



DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
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OPERATIONS
POLICY AND PROCEDURE NOTICE # 22/90

To: Distribution
From: Barry G. Cox
Date: 29 October 1990
Subject: Social Club Task Force Activities

Purpose: This procedure is designed to enforce Local Law 23/90. It will ensure uniform and timely processing of violations, summonses, vacate orders, seal notices and establish procedures with respect to the "sealing" of premises found to be in a condition that is dangerous to life, and their subsequent reopening when those conditions are cured.

Effective Date: Immediate

Specifics:

SCTF Inspectors

Building inspectors will issue appropriate violations, summonses, vacate orders and seal notices under the guidelines established in the social club inspection manual, and note all actions taken on the SCTF route sheet. A supervisor will be available at all times at the SCTF command center to answer inspectors' questions.

If a premises is found to be operating legally, record this fact on the SCTF route sheet.

If a premises is found to be operating illegally:

1. Post vacate signs in English and Spanish.
2. Write vacate order.

3. Write a DOB violation with the letters "SCTF" written in the upper right hand corner and attempt to serve (if successful, complete affidavit of service on back). If unsuccessful write a second summons as listed in item 5.
4. Write a summons with the letters "SCTF" written in the upper right hand corner and attempt to serve (if successful, complete affidavit of service). If unsuccessful write a second summons as listed in item 5.
5. Upon return from the field, prepare a second summons (with "SCTF" again written in the upper right hand corner) to the owner of the building, if not previously served, leave blank the name, address and return date (these will be filled in by the borough office after research).

The inspector will seal, lock and hold the key to the premises. He then will:

1. Prepare and give a copy of the seal notice to a responsible party (owner, manager, employee) at the premises and note on the SCTF route sheet that party's name, address and relationship to the premises.
2. Post a seal order in English and Spanish. Note it on the SCTF route sheet.
3. Complete and attach to the key an identification tag listing the address, the date sealed and the inspector's name.
4. Note on the SCTF route sheet that the premises was sealed.

Operations

When SCTF inspectors get into the office following each night's tour, Operations will collect all keys and paperwork for that tour, including route sheets, vacate orders, seal notices, summonses, and violations.

1. Keys will be secured in a locked cabinet.
2. All paperwork, with priority given to new vacates, must be reviewed and processed. The borough offices must receive (by FAX if necessary) all vacates, seal notices, summonses and violations within one workday after the tour in which these have been written.
3. PMA must be given copies of all SCTF vacates and seal notices by 9:00 a.m. of the morning in which the tour ended. Copies of the SCTF route sheets, summonses and violations must be received by PMA no later than 4:00 p.m. on the same day.

Borough Offices

1. Vacate orders and seal notices must be docketed, signed and served within one workday of receipt.
2. Ownership research must be completed expeditiously and the second summons to the owner (with owner name, address and return date left blank by the inspector) filled in and served.
3. A copy of the summons, vacate order and seal notice must be forwarded to the institution holding the building's mortgage. Also, a copy of the summons vacate order and seal notice must be sent to the individual or corporation listed as the buildings management agent by the Department of Taxation. If the owner is determined to be a City agency, a violation will be served in lieu of a summons.
4. A certified copy of the vacate order and seal notice is to be forwarded to the County Clerk's Office.
5. Service by mail of vacate orders and sealing notices must be handled by certified mail, return receipt requested. Associated summonses, violations and, vacate orders are to be included in the mailing of the vacate order/sealing notice.
6. Copies of completed vacates, seal notices and rescind orders must be sent to PMA, the local Fire Department and local Police Department on a daily basis.
7. Upon the rescission of a vacate order a certified copy of the rescission order notice will be filed with the County Clerk.

Program and Management Analysis (PMA)

Each workday morning a printout will be prepared listing all active vacates, with new vacates and recent rescinds noted. This printout will also indicate any existing or new sealed premises and whether or not keys have been given out to an individual. The printout will be FAXED to PD Public Morals, HPD, DRP and the borough offices.

1. PMA will generate a bi-monthly report on new vacate orders, seal notices, rescissions and their locations. This is to be forwarded to the respective community board, council member, and borough president.
2. PMA will publish, for the public record, a quarterly listing of all recent vacate orders or seal notices and rescissions and their locations.
3. PMA will issue an annual report on January 1st to the City Council citing all vacate orders, seal notices and rescissions, and their locations and nature or use. It will also include an analysis of the Task Force activities during the past year.

Access to Keys of Sealed Premises

Persons wishing to have access to the key to a sealed premises must follow the procedures prescribed in the rule entitled "access to sealed premises" to be promulgated at a future date, (attached) and submit a notarized "request for access to sealed premises" form.

Operations will maintain files containing all approved request forms and associated documents, photographs and identity records of individuals given access to keys.

REMOVAL OF SEALS

1. The Borough Superintendent must rescind the vacate order.
2. A copy of the rescind must be submitted to the department representative in charge of key release by the borough Construction Division. The keys to remove the seals (padlocks and chains) will be released to the inspection division only.
3. The construction inspector will remove the seals from the premises and return them to the department representative.
4. Entries are made on both key lists removing the premises from these lists.

Appeals of Sealing Orders

Sealing orders may be appealed by scheduling a hearing through the General Counsel's Office at (212) 312-8130. The hearing must be scheduled within 3 work days of the request and the answer given within 3 work days of the hearing.

Attachment
Access to Sealed Premises

1. The completed request form must be accompanied by documentation of a legal interest in the building and forwarded to the General Counsel's Office.
2. After receiving written approval from the General Counsel's Office, completed sections A & B will be forwarded to Operations. Proof of identity (Driver's License, Picture i.d.) must accompany the form and be provided to Operations.
3. The party requesting access must submit a written affirmation that they will begin all the work necessary to rectify the illegal conditions thus making the premises legal in a specific time period.
4. In addition, the party requesting access must submit a detailed description of the steps to be taken to ensure the premises continued lawful use.
5. If the person making the affirmations is a lessee, then an affirmation must also be made by a party holding a greater interest in the property, stating that access is sought to rectify the present conditions and make the premises lawful.
6. Upon receiving Operations' approval, the party must have their photograph taken, and obtain the key from Operations.
7. Keys must be returned within the time period specified by Operations on the approved request form. In the case of rescinded vacate orders, locks and chains must be returned with the keys.
8. If the keys have not been returned within the specified time then another inspection of the premises is to be made. If upon inspection the work being done is not in compliance with the request forms a warrant for the owner's arrest should be requested immediately and an arrest made.

BGC:mh