



# BUILDINGS 2024-003 BULLETIN TECHNICAL

ISSUANCE DATE  
May 9, 2024



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

PURPOSE: This Bulletin rescinds 2 Directives, 3 Letters, 1 APPN, 6 OPPNs, and 17 Memoranda which were issued by the Department but are no longer applicable under current Codes and Local Laws.

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

## RESCINDED DOCUMENTS

Directive 12 of 1967, Directive 2 of 1969

Letter 2/3/84, Letter 2/8/84, Letter 11/2/87

APPN #12/87, OPPN #15/88, OPPN #11/90, OPPN #22/91, OPPN #20/92,  
OPPN #03/93, OPPN #02/94

Memo 1/16/76, Memo 11/18/76, Memo 9/10/79, Memo 6/2/64, Memo 12/22/88,  
Memo 6/28/77, Memo 9/14/77, Memo 9/25/72, Memo 7/21/88, Memo 1/3/91,  
Memo 9/20/95, Memo 3/21/80, Memo 9/6/89, Memo 7/3/86, Memo 11/6/80,  
Memo 3/15/83, Memo 5/30/89

## 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The above listed Directives, Letter, PPNs, and Memoranda are rescinded effective immediately and are attached therein.

The rescinded documents will appear on the Department's website with the watermark **RESCINDED**.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 Directives, Memoranda, Executive Orders, and Letters may be accessed through the online version of this Bulletin at [www.nyc.gov/site/buildings/codes/building-bulletins.page](http://www.nyc.gov/site/buildings/codes/building-bulletins.page).

# RESCINDED BY BUILDINGS BULLETIN 2024-003

THE CITY OF NEW YORK  
HOUSING AND DEVELOPMENT ADMINISTRATION  
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: January 10, 1975

TO: Borough Superintendents

FROM: Jeremiah T. Walsh, P.E., Commissioner

SUBJECT: Multi-Family Residential Structures within "Special Flood Hazard Areas"

Section C20-409.2 of the Administrative Code, as added by Local Law No. 13/75, prohibits the construction of any building of occupancy group classifications H1, H2, J-1, J-2 or J-3 so as to have lowest floor (including basement or cellar) below regulating flood datum + 8.6 ft. above mean sea level at Sandy Hook, estimated to be the local level of the 100 year flood elevation referred to in the Federal Insurance Administration's regulations.

However, in response to an inquiry from the Deputy Mayor, the F.I.A. Administrator has recently advised us that non-habitable portions of basements or cellars in multi-family (2 or more families) residential structures may be located below the level of the 100 year flood elevation, provided that the basement or cellar is completely floodproofed in accordance with our Reference Standard RS 4-5, and said portions of the structures are non-residential.

In view of the above; and, based on Section 643-1.0 of the Administrative Code, multi-family structures may be constructed in special flood hazard areas with non-habitable portions of basements or cellars below elevation +8.6 above mean sea level at Sandy Hook, provided all of the following conditions are met:

1. The building is constructed so as to provide entrance access to the residential portion of the structure at or above elevation +8.6.
2. The portion of the structure and all service equipment below elevation +8.6 are floodproofed in accordance with reference standard RS 4-5.

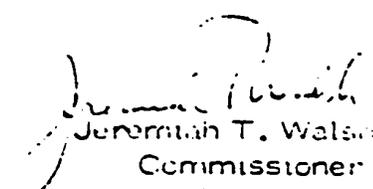
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3. No habitable rooms may be located in such cellar or basement.
4. A water closet and/or a wash basin may be located in an enclosed space not to exceed 4'-0" x 4'-0" in such cellar or basement, and no roughing therein shall be allowed to accommodate any additional fixtures.
5. No accessory kitchens shall be allowed in such basement or cellar; however, one 2 compartment laundry tray, or the like may be authorized outside of the water closet compartment.
6. The specification sheet shall note the following:
  - (a) Premises is located within the special flood hazard area.
  - (b) The basement or cellar (as appropriate) is located below the level of the 100 year flood elevation.
  - (c) No portion of the cellar or basement may be used for residential purposes.
7. A deed restriction noting all of the above is to be recorded in the county clerk's office, and the page and liber number indicated on the specification sheet and certificate of occupancy.

  
Jeremiah T. Walsh, P.E.  
Commissioner

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THE CITY OF NEW YORK  
HOUSING AND DEVELOPMENT ADMINISTRATION  
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: November 18, 1976

TO: Borough Superintendents

FROM: Director of Operations Irving E. Minkin

SUBJECT: Stair Enclosures in Multiple Dwellings

Local Law No. 8,76; effective March 1, 1976, amends section C26-604.8(1)-1(g) of the Administrative Code in regard to stairway enclosures for most multiple dwellings so as to authorize a material approved by the Board of Standards and Appeals as being equivalent to masonry, as well as having at least a two-hour fire-resistant rating.

No "equivalent" material has as yet been approved by the Board for use as stairway enclosures under the above-mentioned section of law; and, prior Board approvals of shaft enclosures or other two-hour rated partitions shall not be accepted as meeting the equivalency requirement. Examination of plans (including limited review pursuant to Directive 2/75) shall require that any substitute to masonry under this plan have a Board approval pursuant to said law subsequent to March 1, 1976.

This memorandum, which clarifies and supersedes my memo dated March 1, 1976, was necessitated by misunderstandings on the part of both manufacturers and architects as to the significance of prior Board approvals.

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

ib:m/vm

Sup. of Buildings  
Asst. Dir. of Buildings, Parascandola

BOAC Industry  
Bd. of Standards and Appeals

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**RESCINDED BY BUILDINGS  
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THE CITY OF NEW YORK  
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: Sept. 10, 1979

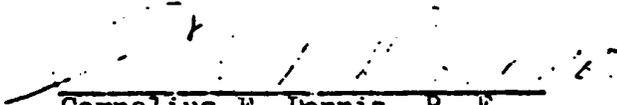
TO: Borough Superintendents

FROM: C. F. Dennis, P. E.  
Asst. Commissioner-Operations

SUBJECT: VARIANCES BY THE BOARD OF STANDARDS & APPEALS

The following procedure shall be instituted in order to hasten the approval of Department of Buildings applications referred to the Board of Standards and Appeals for a variance.

A copy of the draft of the Board of Standards and Appeals resolution shall be acceptable by this department for continued examination, approval and issuance of the permit. The draft of the resolution, with referenced plans, if any, shall contain a statement thereon that the resolution is a true copy adopted by the Board of Standards and Appeals. Such statement shall be signed and dated by the Director of the Board.

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

CFD:WCK:ah

cc: Executive Staff  
Industry  
Chairman, Board Standards & Appeals

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# RESCINDED BY BUILDINGS BULLETIN 2024-003



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

November 2, 1987

## TO THE BUILDING INDUSTRY:

Buildings Commissioner Charles M. Smith, Jr., and I are aware of the concerns expressed by some owners and builders, architects and engineers over the purposes for which fees are paid to expeditors who are often retained to do little more than stand in lines at the Buildings Department. The concerns are worthy of broader discussion, and we want to inform the industry of measures taken to simplify and shorten the building application process.

We were astounded by a recent disclosure that an expeditor sought a fee from a client expressly for the purpose of paying a bribe to a Buildings Department employee. This is an outrageous, arrogant act which, had the fee been allowed willfully or unwittingly, could have made the owner or applicant party to corruption. The likelihood, however, is that the bribe was never intended to be paid and would have been pocketed by the expeditor because it is all part of a subterfuge against the client to extort higher fees. Owners must carefully scrutinize the purpose for which fees are paid and demand a full accounting. You have our guarantee that we will promptly investigate any wrongdoing reported to us.

For our part, the City Administration has made eliminating red tape a top priority in order to shorten the processing time for building applications. You may choose to use expeditors who provide legitimate services, but we want

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you to know what the Department of Buildings is doing to ease the cost of doing business in the City.

- o A long-term project has been initiated to develop and implement a computerized building information system to facilitate the Department's procedures and operations. Plan examination procedures will be among the first to be computerized, including information storage, initial plan checks and issuance of objections. Also, computerized records will be maintained for inspections and other documentation required for the issuance of Certificates of Occupancy which will, in turn, be computer generated.
- o A consultant has been retained to completely revamp all forms used by the Department. Old forms will be eliminated, consolidated or streamlined and redesigned in an easy-to-use format. This project is expected to be completed within approximately six months.
- o A "standing committee" of architects, engineers and other industry representatives has been created to identify and recommend ways to improve Department procedures. This committee has been instrumental in developing a Standardized Checklist of objections for use by plan examiners which ensures uniformity and completeness, and cuts processing time and paperwork. The committee also contributed to developing the Department's "Guide to Filing New Building and Alteration Applications" which has been distributed to the industry.
- o Appointments with plan examiners are now made by telephone, eliminating waiting lines at borough offices. This system is being continually monitored in order to adapt to changing demands.
- o A system has been instituted on a pilot basis in our Manhattan borough office, whereby applicants may "drop-off" written responses to plan examiners' objections and receive a mailed response from the Department within a week. This will reduce the need for appointment scheduling and personal appearance by applicants.

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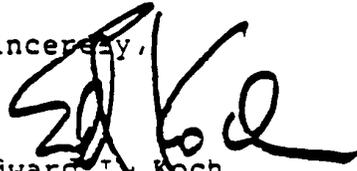
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- o Plan examiners and inspectors receive comprehensive classroom and on-the-job training. In addition to basic instruction to new employees, examiners are kept abreast of recent amendments to the Zoning Resolution and Building Code and inspectors are briefed on local law enforcement and other Code amendments.
- o A plan examiner squad system in Manhattan and Brooklyn has speeded first review, reduced backlog and assured better quality examinations. A "first review" can be completed within 48 hours.
- o The Manhattan plan examination section has moved to new quarters at 60 Hudson Street which has better facilities both for examiners and the public doing business with the Department. Lines at the plan desk will be shortened in the near future by internal transfer of a file to the examiner prior to an appointment. In addition, staffing has been increased at the plan desk to handle more files.

The Department of Buildings will constantly review and refine procedures to make the application and permit process as smooth and efficient as possible, with minimum contact time between applicants and the Buildings Department. Waiting lines should diminish and final approval should, if all objections are resolved, be accomplished in a timely, efficient manner.

We will continue to seek ways to improve our service to the public and to seek your help in doing so. We urge you to let us know when fees are demanded for illegal purposes. You can depend upon a prompt investigation.

Sincerely,



Edward I. Koch  
M A Y O R



Charles M. Smith, Jr.  
COMMISSIONER

**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**

DEPARTMENT OF BUILDINGS  
Intradepartmental Memorandum

To: Borough Superintendents

Date: June 2, 1964

From: Joseph Ferro  
Director of Operations

Subj: General City Law -  
Section 36

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This is to confirm the telephone instructions of this date from Assistant Director of Operations Julius W. Schneider on the above subject.

This memorandum supplements my memorandum of May 11, 1964 on the subject of "Section 36 of the General City Law - Di Biasi vs. City of New York."

Effective at once, no certificate of occupancy is to be issued for any structure unless certification regarding the improvement of the street or highway giving access to such structure has been secured from the Department of Highways. This shall apply regardless of whether the construction was prior or subsequent to December 26, 1963.

The above policy was set by Acting City Administrator Maxwell Lehman as a result of a meeting with representatives of the city departments involved.

JWS:dv

(Signed) Joseph Ferro  
Director of Operations

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DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES  
60 HUDSON STREET, NEW YORK, NY 10013

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

Issuance #110

STEWART D. O'BRIEN  
Deputy Commissioner  
Administration & Operations  
312-8001

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OPERATIONS  
POLICY & PROCEDURE #15/88

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TO: Distribution  
FROM: Stewart D. O'Brien  
DATE: June 8, 1988 *6/8/88 SDO*  
SUBJECT: Amendment of Operations Policy & Procedure #20/87

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Purpose

To establish a citywide policy whereby Department records are updated, and Community Boards are notified of amendments to plans that 1) change the use, 2) increase the number of dwelling units by 20% or more or 3) increase the square footage by 10% or more. (underlined portion added)

Specifics

A. Applicant

When submitting an amendment that involves 1) a change of use, 2) an increase of 20% or more in the number of dwelling units, or 3) increase the square footage by 10% or more the applicant must file an amended new Docket Information Sheet (B Form 6).

1. When filing an amendment in the Bronx, Queens, or Staten Island, the applicant will submit 2 copies of the amended Docket Information Sheet to the plan examiner.
2. When filing an amendment in Brooklyn and Manhattan the applicant will submit a copy of the Applicant's Statement of Notification to Community Board, and 2 copies of the Docket Information Sheet to the plan examiner.

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## B. Plan Examiner

1. When an applicant files an amendment that involves a change of use, or an increase of 20% or more in the number of dwelling units, the plan examiner will issue an objection unless the applicant provides -
  - a. An Amended Docket Information Sheet, (all 5 Boroughs).
  - b. A copy of Applicant's Statement of Notification to Community Board. (Manhattan & Brooklyn only).
2. The plan examiner will insure that one copy of the amended Docket Information Sheet is filed in the plan folder and will provide one copy to the chief Plan examiner/Deputy borough Superintendent.

## C. Chief Plan Examiner/Deputy Borough Superintendent

The Chief Plan Examiner/Deputy Borough Superintendent will forward, no less often than once a week, the amended Docket Information Sheets to the docketing clerk

## D. Borough Manager - Clerical Staff

One of the two procedures described below will be followed depending upon the method in which the original docket sheet is transmitted.

1. Bronx, Queens, and Staten Island - The "docketing" clerk (the person responsible for sending the original Docket Information sheets to the Borough President's Office) will receive the amended docket Information Sheet, record the amended information into the docket book and forward the amended sheet in the same manner as the original.
2. Brooklyn and Manhattan - The "docketing" clerk will receive the amended Docket Information sheet and will record the amended information into the docket book.

\* This procedure will become effective immediately.

**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**



Issuance # 147

DEPARTMENT OF BUILDINGS  
EXECUTIVE OFFICES  
60 HUDSON STREET, NEW YORK, N.Y. 10013  
CHARLES M. SMITH, Jr., R.A., *Commissioner*

FREDRIC J. POCCHI, P.E.  
Assistant Commissioner/Operations

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OPERATIONS  
POLICY AND PROCEDURE NOTICE # 30/88

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To: Distribution  
From: Fredric J. Pocchi, P.E., Assistant Commissioner  
Date: December 22, 1988  
Subject: Social Club Complaints

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**Purpose:** To provide a centralized referral system for complaints received regarding social clubs.

**Specifics:**

All complaints that are received regarding social clubs should be referred to the Office of Operations in writing.

**Office of Operations:**

The Assistant Commissioner for Operations will designate a Coordinator for social club inquiries. The Coordinator will review all social club complaints, maintain a record of the referral including address, complainant, date referred, specific complaints, and their disposition. The Coordinator will then forward the complaint to the Inspector, Public Morals Unit, NYPD for investigation.

NYPD investigation results will be forwarded to the Coordinator. If required, as directed by the Coordinator, the Executive Chief Inspector will schedule an inspection by the Social Club Task Force. Prior to inspection by the Task Force, the Coordinator must obtain a copy of the most recent Certificate of Occupancy, any outstanding violations and any pending or approved work applications or permits from the borough office. If the NYPD determines that no task force inspection is necessary, the Coordinator will refer the complaint back to the borough office for a C of O inspection.

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After inspection, the borough or the Task Force should inform the Coordinator of the results. The Coordinator then should notify the complainant of the inspection results. If no violations are issued, the Coordinator may complete the log at this time. However, if violations, summonses and/or vacate orders are issued, the Coordinator must complete the following steps:

1. Determine the owner of the premises.
2. If the owner is a corporation, arrange for service by the Administrative Enforcement Unit of all summonses to the Secretary of State in Albany. AEU should provide the Coordinator with the name of the party served and an affidavit of service. This information should be forwarded to the borough office when obtained.
3. Transfer all documents to the borough office, by hand delivery.

If the owner is not a corporation then the summons, violation and vacate are forwarded to the Borough Manager's office for distribution to the appropriate unit for processing.

If the owner is a corporation then the vacate, violation and a copy of the summons is to be forwarded to the Borough Manager's office.

Boroughs will return to the Coordinator the following information:

- a. a copy of the vacate with the vacate number
  - b. the Criminal Complaint Form (Form B-39)
4. Ensure that the borough office processes all paperwork for court.
  5. Obtain a court date for each case and notify the Special Prosecutions Unit (SPU). Forward copies of the Criminal Complaint Form (Form B-39) to SPU.
  6. Obtain results of court case from SPU.
  7. Maintain all pertinent dates and data in log.

The Borough Superintendent must immediately notify the Executive Chief Inspector and the Coordinator of the dismissal of any vacate orders. The Coordinator must notify the Special Prosecutions Unit and Corporation Counsel of the dismissal of all vacate orders.

FJP:HG:mh

**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**



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

Issuance # 436

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OPERATIONS  
POLICY AND PROCEDURE NOTICE # 2/94

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To: Distribution  
From: Barry G. Cox  
Date: 12 April 1994  
Subject: Final Cost Affidavits For Fee Deferred Jobs

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**Purpose:**

To clarify our position with respect to fees which must be paid on fee deferred jobs.

**Effective:** Immediately

**Reference:** APPN 1/93

**Specifics:**

On any fee deferred job where, at the time of certificate of occupancy or final sign off, the city no longer owns the affected property and it is not subject to the fee exemption listed in APPN # 1/93, the total fee must be paid by the owner.

Any reduction in fee must be sought through the Comptroller's Office consistent with existing policy.

BGC:mh

**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**

THE CITY OF NEW YORK  
**HOUSING AND DEVELOPMENT ADMINISTRATION**  
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: June 28, 1977

TO: Borough Superintendents

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

SUBJECT: REMOVED, DISMANTLED AND NOT-IN-USE ELEVATORS -  
DIRECTIVE NO. 15 of 1975 AMENDED

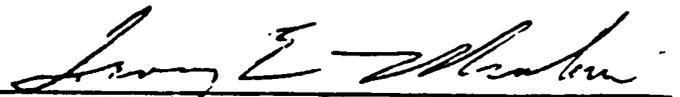
This memorandum is written to clarify the various conditions under which an elevator may be removed from service and to clarify when Directive No. 15 of 1975 entitled "DISCONTINUANCE OF ELEVATORS - SEALING OF ELEVATOR HOISTWAYS" is applicable.

Condition No. 1 - Elevators which are "NOT IN USE." Such elevators are available for service. Required tests are to be regularly performed. This elevator is similar to one in service except that it has been electrically disconnected by opening the main line switch. A periodic inspection shall be made and a fee charged. An elevator inspector shall note such condition when found on a regular inspection.

Condition No. 2 - Elevators which are "DISMANTLED" or "PLACED OUT OF ACTIVE SERVICE." Such elevators shall comply with the provisions of Section 3.33C of Reference Standard RS 18-1 entitled "USA Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks" USAS1 A17.1-1965. The requirement that the power feed lines have been disconnected shall apply to an elevator and a dumbwaiter as well as an escalator. A BN is to be filed and the last inspection fee charged. Thereafter, one additional inspection per year shall be made to verify that the status is unchanged and shall be a feeable inspection.

Condition No. 3 - Elevators which are "REMOVED" and "PERMANENTLY DISCONTINUED." The discontinuance of such elevators and the sealing of the elevator hoistways shall comply with Directive No. 15 of 1975. A BN should be filed and fee charged for last inspection

This amended procedure shall take effect immediately and shall not preclude the permissible filing of prior existing cases.



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

IEM:BGB:rmr

cc: Executive Staff  
Industry

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**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**

THE CITY OF NEW YORK  
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: Sept. 14, 1977

TO: Borough Superintendents

FROM: Jeremiah T. Walsh, P. E., Commissioner

SUBJECT: BUILDING NOTICES, PERMITS, APPROVALS AND INSPECTIONS -  
DIRECTIVE NO. 14/75 - MODIFICATION #4 - ELEVATOR APPLICATIONS

PURPOSE: This modification is made to permit minor elevator applications to come under the purview of Directive 14 of 1975.

SCOPE OF MEMORANDUM:

A. Applications filed for new elevator installations or major alterations to existing elevators, as defined by Rule 1100.1a of the American Standard Safety Code for Elevators (A17.1-1965), Reference Standard RS 18-1, shall be filed on an Elevator application and be processed, examined and subsequently inspected in accordance with all present procedures, and shall not come within the scope of this memorandum.

Applications filed for the reconstruction of elevator enclosures, elevator shaft doors, changes in sheave beam reactions or any similar structural work shall be considered minor construction work and may be accepted on a B.N. application. (See Departmental Memorandum dated November 24, 1972, Volume 3, Page 714. of the Department Directives and Memorandums).

Such B.N. applications shall be filed by a registered architect or licensed professional engineer. (See Departmental Memorandum dated April 19, 1966, Volume A., Page A-38 of the Department Directives and Memorandums).

B. Applications filed for minor alterations to existing elevators, as defined by Rule 1100.1b of the American Standard Safety Code for Elevators (A17.1-1965) Reference Standard RS-1, or minor alterations to Esculators and Dumbwaiters shall be filed on a separate Elevator Building Notice Application.

Such applications may be filed by a registered architect or licensed professional engineer.

PROCEDURE FOR ELEVATOR APPLICATIONS OR ELEVATOR BUILDING NOTICE APPLICATIONS.

Directive No. 14 of 1975 is modified as follows:

1. FILING - No change.

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2. PROCESSING - a. Upon filing of an Elevator Building Notice application by a registered architect or licensed professional engineer, the applicant shall be directed to carry the application and plans to the Chief Elevator Inspector. Either the Chief Elevator Inspector or his designated assistant shall immediately review the application and plans to determine whether the proper type of application has been filed and whether a construction Building Notice application is required. When these items are satisfactory, the application shall be so marked. Otherwise, the application shall be marked to indicate why the application is unsatisfactory.

b. After review by the Chief Inspector or his designated assistant, and when the application has been found to be in satisfactory order, a check of the estimated cost shall be made and the fee computed. The applicant shall thereafter pay the fee at the cashier's window and receive the permit, upon producing evidence of workmen's compensation insurance and disability benefits insurance.

If the contractor or his representative is unavailable to obtain the permit, the applicant should request the Chief Elevator Inspector or his assistant to have the application found to be satisfactory to be marked "acceptable for permit" or the like, and returned to the Plan Desk, so that the contractor or his representative may continue the processing at another time. If the applicant wishes to have a verification of the fact that the application is ready for permit in the absence of the contractor, he should submit an extra application form and plans.

c. Only for the Borough of Manhattan and for applications where the professional applicant intends to obtain the permit on the day of filing, the following shall apply:

(1) The applicant shall be directed to carry the application and plans to the Chief Elevator Inspector prior to filing.

(2) After immediate review by the Chief Elevator Inspector or his assistant as to whether the proper type of elevator application was filed or whether a construction application is required, if the application is found unsatisfactory, it shall be so marked and items (3) and (4) below shall be inapplicable.

(3) If the application has been found to be in satisfactory order within the guidelines of this directive, a check of the estimated fee shall be made and the fee computed.

(4) The applicant shall thereafter officially file the application, and pay both the filing fee at the Cashier's window at one time and receive the permit, upon producing evidence of workmen's compensation insurance and disability benefits insurance.

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3. EXAMINATION, PROGRESS AND LIMITATIONS. This procedure shall be followed for all Building Notice applications and Elevator Building Notice applications that are filed by registered architects or licensed professional engineers, except when examination is requested in writing by the applicant. When so requested, the application shall be examined when reached in turn, according to date of filing. Applications that are not filed by a registered architect or licensed professional engineer shall be examined completely, and permits shall not be issued until the applications are approved.

4. POST PERMIT REVIEW. After issuance of permits, applications will be checked for compliance with applicable laws as the work load and availability of elevator examiners permit, as determined by the Borough Superintendent. Examination of an application so selected shall be complete. Where non-compliance is found, corrective action shall be required. Applications shall be selected at random so as to provide representative sampling. The number of samplings shall be sufficient to permit the Borough Superintendent to be informed as to the extent of compliance with such applications.

5. INSPECTIONS. For Building Notices and minor elevator alterations filed on an Elevator Building Notice Application, when an owner or lessee responsible for performance of the work elects to do so, he may employ a registered architect or licensed professional engineer to make inspections during progress of the work and upon completion. In such case, the owner or lessee shall notify the Building Department of the name and address of such architect or engineer. Where any work is found not in compliance with the plans or not in compliance with applicable laws, it shall be corrected and if not corrected, the department shall be notified by the architect or engineer and a violation requiring elimination of the defective work shall be filed. Except when such notices are received, inspections by department inspectors will be made on a random basis, as staffing permits.

Upon receipt of the certification of completed B Form 23A by the professional that inspected the work, personnel designated by the Borough Superintendent should promptly send out the completion letter (standard form attached), without any necessity for approval of B Form 23A, provided:

(1) No controlled inspection, or mandated department inspection was involved, and

(2) The professional notes that there was no exception to compliance with approved plans and applicable laws, and

(3) The B Form 23A is stamped as received by the department. In all other instances, review of the B Form 23A, and approval thereof is required before the completion letter may be sent out.

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6. REVISIONS. No change.

7. LIMITATIONS. This directive shall be applicable to all applications filed for work relating to elevator shaft and appurtenances and for minor alterations to existing elevators filed by a registered architect or licensed professional engineer. Inspections by a registered architect or licensed professional engineer is limited to such work.

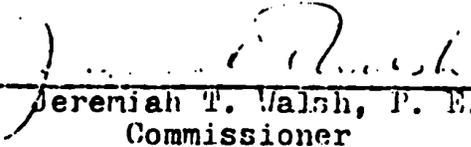
8. PLANS AND STAMPING. No change.

9. FEES. No change.

10. Fairs and Carnivals. No change.

11. Fire Safety Applications. No change.

12. Porough Superintendents may authorize modification of the above mentioned procedures and details consistent with the intent of this directive in order to resolve any unforeseen problems that may arise.

  
Jeremiah T. Walsh, P. E.  
Commissioner

JTW:WCK:ah

cc: Deputy Comm. Jenkins  
Asst. Comm. Parascandola  
Executive Staff  
BOAC  
Industry  
Nat'l Assn. of Elevator Contractors  
N. Y. Elevator Assn.

**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**



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

JACOB GRILL, P.E.  
Assistant Commissioner  
Central Operations  
(212) 312-8270

---

OPERATIONS ✓  
POLICY AND PROCEDURE NOTICE # 3/93

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TO: Distribution  
FROM: Jacob Grill *js*  
DATE: March 1, 1993  
SUBJECT: Certificate of Competency for Amusement Ride Operators

-----  
**Purpose:**

To establish written procedures regarding the issuance of a Certificate of Competence for Amusement Ride Operators.

**Reference:** - Building Code: 27-1005  
Referenced Standard: RS18-10, Section 3.11

**Definition:**

Owner - A person having legal title or any other person who has legal ownership or control of the amusement device. (See RS 18-10, 3.12 and 3.12.1)

Operator - A person 18 years of age or older hired by the owner or manager to run the amusement device. (See R.S 18-10, 3.11)

**Specifics:**

The following procedure for the issuance of a Certificate of Competence to the owner, a manager or an operator of a permanent or temporary ride shall be adhered to for every amusement ride requiring an inspection by the Department of Buildings. Owners may obtain certificates upon a field test by Department personnel (see Section I). Operators may obtain certificates through the attestation of the owner who holds a Certificate of Competence (see Section II). The certificate shall be valid for one year from date of issuance.

# RESCINDED BY BUILDINGS BULLETIN 2024-003

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- I. - Filing an Application for a Certificate of Competency.
  - a. The owner or manager of an amusement ride shall call for an appointment to be tested in the field. A Department application (ELV-11) shall be submitted in duplicate in the field with a passport size photograph for a Certificate of Competence. No fee will be required.
  - b. The applicant on form ELV-11 shall provide identification as to his/her age and home address. A birth certificate, baptismal certificate and/or drivers license will be acceptable identification.
  - c. Each ride that the applicant will be operating must be identified and listed on the application ELV-11 for a "Certificate of Competence". Kiddie rides may be identified by simply stating "Kiddie Ride" on the application.
  - d. The inspector shall only test an applicant on a ride which has been inspected by the Elevator Division of the Department of Buildings. Where rides are similar in operation only a test on a representative ride is required.
  - e. The inspector shall examine the application for completeness and shall sign-off both copies if the applicant demonstrates his competence in operating the equipment. One signed-off copy shall be issued to the applicant and one copy is to be returned to the Elevator Division Area Chief who will issue a competency number. A copy will be sent to the applicant.
- II. - Obtaining a Certificate of Competence for Amusement Ride Operators.
  - a. The owner or manager of amusement equipment is responsible for training individuals 18 years or older who operate such equipment. The owner or manager of the equipment who has a Certificate of Competency issued pursuant to Section I of this PPN may submit in person or by mail an application ELV-11 in duplicate with a passport size photo for a Certificate of Competency" on behalf of the individual. The owner or manager

# RESCINDED BY BUILDINGS BULLETIN 2024-003

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shall attest to the competency of the individual to operate the equipment based on his/her training of the individual and to the age of the applicant. A Certificate of Competency will then be issued by the Elevator Division to the qualified operator based upon this attestation (and only if the ride has been inspected).

### III. - Renewal Certificate of Competence.

- a. Certificates of Competence for owners, managers and operators shall be renewed every year at the New York City Department of Buildings, either in person or by mail at the Elevator Division, 60 Hudson Street - New York City 10013 by the person holding the certificate on a form prescribed by the Commissioner. The owners, managers or operators may not operate a particular ride unless it has a current inspection tag.

/jd



Issuance # 236

**OPERATIONS  
POLICY AND PROCEDURE NOTICE # 11/90**

To: Distribution  
From: Peter Franconeri   
Date: April 23, 1990  
Subject: Issuance of Cease Use Orders for Elevators,  
Personnel Hoists, Escalators, and Moving Walks

Effective: May 7, 1990

Purpose: To establish uniform guidelines defining when an elevator inspector should issue a cease use order.

Specifics:

A cease use order should be issued for all elevators, personnel hoists, escalators, and moving walks whenever an imminently hazardous condition exists, pursuant to Section 26-127 of the Administrative Code of the City of New York and the Rules and Regulations Relating to Cease Use Orders for Elevators, Personnel Hoists, Escalators and Moving Walks, effective May 6, 1990. In addition, the device should be tagged as unsafe. This tag may not be removed without prior approval from the Department of Buildings. Such imminently hazardous conditions include but are not limited to:

- a - Elevator running with an open hoistway door or car gate/door.
- b - Elevator running with broken or non-functioning upper or lower final hoistway or machine limit switches.
- c - Hoistway or car door vision glass and grille guard missing.
- d - Unravelling or broken hoist, counterweight, governor or compensation cables.

# **RESCINDED BY BUILDINGS BULLETIN 2024-003**

- e - Missing hoistway door or car door gibs.
- f - Inoperable governor.
- g - Elevator running with non-functioning interlock.
- h - Emergency top exit cover missing (passenger elevator).
- i - Side emergency exit door open (passenger elevator).
- j - Emergency stop switch not working (automatic elevator escalator or moving walk)
- k - Directional switch not working (escalator or moving walk).
- l - Other imminently hazardous conditions as observed by the inspector.

## **Supervisor Approval**

Whenever an elevator inspector notes any of the above conditions while inspecting an elevator, personnel hoist, escalator or moving walk, he or she immediately calls his or her supervisor. The situation is discussed and a cease use order is issued and the device is tagged as unsafe by the inspector, after approval from the supervisor.

The supervisor records the address and device number and reason for the cease use order in the "Cease Use" log.

## **Lifting the Cease Use Order**

Cease use orders will be lifted by the Area Chief or a designee (in his or her absence). A Department of Buildings inspector will reinspect all elevators, personnel hoists, escalators or moving walks after a cease use order is lifted to ensure that all repairs were properly completed.

When the cease use order is lifted, the Area Chief or designee records the date in the "Cease Use" log and initials the entry.

PF:HG:mh

**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**

C O P Y

The City of New York  
DEPARTMENT OF BUILDINGS

DIRECTIVE No.2-1969

Exit Signs  
AC-Title C-Part II-826

TO: Borough Superintendents

DATE: February 25, 1969

FROM: John T. O'Neill, Commissioner

SUBJECT: Designation of Required Means of Egress - Sub-Article 607,  
Building Code

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Directive No. 36-1967 cancelled as of March 6, 1969.

On and after that date, sub-article 607.0 of the new Building Code shall be enforced. All plan examiners and inspectors are to be informed, accordingly.

(signed)

John T. O'Neill  
Commissioner

**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**



DEPARTMENT OF BUILDINGS

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

ROBERT ESNARD, R.A. Commissioner  
248-8811

February 3,, 1984

Ms. Beverly L. Turell  
Business Promotion Coordinator  
Mayor's Office of Business Development  
17 John Street  
New York, New York 10038

Re: Exterior Rolling Shutters

---

Dear Ms. Turell:

I have reviewed your letter of January 26, and the accompanying advertising brochure accompanying same, and you are advised as follows:

1. Exterior rolling shutters are subject to limitations on projections beyond the street line in Article 4 of the Building Code (copy enclosed).
2. Exterior rolling shutters are not permissible over the secondary means of egress.
3. Exterior rolling shutters are subject to combustibility limitations of Article 5 of the Building Code (abstract enclosed).

If you have any questions in regard to this response and the enclosures, I suggest that you schedule an appointment with our Executive Engineer, Mr. Irving Polsky (248-8777) to pursue this matter further.

Sincerely,

Irving E. Minkin, P.E.  
Deputy Commissioner

IEM:ow  
cc: Executive Engineer Polsky

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**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**

THE CITY OF NEW YORK  
HOUSING AND DEVELOPMENT ADMINISTRATION  
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: September 25, 1972

TO: Borough Superintendents  
FROM: Irving E. Minkin, P.E., Executive Engineer  
SUBJECT: Frame Enlargements

Herewith forwarded for your advice and guidance are copies of Commissioner Stein's decision with respect to frame enlargements to a building outside the fire limits under the old Building Code, but presently within the fire districts established by the new Building Code.

Commissioner Stein has indicated that the enclosed decision is to be used as a guide, and Item No. 7 in the minutes of the Borough Superintendents Meeting on 2/11/71 is modified accordingly.

  
Irving E. Minkin, P.E.  
Executive Engineer

EM:njk

cc: Comm. Stein  
Dep. Comm. Padavan  
Ass't Comm. Walsh  
Exec. Staff

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**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**



Issuance # 329

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

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OPERATIONS  
POLICY AND PROCEDURE NOTICE # 22/91

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To: Distribution  
From: Barry G. Cox  
Date: 10 December 1991  
Subject: Gas Cards and Tests of Gas Piping

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**Effective:** Immediately

**Purpose:**

To reinforce our policy with respect to the issuance of gas cards as it relates to work done by utility companies under certain circumstances.

Supersedes our September 1, 1983 memo on the same subject.

**Specifics:**

**1. NO GAS CARD REQUIRED UNDER THE FOLLOWING CIRCUMSTANCES:**

- a. Installation of gas service and gas meter piping by the Utility Company.
- b. Installation by the Utility Company of a replacement meter of the same size only. (No customer/contractor work involved.)
- c. Installation by the Utility Company of a replacement meter having an increased capacity, where the replacement is due to registration or test purposes. This may be done by the Utility Company without a gas card only WHERE THE UTILITY COMPANY HAS ESTABLISHED BY FIELD INSPECTION THAT NO GAS WORK WAS PERFORMED.

# RESCINDED BY BUILDINGS BULLETIN 2024-003

- d. Emergency repairs of gas distribution piping performed by the Utility Company or licensed master plumber in order to alleviate hazardous conditions, provided that a written report describing the details of such repairs is filed with the Department upon completion of the work.
- e. Emergency restoration of discontinued service by the Utility Company to the building where the shut-off is due to fire or accident AFFECTING THE GAS PIPING, where the affected riser/piping has been ISOLATED (disconnected) from the other piping.

However, the remaining piping (unaffected) must pass an integrity test by the Utility Company. NOTE: A gas card is required prior to restoring gas to the affected piping.

- f. Restoration of discontinued service by the Utility Company when the shut-off is due to fire or accident, which DID NOT AFFECT THE GAS PIPING as confirmed by the Utility Company and an integrity test is performed by the Utility Company.
- g. Restoration of discontinued service by the Utility Company at the meter, where the interruption is periodic, seasonal or temporary or where service has been discontinued solely because the occupancy has been discontinued. However, the piping must pass an integrity test by the Utility Company.
- h. Emergency off-hours repair to correct gas leaks performed by a licensed plumber. However, the plumber must file a written report with the Department of Buildings, describing the details of the repair(s), on the first normal workday following the repair(s).
- i. Replacement of an EXISTING APPLIANCE in place. (Like and kind - limited to the flexible connection after the appliance cock)

## 2. GAS CARD SHALL BE REQUIRED UNDER ALL OF THE FOLLOWING CIRCUMSTANCES:

- a. Non-emergency installation of any new piping or replacement piping, fittings, nipples, valves or extensions up to and including the appliance gas cock.
- b. Installation of a new or additional gas meter on new piping.
- c. Installation of a replacement meter necessitated by the installation of new or additional equipment having increased capacity.

# RESCINDED BY BUILDINGS BULLETIN 2024-003

- d. Restoration of discontinued service when the shut-off is due to fire or accident which affects the gas piping.
- e. Restoration of discontinued service where ALL gas service from the curb valve to the building has ceased for six months or more.
- f. Where a replacement gas meter of a larger capacity is required for an oil-to-gas conversion in a residential building.

NOTE: The Utility Company may install the replacement meter for safety purposes prior to the gas card being issued if the contractor submits a signed "Gas Card Affidavit" to the Utility Company certifying the following:

- 1) The plumbing contractor is licensed in New York City.
- 2) The work consists of an oil-to-gas conversion in a building with existing gas service.
- 3) The job is filed with the Department of Buildings and the contractor provides the filing receipt number.
- 4) The gas piping and equipment is in accordance with the appropriate sections of the Administrative Code.
- 5) The customer and contractor understand that if Con Edison does not receive the "Gas Card" within 10 working days from the date the Gas Card Affidavit is received by Con Edison, the gas service to the premises will be disconnected.

BGC: mh

**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES  
60 HUDSON STREET, NEW YORK, NY 10013

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

ISSUANCE # 47

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Administration  
Policy and Procedure Notice # 12/87

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TO: Distribution

From: Charles M. Smith, Jr., Commissioner

Subject: Designation of Records Access Officer

Date of Issuance: September 28, 1987

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Pursuant to the Freedom of Information Law (Public Officers Law, Art. 6) and sections 1113 and 1114 of the New York City Charter, and the rules promulgated thereunder, I hereby make the following designations:

RECORDS ACCESS OFFICER

Charles G. Sturcken  
Deputy General Counsel  
60 Hudson Street  
New York, N.Y. 10013  
(212) 312-8130

APPEALS OFFICER

Charles R. Foy  
General Counsel  
60 Hudson Street  
New York, N.Y. 10013

CHARLES M. SMITH, JR.

**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**



**DEPARTMENT OF BUILDINGS**

EXECUTIVE OFFICES

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

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

**STEWART D. O'BRIEN**

Deputy Commissioner

Administration & Operations

(212) 312-8001

MEMORANDUM

TO: Distribution

FROM: Stewart O'Brien

DATE: July 21, 1988 7/21/88 SDO

RE: Inquiries From Auditors

This is to remind you that Policy and Procedure Notice #2/87 requires that all requests for information or meetings made by representatives of the City or State Comptrollers or any other auditing agencies must be cleared in advance through Mark Ritze, Director of Program and Management Analysis (312-8025).

It is essential that this policy be adhered to so that we comply with the audit protocol established by the Mayor's Office and so that we control the inevitable disruptions to work schedules caused by Comptroller requests.

A copy of PPN #2/87 is attached for your reference. Kindly insure that you and your staff are familiar with this procedure.

**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**



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

STEWART D. O'BRIEN  
Deputy Commissioner  
Operations, Management & Administration  
(212) 312-8001

MEMORANDUM

TO: Distribution

FROM: Stewart O'Brien

DATE: January 3, 1991 *1/3/91 SDU*

SUBJECT: PPN #1/91 - Revisions to LL 10/80 Cycle 3 Processing Procedures

Please review the enclosed PPN and immediately begin following the new procedures. In brief, the following changes were made:

**Page 2, Section II - Report Processing:**

- D. Borough coordinators must check for alternative address or a/k/a information. If any coordinator does not have a print-out sorted in block and lot order, please contact Ilyse Fink at (212) 312-8115.
- F. Borough Coordinators will forward all reports to Quality Control, except for amended reports which change the status of a previous unsafe filing to a precautionary or safe status. These must be sent directly to the Local Law 10/80 Enforcement Unit.

**Page 3, Section II continued:**

- H. To avoid duplication, Quality Control will no longer send fully processed reports back to the borough office. The borough office already has a copy for its files.

**Page 3, Section IV - Unsafe Filings, Violations and Summonses:**

- A. Borough Coordinators will send copies of unsafe reports to Quality Control. Quality Control will make a copy of each report, and forward them to the Local Law 10/80 Enforcement Unit.

# **RESCINDED BY BUILDINGS BULLETIN 2024-003**

**Page 4, Section V - Amended Filings:**

- A. As mentioned on page 2, Section II F, Borough Coordinators are to send amended reports for previously unsafe filings to the Local Law 10/80 Enforcement Unit.
- D. The Local Law 10/80 Enforcement Unit will send the copies of the amended reports to Quality Control for further processing.

**Enclosure**

**Distribution:**

**See PPN Distribution List**

**cc: Borough Coordinators  
LL 10/80 Coordinator, Enforcement Unit**

**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**



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

SATISH K. BABBAR, R.A.  
Assistant Commissioner  
Technical Affairs  
(212) 312-8324

**MEMORANDUM**

TO: Borough Commissioners  
FROM: Satish K. Babbar   
DATE: September 20, 1995  
SUBJECT: Accessibility to a Building's Primary Entrance(s) - LL 58/87

It has been brought to our attention that the required accessibility to the building's primary entrance(s), as defined under Section 27-232 and further explained under Section 27-292.5 of the Administrative Code, is not being correctly interpreted by some of our Plan Examiners.

Be advised that only entrance(s) not considered primary are those solely used for freight and service. Whenever there is an entrance shown on a filed plan, it is presumed to be a primary entrance requiring accessibility under Local Law 58, unless the sealed plans specifically verify that the door or entrance is only to be used for service or freight and is not a required egress.

Please instruct appropriate personnel.

SKB/MM/gt

Enclosure: Mark H. Leeds' letter dated 8/17/95

cc: J. Miele, Sr., P.E., Commissioner  
R. Visconti, R.A., First Deputy Commissioner  
P. DiNatale, R.A., Executive Architect  
C. Slater, Esq., General Counsel  
M. Leeds, MOPD

**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**



DEPARTMENT OF BUILDINGS

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

RUDOLPH J. RINALDI, Commissioner

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

Issuance # 373

**OPERATIONS  
POLICY AND PROCEDURE NOTICE # 20/92**

To: Distribution  
From: Barry G. Cox  
Date: 1 October 1992  
Subject: Asbestos

**Reference:**

PPN 1/87

**Purpose:**

To clarify the already existing policy regarding the submission of an ACP5 or ACP7 for buildings built subsequent to April 1, 1987.

**Specifics:**

PPN 1/87 clearly states that applications for new buildings are exempt, by law, from the requirement of filing an ACP5 or ACP7. Consequently, any alteration application submitted for a building where the new building application was filed subsequent to April 1, 1987, does not require the submission of an ACP5 or ACP7.

The applicant need only submit an ASB4 with his/her alteration application and identify the New Building application job number on the ASB4.

The plan examiner must verify on BIS Index that the new building application was filed subsequent to April 1, 1987.

JMc:mh

**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**

THE CITY OF NEW YORK  
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: March 21, 1980

TO: Borough Superintendent, George Sakona, P.E. - Manhattan  
FROM: Director of Operations, Cornelius F. Dennis, P.E.  
SUBJECT: PLAN EXAMINATION - BUILDING NOTICE EXAMINATION  
DIRECTIVE #14/75

Directive #14/75 and prior memos on this subject dated June 26, 1978 and January 16, 1979 are modified as follows:

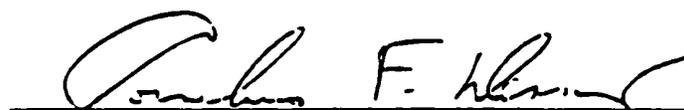
1. Directive #14/75 shall not be applicable to Building Notices filed for Class 3 non-fireproof buildings six stories or less in height between the house numbers -

400 West through 300 East  
between 30th and 60th Streets

2. Exclude all Building Notice applications filed by public agencies.

Exclude all Building Notice applications which have not been examined within five days of the date of continuous possession by the Plan Examination Section or other New York City Agency.

This memorandum shall terminate on January 1, 1981.

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

CFD:rmr

cc: Commissioners  
Messrs. Kupfer, Polsky, Loudon  
Mr. Carl Weisbrod-Midtown Enforcement Project  
Professional Societies (PE & RA)  
Real Estate Associations

1706

**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**



DEPARTMENT OF BUILDINGS  
EXECUTIVE OFFICES  
60 HUDSON STREET, NEW YORK, NY 10013  
CHARLES M. SMITH, Jr., R.A., Commissioner

CHARLES R. FOY, Esq.  
General Counsel  
&  
Director, Office of Legal Affairs

M E M O R A N D U M

To: EXECUTIVE STAFF AND BOROUGH SUPERINTENDENTS

From: CHARLES R. FOY *CRF*  
General Counsel & Director  
Office of Legal Affairs

Date: September 6, 1989

Re: SRO Moratorium

Please be advised that the United States Supreme Court has recently denied the City's application for a stay of the New York Court of Appeals' determination that the SRO Moratorium is unconstitutional.

Although the City has filed a petition with the Supreme Court to have its appeal heard, the moratorium is at this time null and void unless and until the Supreme Court issues an order to the contrary. Therefore, all applications considering SROs do not have to comply with the moratorium, Administrative Code §27-198.2. This means that a building owner may apply to convert, alter or demolish SRO dwellings as long as all other Code provisions and Zoning Resolution requirements are met.

Although the SRO Moratorium has been found to be unconstitutional, LL 19, Administrative Code §27-198, has previously been found to be constitutional and to still be in effect. Therefore, prior to approval of any plans calling for the alteration or demolition of a single room dwelling unit, a certificate of nonharassment from HPD is still required. Moreover, applicants should still complete the SRO intake sheet. The intake sheets will continue to be filled out until such time as there is a final determination from the Supreme Court of the City's petition.

CRF:ngm

**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**



DEPARTMENT OF BUILDINGS

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

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

MEMORANDUM

DATE: July 3, 1986  
TO: All Personnel  
FROM: Marie Mitchell *MM*

RE: Smoking Pollution  
Control Act  
Mayoral Directive

---

As you all know, the Mayor has directed all New York City agencies to implement a policy which conforms to his proposed Smoking Pollution Control Act of 1986.

The provisions clearly designate the following to be non-smoking areas:

public hallways  
public waiting areas  
conference rooms  
restrooms  
50% of lunchrooms

In open-space areas, where there is no practical means of providing a smoking area without infringing upon the rights of the non-smoker, a "no smoking" rule shall be in effect. In all cases, the rights of the non-smoker shall take precedence.

Failure to comply with the Mayor's directive shall be considered a violation of the agency's "Standards of Conduct" and will be handled as any other disciplinary action.

If you have a complaint, it should be taken to your supervisor/manager, who must then write up the incident and forward it to the Inspector General.

Thank you for your cooperation.

MM:ae  
Attachment

# **RESCINDED BY BUILDINGS BULLETIN 2024-003**

## New York City Department of Buildings Smoking Pollution Control Act of 1986 Policy Statement

### Goal:

The goal of this policy is to maximize the rights of the nonsmoker without compromising efficiency of function.

### Policy:

#### 1. Employee Location

Although grouping employees by function will still be the most prominent determination of employee location adjustments or subgrouping will be made under the following guidelines and as long as it does not detrimentally affect the working of a particular unit.

#### 2. Space Determination

Determination of smoking/nonsmoking location will be made under the following guidelines:

A. Regulation in private offices will be strictly up to the occupant. If an office is shared by two or more people, the rights of the nonsmoker will take precedence. A compromise approach may be tried, i.e., the smoker shall leave the room to smoke, or smoke only when the nonsmoker is out of the room. If this is not acceptable, other measures such as moving the smoker to another office will be taken.

B. In open space office areas, an attempt to group workers according to their preference shall be made. Measures such as improving ventilation, expanding the size of the smokeless area, or other tactics designed to minimize or eliminate the adverse health effect on the employee, shall be examined. Where there is no practical means of providing a smoking area without infringing upon the rights of the nonsmoker, a "No Smoking" rule shall be in effect.

C. Smoking in conference or meeting rooms, hallways, public waiting areas and restrooms shall be prohibited. If adequate ventilation is present, 50% of the lunchroom and/or employee lounge will be allocated for smokers. If possible, a separate, equal-sized lunchroom/lounge for smokers and nonsmokers will be established.

# **RESCINDED BY BUILDINGS BULLETIN 2024-003**

In all cases, an attempt will be made to provide smoking areas; however, the health concerns of the nonsmoker shall be the deciding factor.

### **3. Procedure/Implementation**

A Smoking Pollution Control Administrator will be designated by the Commissioner to coordinate the actual implementation of the proposed act. This administrator will work with liaisons in all Department work locations to develop a written proposal outlining the steps they will take to conform to the parameters of the Department's policy. This proposal will include a detailed floor plan identifying smoking and nonsmoking areas and determination arrived at under one of the three conditions previously identified. This proposal must be reviewed and approved by the agency's smoking pollution control administrator by July 1, 1986. Once this is completed appropriate signs designating "smoking" and "nonsmoking" areas shall be provided by the Department, and shall be conspicuously posted. They shall include, but not be limited to, the following:

- private offices
- public hallways
- waiting areas
- conference rooms
- lunchrooms
- rest rooms

Signs shall have letters of not less than 1" in height, and shall utilize the international "no smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it.

To inform smokers and nonsmokers of the health hazards induced by breathing secondhand smoke (lung cancer, respiratory infection, bronchoconstriction and acute allergy reactions, etc.) educational material such as pamphlets from the American Heart Association and the Cancer Institute will be publicly displayed.

A written copy of the smoking policy shall be supplied to all current and prospective employees. Conformance guidelines will be developed and incorporated under "Standards of Conduct" in the New York City Department of Buildings Employee Handbook and enforced appropriately.

**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**

THE CITY OF NEW YORK  
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: November 6, 1980

TO: BOROUGH SUPERINTENDENTS

FROM: Irwin Fruchtman, P.E., Commissioner

SUBJECT: Required Standpipe and Sprinkler Systems

In the past, this department has approved new building applications, alteration applications and building notice applications specifying required installations of standpipes or sprinkler systems, and authorized issuance of work permits for the primary application without requiring the concurrent filing of applications for the proposed standpipe or sprinkler work at that time.

We have found that on numerous occasions, lack of coordination on the part of applicants or construction superintendents, as evidenced by inexplicable delays in filing of the applications and plans for the required standpipe or sprinkler systems, has resulted in costly modifications to systems improperly installed without permit, and delays in issuance of certificates of occupancy, all to the detriment of building owners, as well as having a disruptive effect on this department's plan examination and inspection procedures.

Accordingly, effective immediately, no approvals shall be issued for any new buildings, alterations, or building notices hereafter filed where required standpipe or sprinklers are specified on the building applications or plans, unless the pertinent application has been filed by the time the primary application is ready for approval in all other respects. In the case of applications now awaiting approval, such approval may be issued upon the submission of an affidavit by the owner that he is aware of the necessity to have an application for the required service equipment filed expeditiously, and certifies that said application will be filed within 30 days of the date of approval of the primary application. A list shall be maintained of applications in the latter category, and, if the conditions of the affidavit have not been met, any permit that may have been issued is to be revoked.

  
Irwin Fruchtman, P.E.  
Commissioner

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# RESCINDED BY BUILDINGS BULLETIN 2024-003

CITY OF NEW YORK

DEPARTMENT OF BUILDINGS

DIRECTIVE No. 12-1967

To: Borough Superintendents

Date: May 9, 1967

From: Julius W. Schneider  
Director of Operations

Subj: Street Fair  
Permits

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This directive supersedes Directive No. 8-1961 issued July 25, 1961 as well as any previous issuances on the same subject.

The new procedure for issuing street fair permits has been revised, at the direction of the Mayor, and sets up a one-stop system under the operation of the Department of Commerce and Industrial Development. A copy of the procedure, together with the form to be used, is attached hereto.

The new procedure provides that the Department of Buildings will not be involved except where the erection of stands, platforms, or other structures are proposed. In such cases approval by the Department of Buildings of the plans and specifications for such structures will be required prior to the issuance of the permit by the Department of Commerce and Industrial Development.

The procedure for processing a structure which is typical and may be used as a prototype for possible future erection in various locations in the City of New York, established under Directive No. 8-1961, shall be continued. This will obviate repetitive filings and examinations.

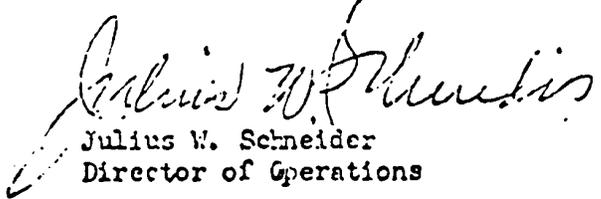
The procedure outlined in Directive No. 8-1961 is as follows:

1. Six copies of the sketch of the proposed structure shall be required to be filed to secure approval of the initial application.
2. All copies of the sketch, when approved, shall be endorsed by the Chief Engineer who shall retain one copy to be given to the applicant, and one copy to be sent to the Chief Engineer of each of the other borough offices.
3. The Chief Engineer in each borough office shall maintain a file of such approvals to which reference can be made when future applications for the erection of the typical structure are received.
4. The examination of such plans may be delegated to an examiner, but the function of approving and endorsing the application shall continue to be performed by the Chief Engineer.

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You will be advised as soon as this procedure becomes effective.

Encl.  
JWS:SF

  
Julius W. Schneider  
Director of Operations

cc: Comm. Moerdler  
Dep. Comm. Ferro  
Dep. Comm. Diamond  
Asst. Comm. Dehrot  
First Asst. Counsel Beck  
Asst. Comm. Narvaez  
Dir. of Investigations Colon  
Asst. Comm. Unger  
Martin Perlmutter-Public Relations  
Dir. of Bldg. Constr. Burke

cc: Ch. Insp. of Constr.-Oper. Broiner  
Executive Engineer Minkin  
Plan Examiner Sakona  
Dir. of Housing Riley  
Exec. Hsg. Asst. Dell'Aira  
Senior Administrator Greenberg  
Administrator Kehoe  
Actg. Administrator Kopunek  
Acting Dir. of Training Nathan  
Analysis

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**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**

THE CITY OF NEW YORK  
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: March 15, 1983

TO: Borough Superintendents

FROM: Irving Polsky, P.E., Executive Engineer

SUBJECT: Department of Transportation Rules and  
Regulations regarding: Size and Placement  
Limitation of Canopies - Street Fairs

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The above-mentioned rules and regulations which affect our department, were published in the City Record on March 14, 1983. They are enclosed for your information.

*Irving Polsky, P.E.*  
Irving Polsky, P.E.,  
Executive Engineer

IP:gt  
cc: I.E. Minkin, P.E.  
C.F. Dennis, P.E.  
T. Loudon

Enc.

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**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES  
60 HUDSON STREET, NEW YORK, NY 10013

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

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

**TO:** BOROUGH SUPERINTENDENTS

**FROM:** GEORGE E. BERGER P.E.  
ASSISTANT COMMISSIONER

**SUBJECT:** MINUTES: Borough Superintendents'  
Technical Meeting No. 112  
Tuesday, May 30, 1989 - 2:00 P.M.  
Executive Offices - 60 Hudson Street  
14th Floor Conference Room

**ATTENDING:** Deputy Commissioner S. O'Brien  
Assistant Commissioner G.E. Berger, P.E.  
General Counsel, C.R. Foy, Esq.  
Chief Elevator Inspector Allen Watson  
Borough Superintendents:  
Ernest Cocolicchio, P.E.  
Philip Goldstein, P.E.  
Shirley L. Klein, R.A.  
Philip Olin, P.E.  
George Sakona, P.E.

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**ITEM #1:** Referred by Assistant Commissioner G.E. Berger, P.E.

**SUBJECT:**  
Discussion of procedures for approval of Street Fairs  
and Carnivals.

**DETERMINATION:**  
Deputy Commissioner O'Brien described the established  
procedures for street fairs and carnivals approval. He  
stated that when held in streets there is no zoning  
regulation involved. When held on private properties,  
an application is filed with the Department of Consumer  
Affairs which sends a letter to the Bureau of Electrical  
Control for the approval of electrical installation and  
another letter to the Department of Buildings for the  
approval of the rides by the elevator division. The  
Department of Buildings is not asked to review the  
application for compliance with the zoning regulations.  
If there is a zoning complaint, we should respond and  
issue a violation if non-conformance is found.

# RESCINDED BY BUILDINGS BULLETIN 2024-003

## PROCEDURE FOR ISSUING RIDE LICENSES

1. Ride Operators make application for a Consumer Affairs license at Consumer Affairs, 80 Lafayette Street, no later than 30 days prior to the scheduled first day of operation.
2. The Department of Consumer Affairs accepts the license fee and application and determines when the rides will be ready for inspection.
3. DCA makes their preliminary investigation (checks liability insurance, previous history, outstanding judgements, violations, etc.)
4. DCA then forwards copies of the request for inspection to :
  1. Department of Buildings
  2. Bureau of Electrical Control
5. DCA has a "Ride Hotline" telephone number that is manned during and after normal business hours, which serves as clearinghouse for ride information for agencies. In addition, each agency provides DCA and the Police Desk at City Hall with a telephone number where someone can be reached at all times.
6. DCA sends the license application to the local Police precinct, who, upon approval from DCA communicated through the Police Department's Office of Operations, releases it to the ride operator.
7. Each of the agencies (both the Department of Buildings and Bureau of Electrical Control) upon receiving notification from DCA of what rides are to be erected makes arrangements to send inspectors to the site on the date that the rides are expected to be ready for operation and inspection.

NOTE THAT ONLY THE DEPARTMENT OF CONSUMER AFFAIRS CAN REQUEST THESE INSPECTIONS. NO INSPECTION SHOULD BE MADE UNLESS REQUESTED BY DCA ONLY.

8. Following an inspection, each agency's inspector calls the DCA Hotline number and informs DCA of its inspection.
9. Upon the satisfactory inspection by all three agencies, the person on the DCA Hotline calls the Police Department's Office of Operation and informs them to instruct the local precinct to release the permit.

# RESCINDED BY BUILDINGS BULLETIN 2024-003

When a ride fails to pass any of the inspections, DCA notifies the Police Department's Office of Operations, who communicates such information to the precinct with the instruction not to release the license.

10. No rides are to operate if a DCA license has not been issued. A Police precinct, either on its own initiative or at the instruction of DCA, or the Director of the Street Activity Permit Office through the Police Department's Office of Operations, will close down any such unlicensed rides. (Unlicensed rides are a violation of Administrative Code Section B 32-41.0, (a) It shall be unlawful for any person to act as a common show operator without a license therefor.)
11. It is DCA's responsibility to remind all ride operators that presently do business with them of this procedure. It is also the responsibility of the Street Activity Permit Office, HPD, Department of Real Property, Ports and Terminals and Parks Department etc. to inform the sponsors of events to whom they issue permits or leases of the requirements and procedures.
12. Each agency that issues leases or permits for such events should be assured before any permit or lease is issued, that the ride operators have taken the proper steps to secure a license (license fee receipts or other evidence of application to DCA).
13. This procedure is required for any ride that is erected in the City for public entertainment, including those rides on private property.

# RESCINDED BY BUILDINGS BULLETIN 2024-003

THE CITY OF NEW YORK  
DEPARTMENT OF CONSUMER AFFAIRS

## COMMON SHOW FAIR RIDE INSPECTION REQUEST

|                            |
|----------------------------|
| DOB/Elevator Division      |
| 60 Hudson Street/5th Floor |
| New York, N.Y. 10013       |

FROM: HENRY VALLE - DCA

DATE: May 23, 1989

NAME/LOCATION: Rides R Us, Inc.

1675 Metclaff Ave

Bronx, N.Y.

BASIC LICENSE #: 836611

APPLICATION #'s: 850308 - 850314

FAIR DATES: 05 / 25 /89 - 06 / 4 /89

Please contact Henry Valle of (DCA) at 566-5608/5609 from 8:30a.m. thru 8:00p.m.

Dear Mr. Caldararo:

An application for a license has been made to this Department to operate common show fair rides at the location specified above.

Would you please certify to this Department whether or not the area in which the rides are to be operated fully complies with all requirements of the laws, regulations and rules over which your Department has jurisdiction.

In addition, please conduct a safety inspection on May 25, 1989 of all rides listed below (or      on the attached page):

| <u>RIDE NAME</u> | <u>RIDE IDENTIFICATION NUMBER</u> |
|------------------|-----------------------------------|
| 1) Wheel         | 912040                            |
| 2) Swinger       | 004673                            |
| 3) Heart Flip    | 752-M5                            |
| 4) MGR           | 6732                              |
| 5) Round Up      | Tm227                             |
| 6) Flinestone    | 72678                             |
| 7) Kiddie Swirl  |                                   |
| 8)               |                                   |
| 9)               |                                   |

**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**

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TO: DEPARTMENT OF CONSUMER AFFAIRS  
FROM:  DOB (BUREAU OF ELECTRICAL CONTROL)  
 DOB (ELEVATOR DIVISION)  
 COMMUNITY ASSISTANCE UNIT

DATE: \_\_\_\_\_

RE: COMMON SHOW FAIR RIDES

-----  
Your communication with reference to the common show fair ride license application (as described on the reverse side of this page) has been received.

An inspection conducted on \_\_\_\_\_ shows that insofar as this Department has jurisdiction relating to common show fair rides and the places used therefor:

This Bureau/Division/Unit has no objections to the stated use of the premises and the common show fair rides listed on the reverse side of this page.

This Bureau/Division/Unit has the following objections:

- A) \_\_\_\_\_
- B) \_\_\_\_\_
- C) \_\_\_\_\_
- D) \_\_\_\_\_

\_\_\_\_\_  
(SIGNATURE OF BUREAU/DIVISION/UNIT REP.)

\_\_\_\_\_  
(PRINT NAME)

\_\_\_\_\_  
(TITLE)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(PHONE NUMBER)

**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**

TO: Department of Consumer Affairs  
FROM: Department of Buildings, Elevator Division

\_\_\_\_\_  
LOCATION: \_\_\_\_\_ BORO: \_\_\_\_\_

DATE ON SITE: \_\_\_\_\_ FROM: \_\_\_\_\_ TO: \_\_\_\_\_

NUMBER OF DEVICES: \_\_\_\_\_

An inspection conducted on \_\_\_\_\_  
shows that the common fair show rides listed on the  
attached form were found mechanically fit for use.

\_\_\_\_\_  
 This Division has the following objections: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Inspector: \_\_\_\_\_  
Signature

Date: \_\_\_\_\_

**RESCINDED BY BUILDINGS  
BULLETIN 2024-003**



*The  
City  
of  
New York*

DEPARTMENT OF BUILDINGS

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

ROBERT ESNARD, R.A. Commissioner  
248-8811

A handwritten signature in black ink, appearing to be "J. E. Flynn".

February 8, 1984

Mr. John J. Flynn, P.E.  
Empire Building  
P.O. Box 181  
Bedford, N.Y. 10506

Re: Plantings on Terraces

Dear Mr. Flynn:

Your letter addressed to Commissioner Robert Esnard, R.A. dated January 23, 1984, in regard to the above, has been forwarded to me for reply.

The term "terrace" has many meanings. It is assumed that you mean the roof on which there is a penthouse or setback roofs.

Section 102, subdivision 6a, section 104 and section 4, subdivision 35, paragraph c of the Multiple Dwelling Law is applicable. It requires that stairs terminating on any roof may not be blocked or obstructed and that sufficient passage be provided to and from every part of the main roof.

Planters on setback roofs may not obstruct windows for required light and air; and, in any case, they should not create a hazard or a nuisance.

Subdivision (a) of section C26-902.6 of the Administrative (Building) Code requires a minimum design live load of 30 psf of horizontal projection. And, subdivision (d)(4) of this section states that "where roofs are landscaped, the uniform design live load on the landscaped portions shall be 30 psf. The weight of the landscaping materials shall be considered as dead load and shall be computed on the basis of saturation of the earth".

Also, section C26-347.0 of the code, in effect prior to December 15, 1968, allowed 40 psf of horizontal projection. It is because roofs are not designed to carry landscaping or even planters, it is necessary that a Registered Architect or Professional Engineer verify the roofs structural capabilities and

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**RESCINDED BY BUILDINGS  
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file the requisite application and plans as to proposed super impositions.

"Exhibit A" (as amended 6/4/79) and interpretive ruling written on May 4, 1979 and June 1979, are not contained within the cumulative Directives and Memorandums of this Department and published by the City Record. They appear to be guidelines issued for the convenience of Housing Inspectors. This Department has no objection to their usage, provided there is professional overview.

This Department appreciates your efforts in calling attention of both your clients and cooperative board members to this vital matter.

Very truly yours,



Irving E. Minkin, P.E.,  
Deputy Commissioner

IEM/IP/gt

cc: Comm. R. Esnard, R.A.  
Asst. Comm. J. White

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