

Challenges and Opportunities in Regulating Existing Buildings

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Agenda

- Consequences of Blight and Abandoned Buildings – Tim Ryan
- Basic Principles of the IEBC and challenges to its adoption – Tim Ryan
- What is the IEBC? – Sara Yerkes
- Adoptions – Sara Yerkes
- New York City Adoption process – Sara Yerkes
- Example of statewide application of the IEBC, Virginia – Cindy Davis

The Problem with Abandoned or Dilapidated Buildings

- Abandoned or Dilapidated Buildings are a subcategory of the larger problem of physical disorder in a community.
- Societal ills directly related to these structures are:
 - Increased crime including arson, drugs, shootings, gang activity, etc.
 - Declining property values
 - Declining tax bases
 - Health and Safety Hazards
 - Homeless encampments/squatters

Measuring the Impacts

- Property Values decline through disinvestment and reduced commerce, tourism, and aesthetic appeal.
- Adjacent properties may require higher insurance premiums or be denied casualty insurance altogether.
- Lower property values command lower property tax revenue, which reduces funding for government services.

Measuring the Impacts

- **Estimates on Prevalence and Costs** (estimates may vary because there is no central clearinghouse of such information, data is not consistent across jurisdictions and definitions may vary)
- U.S Census estimates the number of abandoned properties was 19 million at the end of the first quarter of 2010.
- Example; In 2008, eight Ohio cities accounted for 25,000 abandoned buildings that cost \$15 million in direct city services and \$49 million in cumulative lost tax revenue
- Between 2000 and 2005, St. Louis, Missouri, spent \$15.5 million to raze vacant buildings
- Detroit spends \$800,000/year and Philadelphia spends more than 1.8 million/year cleaning vacant lots.

Measuring the Impacts

- Vacant or Abandoned Structures impact the bottom line of all communities
- Vacant or Abandoned structures may have a pronounced effect on surrounding properties
 - Cleveland, Ohio-being within 500 ft. of a vacant property depresses sale price of non-distressed home by 1.7% in low-poverty areas and 2.1% in medium-poverty areas.
 - 2001 study in Philadelphia found that houses within 150 feet of a vacant or abandoned property experienced a net loss of \$7,627.

Measuring the Impacts

- Austin, Texas study – blocks with vacant buildings had 3.2 times as many drug calls to police; 1.8 times as many theft calls; and twice the number of violent calls
 - More than 12,000 fires break out in vacant structures each year in the U.S. resulting in \$73 million in property damage annually. Most are arson.
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- Vacant Properties: The True Costs to Communities
 - Study by the National Vacant Properties Campaign

Measuring the Impacts

- 2016 Study by Wichita State University - School of Public Affairs, Public Policy and Management Center
 - Surrounding Neighborhoods of foreclosures experience an average decline in price per home of \$8,667
 - Aggregate National Property Value Decline was estimated at \$352 billion.









Requirements for new and existing

- The IEBC should not be considered an alternative or equivalent to the IBC/IRC for the construction of new buildings.
- Consider the IEBC as a fair and reasonable to the enhancement of public safety within existing buildings without gaining full compliance with the codes for new construction.

Requirements for New and Existing Buildings

- Why not use the IBC or IRC for existing buildings?
 - Historically, the primary focus of model code provisions has been toward construction of new buildings, not alterations
 - Model codes typically have updated editions on a regular cycle, i.e., every 3 years for ICC codes, which includes new technologies, methods, etc.
 - Applying new codes to existing buildings is typically cost prohibitive.

Requirements for New and Existing Buildings

- Why not use the IBC or IRC for existing buildings? Cont.
- Cost of full compliance
 - Old obsolete materials used in retrofit
 - Current code, zoning, etc. issues different from old

Requirements for New and Existing Buildings

- Existing buildings were approved at the time they were built and given a building permit.
- These buildings were inspected, approved and given an occupancy permit.
- In most cases, these buildings undergo routine maintenance inspections, i.e., fire prevention, code compliance, elevators, etc.
- ***They do not become unsafe when the owners want to make alterations.***

Baseline Safety Principle

- When making alterations, repairs, additions, or change of occupancy you cannot reduce the level of safety as initially provided within the building. Additional requirements are based on triggers.

Baseline Safety Principle

- ***“There are no requirements in the IEBC that triggers any existing building to come into total compliance throughout with the IBC/IRC when executing an alteration, addition, repair or change of occupancy.”***

Incremental Approach

- The IEBC is based on an incremental approach. This approach requires only the actual work being executed need comply with the current codes for new construction. This does not include other areas of the building not included or impacted by the permitted alterations, addition, repairs, change of occupancy, etc.

Incremental Approach

- One of the basic principles of the IEBC is that, over the life of the building, as alterations and/or additions are made, the safety of the building will be continually enhanced.

Triggers

- Triggers build upon the baseline requirements of the IEBC
- Triggers to require increased requirements within the IEBC are usually based on type and extent of work.

Example of Triggers

- Work area method
 - **Alteration Level 2** - Where work area is <50% of the aggregate area of building
 - **Alteration Level 3** – Where work area is >50% of aggregate area of the building. Section 505.1

Example of Triggers

- **Supplemental requirements** – apply where the work area exceeds 50% of the floor area on any floor as it relates to the following :
 - Shafts and floor openings
 - Interior finish
 - Fire Suppression
 - Fire Detection
 - Corridor openings
 - Means of Egress lighting
 - Exit Signs

Options

- The IEBC provides the building owner with 5 options for making alterations, additions, or changes in occupancy classification:
 - Prescriptive Method
 - Work Area Method
 - Performance Method
 - Code for new construction
 - Section 301.1, exception

Approaches to Evaluation of Building Safety

- The IEBC provides a predictable and consistent methodology for both design professionals and code officials by:
 - Allowing various options to the designers
 - Allowing evaluations of the existing building using previous editions of the code that may be more cost effective to the owner
 - Allowing an evaluation of the current performance of the safety of the building
 - Providing specific triggers for additional requirements

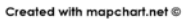
Challenges to IEBC Code Adoption

- Political Will to adopt and enforce at state and local level
- Lack of awareness and knowledge by owners, designers and code officials as to the culture of the code
- Lack of confidence in the code by code officials; code is too lenient
- Takes away the code officials position to negotiate/mandate more stringent provisions.
- Designers temptation to use IEBC for new building construction

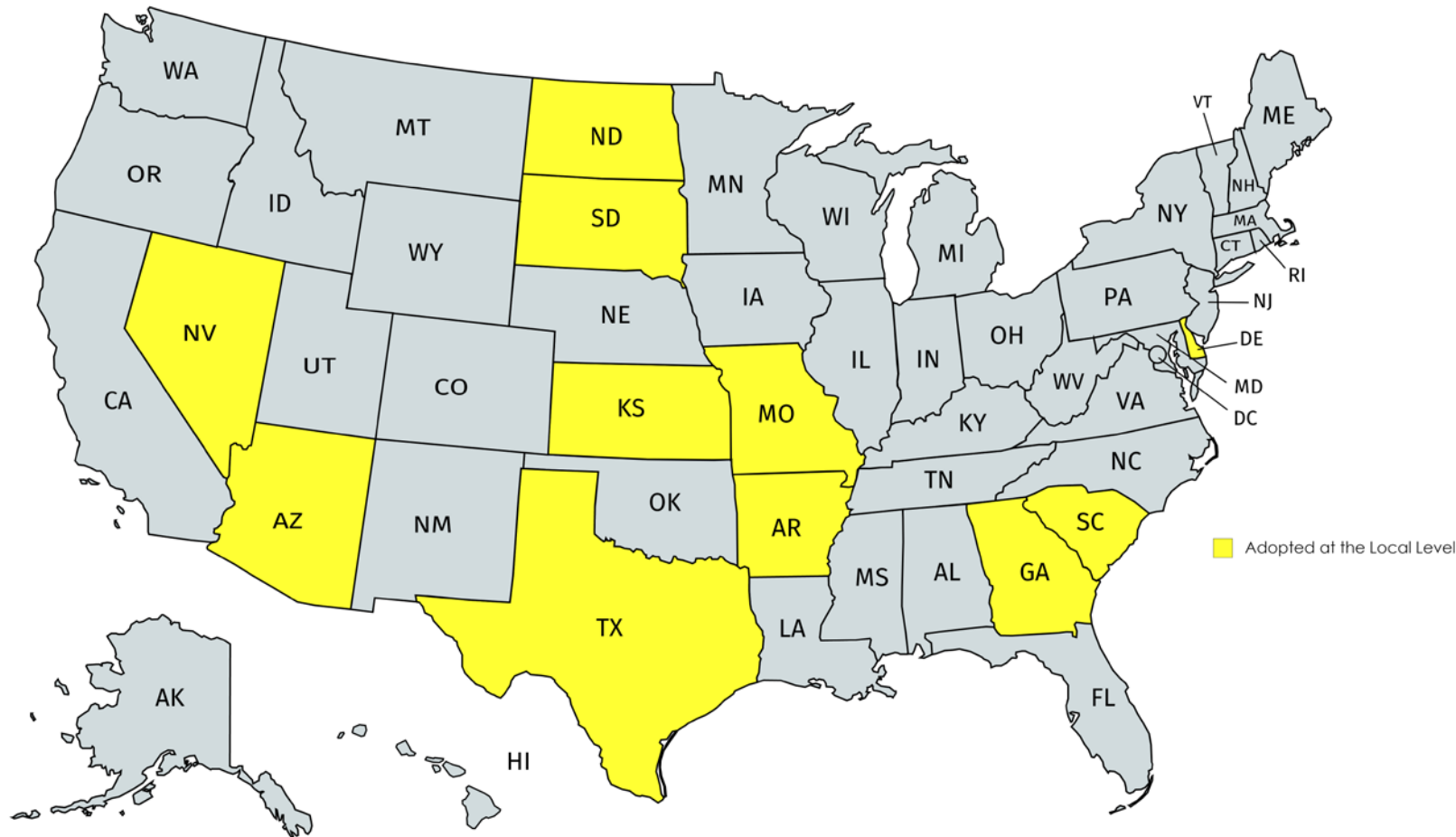
What is the International Existing Building Code (IEBC)?

- IEBC is maintained and promulgated by the International Code Council® (ICC®).
- Developed and maintained using ICC's Governmental Consensus Process that allows all interested parties to participate in the ongoing process to enhance and maintain the document.
- When adopted by a jurisdiction it is a legal document that regulates the repair, alteration, change of occupancy, addition and relocation of existing buildings.
- IEBC applies when a repair, alteration, change of occupancy or addition occurs.
- For this reason, code officials, registered design professionals, owners, etc., should fully understand the requirements of the IEBC, particularly the administrative provisions, in order to utilize all the options available to gain compliance

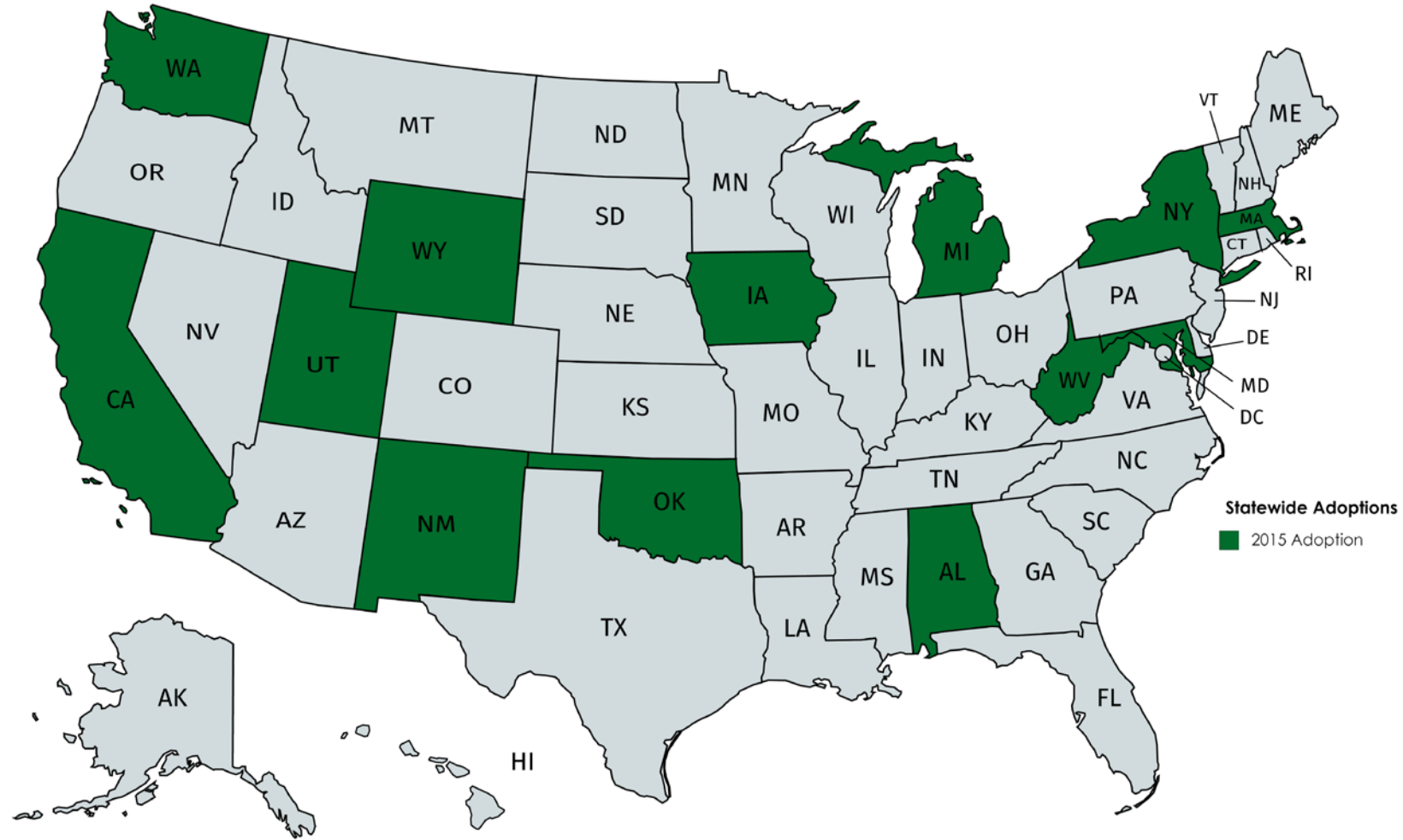
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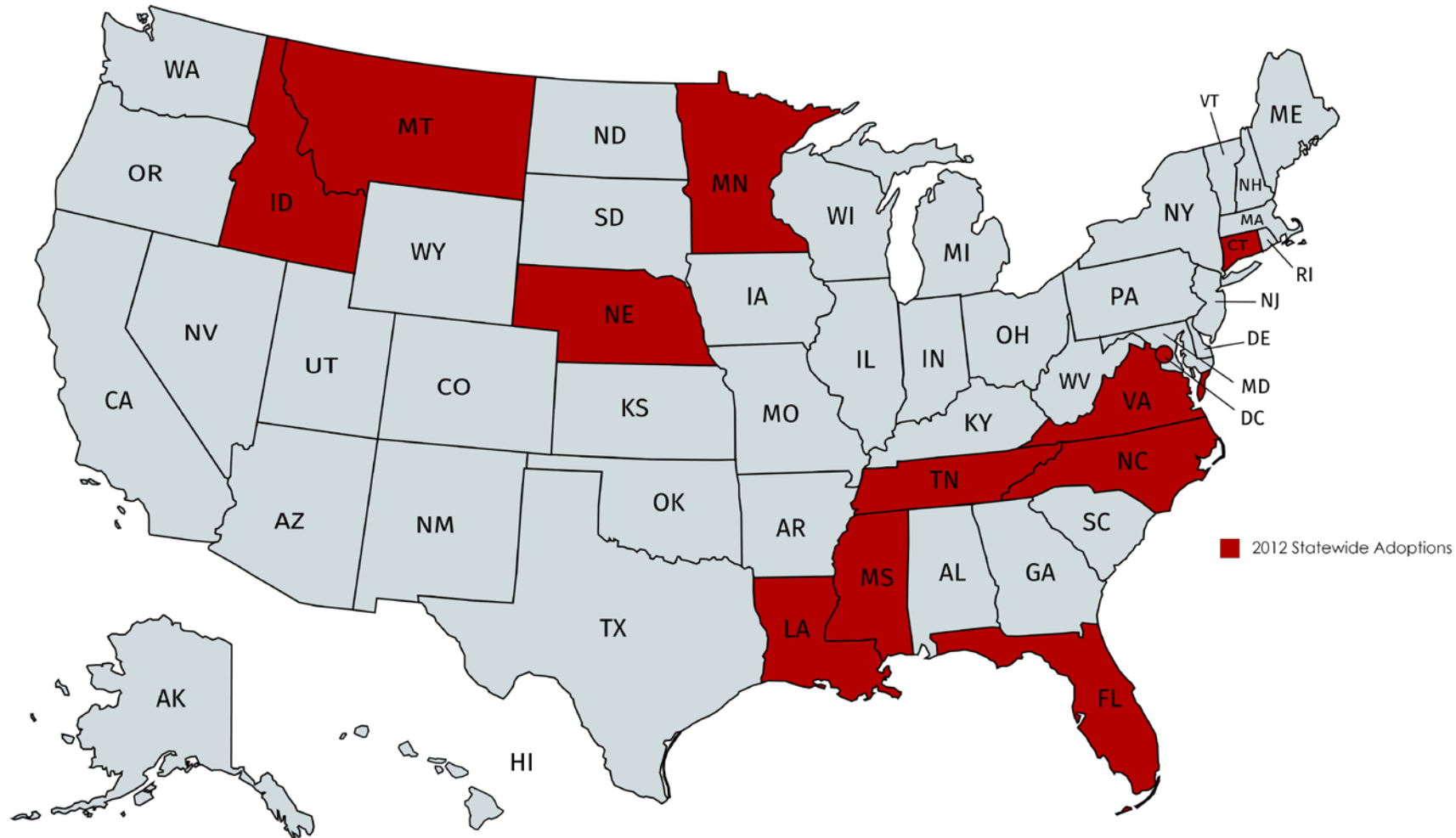
IEBC Adopted at the Local Level by Jurisdictions or Local Agencies



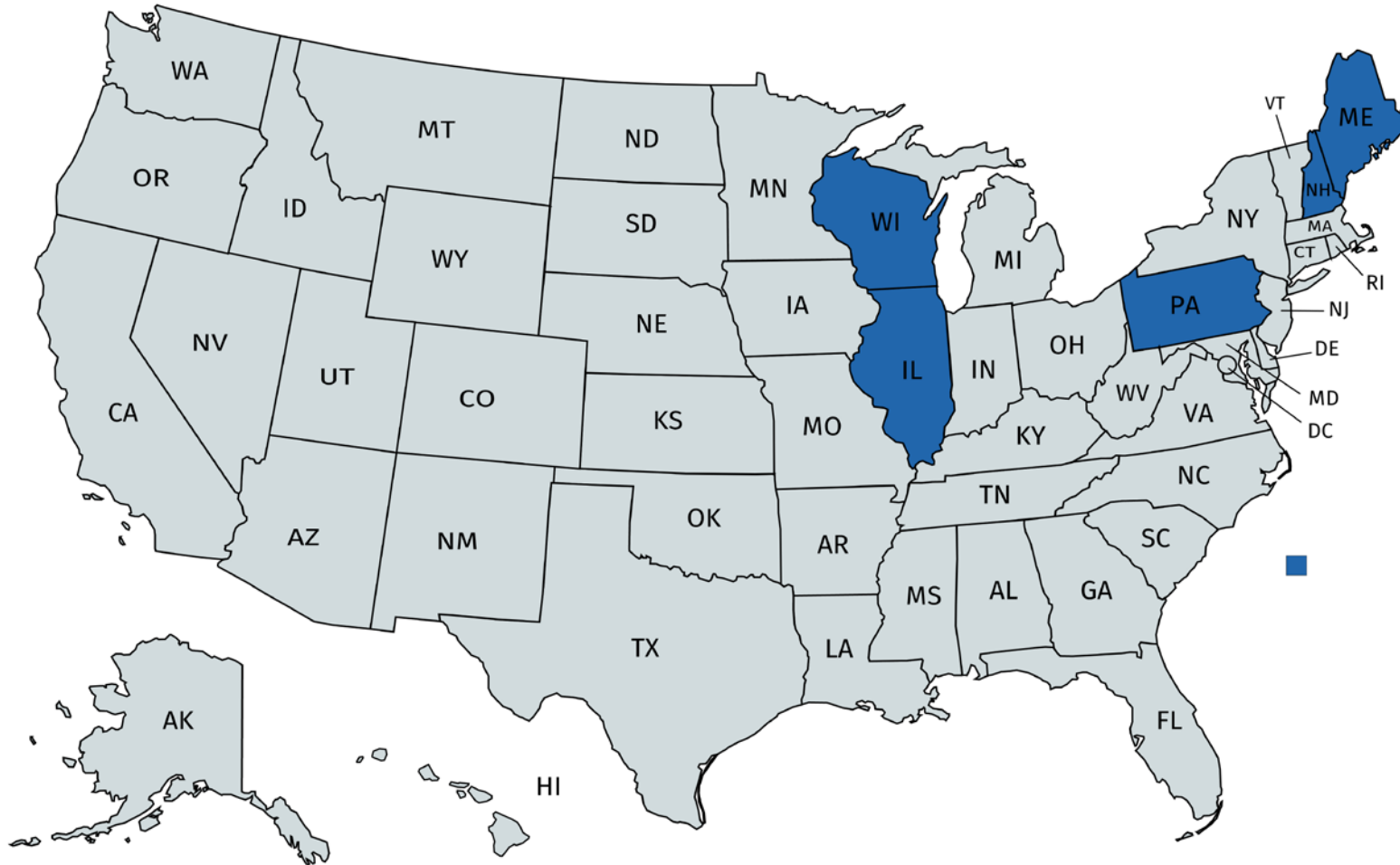
2015 IEBC Statewide Adoptions



2012 IEBC Statewide Adoptions



2009 IEBC Statewide Adoptions



NYC Code Adoption - Key Points

- **NYC has begun the process to adopt an Existing Building Code**
- **The Existing Building Code will be a new code for NYC**
- **New York City's EBC Goals:**
 - Consolidate requirements & remove barriers while maintaining acceptable levels of safety
 - Promote and facilitate investments in building rehabilitation and maintenance
- **This is a 3 year project. Approximate effective date is early 2020.**

NYC Code Adoption – Key Points

- **NYC uses the I-Codes as the basis for their current Construction codes**
- **Goal is to use the IEBC as the basis for the City's Existing Building Code**
- **If adopted it will become effective in NY in conjunction with the rest of the Construction Codes (currently reviewing the 2015 IBC, IFC, IPC, IMC & IFGC with NYC Amendments)**

New York City's Existing Building Code Project in Six Steps

1. Conduct Charrettes (NYC DOB has already conducted)
2. Research Phase
3. Drafting Phase
4. DOB technical Committee on Existing Buildings will review and make recommendations
 1. DOB has committees on all the codes, after the three above phases are completed, it will go to the DOB Technical Committee as referenced in the 2017 Construction Codes Revision Cycle Handbook at http://www1.nyc.gov/assets/buildings/pdf/2017_Revision_Cycle_Handbook.pdf
5. Legislation goes to City Council for Passage
6. Outreach, training, etc.

NYC EBC – Various Reports Will Be Issued

A review of all existing building stock

- **Building types by construction attributes**
- **Approximate number of buildings by category**
- **Deficiencies & Risks**
 - **What issues warrant special consideration?**
 - **Review of other jurisdictions existing building codes**
 - **Lessons learned**
 - **Provisions of the IEBC that work well**
 - **Provisions of the IEBC that a jurisdiction has modified**

ICC's Role in NYC's Process

ROLE OF ICC AND CONSULTANT TEAM

- Perform research on existing buildings and construction practices
- Coordinate input from industry technical experts
- Make recommendations for code requirements
- Assist in code drafting

**Charrette
findings review**

Research

- Building stock analysis
- Regulatory review
- Case studies

Considerations

- Support future standardization with national standards
- Integrate parallel city initiatives, as appropriate

Recommendations

- Prioritization of code sections for drafting
- Work plan

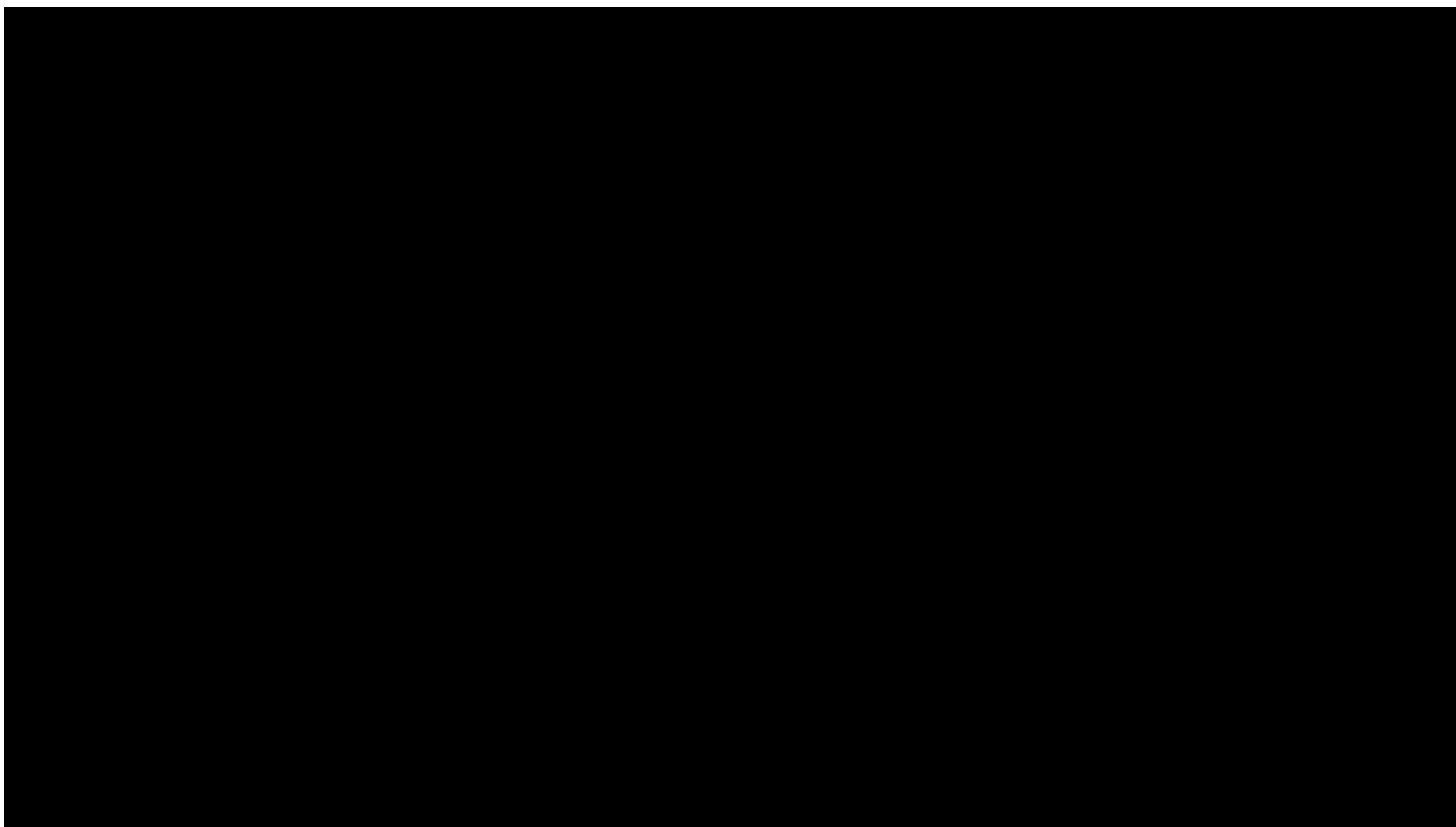
**Draft amendments
for committees**

WELCOME

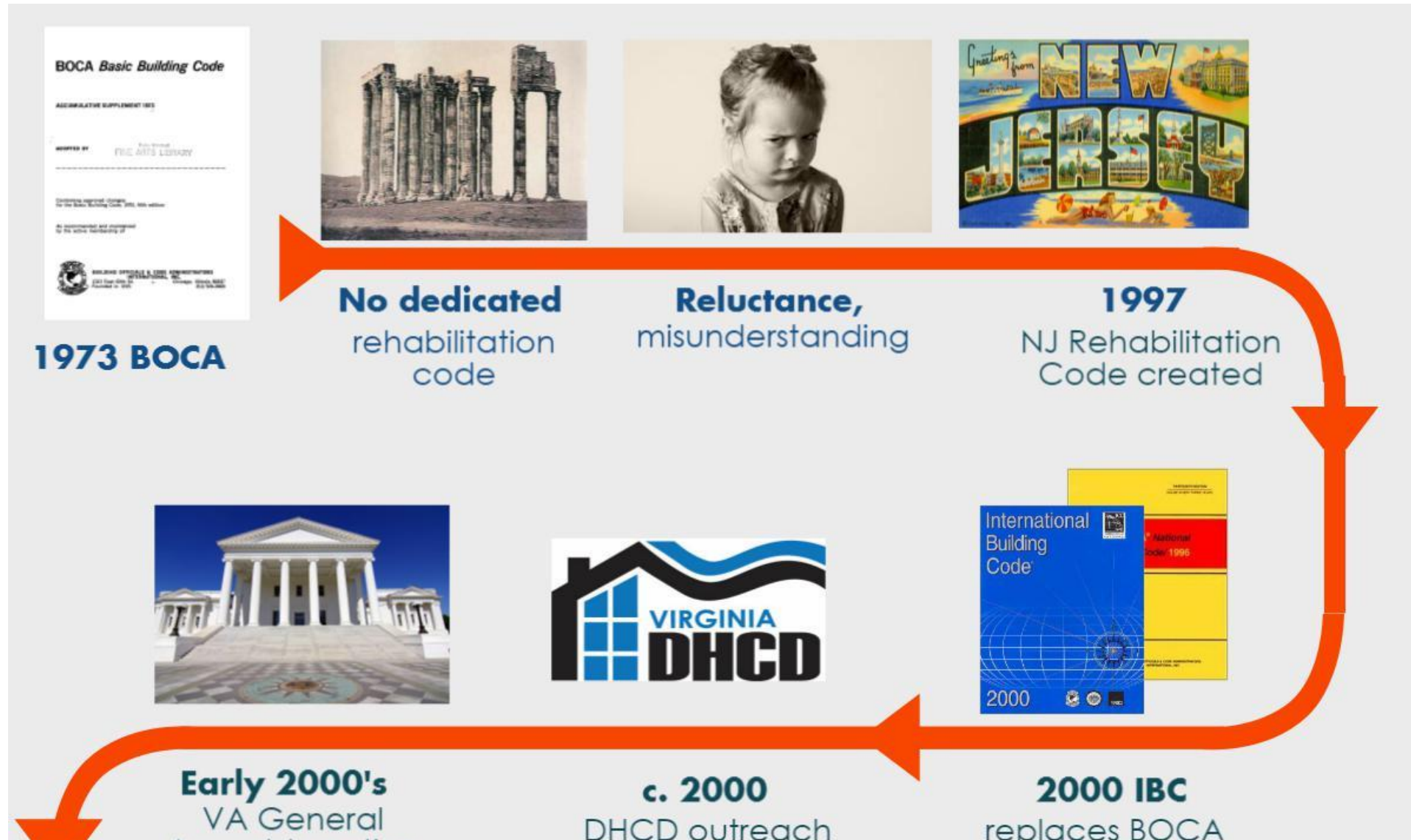


Virginia Rehabilitation Code





Rehab Code in VA



Code of Virginia

- § 36-99.01. Provisions related to rehabilitation of existing buildings.
 - General Assembly declared:

Code of Virginia

- Housing:
 - Urgent need to improve housing conditions of low & moderate income housing
 - Large numbers of existing housing both inhabited and vacant in urgent need of rehabilitation.
 - Application of codes for new construction to existing buildings resulted in a reduction of rehabilitation; and





Code of Virginia

- **Commercial Buildings:**
 - Urgent need to improve the existing condition of many of Virginia's stock of commercial properties.
 - large numbers of older commercial buildings, in urgent need of rehabilitation;
 - Rehabilitation is necessary if citizens of Virginia are to be provided with decent, sound and sanitary work spaces; and....

Code of Virginia

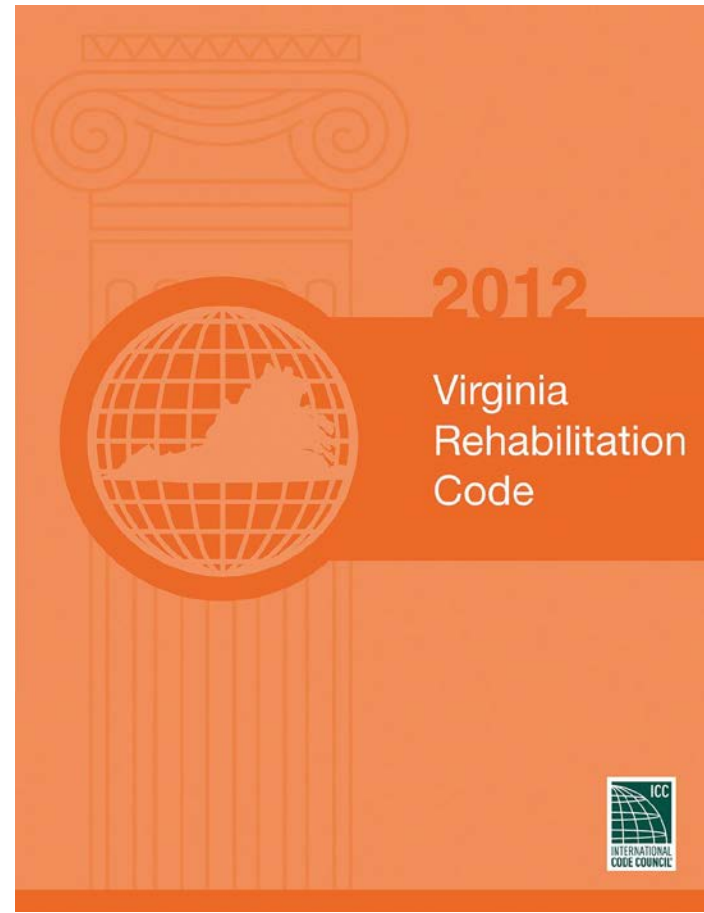
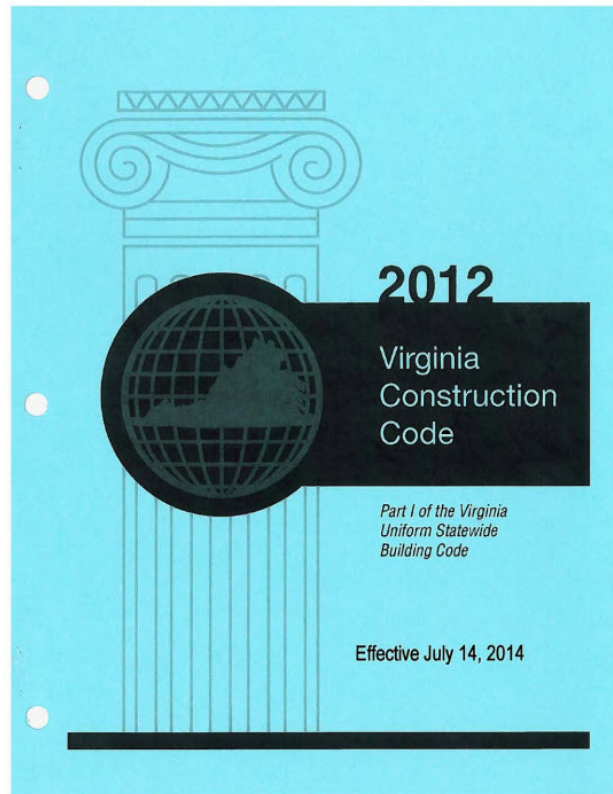
- the application of the building code to rehabilitation has led to the imposition of costly and time-consuming requirements that result in a significant reduction in the amount of rehabilitation activity taking place.



Code of Virginia

- The Board is hereby directed and empowered to make such changes as are necessary to fulfill the intent of the General Assembly as expressed in subsections A and B, including, but not limited to amendments to the Building Code and adequate training of building officials, enforcement personnel, contractors, and design professionals throughout the Commonwealth.

Mandatory Code

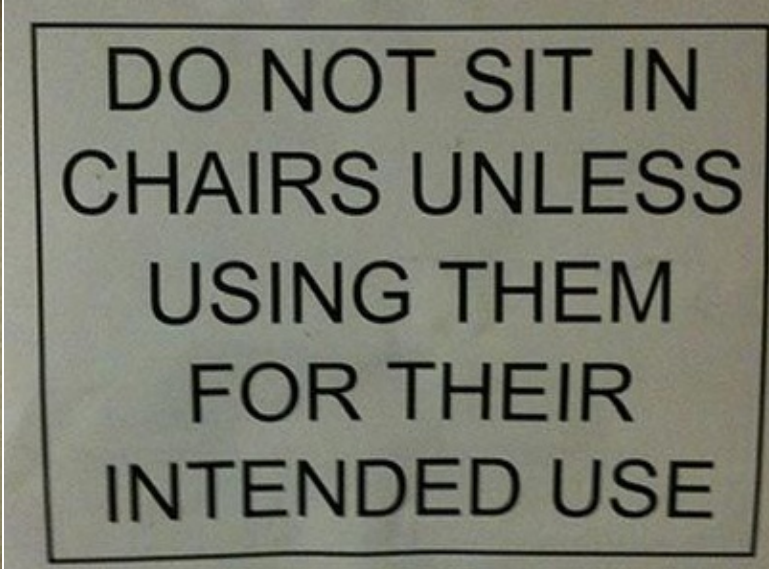


“Incentivize –



don't penalize”





Virginia Code Academy

- Non mandatory certification for Existing Building Code.
- Extensive 3-day training module offered by the DHCD as well as VBCOA.
 - Staff will recommend mandatory certification to the Building Code Academy Advisory Committee (BCAAC) next code cycle.

VA Existing Building Code

- Changes were made to the 2015 Virginia Existing Building Code to reformat the code, making it easier to use and apply.
 - Virginians will submit some of these changes for the next ICC code cycle

- Questions??????????

- Thank You for your participation