



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
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Issuance 299

OPERATIONS
POLICY AND PROCEDURE NOTICE # 10/91

To: Distribution
From: Barry G. Cox
Date: 12 June 1991
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

Superseded: PPN 22/90

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:

Post vacate signs in English and Spanish.

Write vacate order.

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 below.

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 follows:**

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:

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.

Post a seal order in English and Spanish. Note it on the SCTF route sheet.

Complete and attach to the key an identification tag listing the address, the date sealed and the inspector's name.

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.

Keys will be secured in a locked cabinet.

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.

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

Vacate orders and seal notices must be docketed, signed and should be served within one workday of receipt. Every effort should be made to serve the vacates and seals within this time frame.

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 personally served. Every effort should be made to serve the summons to the owner. However, due to geographic constraints this may not be feasible. A copy of the completed summons (including owner's name, address and return date) must be sent to PMA.

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 building's 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. The building's mortgage company and management agent shall be sent a copy of the vacate and seal notice. The mailing need only be by regular mail.

A certified copy of the vacate order and seal notice is to be forwarded to the County Clerk's Office.

A. All Boroughs:

1. Cover memos addressed to each County Clerk's Office shall accompany the package stating:

Attn: County Clerk

Pursuant to LL 23/90, attached are originals and copies of (#) Vacate Orders and/or (#) Seal Notices. Please file them according to the block and lot numbers in the lis pendens file.

Please stamp one copy "received" and return in the envelope provided.

Borough Manager
Borough Office
Address

2. One original and one copy of each document shall be mailed along with a post-paid return envelope. The original shall be:

CERTIFIED AND SEALED

The copy will be returned by the County Clerk to the borough office where it will be filed in the Block and lot folder.

* **CERTIFIED:** (stamped and signed - this is a true and official document of the Department of Buildings).

* **SEALED:** (the DOB seal shall be placed over the spot where the original seal was)

Brooklyn Only:

The original vacate order and seal notice shall have a legal back. The borough office will be supplied with the backs.

Service by mail of vacate orders and sealing notices must be handled by certified mail, return receipt requested. Associated violations are to be included in the mailing of the vacate order and seal notice.

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.

Program and Management Analysis (PMA)

Each week 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 sent to PD Public Morals, HPD, DRP and the borough offices.

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.

PMA will publish, for the public record, a quarterly listing of all recent vacate orders or seal notices and rescissions and their locations.

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

Submission of Request

Persons wishing to have access to the keys to a premises sealed by the Department of Buildings must appear in person at the Executive Offices of the New York City Department of Buildings. At this time they must submit form OP-14, "Request for Access to Sealed Premises", with sections "A - Ownership Interest" and "B - Statement of Intent" both completed and notarized. Copies of the form are available at the Executive Offices of the Department of Buildings.

Verification of Ownership Interest

The General Counsel's Office reviews the form to verify an ownership interest in the premises. The person seeking to obtain access must provide the General Counsel's Office with some identification including a photograph (e.g. driver's license, passport) and whatever documents are necessary to establish the person's ownership interest in the premises. Examples of such documents include, but are not limited to, the following:

- a copy of a recorded deed.
- a signed lease, along with the owner's name(s), address(es) and telephone number(s).
- a State certified Certificate of Incorporation
- signed partnership documents
- any other document deemed acceptable by the Commissioner.

A representative of the General Counsel's Office will review the above documentation to verify ownership interest. If ownership interest is verified, the representative will sign and date the form where indicated. This representative gives a copy of the signed form to the person seeking to obtain access and gives the original form to the office of Borough Operations.

In addition, the party requesting access must submit a detailed description of the steps to be taken to ensure the premises continued lawful use.

Upon receiving Operations' approval, the party must have their photograph taken, and obtain the key from Operations.

Obtaining the Key

Once the General Counsel's office signs the form verifying ownership interest, the person seeking to obtain access brings the following documents to the Office of the Executive Chief Inspector:

- a copy of Form OP-14 signed by the General Counsel's Office.
- a copy of the computer index sheet listing the applications and violations for the premises.
- a copy of the vacate order.
- a copy of all relevant outstanding violations
- a copy of any relevant work permit issued by the Department of Buildings.
- a copy of all relevant plans approved by the Department.
- any other document deemed necessary by the Commissioner.

A representative of the office of Operations will review the above documentation to determine if the person has a legitimate need to gain access to the premises. If it is determined that access should be granted, the representative of the office of the Operations will:

- have a photograph taken of the person seeking to obtain access, initial the photograph and attach it to the form.
- obtain a copy of the identification including a photograph (e.g. drivers license, passport) and attach it to the form).
- indicate on the form reasons for granting access.
- specify on the form the date by which the keys must be returned.
- sign the form
- give a copy of both sides of the completed form to the person receiving the key.

Returning the Key

All keys must be returned to the office of Borough Operations by the date indicated on the form.

If a vacate order has been rescinded, all locks and chains must be returned with the keys.

In order to obtain an extension of time for keeping the key, the person seeking access must appear in person at the Executive Offices with a notarized letter stating the reason for this request. A representative from the office of Borough Operations will review the request and, if accepted, will note the new return date on the original form and initial the change. The notarized letter will be attached to the original form.

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.

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

Removal of Seals

The Borough Superintendent shall be responsible for rescinding the vacate order.

A copy of the rescind shall 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) shall be released to the inspection division only.

The construction inspector will remove the seals from the premises and return them to the department representative.

Entries are made on both key lists removing the premises from these lists.

Appeals of Sealing Orders

Appeals of sealing orders issued by the Department of Buildings may be arranged through the General Counsel's office. Persons appealing the sealing order may request a hearing by appearing in person at the Executive Offices or by telephoning the office of the General Counsel.

A hearing will be scheduled within three (3) business days at the Office of the Administrative Tribunals and Hearings (OATH). OATH will set the date and time for the hearing. The General Counsel's office will notify the person requesting the hearing as soon as OATH calendars the hearing.

JMc:mh