



Code Outreach Program – Parking Garages

The Department of State recently adopted a rule that amends Parts 1202, 1203, and 1204 of Title 19 of the New York Codes, Rules and Regulations. The amendments (found [here](#)) require cities, towns, villages, counties, and State agencies that are responsible for administering and enforcing the Uniform Code to require the owners of parking garages to have periodic *condition assessments* of those parking garages performed by qualified professional engineers.

A *condition assessment*, as defined in Section 1203.3(j)(2)(ii), is an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component, evidence of the existence of any unsafe condition, and evidence indicating that a parking garage is an unsafe structure. A *condition assessment* report is a written evaluation and description of a *condition assessment*. Each parking garage in the State shall undergo an initial *condition assessment* as follows:

- New parking garages shall undergo an initial *condition assessment* following construction and prior to a certificate of occupancy or certificate of compliance being issued.
- Existing parking garages shall undergo an initial *condition assessment* as follows:
 - if originally constructed prior to 1/1/1984, initial assessment to be completed prior to 10/1/2019;
 - if originally constructed between 1/1/1984 and 12/31/2002, initial assessment to be completed prior to 10/1/2020; and
 - if originally constructed between 1/1/2003 and 8/29/2018, initial assessment to be completed prior to 10/1/2021.

Following the initial *condition assessment*, parking garages shall undergo periodic *condition assessments* at the intervals required by the Authority Having Jurisdiction's (AHJ) code enforcement program, but in no case shall that interval exceed three years. Additional *condition assessments* may be required if recommended by the professional engineer issuing a *condition assessment* report or, if the AHJ becomes aware of any new or increased deterioration that may warrant an assessment.

In summary, the new rule requires AHJs to:

- amend their code enforcement program to require, at a minimum, the requirements outlined in the new regulations, regardless of whether there are parking garages within their jurisdiction;
- require owners of new and existing parking garages to apply for and obtain an operating permit;
- require owners of parking garages to provide *condition assessment* reports that are sealed and signed by a *professional engineer*;
- review each *condition assessment* report and take appropriate enforcement action in response to the information contained in a *condition assessment* report, including but not limited to, issuing an Order to Remedy or suspending or revoking an operating permit; and
- retain all *condition assessment* reports for the life of the parking garages within their jurisdiction.

This rule applies to all parking garages subject to the Uniform Code that meet the definition of "*parking garage*" found in 19 NYCRR 1203.3(j)(2)(iv), including private, municipal, and State-owned garages. The rule also applies to those garages within the jurisdictional limits of New York City that are under the ownership or custody of a State Agency. As a reminder, Parts 1202, 1203, and 1204 are minimum standards for administration and enforcement, therefore, AHJs have the authority to require standards higher than the minimums imposed by this rule, to establish fines, and to withhold operating permits for all or portions of a parking garage, provided that such procedures are addressed in their local laws and are not considered to be a more restrictive standard for construction under Executive Law §379.

There are many industry standards that pertain to the operation, maintenance, and inspection of parking garages. Code users may find it beneficial to review these industry standards prior to amending their local laws, and prior to performing a *condition assessment* or reviewing a *condition assessment* report. Examples of these standards include:

- ACI 362.2R, Guide for Structural Maintenance of Parking Structures (American Concrete Institute);
- Maintenance Manual for Precast Parking Structures (Precast/Prestressed Concrete Institute);
- Parking Facility Maintenance Manual (National Parking Association); and
- Condition Assessment of Parking Structures (American Society of Civil Engineers).

The information contained in this edition of the Code Outreach Program is for informational purposes only. AHJs shall consult their municipal attorney and update their code enforcement program in accordance with the State regulations, and not with the generalized overview contained herein.

Please look for our next edition of the Code Outreach Program at the beginning of next month.

How to check In-Service Training credits: <https://www.dos.ny.gov/DCEA/pdf/Check%20training%20credits.pdf>

How to View Your Training Credits in SLMS: <https://youtu.be/jgMPIOtV17c>

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If you have questions pertaining to the Code Outreach Program, email us at COP.codes@dos.ny.gov

If you have questions pertaining to the Uniform Code or Energy Code, email our technical support group at: codes@dos.ny.gov.

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