

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

DEPARTMENTAL MEMORANDUM

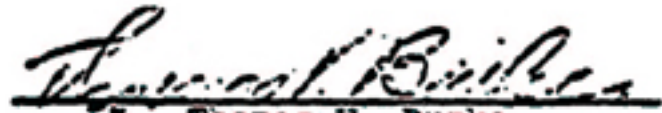
DATE: January 17, 1975

TO: Executive Staff and Borough Superintendents

FROM: Thomas V. Burke, Director of Operations

SUBJECT: Directive No. CE-8-1974 - Cellar Apartments
Dept. of Rent & Housing Maintenance
Office of Code Enforcement

Attached herewith is a copy of Directive #CE-8-1974, issued by the Department of Rent and Housing Maintenance, on the subject "Cellar Apartments," for your information.


Thomas V. Burke
Director of Operations

TVB/df
Att.

THE CITY OF NEW YORK
HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF RENT AND HOUSING MAINTENANCE
Office of Code Enforcement

DIRECTIVE No. CE-8-1974

To : Chief Inspectors

Date : December 27, 1974

From : Frank A. Dell'Aira
Deputy Commissioner

Subject : Cellar Apartments

For : Office of the Chief Inspector
Inspectorial Staff

Effective: Immediately

Rent-Paying Tenant Occupancy

Occupancy of cellar apartments by a rent-paying tenant rather than by a janitor is no longer a violation of the Housing Maintenance Code. At a meeting of Borough Superintendents of the Department of Buildings held on June 21, 1973 a determination was made to defer to the Office of Code Enforcement all questions regarding whether a cellar apartment can lawfully be occupied by a rent paying tenant without obtaining a new or amended Certificate of Occupancy. The Commissioner of the Department of Buildings so informed the Commissioner of this Department on July 17, 1973.

This Directive is issued to clarify the Office of Code Enforcement's policy regarding occupancy of cellar apartments by a rent paying tenant rather than by a janitor.

CCE Policy

Cellar apartments must conform to Article 34 of the Housing Maintenance Code. The occupancy, where allowed, is lawful by either a janitor or rent paying tenant:

1. If there is no Certificate of Occupancy for the building, and the apartment is shown on a completed plan, or
2. If the certificate of occupancy lists only an apartment in the cellar, or
3. Where the certificate of occupancy specifies a janitor's or superintendent's apartment in the cellar.

If the Certificate of Occupancy for a building does not list a cellar apartment, but the building plan indicates a cellar apartment, the Certificate of Occupancy must be amended to show the cellar apartment.

Cellar apartments formerly approved under a temporary permit must also be shown on the building plan and on the Certificate of Occupancy to attain legal status.


Frank A. Dell'Aira
Deputy Commissioner

FAD:GJF:wy

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