.15 of this Part shall designate one or more code coordinators who shall be responsible for the agency's compliance with this Part so that the buildings, premises, equipment, and activities of the agency are maintained and operated in conformance with applicable provisions of the code.
(b) Code coordinators shall be designated by the commissioner, director or similar chief executive official of the state agency.
(c) Code coordinators shall be responsible for providing for fire safety inspections and inspections in response to complaints regarding conditions or activities allegedly failing to comply with provisions of the Uniform Code. In addition, coordinators shall be responsible for their agency's compliance with Parts 1174, 1195, and 1196 of Title 9 of the Official Compilation of Codes, Rules, and Regulations including the preparation of the reports required under those Parts.
(d) Code coordinators shall complete a course of instruction as specified by the Secretary.
(e) When a state agency has designated more than one code coordinator, one of the coordinators shall be designated as responsible for the state agency's overall compliance with this Part.
448.6 Code compliance manager. (a) The commissioner, director or similar chief executive official of each construction permitting agency shall designate one or more code compliance managers.

(b) A code compliance manager shall be:

1. An architect licensed to practice in New York State; or
2. A professional engineer licensed to practice in New York State; or
3. An individual otherwise qualified by reason of training and experience who has demonstrated knowledge of the construction aspects of the code and who has at least two years of experience working directly with the code.

(c) Code compliance managers shall complete a course of instruction as specified by the Secretary.

(d) Code compliance managers are authorized to issue construction permits and code compliance certificates for work undertaken by a state agency which is subject to provisions of the Uniform Code. Such managers shall also be responsible for providing for the review of requests for construction permits, for inspections during the process of construction, and for inspections in response to complaints regarding work which is subject to the Uniform Code. When appropriate they may issue notices of violations, stop work orders, and temporary approvals for occupancy.

(e) An architect or engineer who affixes his seal to a set of plans or specifications as the designer of record for a specific project shall not act as the code compliance manager for that project.

448.7 Construction Permits. (a) On or after July 1, 1990, no state agency shall commence the erection, construction, enlargement, alteration, improvement, education, renewal, or demolition of any building or structure without first obtaining a construction permit from a construction permitting agency. Work which is not subject to the Uniform Code shall not require a permit. No permit shall be required for the performance of necessary repairs which do not materially affect structural elements and/or the plumbing, electrical, or heating/ventilation systems, nor for the construction of storage facilities of less than 5000 cubic feet. No permit shall be required for work costing $20,000 or less on an existing building provided that such exemption does not conflict with the procedures of any construction permitting agency involved in the project. All work shall nevertheless be done in accordance with the Uniform Code.

(b) Prior to the issuance of a construction permit, the issuing agency shall obtain and retain on file the following information:

1. A description of the site upon which the proposed work is to be done.
2. A description of the use or occupancy of all parts of the land and of the proposed building or structure;
3. Where work is proposed for an existing structure, a description of the current use or occupancy of the structure;
4. A description of the work proposed to be undertaken;
5. The name(s) of the state agency which will have custody of the structure during construction and after the project is completed;
6. A complete set of plans and specifications for the proposed project.

The issuing agency may waive the requirement for plans and specifications where the work to be done involves minor alterations or where plans and specifications are otherwise unnecessary.

(c) Each state agency seeking a construction permit shall be responsible for providing to the construction permitting agency the information specified in subdivision (b) of this section. During the period that the permit is in effect the applicant agency shall notify the issuing agency whenever any changes occur in the information contained within a permit application. A permit shall not be issued unless the proposed work is determined to be in conformance with the requirements of the Uniform Code. The authority conferred by a permit may be limited by conditions contained therein.

(d) A construction permit issued pursuant to this Part may be suspended or revoked by the issuing agency if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code or with any condition attached to such permit or if there has been a misrepresentation or a falsification of a material fact in connection with the application for the permit.

(e) A construction permit issued pursuant to this Part shall be valid for a period of time specified by the issuing agency, such period not to exceed three years. A construction permit shall expire upon the issuance of a code compliance certificate. A construction permit may be renewed for successive periods of up to three years each provided that (1) the permit has not been revoked or suspended at the time the application for renewal is made, and (2) the relevant information included in the permit application is up to date.

(f) No state agency shall disburse funds for work requiring a construction permit until such permit has been obtained.

(g) In the event of the occurrence of a construction emergency, a state agency may undertake emergency repairs or reconstruction work without first obtaining a construction permit as required by subdivision (a) of this section. All work, however, should be done in conformance with applicable provisions of the Uniform Code. The occurrence of a construction emergency will not exempt a state agency from the requirement of section 448.9 of this Part to obtain a code compliance certificate for all work subject to provisions of the Uniform Code. As soon as emergency circumstances allow and before the issuance of a code compliance certificate for any work performed, the agency which undertook the work shall submit to the appropriate construction permitting agency documentation sufficient to establish that all work was performed in conformance with applicable provisions of the Uniform Code.

448.8 Inspections during construction. (a) Each construction permitting agency shall provide for construction inspections of all work for which the agency has issued a construction permit under this Part. Work shall be inspected during the course of construction so as to observe the foundation, framing, superstructure, electrical system, plumbing system, heating/ventilating/air conditioning system, fire protection and detection system, and exit features.

(b) A construction permitting agency may arrange for the inspections described in subdivision (a) of this section to be performed by a state agency managing construction of a project, by a design consultant, or by another party. Where the building, structure, or portion thereof which is the subject of a construction permit exceeds 20,000 cubic feet, a final inspection must be performed by the construction permitting agency which issued the construction permit before a code compliance certificate may be issued.

448.9 Use and occupancy of buildings. (a) Upon the completion of all projects for which a construction permit has been issued in accordance with this Part, the state agency which undertook the project shall obtain a code compliance certificate from the agency which issued the construction permit. No building erected subject to the Uniform Code and this Part shall be used or occupied until a code compliance certificate or a temporary approval for occupancy is issued. No building enlarged or altered, or upon which work has been performed which is subject to provisions of the Uniform Code, shall continue to be occupied or used unless a code compliance certificate or a temporary approval for occupancy is issued. Work exempted from the require-
ment to obtain a construction permit pursuant to section 448.7(a) of this Part shall similarly be exempted from the requirement to obtain a code compliance certificate.

(b) The occupancy classification, as defined in Part 701 of Title 9 of the Official Compilation of Codes, Rules and Regulations, of a building in the custody of the State of New York shall not be changed unless a code compliance certificate authorizing such a change or a temporary approval for occupancy has been issued. Before a code compliance certificate is issued the state agency with custody of such building must establish that such change will conform with all applicable provisions of the Uniform Code.

(c) A code compliance certificate shall only be issued after an inspection is conducted which:

(1) indicates substantial completion of any work for which a construction permit has been issued, and

(2) reveals no uncorrected deficiency or material violation of the Uniform Code within the area or work for which the certificate is to be issued.

448.10 Temporary approvals for occupancy. (a) At the discretion of a construction permitting agency, a temporary approval for occupancy may be issued if it is determined that a building or structure or a designated portion of a building or structure is sufficiently complete so that it may be safely occupied, or that work performed pursuant to a construction permit may be safely put to the use for which it is intended. The temporary approval for occupancy may place limitations upon the occupancy or use of a building or structure or it may require the state agency receiving such temporary approval to undertake specific precautions when using or occupying the premises. Any required limitations or precautions shall be clearly stated upon a temporary approval for occupancy when issued.

(b) A temporary approval for occupancy shall be valid for a period specified by the construction permitting agency issuing such approval, such period not to exceed one year. A temporary approval for occupancy may be renewed at the discretion of the issuing agency if it is determined that the particular building or structure may be safely occupied or safely put to the use for which it is intended.

(c) Failure to comply with any limitations or precautions specified on a temporary approval for occupancy shall invalidate such approval.

448.11 Stop work orders and revocation of permits and certificates. A construction permitting agency may suspend or revoke a construction permit, a code compliance certificate, or a temporary approval for occupancy issued by such agency, or it may issue a stop work order halting construction under its jurisdiction, if violations of the Uniform Code or this Part are discovered and it is determined to be in the best interests of public safety or of the State of New York to do so.

448.12 Fire safety inspections. (a) Beginning January 1, 1991, each state agency shall commence a program of periodic fire safety inspections of buildings within its custody. At least once every three years each state agency shall inspect for compliance with applicable provisions of the Uniform Code all buildings or portions thereof within its custody which are classified as low hazard storage (C4.1) or moderate hazard storage (C4.2) as defined by Parts 701 and 702 of Title 9 of the Official Compilation of Codes, Rules, and Regulations. All other buildings or portions thereof within the custody of a state agency shall be inspected at least once per year. A report setting forth the findings of the inspection shall be prepared by the agency's code coordinator.

(b) Bona fide complaints alleging conditions in violation of the Uniform Code shall be investigated and when necessary inspections shall be conducted.

(c) State agencies shall correct all code violations within a reasonable amount of time after their discovery.

(d) Each state agency shall prepare and maintain a correction plan for all code violations which remain uncorrected sixty days after their discovery.

448.13 Agency relationships. (a) No construction permitting agency shall delegate or transfer its authority to issue construction permits, code compliance certificates, or temporary approvals for occupancy to another state agency or to another party.

(b) Except as prohibited in subdivision (a) of this section, state agencies may arrange for the performance of required code related activities through agreements with other state agencies or other parties. Such agreement, however, shall not exempt a state agency from the obligation to appoint a code coordinator, to prepare an annual report pursuant to section 448.14 of this Title and to comply with provisions of the Uniform Code.

(c) When more than one construction permitting agency is involved in a particular construction project, such agencies may agree among themselves as to which agency shall act as the construction permitting agency for the project. In the event of a dispute as to which agency shall act as construction permitting agency, a decision shall be made based upon the following order of preference:

(1) the design agency,

(2) the construction agency,

(3) the agency owning or with custody of the particular building or structure.

If the agencies involved are unable to agree, the Department of State shall be the final arbiter in determining which agency shall act as construction permitting agency.

(d) When no construction permitting agency is designing or constructing a specific project, the Office of General Services shall act as the construction permitting agency for the project. Except for the Office of General Services, designation as a construction permitting agency does not obligate a state agency to undertake construction permitting responsibilities for any project for which the agency has no design or construction role.

(e) When an agency occupies a building or a portion thereof which is owned by or in the custody of another state agency, the agency occupying the space must notify the agency with custody or ownership of any physical changes to the building which are proposed or which are needed to achieve compliance with applicable provisions of the Uniform Code.

(f) In response to allegations of code violations or for other good cause, the Department of State, after notice to the agency or agencies involved, may inspect any building or construction activity in the custody of a state agency.

(g) In the event of a dispute arising between state agencies concerning the application of this Part, the Department of State, at the request of any party and after consultation with all the parties, may make a ruling binding on all parties.

(h) To the maximum extent practicable, a state agency acting pursuant to this Part shall consult with any other governmental entities providing services under authority of other laws, to those areas where the authority conferred by this Part is exercised.

448.14 Annual reports and documents. (a) On or before February 1st of each year, each state agency shall prepare a report pertaining to the preceding calendar year which shall include the following information:
(1) the name and address of the agency, the code coordinator, and any code compliance managers.

(2) a list of all construction permits, code compliance certificates, and temporary approvals for occupancy which were issued or received during the preceding year along with an indication of which permits, certificates and temporary approvals were still valid on the preceding December 31st.

(3) a list of all fire safety inspections conducted within buildings or structures in the custody of the particular state agency.

(4) a list of all code violations within the agency's buildings or structures which were not corrected within sixty days of their discovery.

(5) a statement of the current status of the violations noted in paragraph (4) of this subdivision and a plan to correct any such violations still uncorrected.

(6) a list of all code related complaints and their disposition.

(b) As part of its first annual report, each state agency shall determine which of the buildings or portions of buildings it occupies, uses, maintains, or operates are within its custody and which are within the custody of another state agency or are subject to code enforcement by the authority responsible for enforcement in the particular municipality where the building is located. Any changes in custody and consequent responsibility for code enforcement shall be identified in subsequent annual reports prepared by the agency.

(c) Within thirty days after the preparation of its annual report each state agency shall notify the Secretary of its completion.

(d) Construction permitting agencies may establish procedures and forms consistent with this Part so as to effectively administer their responsibilities.

(e) All reports, construction permits, code compliance certificates, and temporary approvals for occupancy issued pursuant to this Part shall be prepared in a form acceptable to the Secretary so as to include sufficient information to identify the state agencies, the particular facilities, and the specific projects involved.

(f) The Secretary may examine the records of state agencies relating to the administration and enforcement of the Uniform Code. It shall be the duty of state agencies to make such records available to the Secretary.

448.15 Agency exemption. (a) Individual state agencies may request that they be exempted from the requirements imposed by sections 448.5 and 448.14 of this Part. The Secretary may grant such exemptions under the following conditions:

(1) the state agency does not have custody of any building or portion of a building,

(2) all buildings occupied by the state agency are within the custody of the Office of General Services or are subject to code enforcement by a city, town, village, county or the Department of State, and

(3) the state agency does not construct buildings or structures.

(b) The Secretary may review the exempt status of state agencies and rescind such status if it is determined that the particular state agency is no longer qualified for the exemption.

448.16 Designation as a construction permitting agency. (a) State agencies which design, construct, or regulate buildings may apply to the Secretary for designation as a construction permitting agency. Such application shall be in a form acceptable to the Secretary.

(b) Applications for designation shall be reviewed to determine whether the applying agency has demonstrated competency in design and construction of buildings and knowledge of the provisions of the Uniform Code. Where the Secretary finds that the applicant agency is capable of undertaking code enforcement activities, such agency shall be designated as a construction permitting agency.

(c) Periodically the Secretary may review the records of construction permitting agencies pertaining to the construction of buildings and to the activities performed pursuant to authority granted by this Part. When the Secretary finds that administration of the Uniform Code by a construction permitting agency does not comply with the minimum standards established by this Part or Part 444 of this Title, or that construction activities regulated by the agency do not substantially conform with applicable provisions of the Uniform Code, the agency's designation as a construction permitting agency may be rescinded.

448.17 Authorities and public benefit corporations. Where a state authority or public benefit corporation participates in the construction or a new building or in the conversion, alteration, addition, or repair of an 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 with respect to the construction, conversion, alteration, addition or repair will be the responsibility of the code enforcement agency generally performing those functions at the location of the work. The responsibility of a local code enforcement agency may be suspended during the period of the work if, acting pursuant to an express statutory grant, the authority or public benefit corporation exercises such discretion. In that event, a construction permitting agency will be responsible for administration and enforcement of the Uniform Code with regard to the particular project. If previously designated as a construction permitting agency, the particular authority or public benefit corporation participating in the project may serve as the agency responsible for administration and enforcement of the code. A construction permitting agency will be similarly responsible where the Uniform Code is applied in lieu of local building construction regulations.

Upon completion of the work, administration and enforcement of the Uniform Code will revert to the local agency ordinarily responsible for same.

448.18 Buildings under the supervision of the Department of Transportation Real Estate Division. With regard to buildings on property acquired by the Department of Transportation for proposed transportation projects and which are the subject of permits issued by the Real Estate Division allowing use of the building by private entities until the property is needed for the construction of the transportation project, it shall be the responsibility of the occupants of such buildings to ensure that the building complies with applicable provisions of the Uniform Code. The local code enforcement agency ordinarily responsible for code enforcement where the building is located shall be responsible for administration and enforcement of the Uniform Code with regard to the particular building. Such responsibility shall include providing for the performance of periodic fire safety inspections of the building in accordance with a schedule established by the local enforcement agency for the particular category of the building. Upon the termination of a permit allowing the private use of a building under the supervision of the Real Estate Division, the Department of Transportation shall assume responsibility for ensuring that such building is maintained in compliance with applicable provisions of the Uniform Code and that periodic fire safety inspections of each building are conducted in accordance with the schedule established in section 448.12 of this Part.
CONSTRUCTION PERMIT
STATE UNIVERSITY OF NEW YORK

ISSUING AGENCY:

LOCATION.
CAMPUS
BUILDINGS

PROJECT / WORK ORDER NUMBER

THIS CONSTRUCTION PERMIT IS ISSUED IN ACCORDANCE WITH THE RULES GOVERNING THE ADMINISTRATION AND ENFORCEMENT OF THE UNIFORM FIRE PREVENTION AND BUILDING CODE (PART 448 OF TITLE 19 NYCRR). THIS PERMIT IS VALID ONLY FOR THE PREMISES AND WORK DESCRIBED HEREIN AND MAY BE REVOKED SUBJECT TO REVIEW BY THE CODE COMPLIANCE MANAGER.

SIGNED: .................................

(CODE COMPLIANCE MANAGER)
CODE COMPLIANCE CERTIFICATE
STATE UNIVERSITY OF NEW YORK

PERMIT NO. P

ISSUING AGENCY:

LOCATION:
CAMPUS
BUILDINGS

PROJECT / WORK ORDER NUMBER

WORK COMPLETION DATE

THE PREMISES DESCRIBED HEREIN MAY BE UTILIZED FOR THE FOLLOWING OCCUPANCIES:


SIGNED: .........................

(CODE COMPLIANCE MANAGER)
TEMPORARY APPROVAL FOR OCCUPANCY
STATE UNIVERSITY OF NEW YORK

PERMIT NO. P

ISSUING AGENCY:

LOCATION:
CAMPUS
BUILDINGS

DATE ISSUED
EXPIRATION

PROJECT / WORK ORDER NUMBER

THE PREMISES DESCRIBED HEREIN MAY BE UTILIZED FOR THE FOLLOWING OCCUPANCIES ON A TEMPORARY OCCUPANCY BASIS ONLY.

CONDITIONS FOR TEMPORARY APPROVAL FOR OCCUPANCY

THIS TEMPORARY APPROVAL FOR OCCUPANCY IS ISSUED IN ACCORDANCE WITH THE RULES GOVERNING THE ADMINISTRATION AND ENFORCEMENT OF THE UNIFORM FIRE PREVENTION AND BUILDING CODE (PART 448 OF TITLE 19 NYCRR).

THE ABOVE NAMED PREMISES MAY BE TEMPORARILY OCCUPIED UNTIL THE EXPIRATION DATE NOTED ABOVE AND UNDER THE CONDITIONS NOTED. THIS APPROVAL MAY BE REISSUED IN ACCORDANCE WITH THE RULES AND REGULATIONS PREVIOUSLY NOTED.

SIGNED: ..............................

(CODE COMPLIANCE MANAGER)