



BUILDINGS
2023-014
BULLETIN
TECHNICAL

ISSUANCE DATE
October 17, 2023

ISSUER: Keith L. Wen, R.A. 
Assistant Commissioner
Code & Zoning Interpretation

PURPOSE: This Bulletin rescinds 6 Directives, 9 PPNs and 3 Letters which were issued by the Department but are no longer applicable under current Codes and Local Laws.

SUBJECT(S): Rescinding a Directives, PPNs and Letters

RESCINDED DOCUMENTS

Directive 4 of 1979, Directive 6 of 1972, Directive 2 of 1968, Directive 4 of 1979, Directive 41 of 1970, Directive 2 of 1977

LPPN #3/92, LPPN #4/92

OPPN #5/95, OPPN #6/93, OPPN #4/95

TPPN #1/88, TPPN #12/88, TPPN #2/93, TPPN #3/93

Letter 5/25/79, Letter 4/9/84, Letter 4/23/84

BACKGROUND

The Department of Buildings periodically reviews published Buildings Bulletins (BB), Policy and Procedure Notices (Technical, Operational, Legal, Administrative, OTCR) and the various Directives, Executive Orders, Memoranda and Letters issued in the past to ensure their continued consistency with current Departmental practice and to verify that new laws and regulations are incorporated into these documents.

The above listed Directives, Policy and Procedure Notices and Letters are rescinded effective immediately and are attached therein.

The rescinded documents will appear on the Department's website with the watermark **RESCINDED**. Because this review is ongoing, documents not specifically listed in this Bulletin may be addressed in future bulletins. Watermarked Memoranda, Directives, Executive Orders and Letters may be accessed through the online version of this Bulletin at www.nyc.gov/site/buildings/codes/building-bulletins.page.

**RESCINDED BY BUILDINGS
BULLETIN 2023-014**

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS
DIRECTIVE NO. 4 of 1979

DEPARTMENTAL MEMORANDUM

DATE: May 22, 1979

TO: Borough Superintendents

FROM: Irwin Fruchtman, P. E.
Commissioner

SUBJECT: PROCEDURE TO REDUCE BACKLOG OF COMPLAINTS,
VIOLATIONS AND CERTIFICATE OF OCCUPANCY APPLICATIONS

Directive No. 1 of 1976 and Supplement to Directive No. 1 of 1976 dated February 23, 1977, is hereby superseded by the following:

In order to utilize engineering and inspectional personnel more efficiently, the following procedures are to be implemented immediately as an attempt to reduce current backlogs of complaints, violations and certificate of occupancy applications to manageable proportions:

1. COMPLAINTS. Complaints which are more than two (2) years old and which have not been responded to by departmental personnel are to be reviewed. Those which appear to involve a hazardous condition are to be assigned for immediate inspection and appropriate action, in compliance with departmental memorandum dated August 24, 1973 and Directive 9 of 1973, dated November 2, 1973, copies of which are attached. All other complaints more than two (2) years old are to be cancelled without inspections. The complaint docket shall be so annotated for those cancelled.

2. VIOLATIONS. All violations which are more than five (5) years old are to be reviewed, and the following steps taken:

a. Minor violations are to be administratively cancelled without inspection. Examples of minor violations are as follows:

- (1) No plans available on premises for final inspection for Building Notices.
- (2) Water seepage into cellar floor.
- (3) Work completed based on approved Building Notice without obtaining a permit.
- (4) New store front erected without approval and permit.
- (5) Installation of a water closet and basin in commercial or public premises without a permit.
- (6) Erection of a patio, stoop, terrace, or balcony in a one family dwelling without a permit.

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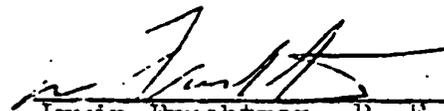
(7) Expiration of permit insurance for completed applications.

b. When the violation is to be administratively cancelled, the violation file, violation docket and index cards shall be so noted and a copy of the cancelled violation placed in the Block and Lot folder. Where the violation has been processed to court, a cancellation notification letter (B Form 37A) a copy of which is attached, shall be sent out with a copy retained in the violation file. Where the violation involves a public agency and therefore was not processed to court, a covering letter, a copy of which is attached (B Form 37B) shall be sent out with a copy retained in the violation file.

c. When the violation is not appropriate for cancellation, and when the owner of record is noted to be a corporation or firm with offices located in Manhattan, a copy of the violation and recent inspection report, and summonses prepared for responsible parties are to be forwarded to the Manhattan office. The process server presently assigned only to Manhattan will service the other boroughs as well.

3. CERTIFICATE OF OCCUPANCY APPLICATIONS. Applications for certificates of occupancy are to be reviewed, with the oldest applications given first priority. Where the objections precluding issuance of the certificates of occupancy are inconsequential, the C of O may be issued, without the necessity of any additional inspections. Where warranted, an inspection should be made to determine if prior objections have been substantially complied with.

4. Borough Superintendents should utilize plan examination personnel to the maximum extent feasible for items 2 and 3 above, and inspectional personnel for items No. 1 and as required for the other items, without seriously curtailing either routine plan examination or inspections. The Chief Engineer and Chief Construction Inspector shall be designated to supervise the above mentioned procedure.


Irwin Fruchtman, P. E.
Commissioner

IF:WCK:ah

Attachments

cc: Executive Staff
Professional Societies

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**RESCINDED BY BUILDINGS
BULLETIN 2023-014**

B Form 31A



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
120 WALL STREET, NEW YORK, N.Y. 10005

IRWIN FRUCHTMAN, P.E. Commissioner
248-8811

BORO OFFICES:

MANHATTAN
MUNICIPAL BUILDING
NEW YORK, N. Y. 10007

BRONX
1932 ARTHUR AVENUE
BRONX, N. Y. 10457

BROOKLYN
MUNICIPAL BUILDING
BROOKLYN, N. Y. 11201

QUEENS
126-06 QUEENS BLVD
NEW GARDENS, N. Y. 11413

STATEN ISLAND
BOROUGH HALL
ST. GEORGE, N. Y. 10301

Violation No. _____

Premises _____

Borough of _____

Dear Sir:

You are advised that the subject violation, previously reported against the above premises, has been administratively cancelled.

Although there will be no further prosecution of the violation in the criminal courts, you are advised that such deviation from the Administrative Code can possibly be cause for a legal cloud on the premises in any future civil proceeding, and, be a deterrent to issuance of building permits you may seek in the future, and you are urged to voluntarily comply with the cancelled violation at your earliest convenience.

Very truly yours,

Borough Superintendent

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BULLETIN 2023-014**



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STATEN ISLAND
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ST. GEORGE, N. Y. 10301

Violation No. _____

Premises _____

Borough of _____

Dear Sir:

You are advised that the subject violation, previously reported against the above premises, has been administratively cancelled.

You are urged to voluntarily comply with the cancelled violation at your earliest convenience. This department will no longer monitor the specific situation.

Very truly yours,

Borough Superintendent

**RESCINDED BY BUILDINGS
BULLETIN 2023-014**



ISSUANCE # 403

DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, N.Y. 10013
RUDOLPH J. RINALDI, Commissioner

TECHNICAL
POLICY & PROCEDURE # 2/93

TO: BOROUGH COMMISSIONERS/SUPERINTENDENTS

FROM: Richard C. Visconti, A.I.A.
Acting Deputy Commissioner *W*

DATE: May 17, 1993

SUBJECT: Use Letters

EFFECTIVE: Immediately

PURPOSE: To establish a uniform format to be used by all boroughs when responding to a request by a building owner to search department records pertaining to the use or occupancy of a premises in the absence of a Certificate of Occupancy.

SPECIFICS: The attached standard 'Use Letter' shall be issued.

Attachment: Use Letter Standard Form

RCV:FA:ap

cc: Distribution

**RESCINDED BY BUILDINGS
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Date: _____

Block _____

Lot _____

Premises _____

Borough _____

Dear Sir/Madam:

A search of our records indicates that:

Application # _____ of _____ was approved on _____. Construction work was completed on _____. No Certificate of Occupancy was issued. This department considers the use of the premises to be established as _____.

No application on file for the above premises. However, in the absence of any evidence to the contrary and based on the documents submitted, the Department of Buildings will not object to the use of the building as _____.

No application on file. This department is unable to establish the use of the above premises at this time.

If the building is hereafter altered or its use changes, an application for such alteration work or change of use must be filed and a Certificate of Occupancy shall be issued pursuant to Article 22 of Sub-chapter 1 of the Administrative Code of the City of New York.

Very truly yours,

Borough Commissioner/Superintendent

**RESCINDED BY BUILDINGS
BULLETIN 2023-014**



DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, N.Y. 10013
JOEL A. MIELE, Sr., P.E., COMMISSIONER

BARRY G. COX
Assistant Commissioner
Borough Operations
(212) 312-8004

OPERATIONS
POLICY AND PROCEDURE NOTICE #5/95

TO: Distribution
FROM: Barry G. Cox
DATE: 24 March 1995
RE: Bureau of Electrical Control (B.E.C.) Sign-off for Certificate of Occupancy

Effective: Immediately.

Purpose: To establish a policy for signing off a job requiring a certificate of occupancy (C of O) where no electrical work was filed.

Specifics: When an application is filed for a C of O and no filing for electrical work is on record with the Bureau of Electrical Control, BEC will notify the Borough office of that fact and, assuming all other requirements for the issuance of a C of O are in place, the C of O shall be issued.

The requirement that a Professional Engineer or Registered Architect submit an affidavit attesting to the fact no electrical work was done is eliminated.

BGC:yaj

**RESCINDED BY BUILDINGS
BULLETIN 2023-014**

The City of New York
HOUSING AND DEVELOPMENT ADMINISTRATION
Department of Buildings

DIRECTIVE NO. 6 of 1972

TO: Borough Superintendents DATE: July 14, 1972

FROM: Thomas V. Burke, P.E., Director of Operations

SUBJECT: Buildings Rehabilitated by the Department of Housing
and Urban Development. (A Federal Agency)

As a result of a meeting held on June 1, 1972, to establish the procedures to be followed in issuing certificates of occupancy or approvals of buildings rehabilitated by the Department of Housing and Urban Development (a Federal agency), the following procedure was developed:-

1. Private dwellings and multiple dwellings for not more than four families are being rehabilitated by HUD. The rehabilitation consists of replacement of plumbing fixtures and plumbing, repairing defective plaster and floors, painting, installation of electrical fixtures, and other incidental work necessary to make the buildings livable. Most of the work will be of a cosmetic nature and there will be no change in the arrangement of rooms, exits or public halls. The buildings will be altered in accordance with the plans on file in the Department of Buildings so that there will be no rearrangement of the parts of the buildings. At present, buildings are being rehabilitated by HUD only in the borough of Brooklyn.
2. New certificates of occupancy will be required for the multiple dwellings, as they will be vacant for more than 60 days. For the one- and two-family dwellings, which will be about 85% of the buildings rehabilitated, new certificates of occupancy will not be required, as there will be no change in the arrangement of the buildings. In order to obtain certificates of occupancy for the multiple dwellings, it was decided that for such buildings, rehabilitated hereafter, an alteration application and a plumbing application will be filed at the borough office for the work to be done. With the alteration application will be filed specifications describing the work which the contractors will do, but plans will not be filed. Restoration will conform to plans on file in the department. The application will be filed by a registered architect or a licensed professional engineer in the employ of HUD. Objections shall be reviewed by the Chief Engineer of Engineering and shall be sent to HUD. Examination of all such applications will be expedited. No fees will be required. Permits will not be required, but all plumbing shall be installed by a licensed plumber. Inspectors of the department will make inspection of the work as it progresses for compliance with the Building Code, and the Multiple Dwelling Law. Upon completion of

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the work, an application will be filed for a certificate of occupancy, which will be processed in the normal manner, except that such applications will be given priority. No violation orders will be filed. Where any deviations from the code or from the specifications are found, the Borough Superintendent shall send written notice to HUD.

3. Examiners shall note on the approved applications that the building is to comply with the existing approved plans in the department. When a certificate of occupancy is issued, it shall be noted that no changes were made in the arrangement of rooms, exits, or public halls.
4. For the one- and two-family dwellings. New certificates of occupancy will not be required, as there will be no change in the occupancy or arrangement of the buildings but certificates of occupancy may be requested. It will be required that an application be filed by a licensed plumber for the plumbing work to be done and that an alteration application be filed by a registered architect or a licensed professional engineer, with a copy of the specifications describing the work to be done. Plans shall not be required.
5. While no permits will be required for any of the rehabilitated buildings, HUD will notify the department of the names and addresses of the contractors who will do the work, for each building.
6. For those buildings presently undergoing rehabilitation, or completed it will be required that for multiple dwellings, a statement of a registered architect or a licensed professional engineer be filed stating that the work was performed in accordance with the requirements of the Building Code and the Multiple Dwelling Law and that no change was made in the arrangement of rooms, exits, public halls, or occupancy, before a certificate of occupancy is issued. In addition it will be required that a certificate of occupancy application be filed and that inspection of the building be made to ascertain compliance with applicable laws insofar as possible in the finished building. No application or specifications otherwise shall be required. A note shall be placed on the certificate of occupancy that conformance with code requirements has been certified by a registered architect or licensed professional engineer.
7. The same procedure shall be followed for private dwellings where a certificate of occupancy is requested by HUD, except that the Multiple Dwelling Law shall not be applicable.
8. Where records of the Building Department are not available, records of the Department of Rent & Housing Maintenance may be used for referral. Where no plans or other records are available in either department it shall be assumed that the arrangement of rooms, stairs and public halls has not been changed. Where rooms do not have legal ventilation this shall be reported.

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**RESCINDED BY BUILDINGS
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9. Where unsafe building orders or violations are pending for a building, HUD will request dismissal after compliance has been provided, with the statement that all work necessary to provide compliance has been completed. Upon receipt of such request, reinspection shall be made promptly, and where there has been compliance, the unsafe building order and violation orders shall be dismissed without requiring that the building be occupied before dismissal.
10. Notices of objections and other correspondence with HUD shall be sent to

Mr. Walter Haner, Realty Officer
Department of Housing & Urban Development
175 Fulton Street
Hempstead, N.Y. 11550


Thomas V. Burke, P.E.
Director of Operations

TVB/sl

cc: Exec. Staff
Walter Haner

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**RESCINDED BY BUILDINGS
BULLETIN 2023-014**

C O P Y

City of New York
DEPARTMENT OF BUILDINGS

Certificates of Occupancy

DIRECTIVE NO. 2-1968

TO: Borough Superintendents
FROM: Julius W. Schneider
Director of Operations

DATE: February 14, 1968
SUBJ: Posting of Certificates
of Occupancy

Effective at once the following note shall be imprinted on each certificate of occupancy at time of issuance:

**THIS CERTIFICATE OF OCCUPANCY MUST BE POSTED
WITHIN THE BUILDING IN ACCORDANCE WITH THE RULES
OF THE DEPARTMENT PROMULGATED MARCH 31ST, 1967**

This shall not apply to certificates of occupancy for one and two family dwellings.

The note shall be imprinted in the position at the bottom of the form as shown in the copy of the certificate of occupancy attached.

A copy of the Rules Relating to Posting of Certificates of Occupancy dated March 31, 1967 accompany each certificate of occupancy.

Two rubber stamps and a supply of copies of the rules are transmitted herewith.

JWS:SF
Encl:

(signed)
Julius W. Schneider
Director of Operations

**RESCINDED BY BUILDINGS
BULLETIN 2023-014**

C O P Y

ENCLOSURE II

Vincent J. Gioney,
Deputy Commissioner
Department of Highways
Staten Island, New York

ADDRESS: _____
NB: _____ / _____
ALT: _____ / _____
BLOCK: _____ LOT _____

Dear Sir:

The referenced building was completed on _____ 19____

This Department considers that date as the effective date of application for a Certificate of Occupancy.

Therefore, we respectfully request that you indicate to us whether or not the street giving access has been constructed at a satisfactory grade and in conformance with minimum conditions as were required for compliance on such date.

Very truly yours,

JOHN J. WALSH
Boro Superintendent

**RESCINDED BY BUILDINGS
BULLETIN 2023-014**

C O P Y

ENCLOSURE I

November 27, 1967

John J. Walsh
Boro Superintendent-Richmond
Department of Buildings
Staten Island, New York

ADDRESS: _____

NB: _____ / _____

ALT: _____ / _____

BLOCK: _____ LOT _____

EFFECTIVE DATE OF
CERTIFICATE OF OCCUPANCY
APPLICATION: _____

Dear Sir:

In reference to your letter dated _____ pertaining to the above referenced location, please be advised that, inasmuch as the applicant sought approval for his sidewalk, curb and pavement requirements prior to March 2, 1964, the present Highways Department rules and regulations regarding Builders' Pavements in connection with Certificates of Occupancy issuance, which were promulgated on March 2, 1964, would not apply.

Pursuant to an inspection showing that emergency vehicular access is available to this address, this Department has no objection to the issuance of a Certificate of Occupancy.

Very truly yours,

Vincent J. Gibney
Deputy Commissioner

**RESCINDED BY BUILDINGS
BULLETIN 2023-014**

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS
DIRECTIVE NO. 4 of 1979

DEPARTMENTAL MEMORANDUM

DATE: May 22, 1979

TO: Borough Superintendents

FROM: Irwin Fruchtman, P. E.
Commissioner

SUBJECT: PROCEDURE TO REDUCE BACKLOG OF COMPLAINTS,
VIOLATIONS AND CERTIFICATE OF OCCUPANCY APPLICATIONS

Directive No. 1 of 1976 and Supplement to Directive No. 1 of 1976 dated February 23, 1977, is hereby superseded by the following:

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-2-

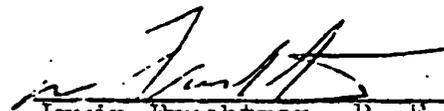
(7) Expiration of permit insurance for completed applications.

b. When the violation is to be administratively cancelled, the violation file, violation docket and index cards shall be so noted and a copy of the cancelled violation placed in the Block and Lot folder. Where the violation has been processed to court, a cancellation notification letter (B Form 37A) a copy of which is attached, shall be sent out with a copy retained in the violation file. Where the violation involves a public agency and therefore was not processed to court, a covering letter, a copy of which is attached (B Form 37B) shall be sent out with a copy retained in the violation file.

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4. Borough Superintendents should utilize plan examination personnel to the maximum extent feasible for items 2 and 3 above, and inspectional personnel for items No. 1 and as required for the other items, without seriously curtailing either routine plan examination or inspections. The Chief Engineer and Chief Construction Inspector shall be designated to supervise the above mentioned procedure.


Irwin Fruchtman, P. E.
Commissioner

IF:WCK:ah

Attachments

cc: Executive Staff
Professional Societies

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**RESCINDED BY BUILDINGS
BULLETIN 2023-014**

B Form 31A



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
120 WALL STREET, NEW YORK, N.Y. 10005

IRWIN FRUCHTMAN, P.E. Commissioner
248-8811

BORO OFFICES:

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NEW YORK, N. Y. 10007

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BRONX, N. Y. 10457

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BROOKLYN, N. Y. 11201

QUEENS
126-06 QUEENS BLVD
NEW GARDENS, N. Y. 11413

STATEN ISLAND
BOROUGH HALL
ST GEORGE, N. Y. 10301

Violation No. _____

Premises _____

Borough of _____

Dear Sir:

You are advised that the subject violation, previously reported against the above premises, has been administratively cancelled.

Although there will be no further prosecution of the violation in the criminal courts, you are advised that such deviation from the Administrative Code can possibly be cause for a legal cloud on the premises in any future civil proceeding, and, be a deterrent to issuance of building permits you may seek in the future, and you are urged to voluntarily comply with the cancelled violation at your earliest convenience.

Very truly yours,

Borough Superintendent

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Violation No. _____

Premises _____

Borough of _____

Dear Sir:

You are advised that the subject violation, previously reported against the above premises, has been administratively cancelled.

You are urged to voluntarily comply with the cancelled violation at your earliest convenience. This department will no longer monitor the specific situation.

Very truly yours,

Borough Superintendent

**RESCINDED BY BUILDINGS
BULLETIN 2023-014**

City of New York
HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS

DIRECTIVE NO. 11/ 1970

TO: Borough Superintendents

Date: October 1, 1970

BY: Thomas V. Burke
Director of Operations

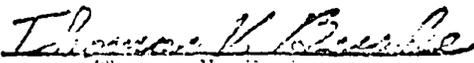
Subject: Modification of Certificate
of Occupancy by the Board of
Standards and Appeals pur-
suant to Fire Department
Applications.

The Board of Standards and Appeals has approved the request of the Fire Commissioner to modify the certificates of occupancies for various premises. The occupancy of some of the premises involved conforms with the last issued certificate of occupancy, and, in other instances is in violation thereof.

In regard to premises that are illegally occupied, this office has received Opinion No. 107,313 from the Corporation Council subsequent to issuance of Directive No. 20/70. The Corporation Council has indicated that the decision of the Board modifying the certificate of occupancy so as to require installation of a sprinkler or standpipe system is binding on this department. Accordingly, applications filed for the installation of standpipe systems, sprinkler systems or any other stated work may be approved for those premises illegally occupied. However, a record of the Board's modification is to be entered on the index cards, and no subsequent alteration application or change of use of any kind may be approved unless the Board Calendar No. and an indication that the particular service equipment is required, is entered on all new modification sheets, and on all certificates of occupancy issued thereafter. Until the illegal use is discontinued or legalized, the violation is to be diligently processed and judicial remedies instituted, if appropriate.

With respect to Board decisions modifying the certificate of occupancy for those premises lawfully occupied; so as to require the installation of a standpipe system or sprinkler system or the like, no application for such stated work shall be approved unless a simultaneous alteration application amending the legal use so as to specify the particular required system (standpipe, sprinkler, etc.) is simultaneously filed and approved. Proper plans to enable examination to exits shall be required to be filed with the alteration for the portion of the premises affected by the Board's decision; and, an amended certificate of occupancy will be required, specifying the required service equipment. The Board Calendar No. shall be entered on index cards, and the particular required system shall be noted as a required system on alteration specification sheets together with the Board Calendar No., and on new or amended certificates of occupancy thereafter.

This directive supersedes Directive No. 20/70.


Thomas V. Burke
Director of Operations

TS: IEM: ap

cc: Chairman Galvin, Bd. of Standards & Appeals
Fire Commissioner Lowery
Acting Commissioner Ferro
Executive Staff
Building Congress
Architectural & Professional Societies

**RESCINDED BY BUILDINGS
BULLETIN 2023-014**



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
120 WALL STREET, NEW YORK, N.Y. 10005

CHARLES M. SMITH, Jr., R.A., Commissioner
248-8811

April 9, 1984

Honorable Sylvia Deutsch
Chairperson/Commissioner
80 Lafayette Street
New York, NY 10013

Re: Listing of Board of Standards
and Appeals Variances on
Certificate of Occupancy

Dear Chairperson Deutsch:

I have reviewed your letter of February 22, 1984 concerning the mandate of section 72-22 of the Zoning Resolution that conditions and restrictions applying to the grant of a variance be incorporated in the building permit and Certificate of Occupancy.

I agree that a mere reference to the Board of Standard and Appeals Cal. No. is ineffective, and questionable compliance; and, believe that inclusion of the Board of Standard and Appeals resolution as an additional page has serious shortcomings.

Accordingly, I am directing that our Borough Offices require a synopsis of the conditions of the variance on both the application specification sheet and the Certificate of Occupancy.

I am hopeful that this will ameliorate the problems heretofore existing.

Sincerely

A handwritten signature in cursive script, appearing to read "C. M. Smith".

Charles M. Smith, R.A.
Commissioner

cc: Irving E. Minkin
Peter Madonia
Cornelius F. Dennis
Joe White
Lou Munoz
Irving Polsky
Borough Superintendents

1980

**RESCINDED BY BUILDINGS
BULLETIN 2023-014**



BOARD OF STANDARDS AND APPEALS
80 LAFAYETTE STREET, NEW YORK, N.Y. 10013
Telephone: 566-5557/8

324 *APR. 25. 84

SYLVIA DEUTSCH
Chairperson/Commissioner
VITO J. FOSSFLLA, P.E., M.C.E.
Vice-Chairman/Commissioner

HARRY M. CARROLL, P.E.
STANLEY M. WOLF, R.A.
MIRIAM L. BOCKMAN
RAYMOND J. IRRERA, R.A.
Commissioners

April 23, 1984

Commissioner Charles Smith
Department of Buildings
120 Wall Street
New York, NY 10005

Re: Listings of BSA Variances on
Certificate of Occupancy

Dear Commissioner Smith:

This will acknowledge receipt of your letters of April 9th and April 13, 1984 which respond to our request to comply with the mandate of Section 72.22 of the Zoning Resolution.

While gratified that the Department of Buildings is responding so swiftly, we feel constrained to inject one small note of concern. Your personnel should be aware that the "synopsis" submitted by the applicant must be accurate, and must not omit, by inadvertance or otherwise, a material condition. Hence, in all cases, the judgement of the applicant must be confirmed by the Department of Buildings.

Thank you for your cooperation in this matter.

Very truly yours,

Sylvia Deutsch
Chairperson/Commissioner

SD/dw

1981

**RESCINDED BY BUILDINGS
BULLETIN 2023-014**



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
120 WALL STREET, NEW YORK, N.Y. 10005

IRWIN FRUCHTMAN, P.E. Commissioner
248-8811

May 25, 1979

Dave Birnbaum, Esq.
P.O. Box 156
149-40 14th Avenue
Whitestone, N.Y. 11357

Re: 12-55 Clintonville Street
Whitestone, N. Y. 11357
Block #4530 Lot#15
Section #23

Dear Mr. Birnbaum:

Your letter of May 10, 1979 addressed to
Commissioner Irwin Fruchtmann, P.E. has been referred
to me.

This is to advise you that for all plans and
uses approved prior to January 1, 1938, the Department
of Buildings did not and does not require a Certificate
of Occupancy.

Very truly yours,

Cornelius F. Dennis, P.E.
Assistant Commissioner-Operations

CFD:KT:rmr

cc: Commissioner I. Fruchtmann
Deputy Comm. I.E. Minkin
Deputy Comm. B.F. Parascandola
Borough Superintendents
Mr. Ken Thomas, Correspondence Assistant

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**RESCINDED BY BUILDINGS
BULLETIN 2023-014**

THE CITY OF NEW YORK

HOUSING AND DEVELOPMENT ADMINISTRATION

DEPARTMENT OF BUILDINGS

DIRECTIVE NO. 2 OF 1977

DEPARTMENTAL MEMORANDUM

DATE: April 7, 1977

TO: Borough Superintendents

FROM: Director of Operations Irving E. Minkin

SUBJECT: Final Cost Affidavit by Owner Prior to the Issuance of a
Final Certificate of Occupancy or the Issuance of a Letter
of Completion - Alteration Applications

- Supplements 1. Manual for Processing Certificate of Occupancy Applications dated July 15, 1974. (Vol. 5 - Page 903)
2. Manual of Building Application Fees - January 1975. (Vol. 6 - Page 988)

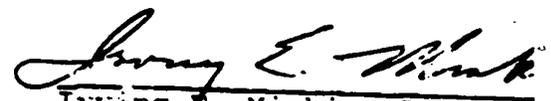
Commencing immediately, a final cost affidavit, completed by the owner, shall be filed just prior to the issuance of a final certificate of occupancy or a letter of completion. The final cost affidavit shall be required for all Alteration Applications whose fee for the approval of plans and work permits is computed and based upon the cost of the alteration or the proposed work.

Where the final owners cost affidavit is for the same amount as that which the total permit fee was based, the certificate of occupancy clerk may accept the final owners cost affidavit, attaching and indexing it to the original application.

Where the final owners cost affidavit is for an amount different than that which the total permit was based, the fee estimator or plan examiner to whom the application was assigned shall recalculate the permit fee after attaching and indexing the affidavit to the original application. If an additional fee is required, the fee estimator or the plan examiner shall note same on the Specification Sheet whereon the permit fee was calculated. The cashier shall "ring up" the additional fee on the same sheet. Where the recalculated fee is less than the permit fee originally paid, the applicant should be informed how to obtain a refund under the provisions of Section C26-32.0(8) Administrative Code.

The final certificate of occupancy or the letter of completion may be issued after the additional fee, if required, is paid.

An "Owner Cost Affidavit" B Form 14C(Rev. 3/77) applicable for the issuance of work permit and for the issuance of a final certificate of occupancy or letter of completion is attached.


Irving E. Minkin, P.E.
Director of Operations

IEM/WCK/VLD
cc: Exec. Staff

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**RESCINDED BY BUILDINGS
BULLETIN 2023-014**



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, NY 10013

CHARLES M. SMITH, Jr., R.A., Commissioner

Issuance # 118

GEORGE E. BERGER, P.E.
Assistant Commissioner
Building Construction

TECHNICAL
POLICY AND PROCEDURE NOTICE NO. 12/88

TO: BOROUGH SUPERINTENDENTS

FROM: George E. Berger, P.E.
Assistant Commissioner 

DATE: July 12, 1988

SUBJECT: TEMPORARY CERTIFICATES OF OCCUPANCY FOR "CORE"
ONLY IN HI-RISE CLASS "E" BUILDINGS.

NOTE: This memorandum supplements Item 2 of Memorandum of September 4, 1986.

Temporary Certificate of Occupancy for "Core only" with occupancy of zero, may be issued for new non-residence buildings provided the Core area is sprinklered. This is in addition to the requirements of Item 2(b) of Memo of September 4, 1986 where either sprinkler loop around the Core or a one hour-rated enclosure between Core area and the open floor with one sprinkler head on the unoccupied side of the enclosure is required.

GEB:NTP:rtm

cc: Attached Distribution List

**RESCINDED BY BUILDINGS
BULLETIN 2023-014**



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, NY 10013

CHARLES M. SMITH, Jr., R.A., Commissioner

Issuance # 82

GEORGE E. BERGER, P.E.
Assistant Commissioner
Building Construction

TECHNICAL
POLICY AND PROCEDURE NOTICE # 1/88

TO: BOROUGH SUPERINTENDENTS

FROM: GEORGE E. BERGER, P.E. *GEB*
Assistant Commissioner

SUBJECT: TEMPORARY CERTIFICATES OF OCCUPANCY FOR NEW BUILDINGS:
TAP LETTERS AND WATER METER PERMITS

DATE: JANUARY 25, 1988

Prior to the occupancy of any building, the Department of Buildings must secure proof that the water connection to the city water main or private main is legal and properly metered.

Henceforth, no Temporary Certificate of Occupancy shall be issued prior to submission of the following items:

1) A copy of the tap letter for the individual new building identified by lot number and address from the Department of Environmental Protection, stating that the street main has been tapped.

2) A copy of the Department of Environmental Protection permit to install the water meter.

The licensed plumber responsible for each application shall submit the above documents.

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BULLETIN 2023-014**



*The
City
of
New York*

ISSUANCE # 404

DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, N.Y. 10013
RUDOLPH J. RINALDI, Commissioner

TECHNICAL
POLICY & PROCEDURE NOTICE # 3 /93

TO: BOROUGH COMMISSIONERS/SUPERINTENDENTS

FROM: Richard C. Visconti, A.I.A. *Richard Visconti*
Acting Deputy Commissioner

DATE: May 18, 1993

SUBJECT: Guide to A Description of Uses on Schedule A &
Certificate of Occupancy of One & Two Family
Buildings

EFFECTIVE: All new applications filed after the
effective date of this Technical Policy &
Procedure Notice.

PURPOSE: To establish a uniform description of use on
Schedule A filed with Alteration Type 1 or
N.B application and the Certificate of
Occupancy of buildings used as single or two
family residence. Provide for the
standardization of the location of text
relative to data entry.

SPECIFICS: The following is a "Schedule A" sample to be
used as a guideline of how the description of
uses of each floor should be completed in
addition to all required information
regarding the number of dwelling units, the
number of habitable rooms, zoning use group,
Building Code occupancy groups and live load.

**RESCINDED BY BUILDINGS
BULLETIN 2023-014**

Floor	Proposed Use						
	Maximum Number of Persons	Live Load (psf)	Code Habitable Rooms	Building Code Occupancy Group	Dwelling/ Rooming Units	Zoning Use Group(s)	Description
Cellar	-	O.G.					Accessory Uses
First		40	3	J-3	1	2	One dwelling unit
Second		40	2	J-3	$\frac{1}{2}$		One dwelling unit
Third		40	2		$\frac{1}{2}$		-
	GENERAL NOTES:						
	Two family residence with (2) off-street parking spaces.						

Cellar Level shall be described in general as "Accessory Uses" except any other use that is not commonly found in a cellar level shall be specifically listed.

Basement: In the case that the basement is the lowest story, it should be listed as "Accessory Uses" unless it contains habitable rooms or any other use that is not commonly found in a basement level.

"Accessory Uses": as indicated above shall include rooms used for boiler, meter, storage, laundry, toilet, recreation or any other use that is commonly found in the cellar or basement levels of a one or two family residence.

General Notes: shall indicate type of residence, number of accessory off-street parking spaces, and/or attached or detached garages.

**RESCINDED BY BUILDINGS
BULLETIN 2023-014**



DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, N.Y. 10013
RUDOLPH J. RINALDI, Commissioner

BARRY G. COX
Assistant Commissioner
Borough Operations
(212) 312-8004

OPERATIONS
POLICY AND PROCEDURE NOTICE # 6/93

To: Distribution
From: Barry G. Cox
Date: 2 April 1993
Subject: Temporary, Amended and Final Certificates of Occupancy

Purpose:

To formalize the Department's existing policy with respect to issuing Temporary, Amended, or Final Certificates of Occupancy for New or Existing Buildings.

Superseded:

PPN 16/92 (New items in bold)

Effective:

Immediately

Reference:

Sections 26-222, 27-218, and 27-222 of the Administrative Code.

Section 645 of the City Charter

Specifics:

No Temporary, Amended or Final Certificate of Occupancy (CO) shall be issued for a building with outstanding Local Law 5/73, 10/80, 10/81, 16/84, 33/91 (sidewalk shed legislation) or 62/91 (boiler professional certification legislation) violations.

At the Borough Commissioner's discretion, a Temporary CO may be issued for a new or altered building, or portion of a new or altered building, with outstanding non-hazardous violations as long as those violations are not written for conditions existing on the floor(s) or space(s) which will receive the TCO.

**RESCINDED BY BUILDINGS
BULLETIN 2023-014**

- 2 -

At the Borough Commissioner's discretion, an Amended CO may be issued for a building with outstanding non-hazardous violations as long as those violations are not written for conditions existing on the floor(s) or space(s) being altered.

No Demolition Permit shall be issued for any building with outstanding Local Law 10/80, 10/81 33/91, or 62/91 violations.

The clerk issuing the Temporary, Amended or Final Certificate of Occupancy or demolition permit shall verify on the BIS system that no DOB violations with the following codes in the body of the violation exist:

LL5	- Local Law 5/73
LL1080	- Local Law 10/80
LL1081	- Local Law 10/81
LL16	- Local Law 16/84
LL6291	- Local Law 62/91

To identify the sidewalk shed violations the clerk must verify the open ECB violations listed for the premises. The violation description will indicate that it is for a sidewalk shed with an expired permit.

BGC:mh

**RESCINDED BY BUILDINGS
BULLETIN 2023-014**



DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, N.Y. 10013
RUDOLPH J. RINALDI, COMMISSIONER

CAROLE S. SLATER
General Counsel & Director
Office of Legal Affairs
(212) 312-8130

ISSUANCE #386

LEGAL
POLICY AND PROCEDURE NOTICE # 4/92

TO: DISTRIBUTION

FROM: CAROLE S. SLATER *CS*
General Counsel and Director
Office of Legal Affairs

RE: DOB Variance of MDL §277 Requirements
Legalization of Residential Lofts
Multiple Dwelling Law Amendments of 1992

DATE: December 3, 1992

This PPN amends Legal PPN #3/92 dated October 13, 1992.

PURPOSE: To inform interested parties of the recent amendment to §277 of the Multiple Dwelling Law ("MDL"). Said amendment authorizes the Commissioner of Buildings to vary the requirements of MDL §277.

EFFECTIVE DATE: Immediately

SPECIFICS: In 1992, the New York State Legislature amended Multiple Dwelling Law §277 by adding a new subdivision 16, which allows the Commissioner to vary the requirements and standards found in MDL §277 pursuant to New York City Charter §645(b)(2). Coverage of a building under MDL Article 7-C may be considered in determining an application for a variance based on hardship pursuant to MDL §277(16).

The Board of Standards and Appeals' jurisdiction is unaffected and applicants can continue to apply for a variance from the MDL §277 requirements pursuant to New York City Charter §666(8).

**RESCINDED BY BUILDINGS
BULLETIN 2023-014**



DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, N.Y. 10013
RUDOLPH J. RINALDI, COMMISSIONER

CAROLE S. SLATER
General Counsel & Director
Office of Legal Affairs
(212) 312-8130

ISSUANCE # 374

LEGAL
POLICY AND PROCEDURE NOTICE # 3/92

TO: DISTRIBUTION

FROM:--- CAROLE S. SLATER *CS*
General Counsel and Director
Office of Legal Affairs

RE: DOB Variance of MDL §277 Requirements
Legalization of Residential Lofts
Multiple Dwelling Law Amendments of 1992

DATE: October 13, 1992

This PPN supplements Legal PPN # 2/92 dated June 29, 1992.

PURPOSE: To inform interested parties of the recent amendment to §277 of the Multiple Dwelling Law ("MDL") Article 7C with regard to the legalization of residential lofts covered as interim multiple dwellings ("IMDs"). Said amendment authorizes the Commissioner of Buildings to vary the requirements of MDL §277.

EFFECTIVE DATE: Immediately

SPECIFICS: — In 1992, the New York State Legislature amended Multiple Dwelling Law §277 by adding a new subdivision 16, which allows the Commissioner to vary the requirements and standards found in MDL §277 pursuant to New York City Charter §645(b)(2). The Board of Standards and Appeals' jurisdiction is unaffected and applicants can continue to apply for a variance from the MDL §277 requirements pursuant to New York City Charter §666(8).

**RESCINDED BY BUILDINGS
BULLETIN 2023-014**

The borough offices, therefore will no longer be responsible for preparing docket sheets, court calendars or maintaining tickler/tracking systems for the summonses etc.

Office of the Borough Commissioner:

The Borough Commissioner shall make certain that the log book is being maintained.

JMc:mh



The
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of
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Issuance # 474

**RESCINDED BY BUILDINGS
BULLETIN 2023-014**

DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, N.Y. 10013

JOEL A. MIELE, Sr., P.E., COMMISSIONER

BARRY G. COX
Assistant Commissioner
Borough Operations
(212) 312-8004

**OPERATIONS
POLICY AND PROCEDURE NOTICES # 4/95**

TO: Distribution
FROM: Barry G. Cox
DATE: March 30, 1995

SUBJECT: Professional Certification of Final Surveys

Effective: Immediately.

Purpose: To authorize a Professional Engineer (P.E.) or Registered Architect (R.A.) to professionally certify a final survey.

Specifics: Any application permitted by this agency which requires a final survey before sign-off and/or certificate of occupancy may be professionally certified.

The applicant of record may submit a licensed land surveyor's final survey with the following statement affixed to the face of the survey.

"This is to certify that I have exercised a professional standard of care in certifying that this survey is complete and in accordance with applicable laws and that the information shown thereon substantially agrees with the approved plans and applications."

The PE/RA's seal and signature shall follow that statement.

BGC:yaj