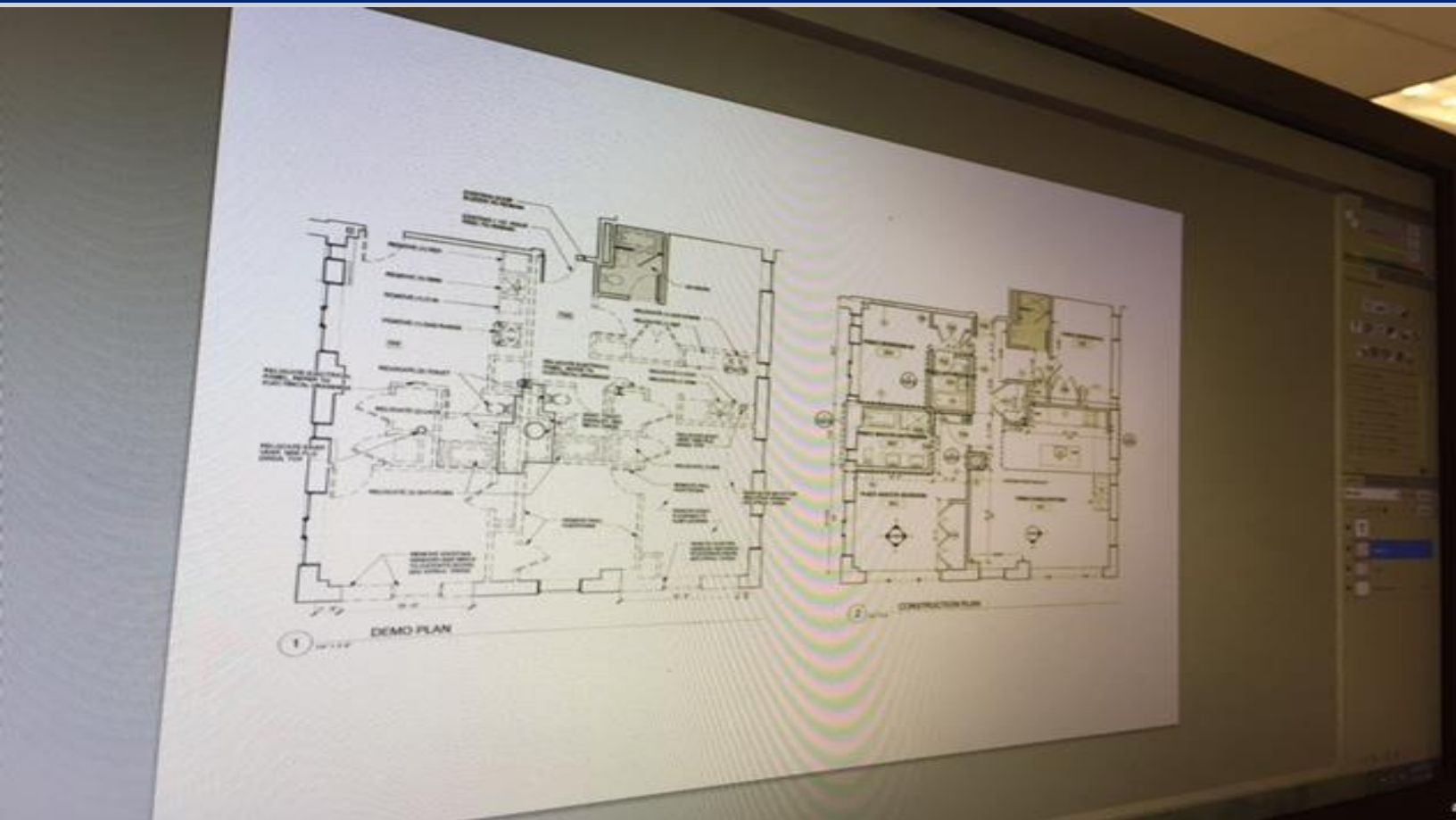


Combining Apartments

Alteration Applications



COMBINING APARTMENTS

Alteration Applications

The New York City Charter was amended by Local Law 77 of 1968 to eliminate the necessity of obtaining or amending a Certificate of Occupancy where the alteration only consists of combining apartments to create larger residential units, resulting in the reduction of the total number of legal dwelling units in the building, and the bulk of the building is not being increased. The NYC Charter permits such apartment combination for old law and new law tenements, and this provision was extended to all multiple dwelling buildings, including both old and new law tenements, converted dwellings and new code multiple dwellings, in accordance with Technical Policy and Procedure Notice #3 of 1997.

New York City Building Code

Among the essential elements regulated by the building code and enforced by the Building Department are site safety, structural standards, fire protection, exits, height, area limitations and accessibility. Some of the main building systems are further regulated in conjunction by the Mechanical Code, Plumbing Code and Fuel Gas Code.

Energy Code

The NYC Energy Conservation Code mandates minimum required thermal ratings for building envelopes and minimum efficiency ratings for mechanical equipment and lighting.

This publication is a general overview of the requirements for this type of work. There may be additional, applicable Zoning Resolution, Construction Code, Multiple Dwelling Law or Energy Code requirements.

COMBINING APARTMENTS

Alteration Applications

FIRST STEPS

- Review PW1 to verify that scope of work [Sec. 11] and work on floor(s) [Sec.1] are consistent with the scope of work stated on the plans submitted for review
- Confirm the correct Code Lot diagram
- Lot diagram (*indicate block/ lot number, dimensions of zoning and tax lot, building, yards, distance to corner street inter-section, street names, zoning use group, building occupancy group, construction classification, number of stories, buildings on adjacent lots, distance to nearest fire hydrant, number and location of Fire Department connections, curb valve, curb cut application numbers, etc.*)
- Review minimum requirement for review of design drawings, [Plan Examiner User Guide](#)
- Construction Code Determinations (CCD1), if applicable

ADMINISTRATIVE

DOB Forms

- [PW1](#) – Plan/Work Approval Application
- [PW3](#) (verify estimated cost on PW3 to match the proposed work)
- [TR1](#) – Indicates structural stability, sprinkler systems, and all applicable special inspections for proposed work

Technical Documents

- If the units are condominiums, a new tentative tax lot number shall be obtained from the Department of Finance for the newly created unit prior to filing – Application for mergers or apportionments, RP 602, Department of Finance

COMBINING APARTMENTS

Alteration Applications

Related Applications

- N/A

BIS Required Items

- Check all required work types have been filed (SP or PL work type)

Application Review and Sign-off

- Plan examination by the Department and completion sign-off by a Professional Engineer or Registered Architect shall be limited to the apartments being altered
- Upon sign-off of the completed work, the Borough Office shall issue a letter of completion. The letter of completion issued shall clearly state at the end, "The Department of Buildings does not require a new or amended certificate of occupancy for combining these apartments."

ZONING

- N/A

MULTIPLE DWELLING LAW

- Provided that compliance with all applicable provisions are met, an old-law tenement or class A multiple dwelling are not required to obtain a certificate of compliance or occupancy where two or more apartments are combined, the number of families is decreased and the bulk of the building is not increased – Article 8, section 301

COMBINING APARTMENTS

Alteration Applications

HOUSING AND MAINTENANCE CODE

- Any old law or new law tenement, for which no certificate of occupancy has been issued, two or more apartments are being combined to create larger residential units, the total legal number of families within the building is being decreased and the bulk of the building is not being increased, shall not be subject to the requirements for re-occupancy of vacant multiple dwellings – 27-2089 (b)(3)

FIRE CODE

- N/A

BUILDING CODE

An Alteration Type II application may be filed for such combining of apartments with the following restrictions:

- The combining of apartments shall be permitted either on the same floor or adjacent floors by interior access stairs connecting not more than two stories, and must result in equal or lower number of zoning rooms. New layouts may maintain existing legal non-complying conditions.
- Natural light and air requirements shall be in compliance for each new habitable room and shall not be diminished for existing non-compliant rooms.
- Egress from any floor of the building (stairs, corridors, passageways, lobby, fire escape, etc.) shall not be altered under this application.
- The second kitchen shall be eliminated and plumbing connections shall be capped, unless the approved application plans indicate an alternative use for the connections, such as for washer, dryer, bar sink, new bathroom, etc. – HMC 27-2004 (a)(14)

COMBINING APARTMENTS

Alteration Applications

ENERGY CODE

- See CODE NOTES on Energy Code

APPLICABLE BULLETINS, DIRECTIVES, PPNS, MEMOS

- [Technical Policy and Procedure Notice #14/88](#): Documentation in Support of Existing Use
- [Technical Policy and Procedure Notice #3/97](#): Combining Apartments to Create Larger Residential Units without Affecting the Certificate of Occupancy

OTHER AGENCY APPROVALS CODE

- NYC Fire Department approval if above Fire Code provisions are not met