



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, NY 10013


CHARLES M. SMITH, Jr., R.A., Commissioner

ISSUANCE #83

GEORGE E. BERGER, P.E.
Assistant Commissioner
Building Construction

TECHNICAL
POLICY AND PROCEDURE NOTICE 2/88

TO: BOROUGH SUPERINTENDENTS

FROM: George E. Berger, P.E.
Assistant Commissioner 

SUBJECT: Local Law 16/1984 and Local Law 16/1987
Residential Hotel Review Guidelines

DATE: FEBRUARY 1, 1988

Local Law 16/1984 and Local Law 16/1987 require certain provisions for Transit Hotels which are not required for Residential Hotel. In order for a hotel to be exempt from these provisions the hotel must be classified as Residential. The determination as to the classification of a Residential Hotel shall be made from the following guidelines:

1. Any Class B hotel which had the same tenancy of 75% or more rooms since March 27, 1981, is considered a residential hotel.
2. These buildings are exempt from the following requirements of Local Law 16/84:
 - a) Emergency Power Exit Lighting 27-382
 - b) Emergency Power Exit Sign 27-384
 - c) Sprinklers 27-954 (w)
 - d) Elevator in Readiness 27-989(b)
 - e) Firemen Service Operation 27-996.2
3. These buildings must comply with the following requirements of Local Law 16/84 and Local Law 16/87:
 - a) Elevator Vestibules 27-353.1(a)
 - b) Fire Protection for Escalators 27-353.1(b)
 - c) Stair and Elevator Signs 27-390
 - d) Sleeping Room Signs 27-396.1
 - e) Smoke Control - (30 or more rooms)

1. Ventilation to sleeping rooms through corridors 27-777.2(a)
 2. Manual Smoke Purge 27-777.2(b)
 - f) Fire Alarm and Communication systems 27-972(j) (1)(2)
 - g) Removal of Locks on Hoistway Doors (High Rise) 27-996.1
4. Any one of the following, in the order shown, will be required to determine number of Class A (if any) and Class B units.
 - a) Certificate of Occupancy
 - b) Occupancy and Arrangement Card from H.P.D.
 - c) H.P.D. Computer Printout
 5. Determination of Residential Hotels.
 - a) If Certificate of Occupancy shows 75% or more of Class A apartments and 25% or less of Class B rooms, the building is a residential hotel. No further proof is needed.
 - b) If Certificate of Occupancy shows more than 25% of Class B rooms and some Class A apartments, then the sum of Class A apartments and permanently rented Class B rooms totals 75% or more is a residential hotel. The owner must submit the evidence of the Class B permanent tenancy.
 - c) If Certificate of Occupancy shows only Class B rooms and if 75% or more of these rooms have permanent tenancy, it is a residential hotel. The owner must submit the evidence of the Class B permanent tenancy.
 - d) The permanently rented Class B rooms must have been and must remain in the same tenancy.
 6. Conditions for issuance of exemption letter for a Residential Hotel:
 - a) All Class A apartments shown on Certificate of Occupancy shall remain Class A apartments.
 - b) Should the Class B rooms upon vacancy convert to transient use and total number of rooms drops below 75% for permanent units, the building will be considered as a transient hotel having a J-1 classification, and will not be exempt from the provisions of Item 2 above.
 7. The certification of Residential Hotels shall be issued by the Borough Superintendent.

Note: Residential Hotel is not mentioned in the Zoning Resolution, the Building Code or in the Multiple Dwelling Law. Residential Hotel is defined in the Department's Rules and Regulations dated August 19, 1985.

GEB:NTP:lg

cc: See Attachment

Enclosure: Department of Buildings Rules and Regulations dated August 19, 1985.