

Creating an additional housing unit in an existing building without first obtaining the approval of the NYC Department of Buildings is illegal. It is a serious violation of the NYC Building Code.

This type of unauthorized construction is commonly called an “illegal conversion.”

Consequences of Illegal Conversions

Illegal conversions reduce the quality of life by bringing more people to live in a neighborhood than it can support. This unplanned growth can strain the capacity of the buses and subways and the sanitation and sewer systems. It can cause overcrowding in schools and create parking shortages.

Most important, if the construction does not meet the Building Code standards, the building may not be safe to occupy. The lives of the occupants, as well as those of the City’s emergency responders, could be at risk.

Building owners who receive violations for illegal conversions face court hearings, fines and daily penalties for the use of each illegal unit. These penalties can amount to thousands of dollars.

Examples of Illegal Conversions

The typical illegal conversion is where someone adds an apartment in the basement, attic or garage of an existing one- or two-family home, without first obtaining the necessary approvals and permits from the NYC Department of Buildings.

Other examples of illegal conversions are creating a rooming house (known as a Single Room Occupancy or SRO) out of a one- or two-family home or dividing an apartment into individual SRO units.

What To Do If You Receive a Violation

If the Department issues a violation for an illegal conversion (NYC Building Code §27-118.1) or for work without a permit (NYC Building Code §27-147), the property owner must correct all of the violating conditions. You may remove the illegal work or take the steps to make the work legal, as described in the next section.

In addition, you must attend a hearing at the Environmental Control Board (ECB). The date and location of the hearing are noted on the violation. If you or your representative fail to appear at the ECB hearing, the case will automatically go into default. You will be assessed the maximum penalty of \$2,500 for each violation.

Also, illegal conversion violations may result in penalties for each day that the illegal occupancy continues (NYC Building Code §26-126(1)(e)(1)) — until the date of the court hearing. The daily penalty can be as high as \$3,025 for one illegal unit and an additional \$2,250 for each extra unit.

To stop the daily penalties from increasing, the property owner must stop the illegal use as soon as possible and file a Certificate of Correction with the Department’s Administrative Enforcement Unit. While this will stop the penalty from growing, it does not resolve the violation. The illegal construction must be removed or be made legal. The Administrative Enforcement Unit will either accept or reject the Certificate of Correction. If the Certificate of Correction is rejected, you will receive a disapproval letter with the reasons for the rejection.

For more information about how to correct a violation, go to www.NYC.gov/buildings and look up our guide to “Resolving Department of Buildings Violations.” For information about an Environmental Control Board hearing, call 311.

Checklist: Correcting An Illegal Condition

An illegal conversion may be corrected by either removing the unauthorized construction or by obtaining the necessary approvals and permits to make the construction legal.

Remove the illegal construction

- Remove all tenants from the illegal units.
- Restore the altered spaces to their prior use or layout. This may require the removal of partitions, entrances, plumbing fixtures and electrical work.
 - Consult with a NYS licensed architect or engineer before you begin. A permit may not be necessary to restore the layout if the walls are not load-bearing, structural stability is not affected, exits are not affected and the room count is not increased. Otherwise, the architect or engineer can file the necessary plans with the Department of Buildings on your behalf.
 - Have a NYC licensed plumber file an alteration repair application (ARA) to remove the illegal plumbing fixtures, gas stoves, water or gas piping, and valves. Also, hire a NYC licensed electrician to remove all illegal electrical work. The Department of Buildings licenses plumbers and electricians.
 - For information about the construction, plumbing and electrical permit processes visit www.NYC.gov/buildings.

Legalize the additional housing units, if possible

- Hire a New York State licensed architect or engineer. This person can check your building for zoning and code standards. He or she can determine if the extra housing unit(s) can become legal and what is required.
 - Zoning — The City’s zoning laws, called the Zoning Resolution, will determine if the additional unit is allowed. This will depend on the zoning district. To find zoning district information, visit the Department of City Planning at www.NYC.gov/planning.
 - Construction — Depending on the age and type of materials used to construct the house, the New York City Building Code and the New York State Multiple Dwelling Law may prohibit the legalization of the additional unit(s).

- ✓ Your architect or engineer must prepare design drawings and file an alteration application with the Department of Buildings that covers the work that was already completed.
- ✓ There will be a filing fee based on the scope of the work and a civil penalty for performing the work without first obtaining a permit. If you are making alterations in addition to the work being legalized, your architect or engineer should submit those plans separately so that you do not pay a penalty for work that has not been done.
- ✓ After your architect or engineer has filed and received approval of the application, your contractor may obtain a permit and perform any construction work that is required. Depending on the age and type of materials used to construct the house and the total number of dwelling units, this could include the installation of plumbing, sprinkler systems, handicap ramps, fire-rated doors or walls, etc.
 - The Department of Consumer Affairs (www.NYC.gov/consumers) licenses home improvement contractors. The Department of Buildings licenses plumbers and electricians. Homeowners may be able to perform the general construction, but only licensed persons may perform plumbing or electrical work.
- ✓ After the contractor completes construction, your architect or engineer must obtain a new Certificate of Occupancy from the Department. The Certificate of Occupancy is a legal document that describes the lawful use and occupancy of a building, floor-by-floor. Before issuing the Certificate, the Department will inspect the building to ensure that it conforms to the plans submitted by your architect or engineer.

Finding Out What's Legal

To check on the current legal use of a building, visit the Department of Buildings at www.NYC.gov/buildings. Select the link to the Building Information System (BIS). Follow the prompts to find the building's Certificate of Occupancy. If you cannot find this information online, call the Department of Buildings borough office where the property is located for assistance.

New York City Department of Buildings

Executive Offices / 212-566-5000
280 Broadway, New York, NY 10007

Manhattan Borough Office / 212-566-0042
280 Broadway, New York, NY 10007

Bronx Borough Office / 718-579-6920
1932 Arthur Avenue, Bronx, NY 10457

Brooklyn Borough Office / 718-802-3675
210 Joralemon Street, Brooklyn, NY 11202

Queens Borough Office / 718-286-0600
120-55 Queens Boulevard, Kew Gardens, NY 11424

Staten Island Borough Office / 718-816-2300
10 Richmond Terrace, Borough Hall, Staten Island, NY 10301

Electrical Division / 212-669-8353
Municipal Building
1 Centre Street, New York, NY 10007

Department of Investigation (DOI) / 212-825-3330
80 Maiden Lane, New York, NY 10038

Call 311 for non-emergency complaints or information for Building Department services.
Use 911 only for life threatening emergencies.

Visit NYC.gov/buildings to:

- Access comprehensive information about DOB
- Check the status of a filing on the Building Information System (BIS)
- Download plan/work approval forms and the Building Code

Mission

The NYC Department of Buildings ensures the safe and lawful use of buildings and properties by enforcing the Building Code and Zoning Resolution. We facilitate development with integrity, efficiency and professionalism.

Michael R. Bloomberg, MAYOR

Patricia J. Lancaster, FAIA, COMMISSIONER

about

Resolving Illegal Conversion Violations

