

RECENT CHANGES TO NEW YORK BUILDING CODE REGARDING PARKING GARAGES

By Robert Antes

18 DECEMBER 2018



A new rule in New York now requires that all parking garages under the jurisdiction of the New York State Uniform Fire Prevention and Building Code undergo a periodic condition assessment to help ensure structural integrity and user safety. Owners of parking garages must retain a professional engineer to perform the inspection and submit a report to the local authority having jurisdiction to obtain an operating permit.

It is important for owners to understand their responsibility and work with a qualified engineer to ensure their garage meets current requirements now and in the future.

OVERVIEW OF THE RULE

This rule went into effect on 29 August 2018 as a series of amendments to the New York State Uniform Code. Together, the amendments require cities, towns, villages, counties, and state agencies—also called the Authority Having Jurisdiction (AHJ)—to mandate that owners of parking garages have qualified professional engineers perform both initial and periodic condition assessments to maintain legal occupancy.

The rule applies to all private, municipal, and state-owned parking facilities, including freestanding structures and portions of buildings used for parking or storage of motor vehicles. This also applies to garages in New York City under the ownership or custody of a state agency. Excluded from the rule are buildings with only parking on grade, attached or accessory structures providing parking for one- or two-family dwellings, and townhouse units with attached parking exclusively for that unit.

CONDITION ASSESSMENTS AND REPORTING

As defined by the rule, a condition assessment is an on-site inspection and evaluation for signs of deterioration and evidence of unsafe conditions of any structural element or building component. The engineer performing the assessment must be licensed in New York and have at least three years of experience in performing structural evaluations. The engineer must prepare, sign, and seal a report to the owner and the AHJ, including a written evaluation and description of the condition assessment.



Parking structure, Manhattan College Parking Garage, Bronx, NY



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TIMEFRAME AND DEADLINES

Owners are required to have an initial condition assessment and ongoing periodic assessments no less than once every three years.

Initial Condition Assessments

All parking garages must now undergo an initial condition assessment to obtain an operating permit. New garages will undergo this assessment following construction and prior to receiving a certificate of occupancy. Existing garages must receive an initial assessment depending on the original construction date.

Periodic Condition Assessments

Moving forward, owners must retain a professional engineer to conduct periodic assessments at least once every three years, or sooner if required by the AHJ.

Additional Assessments

Additional condition assessments may be required if the engineer recommends them as part of their report or if the AHJ becomes aware of new deterioration or unsafe conditions.



Original Construction Date	Initial Condition Assessment Due By
Prior to 1 January 1984	1 October 2019
1 January 1984 to 31 December 2002	1 October 2020
1 January 2003 to 29 August 2018	1 October 2021



Parking structures, 1279 Pennsylvania Avenue, Brooklyn, NY

NEXT STEPS

To find out more about the requirements and compliance paths in your specific jurisdiction, owners can contact their AHJ or partner with an engineering firm familiar with the new code rule. Professional engineers well versed in structural engineering, local regulations, and the conditions found in New York can help owners understand the condition of their parking structure and comply with the new rules to maintain legal occupancy and help ensure safety and reliability.



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