

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

DEPARTMENTAL MEMORANDUM

DATE: December 17, 1975

TO: Borough Superintendents

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

SUBJECT: GROUP HOMES

Local Law No. 23/75, signed into law by the Mayor on June 2, 1975 defines group homes, makes provision for its inclusion in occupancy group J-3, and establishes certain egress requirements for group homes.

The above mentioned legislation was enacted so as to essentially categorize group homes as being analogous to one family dwellings, with certain additional egress facilities so as to be compatible with the requirements of the New York State Board of Social Welfare, pursuant to court decisions.

Pursuant to recent questions posed by the New York State Board of Social Welfare concerning clarification of procedures which should be followed by child care agencies as a result of this legislation, the following guidelines should be adhered to:

1. Existing legal one family dwellings do not require a new certificate of occupancy. However, when child care agencies or other organizations or individuals advise your office that a dwelling unit is to be occupied as a group home, a Building Notice Application shall be required to be filed for the necessary work set forth in applicable laws and regulations.
2. The foregoing shall not preclude the voluntary filing of an alteration application for a new certificate of occupancy in the case of existing one family dwellings.
3. A change of occupancy from any other use to a group home, or combination of two or more dwelling units into one group home shall require a new certificate of occupancy, and the filing of an alteration application; however, two family dwellings in other than R1 or R2 districts shall be exempt from this requirement.

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