



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES  
60 HUDSON STREET, NEW YORK, NY 10013

CHARLES M. SMITH, Jr., R.A., Commissioner  
312-8100

Issuance # 87

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OPERATIONS  
POLICY AND PROCEDURE NOTICE # 5/88

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To: Distribution

From: Fredric J. Pocco, R.E., Assistant Commissioner

Date: February 23, 1988

Subject: Administrative Search Warrant Procedures

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Purpose:

The following procedure has been designed to facilitate obtaining an administrative search warrant. This procedure is to be used to gain access to sites where several attempts to gain access have already been attempted and the complaint is of a priority nature. The procedure is not to be used as a substitute for issuing no access violations.

1. Any complaint for which an administrative search warrant is requested must include the name, address and telephone number of the complainant.
2. The complaint must be classified as priority B or above (i.e. structural damage, unsafe building, work without a permit, no secondary means of egress, etc.).
3. A minimum of two (2) attempts to gain access must be made prior to applying for an administrative search warrant.

If there are extenuating circumstances whereby the Administrative Chief Inspector believes that a warrant should be requested when it does not meet all of the above criteria, an application may be made with

justifications attached. If justification is necessary, the request must be approved by the Borough Superintendent or Director, as appropriate.

If these criteria are met, an administrative search warrant may be requested.

There are three forms that have been created for use with this procedure.

Form SW 1: Inspector's Affidavit

This form must be completed by the Inspector, notarized by a Notary Public or Commissioner of Deeds, and attached to Form SW 3.

If Item # 3 is not applicable, it should be "x"ed out. Item # 6 is to be used only if additional information is to be provided or attached.

Form SW 2: Complainant's Affidavit

This form must be completed by the complainant, notarized by a Notary Public or Commissioner of Deeds, and attached to Form SW 3.

This form is required and can only be waived by the Assistant Commissioner of Operations in writing.

Form SW 3: Request for Administrative Search Warrant.

This form must be filled out in its entirety and signed by the Inspector. It must be approved by the appropriate parties and forwarded to the Office of the Assistant Commissioner Operations within 24 hours of the time of inspection.

The Office of the Assistant Commissioner of Operations will log in all requests for administrative search warrants and track them through to completion of the inspection.

The Office of the Assistant Commissioner of Operations will then forward the completed documents to the Office of the General Counsel. The General Counsel's Office will then forward the documents to the Corporation Counsel who shall obtain the search warrant and send it to the Office of the Assistant Commissioner of Operations.

The Office of the Assistant Commissioner of Operations will log in the receipt of the search warrant and immediately forward it to the Administrative Chief Inspector, Supervising Inspector or Borough Manager, as appropriate. They will ensure that arrangements are made with the applicable Police Precinct for a Police car to accompany the inspector to the premises.

3

The inspection must be made within 3 days of the receipt of the search warrant.

) Upon successful completion of the inspection, the Inspector will submit a Form 26 report of his findings. This report will be forwarded to the Office of the Assistant Commissioner of Operations for completion of the log book.

FJP:mh

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Criminal Court of the City of New York  
Court of \_\_\_\_\_

x

In the Matter of the Application of \_\_\_\_\_

AFFIDAVIT

for a Search Warrant to Inspect the Premises  
known as \_\_\_\_\_

x

State of New York )  
County of \_\_\_\_\_ ) SS.:

\_\_\_\_\_ being duly sworn, deposes  
and says:

1. I am a (check one) \_\_\_\_\_ resident  
\_\_\_\_\_ adjacent owner  
\_\_\_\_\_ neighbor  
\_\_\_\_\_ Other (Explain) \_\_\_\_\_

of the premises known as \_\_\_\_\_

2. I reside at \_\_\_\_\_

3. My telephone number is \_\_\_\_\_

4. I have observed the following \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. I have previously complained to the Department of Buildings on \_\_\_\_\_

6. I herewith request an inspection of said premises to determine if  
violations to the New York City Building Code, Zoning Laws and/or  
Electrical Code are present.

\_\_\_\_\_  
Signature of Complainant

Sworn to before me

time \_\_\_\_\_ day of \_\_\_\_\_, 1988

\_\_\_\_\_  
Notary Public/Commissioner of Deeds

SW2

4

Request for Administrative Search Warrant

Premises Address \_\_\_\_\_

Borough \_\_\_\_\_

Complaint \_\_\_\_\_

Name of Complainant \_\_\_\_\_

Address of Complainant \_\_\_\_\_

Telephone # of Complainant \_\_\_\_\_

Attempts made to Gain Access to the Premises \_\_\_\_\_

Justification \_\_\_\_\_

A Signed Affidavit from Inspector is Attached \_\_\_\_\_ Yes \_\_\_\_\_ No

Police Precinct \_\_\_\_\_

In order to gain access to the premises so as to review the above complaint, an administrative warrant is hereby requested.

\_\_\_\_\_  
Inspector

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrative Chief Inspector/  
Supervising Inspector/ Borough Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Borough Superintendent/Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Assistant Commissioner  
Operations

\_\_\_\_\_  
Date

SW3