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**OPERATIONS
POLICY AND PROCEDURE NOTICES # 7/96**

TO: Distribution
FROM: Richard C. Visconti, R.A. *M*
DATE: October 25, 1996
SUBJECT: Adult Establishments -- Places of Worship/Churches

Reference: Zoning Resolution Sections 11-113, 11-30, 12-10, 32-00, 42-00, 42-55, 51-00, 52-00, and 72-00, et seq.

Purpose: To establish a uniform definition of a "place of worship"/"church" in order to assure the provisions of the Zoning Resolution relating to adult establishments is accurately enforced.

Effective: October 26, 1996

Specifics:

The Department of Buildings does not maintain a survey or catalogue of all churches or other places of worship in the City of New York for the purpose of enforcing the adult establishment provision in the Zoning Resolution. With respect to enforcing zoning regulations for adult establishments, this PPN will refer to a "church" as any "place of worship".

Evidence supporting the allegation that a particular premises is occupied by a place of worship

should be submitted to the Department along with any complaint that an adult establishment violates the Zoning Resolution due to its location within five hundred (500) feet of such place of worship. This information should be submitted to the Department on a complaint-by-complaint basis.

Upon receipt of the complaint, the Department should check the NYC Finance Department's RPAD data which is available on BIS to confirm that the place of worship has been granted a real property tax exemption. If such BIS information does not indicate that the place of worship has been given a real property tax exemption, the following are examples of documentary evidence that should be submitted with the complaint to establish such use and occupancy to the satisfaction of the Department:

- * proof that the owner or operator of the premises occupied by the place of worship has been granted a real property tax exemption from the Department of Finance based upon proof that the premises is to be used for religious purposes;
- * a copy of the last issued Certificate of Occupancy for the premises occupied by the place of worship;
- * a copy of the current place of assembly permit for the premises occupied by the place of worship (if occupancy by more than 74 persons); and/or
- * if the owner or operator of the place of worship is a religious corporation in accordance with the Religious Corporations Law, a copy of such corporation's certificate of incorporation filed with the Secretary of the State of New York pursuant to the Religious Corporations Law of the State of New York.

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