

**RESCINDED BY BUILDINGS
BULLETIN 2023-021**

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

DEPARTMENTAL MEMORANDUM

DATE: September 29, 1972

TO: Borough Superintendents

FROM: Thomas V. Burke, Director of Operations

SUBJECT: Five-Day Notice to Owners of Adjoining Property
Before Demolition - Section C26-113.3 Administrative Code.

- A. The provisions of Section C26-113.3 of the Administrative Code require five-day notice to owners of adjoining property be given before start of demolition. The section reads as follows:

"Section C26-113.3 Notice to adjoining owners. No demolition or removal permit shall be issued unless and until at least 5 days prior written notice of the permit application shall have been given by the applicant to the owners of all adjoining lots, buildings and service facilities which may be affected by the proposed demolition or removal work."

Before issuance of a demolition permit, the applicant is required to sign a statement on the permit form that "at least five days prior written notice of this permit application has been given by me to the owners of all adjoining lots, buildings and service facilities which may be affected by the proposed demolition or removal work."

The Department of Buildings will continue to issue demolition permits when the statement is signed.

- B. Upon complaint of one or more owners of adjoining property, that notice has not been received, the department will require the demolition contractor to show evidence that notification was given.

Acceptable evidence will be:

- a. A copy of a letter addressed to the owner by name and correct address, with an affidavit of the contractor that the letter was mailed or was delivered by hand.
- b. A signed receipt for a letter addressed by name to an owner.

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Letters addressed to "Owners," without the name of the owner, will not be acceptable. Also, letters addressed to an owner by name must be sent to the address of his residence or business.

- C. An owner who advises the department that he has not received the required notice of commencement of demolition, will be required to file the complaint in affidavit form.
- D. Failure of a contractor to produce acceptable evidence that required notice was given to owners of adjoining premises, will be cause for revocation of a demolition permit.



Thomas V. Burke
Director of Operations

TVB/df

CC: Executive Staff
Counsel Abraham Dollinger,
House Wrecking Industry Board
(for distribution to members of the board)

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