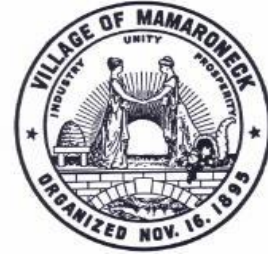


## MEMORANDUM

*Village of Mamaroneck*



To: Jerry Barberio, Village Manager

From: Daniel J. Sarnoff, Assistant Village Manager

Re: Multiple Dwelling Law

Date: May 7, 2021

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When the Village revised its building code in 2014, the Board also enacted Chapter 248 – Multiple Dwellings Law which referenced and incorporated the standards of the New York State Multiple Dwelling Law (NYS MDL).

The Multiple Dwelling Law applies to cities in New York State with 325,000 or more people, and currently, only New York City, is large enough to meet the population requirement. At the time of its enactment, Buffalo had an approximate population 575,000 and Rochester had a approximate population of 330,000 – The populations today are approximately 256,000 and 205,000 respectively. Since the law applies to highly populated cities, it contains provisions tailored to large apartment complexes that are frequently seen in such areas, including lobby attendant services, elevator mirrors, and mandatory peepholes in apartment entrance doors

To enforce the provisions of the NYS MDL, a municipality must adopt a local law, as the Village did.

In lieu of the NYS MDL, all other cities, towns, and villages, by default, enforce the provisions of the New York State Multiple Dwelling Law (NYS MRL). Given that the MDL is particularly onerous from an administrative perspective and clearly designed for large cities, Village staff recommends that Chapter 248 of the Village Code be removed.

The multiple dwelling law was enacted at a time when there was no established building code in New York State. In fact, it was not until 1984, that the first version of the Uniform Code, known as the Title IX, was enacted by New York State. Even then, it contained many deficiencies as it was essentially a hodgepodge of existing local building codes throughout New York State. The codified amendments addressed areas such as stair width, ceiling height, roof covering requirements, floor loading limits, and standards for plumbing fixtures and pipes. These deficiencies led many municipalities to enact local code requirements that were more restrictive than the Title IX Code.

In 2003, New York State adopted its first comprehensive building code, the International Building Code, drafted by the International Codes Council (ICC), as the new Uniform Fire Prevention and Building Code (“Title XIX Uniform Code”). The technical content of the latest codes promulgated by BOCA, IBCO, SBCCI were utilized as the basis for development of the new International Building Code. At the time of its adoption, the New York State Department of State directed all municipal governments to review their building codes to determine which, if

any more restrictive standards, were still needed and to apply to the New York State Code Council to re-approve them.

In the intervening years, the State building code has been updated on several occasions with the current version, having been in effect since 2020.

Comparing the Building Code and the Multiple Dwelling Law is very difficult considering one is an evolving document updated every few years, while the other was originally adopted in the late 1920s.

To highlight the difference, I offer the following as a breakdown of the complexity of the current Code:

- The 2020 Building Code contains 35 chapters and 5 appendices.
- The 2020 Residential Code contains 44 chapters and 6 appendices.
- The 2020 Existing Building Code contains 16 chapters and 2 appendices.
- The 2020 Fire Code contains 68 chapters and 2 appendices.
- The 2020 Plumbing Code contains 15 chapters and 2 appendices.
- The 2020 Mechanical Code contains 15 chapters.
- The 2020 Fuel Gas Code contains 8 chapters.
- The 2020 Property Maintenance Code contains 8 chapters.
- The 2020 Energy Conservation Code contains 6 chapters regarding commercial provisions and 6 chapters for residential provisions.
- Accessible and Usable Buildings and Facilities 2009 of New York State contains 11 chapters.
- Standard for the Installation of Sprinkler Systems 2016 of New York State contains 27 chapters.
- National Electrical Code 2017 of New York State contains 9 chapters.
- Safety Code for Elevators and Escalators 2016 of New York State contains 9 chapters.
- Building Code Requirements for Structural Concrete of New York State contains 27 chapter and 2 appendices.

By comparison, the New York State Multiple Dwelling Law contains 15 Articles, of which, the Village adopted by law, 9 articles. Within those 9 articles, there are 109 subsections.

The current code (the 2020 edition of the New York State Uniform Fire Prevention and Building Code) is more comprehensive and restrictive than the multiple dwelling law in most respects. In fact, and as noted prior, if the MDL did not exist or was rescinded by New York State, should any community wish to enforce a provision of it that is more restrictive than the Uniform Code, it must seek approval from the New York State Code Council.

I thank you for your time and attention to this matter. If you have any questions or wish to discuss further, please let me know.