



DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
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ISSUANCE #332

**LEGAL
POLICY AND PROCEDURE NOTICE #1/92**

TO: DISTRIBUTION

FROM: CAROLE S. SLATER
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Office of Legal Affairs *CS*

DATE: January 15, 1992

SUBJECT: Required Easements and Declarations:

- Review and Filing Prior to Issuance of a Permit
- Additional Clause in Declarations

This PPN supplements Legal PPN #2/87.

Easement and declarations required by the Department are subject to prior review by the Department's General Counsel. Such documents shall be approved and recorded prior to the approval of an application and issuance of a building permit.

TIMING OF FILING AND APPROVAL

The various easements and declarations required by the Department of Buildings, including zoning lot certifications and declarations and related exhibits, should be filed with the Department prior to approval of the application requiring said easement or declaration. Legal PPN #2/87 contains form easements and declarations. Such filed easements and declarations must be reviewed and approved as to legal form by the General Counsel, Office of Legal Affairs, before approval of the application in question. The Zoning Resolution and Administrative Code of

**SUPERSEDED BY LPPN 1/04
(and subsequently by LPPN 1/05,
BB 2008-007 and 2015-008)**

the City of New York mandate that such documents be filed, approved and recorded prior to permit issuance. (See ZR §12-10 definition of Zoning Lot.) The Borough Commissioner retains the power to waive this requirement in appropriate cases.

Applicants should be advised not to finalize and record such documents before they are reviewed and approved as to legal form by the General Counsel, Office of Legal Affairs. This will prevent the situation arising whereby the applicant has recorded a document in a form not acceptable to the Department thereby preventing the issuance of a certificate of occupancy.

**ADDITIONAL REQUIRED CLAUSE FOR RESTRICTIVE
DECLARATIONS ONLY**

Restrictive declarations are those documents which are executed by a single party and restrict the use of the property. Examples of restrictive declarations are found in the sample forms of Legal PPN #2/87.

The following clause should appear in restrictive declarations submitted to the Department for review.

Failure to comply with the terms of this declaration may result in the revocation of a building permit or certificate of occupancy.

CSS:jcb