

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2014**

---

**No. 13**

---

Introduced by Council Members Matteo, Ignizio, Gentile, Rose, Richards, Rosenthal, Arroyo, Constantinides, Lander and Ulrich (by request of the Staten Island Borough President).

**A LOCAL LAW**

**To amend the administrative code of the city of New York and the New York city building code, in relation to requiring the use of mold-resistant gypsum board and cement board in moisture-prone locations.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-101.4.3 of the administrative code of the city of New York, as amended by local law numbers 130 and 141 for the year 2013, is amended to add a new exception 19 to read as follows:

*19. Mold protection. Alterations shall comply with sections 2506 and 2509 of the New York city building code relating to areas subject to moisture or water damage.*

§ 2. Section 2501.1.1 of chapter 25 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

**2501.1.1 General.** Provisions of this chapter shall govern the materials, design, construction and quality of gypsum board, lath, gypsum plaster, [and] cement plaster *and cement board*.

§ 3. Section 2502.1 of chapter 25 of the New York city building code, as added by local law number 33 for the year 2007, is amended by adding a definition for “CEMENT BOARD,” in appropriate alphabetical order, to read as follows:

**CEMENT BOARD.** *A fiber reinforced cementitious panel most commonly used under flooring or as a tile backing board. Cement board shall include discrete nonasbestos fiber-cement interior substrate sheets or nonasbestos fiber-mat reinforced cement substrate sheets.*

§ 4. Chapter 25 of the New York City building code, as amended by local law number 141

for the year 2013, is amended by adding a new section 2506.3 to read as follows:

**2506.3 Mold resistance.** *Gypsum board or cement board, used in an assembly for the following areas, shall have a mold resistance rating of 10 in accordance with ASTM D3273:*

1. *Interior faces of exterior walls of basements, cellars, and other below grade rooms;*
2. *Walls and ceilings of spaces containing condensers, water tanks, water pumps, and pressure reduction valves;*
3. *Walls and ceilings of laundry rooms;*
4. *Portions of walls within 2 feet (610 mm) of kitchen sinks to a height of 4 feet (1219 mm) above the floor;*
5. *Portions of walls within 2 feet (610 mm) of kitchen stoves to a height of 4 feet (1219 mm) above the floor;*
6. *Walls of bathrooms that are not solely water closet compartments, other than walls specifically required to be cement board;*
7. *Walls and ceilings in service sink closets; and*
8. *Portions of walls within 2 feet (610 mm) of mop sinks or service sinks to a height of 4 feet (1219 mm) above the floor.*

§ 5. The list of ASTM referenced standards in chapter 35 of the New York city building code is amended by adding a new reference standard “ASTM D3273 – 12” to read as follows:

**ASTM**

ASTM International  
100 Barr Harbor Drive  
West Conshohocken, PA 19428-2959

Standard Reference Number	Title	Referenced in code section number
D 3273 – 12	Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber . . . . .	2506.3

§ 6. This local law shall take effect on October 1, 2014, except that this local law shall not apply to construction work related to applications for construction document approval filed prior to such effective date, and except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on April 29, 2014 and approved by the Mayor on May 19, 2014.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 13 of 2014, Council Int. No. 93-A of 2014) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.