

LOCAL LAW 26 of 2004

Are you compliant?

IS YOUR BUILDING COMPLIANT?

The deadline for compliance with Local Law 26 of 2004 will be here before the next iPhone. Is your building compliant? Before that question can be answered, we must first understand what is required for compliance. So let's take a closer look at the provisions of the Local Law itself:



WHAT IS LOCAL LAW 26 of 2004?

As per NYC Buildings Department Building regulations, Local Law 26 of 2004, effective October 22, 2004, added section 27-929.1 in Article 1 of Subchapter 17 of the 1968 building code to mandate retroactive requirements for a full system of automatic sprinklers to be installed in office buildings one hundred feet or more in height and buildings classified in occupancy group E one hundred feet or more in height in existence on October 22, 2004. The installation of such sprinkler systems shall be completed on or before July 1, 2019.

The local law included provisions for the application for extension where the owner of a building is unable to complete the installation on or before July 1, 2019. Paragraph (2) of subdivision (b) of section 27-228.5 states:

“(2) Where the owner of a building is unable to comply with the requirements of subdivision (a) of section 27-929.1 on or

before July 1, 2019 because of undue hardship, and where such owner timely filed all interim reports as required in paragraph (1) of this subdivision and has obtained approval of all required applications, plans and permits relating to the required work, such owner may submit to the department an application for additional time to comply with such requirements.”

The local law also requires that the owner file a fourteen year report per paragraph (1) of subdivision (b) of section 27-228.5, which states:

“Unless a final report is filed on or prior to July 1, 2018, a fourteen year report shall be filed no earlier than January 1, 2018 and no later than July 1, 2018. Such fourteen year report shall contain a certification by an architect or engineer of the percentage of the building in which sprinklers have been installed as of the date of such report and an implementation plan, prepared by such architect or engineer detailing when and how the remaining portions of the building will be made fully compliant.”

All owners of office buildings shall refer to Part III of this bulletin to determine the requirement to complete and submit form Attachment A. Building owners seeking an extension shall follow the application process detailed in this bulletin.¹

¹ NYC Buildings Bulletin 2017-17 Issuance Date December 29, 2017

Retroactive Requirements:

Topic	Classes Covered	Retroactive Requirement	Compliance Date	Additional Information	References
Sprinklers	Office buildings 100 feet or more in height	<ul style="list-style-type: none"> • Full sprinklering within 15 years • Possibility for hardship time extension; possibility for partial waivers for interior Landmark designation or structural impracticability 	July 1, 2019 deadline for completion of installation and certification of compliance	Filing requirements: <ul style="list-style-type: none"> • Owner's affidavit: July 1, 2005 • 7-Year report: July 1, 2011 • 14-Year Report: July 1, 2018 • Final Report: July 1, 2019 Conversion to Office Building ≥ 100 feet: Requires full sprinklering at time of conversion	LL 26/04: §§ 1, 3, 23 Building Code: §§ 26-248; 27-228.5; 27-929.1
Photoluminescent Markings	High rise (≥ 75 ft) office buildings	<ul style="list-style-type: none"> • Install photoluminescent signs on doors leading to exits • Install photoluminescent markings in exit stairs 	July 1, 2006 deadline for installation of markings	<ul style="list-style-type: none"> • Technical installation standards are found in Reference Standard (RS) 6-1. • These markings and signs are in addition to, and not in place of, existing requirements relating to exit signs. • Owners were required to certify compliance by July 1, 2006 (Form: LL26/04-1) 	LL 26/04: §§ 2, 15 Building Code: §§ 26-248; 27-383
Additional Signage Where Egress Path Not Clear	High rise (≥ 75 ft) office buildings	<ul style="list-style-type: none"> • Install illuminated exit sign in stairs with horizontal extensions and transfer levels • Install wall signs where re-entry door is recessed or around corner, etc. • Install wall signs where re-entry is restricted for more than four floors 	July 1, 2007 deadline for installation of additional signs	There is no filing requirement except to the extent that electrical permits may be required.	LL 26/04: §§ 2, 16 Building Code: §§ 26-248; 27-383.1
Exit Sign Power Source	All office, educational, and hotel buildings; All high-rise (≥ 75 ft): mercantile, industrial and institutional buildings	<ul style="list-style-type: none"> • Power source for existing illuminated exit signs must be battery pack or generator, whether or not they are wired on a circuit connected ahead of the main switch 	July 1, 2007 deadline for completion of work and certification of compliance	Filing Requirements – Either: <ul style="list-style-type: none"> • Owner's affidavit that existing signs already comply on or before January 20, 2005; OR • Architect or Engineer's report on or before July 1, 2007 (Form: LL26/04-3) 	LL 26/04: §§ 1, 3, 17 Building Code: §§ 26-248; 27-228.5; 27-384

**Excerpt taken from DOB Local Law 26 For the Sprinkler item:
Summary**

Buildings that are Business Occupancy Group B (formerly Group E under the 1968 Code) that are 100 feet or more in height are required to install sprinklers by 2019. There are exemptions for hardships such as Landmark Interiors.

As a retroactive requirement, this applies to all Office Buildings. Does this mean that you should start installing sprinkler heads in right away? Not exactly. Buildings that have been constructed under the 2008 or 2014 code are exempt from the Local Law as they would have required to install sprinkler systems. Buildings undergoing changes of use or occupancy similarly would have been required to upgrade the sprinkler systems under the 2008 or 2014 code requirements. So when are the requirements of Local Law 26 applicable.

Local Law 26 is applicable to buildings constructed before pre-1984. Buildings constructed pre-1984 were permitted to provide 1 of 2 fire protection options per Local law 5 of 1973. If the building owner opted for the sprinkler option of Local Law 5 and the sprinkler system was signed off prior to October 2004, the building is exempt from the requirements of Local Law 26. A compliance affidavit must be filed attesting to compliance with Local Law 26.

However, if the building owner opted for the compartmentation option of Local Law 5, the building was must have sprinklers retroactively installed prior to the 2019 deadline. Interim reports were required to be filed in 2011 and a final compliance affidavit must be filed as well.

For the most part, compliance with Local Law 26 has been widely accepted and adopted. A key point to remember is that for the pre-1984 buildings that have legally existing (signed-off) sprinkler systems, there are areas that were permitted by Section 27-339(c)(5) to omit sprinklers as long as smoke detection was provided. These areas include mechanical rooms, elevator machine rooms. There is no need to install sprinklers in those rooms that were in compliance with the 1968 code.

Links to the referenced Local Laws and Bulletin:



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Local Law 5 of 1973:



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Local Law 26 of 2004

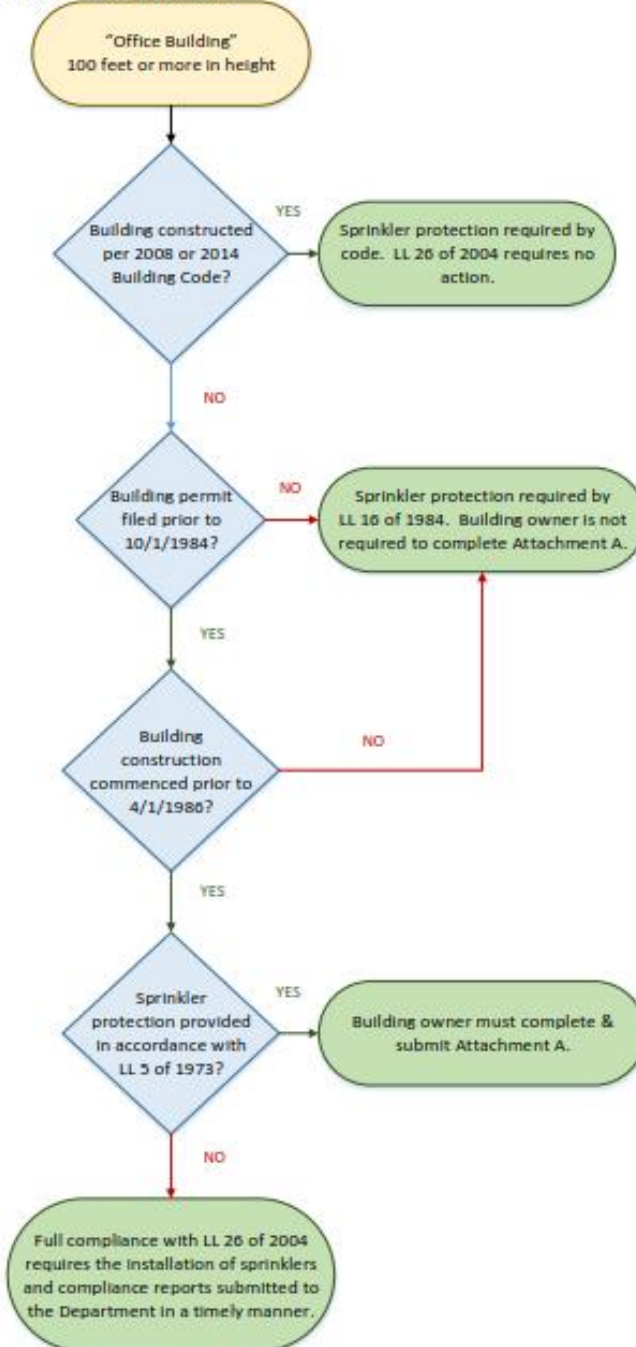


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DOB Bulletin 2017-017

Back to the main question: Is Your Building Compliant? Below is a summary flow chart (provided by the DOB Bulletin 2017-017) to help determine the answer:

Figure 1. Applicability of Requirements



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