

**RESCINDED BY  
BUILDINGS BULLETIN 2023-007**

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

DEPARTMENTAL MEMORANDUM

DATE: January 19, 1972

TO: Borough Superintendents

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

SUBJECT: APPROVAL OF APPLICATIONS AND PLANS C26-108.7 Administrative Code  
APPROVAL OF PERMIT APPLICATIONS C26-118.1 Administrative Code

BACKGROUND:

Local Law No. 51/1971 to amend the New Building Code in relation to approval of permit applications by the Department of Buildings was recently enacted.

Sections C26-108.7 and C26-118.1 of the New Building Code now requires the Department of Buildings to approve or reject plans and applications no later than 40 calendar days after they are submitted except that on or before the 40th day, the Commissioner, upon notification to the applicant, may extend the time for the additional 20 day

THE PROBLEM:

Recent weekly reports of Plan Examination activities have shown a backlog of as much as 52 calendar days from the date of filing to the date of "1st action" by a plan examiner. An interval of 3 weeks (21 calendar days) from the date of filing to receipt by a plan examiner is not uncommon. While measures are being taken to reduce the "backlog" the Department is confronted with the provisions of Local Law/1971 with its "40 days" provision.

REQUIRED ACTION:

When the 35th calendar day has been reached on any application where written notice of approval or rejection has not been sent to the applicant, the Borough Superintendent shall so notify the Director of Operations by telephone. A review will be made at that time to determine whether good cause exists to extend the time of plan examination for an additional 20 days.

If it has been determined that the application can not be approved or disapproved within 40 days and there is good cause to extend the time plan examination for an additional 20 days, the applicant shall be so notified, in writing, that same day. The notification shall be made the Borough Superintendent directly to the applicant with a copy of such notification to the Director of Operations.

Please review weekly reports of plan examination backlog with the "40 day" provisions of Local Law 51/1971 in mind.

TVB/PEO/sl  
cc: Executive Staff

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*Thomas V. Burke*