



## Memorandum

TO: Mayor Randy Casale and City Council  
City Administrator Anthony J. Ruggiero

FROM: Building Inspector Timothy P. Dexter *TD*

RE: Chapter 135 Housing Standards

DATE: November 13, 2018

Chapter 135 of the City of Beacon Code titled "Housing Standards" applies to all non-transient residential occupancies. The code which was originally adopted in 1963 contains provisions for space, structural requirements, fire safety, equipment requirements and property maintenance of existing residential occupancies. The code was the precursor to the New York State Uniform Fire Prevention and Building Code and contains provisions and requirements that can currently be found in the International Series of Codes which replaced the New York State Fire Prevention and Building Code.

In general terms no community can adopt or enforce a standard which is more restrictive than the current State Building Code Series in effect unless specifically authorized by the State Building Code's Council. Primarily the reason for this is to prevent communities from adopting individual codes which would undermine the purpose of having a Uniform State Code.

Some of the provisions that currently exist in Chapter 135 are more restrictive and conflict with the provisions found in the International Series of Codes. Many of these code sections are outdated and not relevant to today's buildings. In addition, the definitions provided in Article II of Part 2 of Chapter 135 are inconsistent with definitions found in Chapter 223 (Zoning Code).

Since the adoption of the state uniform code in 1984 provisions of Chapter 135 are legally unenforceable. Moreover since 1989 not a single violation of Chapter 135 has been written as we use the state code series which is the adopted industry standard.

Chapter 135 is unenforceable, obsolete in many respects, and conflicts with other City and State codes and provisions currently in effect.