

**RESCINDED BY
BUILDINGS BULLETIN 2020-016**

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: May 29, 1978

TO: Borough Superintendents

FROM: Acting Director of Operations, Philip E. Olin, P.E.

SUBJECT: UNSAFE BUILDING ORDERS - Sections C26-80.0 to C26-84.0
Administrative Code

The following procedures shall be observed in processing and examination of requests relating to unsafe building orders:

A. PROCESSING:

1. When an unsafe building order is filed, notice shall be sent by mail to the owner. Where the buildings are multiple dwellings, the owner registration files shall be used to determine the names and addresses of owners. Also, the Real Estate Guide shall be consulted for each building. Notices shall be sent to the owners so determined. Where different owners are listed in the above sources, notice shall be sent to each person.
2. Upon issuance of an unsafe building order, a title search shall be requested from "Operations." Such requests shall be routed through the Executive Chief Inspector.
3. Where possible, the Law Department is to be given at least ten days notice of the date when a case will be presented in court for precept. Personal service shall be made on the persons determined by the title search. Where more than one person is listed, a process server shall visit the address as determined by the title search. Where personal service cannot be made, service shall be made by mailing and posting in accordance with Section 643a-3.0 of the Administrative Code. Notice of issuance of a precept shall be sent to the Director of Demolition (H.P.D.) five days after issuance, so that demolition may be arranged.
4. After a precept has been obtained, the building is to be demolished unless the owner proceeds immediately to make the building safe, in accordance with the unsafe building order. In such case the unsafe building order shall not be dismissed until approval of the dismissal is obtained from the Director of Demolition (H.P.D.) and from the Law Department.

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B. SEALING:

1. Vacant, unguarded buildings may be considered secure against unauthorized entry only if there is compliance with the Department of Buildings Rules Relating to Sealing Exterior Openings of Vacant Unguarded Buildings (See Attachment #1).
2. When there is compliance with an unsafe building order prior to issuance of a precept, because the openings have been properly sealed in conformance with the rules, and the order requires no other work to be done, it shall be dismissed after inspection and report of compliance.

C. STAYS:

1. Except as provided in paragraph 2, when a stay of prosecution of an unsafe building order is requested before a precept has been issued, no stay shall be granted. The applicant for the stay shall be advised that compliance with the order will be required and that upon compliance, the unsafe building order will be dismissed. No permit to alter a building, where an unsafe building order is pending, shall be issued unless there is compliance with paragraph 2.
2. Regardless of the status of an unsafe building case, unless the building is sealed in conformance with Building Department rules, or is made structurally safe where so required by order, a stay of the unsafe building order shall not be granted, except in accordance with the following circumstances and procedures:
 - a. Privately Owned Prior to Precept
Where an applicant provides proof to the satisfaction of the Borough Superintendent that he is ready to start rehabilitation immediately. Normally the proof would consist of architectural/engineering plans filed with an application, a work permit ready to be issued (required insurance in force), a notarized "waiver to seal" affidavit and payment of outstanding fees.
 - b. Privately owned Buildings with Precepts, or Government Owned Buildings
Requests for abatement of the order or the precept shall be referred to the Demolition Division of the Department of Housing Preservation and Development for decision. A referral shall not be made unless there is compliance with the requirements of paragraph C-2(a). Refer to Sample "Stay" of Demolition Requests (Attachment #2).

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DEPARTMENT OF BUILDINGS

Irving M. Weiss - Acting Commissioner
JEREMIAH T. WALSH, P.E., Commissioner

Date: *March 1, 1978*

MANHATTAN
MUNICIPAL BUILDING
NEW YORK, N.Y. 10001

BROOKLYN
1933 AVENUE
BROOKLYN, N.Y. 11201

BROOKLYN
MUNICIPAL BUILDING
BROOKLYN, N.Y. 11201

QUEENS
128-08 QUEENS BLVD
NEW GARDENS, N.Y. 11411

STATEN ISLAND
BOROUGH HALL
ST. GEORGE, N.Y. 10301

Director of Demolition (H 10)

~~Samuel Roberts, P.E.~~

Division of Demolition (Room 4317)
100 Gold Street
New York, New York 10036

Re: Postponement of Demolition - Queens

Premises 70 43, 45 West St. Queens

Block No. 322.1 Lot 45

U.B. No. 1/77 Precept Date 7-27-77

Demolition Card Forwarded On 8-2-77

Application No. Alt. or B.N. ALT 1942/42

Dear Sir:

Application has been filed at this office for work to be done at the above premises. It is requested that you withhold further action on this demolition for a period of 90 days.

You will be notified upon completion of this work within the stated time.

Thank you for your cooperation in this matter.

H. Irving Sigman
H. Irving Sigman
Borough Superintendent
Department of Buildings

ATTACHMENT #2

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Rules and Regulations Relating to the Sealing and Protection
of Vacant and Unguarded Buildings.

PURSUANT TO SECTION 185 OF THE NEW YORK CITY CHARTER AND by virtue of the authority vested in me as Commissioner of Buildings by Section 1804 of such Charter and in order to carry out the provisions of the Administrative Code of The City of New York and with the approval of the Administrator of the Housing and Development Administration, the following rules and regulations relating to the sealing and protection of vacant and unguarded buildings are hereby promulgated and are published in their entirety to supersede the present rules.

RULES AND PROCEDURES RELATING TO THE SEALING AND PROTECTION OF VACANT AND UNGUARDED BUILDINGS

Where buildings are vacant, unguarded, open to unauthorized entry and are required to be sealed by the provisions of an unsafe building order, they shall be sealed and protected in the following manner:

A. Buildings with exterior walls constructed of brick or other masonry:

1. All exterior openings including door openings, in the cellar, in the story at street level, in the second story above street level, on the course of a fire escape, or which are less than 12 feet measured horizontally from an opening in an adjoining building, shall be sealed with concrete block. One door opening, readily visible from the street, may, at the discretion of the owner, be sealed with a door. The door shall be of solid wood covered with 26 gauge metal or constructed of 1-inch by 6-inch tongue and groove boards with cross and diagonal battens of 1-inch boards and covered on the outside with 26 U. S. gauge galvanized steel with edging turned over and nailed with flat head galvanized nails. The door shall be hung in such a manner that no screws are exposed on the outside of the door on either the hinges or the hasps. Hinges shall not have removable hinge pins. Two hasps and locks shall be provided, located so as to divide the height of the door in equal sections.

2. Concrete block shall conform to the provisions of Reference Standard RS-10 of the Administrative Code.

3. All door and window frames shall be removed before concrete blocks are installed. Brickwork which new concrete blocks will abut, shall be cleaned and thoroughly wetted before blocks are installed.

4. Doors and windows, not exceeding 6 feet in width, shall be sealed with concrete block at least 4 inches in thickness. Openings exceeding 6 feet in width shall be sealed with concrete blocks at least 8 inches in thickness.

5. Concrete blocks shall be laid in masonry cement mortar with a mix of not more than three parts of sand for each part of masonry cement by volume. Joints in masonry shall be broken. Masonry cement shall conform to the provisions of Reference Standard RS-10. Joints on the exterior faces shall be struck and shall be provided with a smooth finish.

6. Openings in masonry walls, which are not required to be enclosed with concrete block in accordance with paragraph A1, shall be sealed with boards covered by sheet metal in the manner specified in subdivision D of these rules.

B. Buildings with exterior walls constructed of material other than masonry:

1. All exterior openings in walls of buildings which do not have walls constructed of masonry, shall be sealed with boards covered by sheet metal in the manner specified in subdivision D of these rules.

C. Openings in roofs shall be sealed as follows:

1. Roof bulkheads, skylights, ventilating equipment and similar structures shall be completely removed, except that roof bulkheads and dumbwaiter shafts of masonry construction extending above roof level need not be removed if all openings in such structures are sealed with concrete blocks in a manner prescribed above. Openings remaining after removal of such structures shall be sealed with 1-inch tongue and groove boards, not less than 6 inches in nominal width, laid on 3-inch by 6-inch joists, not more than 16 inches on center. Joists shall be secured to the roof timbers framed about the openings in a sound and secure manner. Boards shall be covered with roofing to provide a watertight durable cover.

D. Sealing of openings by boards covered with sheet metal, where permitted under paragraph A6 in masonry walls and under paragraph B1 in walls of material other than masonry, shall be done in the following manner:

1. Boards shall be 1-inch by 6-inch cut to a length to fit the height and width of the wall opening, with cross and diagonal battens of 1-inch boards, on the inside, or shall be exterior grade plywood, at least 5/8 inches in thickness, cut to fit the wall opening on the inner side of the window frame.

2. Outside or exposed surfaces of the boards or plywood shall be covered with No. 26 U. S. gauge galvanized steel, with edging turned over and nailed with flat head galvanized nails.

3. Boards shall be nailed to the sides, top and bottom of the window frame with 16-penny, 3 1/2-inch nails, where the window frame is in good, firm condition. Where the window frame is loose or defective, the boards shall be securely fastened to the brick wall.

E. Utilities and Service Lines. All gas, electric, water, steam and other service lines to the building except sewer lines shall be disconnected and certifications to that effect by the respective utility companies or City agencies having jurisdiction shall be filed with the department.

F. Prior to the completion of required sealing of exterior openings as detailed pursuant to Paragraphs A, B, C and D, above, all combustible debris, rubbish, abandoned furniture or materials capable of supporting combustion shall be removed from the premises.

I do hereby certify that good cause exists for waiving the requirement that thirty days shall first elapse after publication in THE CITY RECORD and that the foregoing Rules and Regulations relating to the sealing and protection of vacant and unguarded buildings shall become effective on the date of publication in THE CITY RECORD.

Dated: New York, N. Y., October 19, 1973.
THEODORE PARAGLIS, Commissioner of Buildings

FRIDAY, OCTOBER 19, 1973

THE CITY RECORD

ATTACHMENT

NO 1

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DEPARTMENT OF BUILDINGS

Irving M. Sigman - Acting Commissioner
JEREMIAH P. WALSH, P.E., Commissioner

Date: *March 1, 1978*

MANHATTAN
MUNICIPAL BUILDING
NEW YORK, N.Y. 10001
BROOKLYN
125 WEST 4TH AVENUE
BROOKLYN, N.Y. 11201
BROOKLYN
MUNICIPAL BUILDING
BROOKLYN, N.Y. 11201
QUEENS
128-04 QUEENS BLVD
NEW GARDENS, N.Y. 11411
STATEN ISLAND
BOROUGH HALL
ST. GEORGE, N.Y. 10301

Director of Demolition (A.P.D.)

~~Samuel Roberts, P.E.~~

Division of Demolition (*Room 9317*)
100 Gold Street
New York, New York 10036

Re: Postponement of Demolition - Queens

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Block No. 3221 Lot 45

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