

## 'Get Involved' is message at BOMA Codes and Regs update

"Codes and Regs are very dry for some people... but they become very costly when you have to implement them in your own building." With that advice, John H. K. Belt, CPM, chairman of BOMA/NY Codes & Regulations Government Affairs Committee, opened the most recent edition of the "Codes & Regs Update," sponsored by the Building Owners' and Managers' Association of Greater New York, Inc. (BOMA/NY).

Guest speakers for the afternoon were: Ernest A. Conrad, P.E., chairman, BOMA/NY Con Edison Electric Task Force; William A. Esposito, CIH, chairman, BOMA/NY Environmental Concerns Task Force; Richard Fuller, chairman, BOMA/NY Recycling Task Force; Charles Rizzo, chairman, BOMA/NY ADA/LL 58 Task Force; and Richard C. Visconti, R.A., first deputy commissioner, Technical Affairs/Operations, NYC Department of Buildings.

Also lending their expertise were Michael A. Jawer, assistant vice president, BOMA International, and Wayne A. Vanderschuere, account executive, Consolidated Edison.

### The City Takes Action

Leading off, Richard Visconti updated attendees on the numerous new Operation and Technical Policy & Procedure Notices implemented by the City since the BOMA/NY spring update. He reported only one amendment to the code, Local Law 65-96, giving the Department of Buildings jurisdiction for water, sewer and septic systems associated with new or amended CFO's. He advised that, due to its popularity, INFO-DOB, the interactive information line for status of applications and permits, is now

free of charge. Landmark violations are being added to the system as well.

Other reported changes included the planned transfer of the waterfront construction permitting unit to the Department of Building and a "change at the top." Gaston Silva is taking the place of Commissioner Miele, who has left the Department of Buildings to become the Commissioner of the Department of Environmental Protection. Under Commissioner Silva, Visconti said, "the Department will be committed to continuing to streamline the approval process and to becoming a much more efficient and friendly department."

### ADA Rulings

"As you know, ADA is not a code issue," reminded Charles Rizzo. "It's an extension of the 1964 Civil Rights Act... a Federal law." He then covered more than a dozen Title III and Title I rulings, explaining their impact and importance to the industry, including proposed new sections to the ADA Accessibility Guidelines that would establish standards for new or altered "children's facilities," such as day care centers, and accessibility for lottery players within commercial buildings. "An office building in itself," he noted, "does not require accessibility, but some of the tenants within that building, like a doctor or a dentist, may require accessibility."

He also said that when state, local and city laws are in conflict, "you have to comply with the most stringent," and reminded everyone that "your best ammunition is knowledge about your own buildings and knowing how your buildings are in compliance with the ADA."

### Waste Not...

Richard Fuller explained the new Local Law 42, which encompasses sweeping reforms regulating the garbage industry in New York City. "The law allows those people who have contracts to effectively cancel those contracts and rebid them," he said. The new law also does away with automatic renewal or "evergreen" clauses. "All contracts are now only for two years," he said. On taking a proactive stance he said, "I strongly recommend that you participate in hauler surveys," which haulers are now required to notify clients of in advance. "You can request that the survey be done or that you or your consultant carry out the survey every six months," he advised. "And, if the volume has changed, the contract be adjusted accordingly."

### Energy Savings

Ernest A. Conrad, PE teamed with Wayne A. Vanderschuere for a mock question and answer period highlighting various aspects of the order by the New York State Public Service Commission (PSC) concerning deregulation and promotion of electric competition. The two addressed some of the common concerns about the new order, including parity of rates, possible impact on steam rates, the rapid pace of implementation, system reliability and load pockets.

Big users will be the first to be eligible to contract with the new energy companies, but, they warned, you will have to fully understand what your energy use patterns are in order to structure the best deal. Conrad pointed out that while the "little users" may not have access to the same resources as large corporations, such as the ability to

hire an expert, "they will have a lot of opportunities they didn't have before. Being a careful and knowledgeable consumer is your best strategy."

### Indoor Air Quality

The last scheduled speaker, William A. Esposito, CIH, covered several current trends in indoor air quality, noting that while there is little government action at the moment, there is a great deal of movement in the private sector. His prime example was the current action by The American Society of Heating Refrigeration and Air Conditioning Engineers (ASHRAE) to revamp ASHRAE Standard 62-89. Esposito reminded everyone that the key is to get involved in the review process, saying "the final version of the standard will have a profound impact on how buildings are designed and operated in the future. The new standard will be complicated and burdensome." He advised that formal responses are due December 15 and introduced Michael Jawer as the BOMA International contact on this situation.

Jawer further urged the need for proactive efforts, citing the "very chaotic situation right now, with window cleaning." The American Society of Mechanical Engineers is lobbying for a safety standard requiring permanently installed power platforms, despite a lack of evidence that they are safer than manual chairs. He said that BOMA is the only real estate organization at the table on this issue and that "volume is the key." Comments are due by December 12th.

John Belt closed the seminar with a final call for more people to get involved, urging participants to join the Codes and Regulation Committee, and "fight for your own interests."