

New York State Mandates Periodic Parking Garage Assessments

Big news for owners of parking garages in New York State: a new rule requires condition assessments, performed by a qualified professional engineer, at least every three years. With the first assessment due as soon as next fall, owners have little time to waste in meeting this ambitious new mandate.

What Is Required?

Condition Assessment. Parking garage owners must retain a qualified professional engineer, experienced in structural evaluation, to conduct an on-site inspection and evaluation of the parking facility. The purpose of the inspection is to identify deterioration and evidence of any unsafe conditions.

Report. Once the engineer completes the Condition Assessment, he or she must prepare, sign, seal, and submit a Condition Assessment Report. The engineer must provide an evaluation and description of:

- Deterioration and distress that could result in unsafe conditions,
- Conditions that should be remedied immediately to prevent them from becoming unsafe,
- Conditions that are already unsafe,
- Problems that are leading to deterioration and unsafe conditions,
- Corrective options available, including recommended time frame for remediation,
- Risks of not addressing the deterioration and/or defects,
- Recommendations for preventive maintenance, and
- Recommended timing of the next Condition Assessment.



Following the initial report, parking garages must undergo periodic Condition Assessments for the life of the facility.

Operating Permit. Owners of new and existing parking garages must now obtain an operating permit.

Which Properties Are Affected?

All parking garages in the state of New York, including private, municipal, and State-owned facilities, must comply with this new code. This includes freestanding parking structures as well as portions of buildings, unless the only parking is on grade (i.e. a parking lot). Small garages for one- or two-family houses or townhouse units are exempt.



When Are Reports Due?

New parking garages, once completed, must undergo an initial Condition Assessment before being issued a certificate of occupancy or certificate of compliance.

Existing parking garages must complete an initial Condition Assessment as follows:

Date of Original Construction:	Initial Condition Assessment Completed By:
Prior to 1/1/1984	10/1/2019
1/1/1984 – 12/31/2002	10/1/2020
1/1/2003 – 8/29/2018	10/1/2021

Following the initial Condition Assessment, parking garages must undergo periodic Condition Assessments at intervals established by the local authority, **at least every three years**. If recommended by the professional engineer, or if new or increased deterioration warrants, then the property may need to be evaluated again sooner.

Who Administers the Program?

The new regulation places the burden of establishing, administering, and enforcing the parking garage assessment program on the local **authority having jurisdiction** (AHJ), generally the city, town, county, or other governmental unit. It is the AHJ from which the parking garage owner must obtain an operating permit, and to whom reports are submitted.

The AHJ is charged with reviewing every parking garage Condition Assessment Report and taking appropriate enforcement action, such as issuing an Order to Remedy, imposing a fine, or suspending or revoking an operating permit. They must retain all Condition Assessment Reports for the life of the parking garage, so they will be a resource for obtaining prior reports on a parking garage property.



It is important to note that while the New York State rule provides minimum standards, it grants AHJs the authority to impose more stringent requirements.

How Should NY Garage Owners Get Started?

With the first assessment deadline less than a year away, **it is important to begin planning parking structure Condition Assessments now**. Given the large number of parking structures in New York State, qualified professional engineers with appropriate experience will be hard to come by once deadlines approach.

To find out more about how the parking garage Condition Assessment requirements



impact your facility, contact the AHJ in your area, the New York State Building Standards and Codes Division, or an architecture/engineering firm familiar with the newly adopted code.

When selecting a professional engineer to conduct the initial Condition Assessment, make sure that he or she will consider not only observed deterioration, but also the garage's location, usage, exposure, construction materials, structural integrity, age, and maintenance history in making recommendations.

Resources

Amendments to the New York Codes, Rules and Regulations Requiring Parking Garage Condition Assessments
<https://www.dos.ny.gov/dcea/2018-7-26%20Rule%20Text%201203.3%20parking%20garage.pdf>

Model Local Law Establishing a Local Government Code Enforcement Program
https://www.dos.ny.gov/dcea/part_1203_locallaw.html

Notice of Code Adoption, from New York State Fire Marshals & Inspectors Association
<http://www.nysfma.org/index.php/parking-garage-inspections/>

New York Department of State, Building Standards and Codes Division
<https://www.dos.ny.gov/dcea/>

Hoffmann Architects *JOURNAL* Articles on Parking Garage Assessment and Repair
<http://www.hoffarch.com/journal-cats/parking-structures/>

For more information, contact Hoffmann Architects at (800) 239-6665 or visit www.hoffarch.com.

Founded in 1977, Hoffmann Architects specializes in the rehabilitation of the building envelope. The firm's work focuses on the exteriors of structures, resolving deterioration within parking garages, facades, roofs, windows, plazas, and historical landmark structures. Our technical professionals investigate and correct damage resulting from time and weather, substandard construction, design defects, material failures, poor workmanship, structural movement, and stress.

Material provided in this bulletin is for informational purposes. Before taking action, consult a design professional for more specific recommendations.

