



DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
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OPERATIONS
POLICY AND PROCEDURE NOTICE # 16/91

To: Distribution
From: Barry G. Cox
Date: 9 August 1991
Subject: Procedure For Emergency and Planned Vacates
of Residential Buildings

Purpose:

To formalize the already existing Department procedure to vacate residential buildings.

Effective Date: Immediate

Procedure:

FOR EMERGENCY VACATE

If an emergency occurs during regular work days an inspector shall be sent by the borough office to the site. If assigned directly from the borough office, he/she shall be equipped with a "walkie-talkie" and shall remain in contact with the respective borough office as well as the Executive Chief Inspector's Office. If assigned from his/her normal route, telephone contact must be immediately established and maintained upon arrival at the premises.

All DOB personnel dispatched from the borough office shall wear a Department of Buildings' issued jacket which clearly identifies them as an employee of this agency.

At The Site:

- . If the condition is so egregious that there is an imminent peril to life safety, the occupants shall be verbally told to vacate either part of or the entire building. The inspector shall inform the borough office.
- . If the unsafe condition is questionable, the field inspector shall call his superior, describe the situation, and request instructions.
- . If the inspector orders the building vacated, the inspector shall give notice to the building's occupants and explain the reason for their removal. Records of such notices shall be maintained in the respective borough office.
- . If the building's occupants refuse to leave, police assistance should be requested through the borough office. Counsel's Office should also be apprised of the situation. The police will maintain the peace and if arrests are to be made for failure to obey a vacate order, the inspector shall be the complainant.
- . The inspector shall appear at the appropriate complaint room to sign criminal court complaints and shall also appear at all subsequent court hearings where the appearance of the complainant is required.
- . The inspector shall remain at the scene until released by his/her superior.
- . In those instances where the public safety will be better protected by securing the building against re-entry, HPD's Director of Field Operations should be contacted to make the necessary arrangements.

If there is any disagreement about the need for police personnel, the matter shall be immediately referred to the Assistant Commissioner for Borough Operations

At The Borough Office:

- . The Deputy Borough Superintendent, or his/her designee, shall contact the Department of Housing Preservation and Development's Division of Relocation, the Director of Field Operations, and the Red Cross. He/she will provide the specifics concerning the condition of the premises being vacated to enable HPD to determine whether emergency repairs can be made to allow occupants of the building back into the living spaces.

- . The borough office will also generate a computer printout of the building and make it available to the Executive Chief Inspector's Office.
- . To enable HPD to decide whether to undertake the necessary repair work, the Deputy Borough Superintendent, or his/her designee, shall advise HPD whether the completion of the designated work, barring any unforeseen or new conditions at the premises, will result in the vacate order being rescinded. HPD must provide the Deputy Borough Superintendent with a document describing the scope and nature of the work to be performed in order to enable DOB to make an informed judgement whether that work will fully abate the conditions which precipitated the vacate order.
- . The same or following day all paperwork shall be completed in the borough office. The official Vacate Order shall be signed by the Borough Superintendent and given to an inspector to post at the building.
- . Ownership information shall be verified through the computer system and a copy of the vacate order sent by certified mail to the owner. In addition, an attempt shall be made to hand deliver a copy of the vacate order to the owner. A copy shall be hand delivered to the local Police Precinct, Fire Department Company, as well as HPD Code Enforcement.

Planned or Scheduled Vacates Coordinated with other City Agencies

The procedure shall be the same as Emergency Vacates except for the manner in which the Police Department is notified. All other procedures as stated apply.

Once a vacate has been scheduled and police assistance is deemed necessary, the PDNY's Investigation and Review Section (IRS) (212 374-5195) will be notified of the premises to be vacated indicating police assistance may be required. Such notice shall be given at least 24 hours in advance of the scheduled vacate date.

- . The notification shall include the name of the inspector who will be on site, Deputy Borough Superintendent, location of premises, date of the planned vacate, and other pertinent information.
 - . When there exists the potential for violence during execution of a vacate order, the PDNY's Patrol Borough Commander concerned will also be notified and confer with the inspector or Deputy Borough Superintendent so that proper planning may be initiated. Such planning will include tactics, decisions as to which agency shall be