



MDL1: Registration of Dwelling Units for Other than Permanent Residence Purposes Per MDL §§67(16) or 120 INSTRUCTIONS

Owners must use this form to register Class A multiple dwelling units within dwellings currently operating as hotels for other than a permanent residence purposes per Chapter 225, Laws of 2010. **The MDL1 form, satisfactory supporting documentation as well as the PW1, PW3, and ASB4 forms must be submitted to the Department by October 28, 2011.** This form must be accompanied by supporting documentation which will be reviewed by the Department's Technical Affairs and Legal Divisions. Suggested supporting documentation is listed below.

The intent of registering with the Department is to give Class A multiple dwellings currently operating as hotels for other than permanent residence purposes an opportunity to obtain a Class B Certificate of Occupancy. Applicants that register with the Department by October 28, 2011 will have until May 1, 2013 to obtain the Class B Certificate of Occupancy, with possible extensions as may be provided for in MDL §67(16) and MDL §120.

The procedure of obtaining a Class B Certificate of Occupancy is a separate procedure from this registration. In order to obtain a Certificate of Occupancy, an architect or engineer must submit an Alteration Type-1 (Alt1) application with a Form PW1 to the Department's Borough Office in which the property is located.

The procedure for this registration will result in the issuance of a registration approval letter by the Department. This letter may be submitted to the virtual job for the Alt1 application.

Section 1—Location Information

- Registered Design Professional to complete all the fields.
- Borough name must be typed out. (Do not use borough code numbers)

Section 2—Registered Design Professional Information

- Registered Design Professional to complete all the fields.

Section 3—Registered Design Professional Certification

- Registered design professional identified in section 2, **Registered Design Professional Information**, to complete all the fields.
- Indicate the applicable provision (MDL §67 OR MDL Article 4, but not both) by checking 3.a AND either 3.a.i OR 3.a.ii.
 - §67 applies to multiple dwellings erected as hotels or apartment hotels under plans filed on or before 4/18/1929. The initial Certificate of Occupancy will typically state "hotel" or "apartment hotel"; and Certificates of Occupancy issued after 1929 for these pre-1929 buildings typically state "MDL 67" or "HEXA" or "HEXB". Note that "old law tenements" and "new law tenements", including those converted to single-room occupancy pursuant to MDL 248, are not eligible for registration.
 - §120 applies to fireproof multiple dwellings erected after 4/18/1929 and before December 6, 1968. However, only such building erected under plans filed before 12/15/1961 are eligible for registration.
- Check boxes 3.b, 3.c and 3d to attest to the building's construction, egress systems, exit signs, and fire alarm systems, both on 1/1/2009 and on the date of certification. With regard to the 1/1/2009 date, the registered design professional may rely on a thorough review of departmental records. With regard to the date of certification, the registered design professional will need to inspect the premises to ensure such building features are still in place. The registered design professional must retain written records, such as research logs, field notes, photographs, etc., that support his or her conclusions for a period of at least six (6) years after the issuance of the final Certificate of Occupancy.
- Apply your PE or RA seal to the signature section at the bottom of the page. Print your name and date then sign the form.
- Supporting documentation must be attached, including:
 - Copies of all Certificates of Occupancy that have previously been issued for this building.
 - A printout from HPD's website ("HPD Building, Registration & Violation" screen) that indicates the MDL class. The class is listed as a code (the codes are translated in HPD's online "Glossary").

Section 4—Owner Information

- Owner to complete all the fields.

Section 5—Owner Certification

- Owner to indicate whether the dwelling listed in section 1, **Location Information**, is governed by §67 or §120 of the Multiple Dwelling Law
- §67 applies to multiple dwellings erected as hotels or apartment hotels under plans filed on or before 4/18/1929. The initial Certificate of Occupancy will typically state "hotel" or "apartment hotel"; and Certificates of Occupancy issued after 1929 for these pre-1929 buildings typically state "MDL 67" or "HEXA" or "HEXB". Note that "old law tenements" and "new law tenements", including those converted to single-room occupancy pursuant to MDL 248, are not eligible for registration.
- §120 applies to fireproof multiple dwellings erected after 4/18/1929 and before December 6, 1968. However, only such building erected under plans filed before 12/15/1961 are eligible for registration.
- If the dwelling is governed by §67, check 5.a.i OR 5.a.ii AND 5.a.iii.
- If the dwelling is governed by §120, check 5.b.i OR 5.b.ii AND 5.b.iii. For 5.b.iii, check only the applicable statement (5.b.iii.1, 5.b.iii.2 OR 5.b.iii.3).
- Attach supporting documentation.

Section 6—Certificate of Occupancy

- Check either 6.a OR 6.b. If the Alt1 type job application associated with the Class B Certificate of Occupancy has been filed with the Department at this time indicate the job number. Indicate the status of that job by checking either 6.a.i, 6.a.ii, OR 6.a.iii. If you select 6.a.iii, enter the date.

Section 7—Total Dwelling Units

- Enter the exact number of dwelling units in the building in 7.a. If the number of units in the building is different from the number being registered, enter the number being registered in 7.b.
- Print your name and date and sign the form.

Examples of Supporting Documentation from Owner

For each of the items you have certified in section 5.a or 5.b, submit supporting documentation. While the list below contains examples of the types of documents that may be used to demonstrate eligibility for registration under MDL §67(16) or §120, it does not establish a standard or minimum requirement. Rather, owners are encouraged to submit as much information and as many types of documents that would establish such eligibility. All applications shall be reviewed on a case by case basis, based on the weight of the evidence submitted. **Please note that documentation must not be bound, tabbed or exceed a paper size of 11x17 so that it can be scanned by the Department.**

Section 67: Examples of Supporting Documentation from Owner		
Item Nos.	Topic	
5.a.i	Particular Dwelling Units to be registered were used transiently on 1/1/2009 and 5/1/2011	Proof of transient rental on both 1/1/2009 and on 5/1/2011, such as a guest registry and certified accounting statements. Proof must establish that the turnover/length of stay for each tenant, and not merely the frequency of rent collection, was less than 30 days for each dwelling unit sought to be registered
5.a.i	51% of such dwelling units in the dwelling were used transiently on 1/1/2009 and 5/1/2011	<ul style="list-style-type: none"> • Schedule of dwelling units in the building, listed by room numbers, indicating transient or permanent status on 1/1/2009 and also on 5/1/2011, in accordance with proofs provided • Calculations showing more than 51% of the units were transient on those dates • If less than 100% of the dwelling units in the building are being registered, floor plans prepared by a registered design professional shall be submitted showing layouts and indicating dwelling room numbers
5.a.ii	Particular Dwelling Units to be registered were used transiently on 1/1/2009 and 7/16/2010	Proof of transient rental on both 1/1/2009 and on 7/16/2010, such as a guest registry and certified accounting statements. Proof must establish that the turnover/length of stay for each tenant, and not merely the frequency of rent collection, was less than 30 days for each dwelling unit sought to be registered
5.a.ii	51% of such dwelling units in the dwelling were used transiently on 1/1/2009 and 7/16/2010	<ul style="list-style-type: none"> • Schedule of dwelling units in the building, listed by room numbers, indicating transient or permanent status on 1/1/2009 and also on 7/16/2010, in accordance with proofs provided • Calculations showing more than 51% of the units were transient on those dates • If less than 100% of the dwelling units in the building are being registered, floor plans prepared by a registered design professional shall be submitted showing layouts and indicating dwelling room numbers
5.a.iii	Dwelling was occupied as a transient hotel on 12/15/1961	Records from just before, around, and just after 12/15/1961, relating to the use of the building for transient occupancy, such as: <ul style="list-style-type: none"> • Advertisements from before, around and after 1961 advertising units in the building for short term stays • Registration with relevant hotel associations or trade groups • Newspaper articles related to the building or announcing short-term stays of particular persons
Section 120: Examples of Supporting Documentation from Owner		
Item Nos.	Topic	
5.b.i	Particular Dwelling Units to be registered were used transiently on 1/1/2009 and 5/1/2011	Proof of transient rental on both 1/1/2009 and on 5/1/2011, such as a guest registry and certified accounting statements. Proof must establish that the turnover/length of stay for each tenant, and not merely the frequency of rent collection, was less than 30 days for each dwelling unit sought to be registered
5.b.i	51% of such dwelling units in the dwelling were used transiently on 1/1/2009 and 5/1/2011	<ul style="list-style-type: none"> • Schedule of dwelling units in the building, listed by room numbers, indicating transient or permanent status on 1/1/2009 and also on 5/1/2011, in accordance with proofs provided • Calculations showing more than 51% of the units were transient on those dates • If less than 100% of the dwelling units in the building are being registered, floor plans prepared by a registered design professional shall be submitted showing layouts and indicating dwelling room numbers
5.b.ii	Particular Dwelling Units to be registered were used transiently on 1/1/2009 and 7/16/2010	Proof of transient rental on both 1/1/2009 and on 7/16/2010, such as a guest registry and certified accounting statements. Proof must establish that the turnover/length of stay for each tenant, and not merely the frequency of rent collection, was less than 30 days for each dwelling unit sought to be registered
5.b.ii	51% of such dwelling units in the dwelling were used transiently on 1/1/2009 and 7/16/2010	<ul style="list-style-type: none"> • Schedule of dwelling units in the building, listed by room numbers, indicating transient or permanent status on 1/1/2009 and also on 7/16/2010, in accordance with proofs provided • Calculations showing more than 51% of the units were transient on those dates • If less than 100% of the dwelling units in the building are being registered, floor plans prepared by a registered design professional shall be submitted showing layouts and indicating dwelling room numbers
5.b.iii.1	Dwelling was initially constructed as an "apartment hotel" or "Class A hotel"	<ul style="list-style-type: none"> • Copy of initial Certificate of Occupancy stating "apartment hotel" or "Class A hotel"
5.b.iii.2 or 5.b.iii.3	Dwelling was initially constructed as a transient hotel	<ul style="list-style-type: none"> • Copy of initial Certificate of Occupancy • Copies of initial applications submitted to the department • Other evidence demonstrating the dwelling was initially constructed as a hotel for other than permanent residence purposes
5.b.iii.1; or 5.b.iii.2; or 5.b.iii.3	Dwelling was occupied as a transient hotel on 12/15/1961	Records from just before, around, and just after 12/15/1961 (or on the date of completion, if after 12/15/1961), relating to the use of the building for transient occupancy, such as: <ul style="list-style-type: none"> • Advertisements from before, around and after 1961 advertising units in the building for short term stays • Registration with relevant hotel associations or trade groups • Newspaper articles related to the building or announcing short-term stays of particular persons
5.b.iii.2	Dwelling is in a C5 zoning district	<ul style="list-style-type: none"> • Copy of current zoning map • Plot plan prepared by a registered design professional or surveyor, showing location of property and zoning district
5.b.iii.3	Dwelling is within 1200 feet of a C5 zoning district	<ul style="list-style-type: none"> • Copy of current zoning map • Plot plan prepared by a registered design professional or surveyor, showing location of property in relation to C5 zoning district