

**RESCINDED BY BUILDINGS  
BULLETIN 2022-004**



**DEPARTMENT OF BUILDINGS**

EXECUTIVE OFFICES  
60 HUDSON STREET, NEW YORK, NY 10013

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

July 16, 1987

CORNELIUS F. DENNIS, P.E.  
Deputy Commissioner  
312-8120

Mr. Larry Chase, Director  
Bureau of Inspection &  
Certification  
New York State Office  
of Mental Health  
44 Holland Avenue  
Albany, New York 12229

Re: Community Residence for the  
Mentally Disabled

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Dear Mr. Chase:

Your letter of May 18th is being answered in two parts. The site specific question was answered in a separate letter. A discussion of the departmental memo of March 10, 1980 follows:

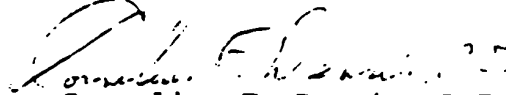
A family may reside in any otherwise legal apartment in New York City. A family is defined in different ways by the New York State Multiple Dwelling Law and by the New York City Building Code, Zoning Resolution & Housing Maintenance Code. The most restrictive in regard to this subject matter limits the family to two unrelated adults. Therefore any apartment in a multiple dwelling may be occupied by one person or by two unrelated persons maintaining a common household. Thus a multiple dwelling with more than 7 apartments may have an occupancy of mental care clients which exceed 14 clients. In a private residence an apartment may be occupied by up to three unrelated persons maintaining a common household.

Continued.....

An underlying requirement is that these persons be capable of self preservation. That they have a form of mental disability is not pertinent. The determination of 'capable of self preservation' will be up to medical staff of your agency or the New York State Office of Mental Retardation & Development Disabilities. The Department of Buildings will not make such a judgment.

Departmental memo of March 10,1980 expands on the applicable code definitions and authorizes a maximum of one apartment in a non-fireproof multiple dwelling and a maximum of two apartments in a fireproof multiple dwelling to be occupied as a Community Residence Facility operated or subject to license by the Office of Mental Health or the Office of Mental Retardation & Development Disabilities to be occupied by up to fourteen mentally disabled persons all of whom are capable of self preservation. Prior to the actual occupancy of such an apartment or apartments an Altered Building application must be filed and a new Certificate of Occupancy obtained as detailed in paragraphs 1 through 3 of this memo.

Very truly yours,

  
Cornelius F. Dennis, P.E.  
Deputy Commissioner

Enclosure: Departmental Memo - March 10,1980  
Letter dated June 1,1987