

1 RCNY §15-04

CHAPTER 15 FIRE PROTECTION

§15-04 Exemption of Certain Existing J-1 Residential Hotels from Certain Fire Safety Special Filing Requirements.

(a) *Definition.* Existing J-1 Residential Hotel. An existing J-1 residential hotel is defined as a single room occupancy multiple dwelling, in which at least seventy-five (75) percent or more of the total number of occupied individual dwelling units:

(1) have had no more than two (2) separate tenancies for at least three (3) years preceding the date on which the application for residential hotel status is made or, preceding the date of submission of an annual certification as set forth below or

(2) have been used by a religious not-for-profit organization as a residency for its members who maintain residency for at least (1) year and have no more than two (2) separate tenancies for at least (1) year preceding the date on which the application for residential hotel status is made, provided that a fire safety plan for fire drill and evacuation procedures in accordance with the requirements of the Fire Commissioner shall be submitted to the Fire Department and the approval of the Fire Commissioner shall be obtained.

(b) *Details of exemptions.* This section shall exempt owners of existing "residential hotels", as that term is defined in §15-04(a), from J-1 fire safety special filing requirements of §§27-382(b), 27-384(b), 27-954(w), 27-989(b), 27-996.2(a)(2) of Article 26 of Subchapter 1 of Chapter 1 of Title 27 of the Administrative (Building) Code as enacted by Local Law 16 of 1984, effective March 17, 1984, as well as installation requirements set forth in the following sections:

- (1) §27-382 (b) Power source-Exit lights.
- (2) §27-384 (b) Power source-Exit signs.
- (3) §27-954 (w) Required sprinklers.
- (4) §27-989 (b) Elevator in readiness.
- (5) §27-996.2 (a) (2) Firemen service operation in existing elevators.

(c) *Certification.*

(1) The certification of residential hotel status may be obtained only by the filing of an alteration application for residential hotel certification. Such application shall contain the supporting documentation required in §15-04(d) below. Certification of residential hotel status as defined in § [sic] 15-03(a) [sic] above shall be issued by the borough superintendent. Certification shall be valid for a period of one (1) year from the date of initial certification. Thereafter, the owner of the residential hotel shall engage a registered architect or licensed professional engineer to certify annually through the filing of a building notice application that the residential hotel is in compliance with the requirements of § [sic] 15-03(a) [sic] above.

(2) Owners of residential hotels shall keep a copy of their residential hotel certification on site at the hotel. Failure to timely renew a hotel's residential certification may result in the issuance of violations for the hotel's failure to comply with the requirements of Local Law 16 of 1984 and Local Law 16 of 1987 for a J-1 occupancy.

(d) *Supporting Documentation.* The following documentation shall be furnished by the owner in support of his or her application for certification of residential hotel status:

- (1) Certificate of Occupancy or, if unavailable;
- (2) Occupancy and Arrangement Card from the Department of Housing Preservation and Development and Department of Housing Preservation and Development Computer Printout;
- (3) List all rooms occupied by tenants who have resided at the premises for six months or longer or who are in occupancy pursuant to a lease of six months or longer, together with the name of the tenant in each of the aforementioned rooms and copies of any and all existing leases for the period stated in § [sic] 15-03(a) [sic] of this section; and
- (4) For each dwelling unit in the premises subject to rent control or hotel stabilization, copies of the annual registration statement filed with the New York State Division of Housing and Community Renewal; and
- (5) Copies of any relevant documents filed by the owner with the Hotel Stabilization Association; and
- (6) Any other documentation deemed relevant by the borough superintendent, in his or her discretion.

(e) *Determination of J-2 Dormitory.*

(1) A building owner may contend that his/her building is a dormitory and therefore as a J-2 occupancy need only provide stair and elevator signs, and if a high-rise building also remove locks on elevator and hoistway doors. To qualify as a dormitory, the building's current Certificate of Occupancy must indicate use as a dormitory. Where the Certificate of Occupancy indicates both dormitory and J-1 occupancy, those portions which are J-1 must comply with LL 16/84 requirements for J-1 occupancies.

(2) When an owner seeks to amend his building's Certificate of Occupancy [sic] to provide for dormitory occupancy, he must submit an affidavit stating he will use the dormitory space only for sleeping accommodations of individuals on a month-to-month or longer-term basis (Adm. Code §27-265) and that the dormitory will be owned and operated by either a not-for-profit corporation or a school. Such amended Certificates of Occupancy shall provide that the dormitory may only be owned or operated by either a not-for-profit corporation or a school.