

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE February 1, 1979

TO: Borough Superintendents

FROM: Irving E. Minkin, P.E., Deputy Commissioner

SUBJECT: Issuance of Temporary Certificates of Occupancy for Joint Living - Work Quarters for Artists or General Residential Occupancy of Loft, Commercial or Manufacturing Buildings and/or final amended certificate of occupancy. (This memorandum supplements Directive # 33 of 1970 and Directive # 3 of 1977)

F. The following shall apply as minimum requirements for the issuance of a temporary Certificate of Occupancy in existing buildings for Joint Living - Work Quarters for Artists and for General Residential Occupancy of Loft, Commercial or Manufacturing Buildings.

1. STAIR AND EXIT FACILITIES

All work on required stair and exit facilities, including fire escapes and party wall balconies, on floors to be occupied down to the termination level must be completed including all doors, handrails, treads, risers, platforms, exit lights and signs, and lighting. This includes ramps for the use of persons in wheelchairs where they are required by the code.

2. Fire Protection Systems

Standpipe, sprinkler and other fire protection systems, where required, must be completed and must be available for use at all floors and spaces that are occupied. Such systems or parts of systems shall be tested and accepted prior to the issuance of a temporary certificate of occupancy. The primary and auxiliary sources of water supply must be completed and must be ready for use.

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3. PUBLIC HALLS AND CORRIDORS

Public halls and corridors of floors specified for the temporary certificate of occupancy must be clear of rubbish and debris. All openings on these corridors or public halls must be properly protected. Ceiling work must be completed.

4. TENANT SPACES

Joint Living - Work Quarters for Artists and/or Dwelling Units to be included in a temporary certificate of occupancy must be completed. Walls, floors, ceilings, water closets, bathroom sinks, rough plumbing for all other plumbing fixtures, and smoke detectors must be installed and completed to code standards, in addition to all fire protection devices within such units. Sound-proofing, as shown on the approved plan must be completed.

Unless the owner of the building has filed an affidavit as indicated below, the following shall be required prior to issuing a temporary certificate of occupancy. Ceilings must be painted with finish coat, walls are to be painted with prime coat, and floor finishing must be completed. Closet doors and all other doors shown on the approved plans must be completed and hardware for all doors must be installed. Kitchen and bathroom cabinets, cooking ranges, and other kitchen fixtures, where shown on the approved plans, must be installed and completed.

The Borough Superintendent, in waiving the requirement that interior decorating such as painting, floor covering, etc., be completed, shall require that an affidavit, by the owner of the building, has been filed stating that he will be responsible for assuring the completion of such work.

5. WINDOWS AND VENTILATION SYSTEMS

Windows must be installed, glazed with plain or wire glass as shown on approved plans, and must be in proper operating condition. All ventilation systems shall be completed and operable. Required ventilating equipment must be installed and must be in operating condition. Ventilation test reports and affidavits must have been filed and have been accepted and those portions of the building included on the temporary certificate of occupancy.

6. PLUMBING AND HEATING SYSTEMS

All plumbing systems, including gas piping, serving those portions of the building to be included on the temporary certificate of occupancy must be completed and must have been tested and accepted prior to the issuance of the temporary certificate of occupancy. A gas card must have been issued prior to the issuance of a temporary certificate of occupancy. Heating equipment must be completed and must be in readiness for operation. Hot and cold water supply must be available to every Joint Living-Working Quarters for Artists and Dwelling Units included on the temporary certificate of occupancy.

7. ELEVATOR SERVICE

Work on at least one passenger elevator, if required, must be completed and in operation to serve each floor included on the temporary certificate of occupancy. Such elevator must have been inspected and approved for use prior to the issuance of the temporary certificate of occupancy.

8. ELECTRICAL WORK

Electrical work, for those portions of the building to be included on the temporary certificate of occupancy, including lighting or an electrical panel box in each Dwelling Unit or Joint Living-Working Quarters for Artists, lighting in all public halls, stairs, lobbies, other public parts of floors to be occupied, fire alarm system if required, must be substantially complete and must be in safe operable condition. Exterior required lighting of entrances, yards and courts must be provided, but may be a temporary system provided it is safe and operable.

9. VESTIBULE AND LOBBIES

Stair and elevator lobbies must be substantially finished including door installation, terrazzo or other floor finishing. Decorative wall finishing need not be completed for a temporary certificate of occupancy. Material or equipment may be temporarily stored in the lobby provided it is non-combustible and provided a minimum clear width of 10 feet is maintained at all time for exit passage. Mail delivery boxes must be in-

stalled prior to the issuance of a temporary certificate of occupancy unless the owner submits a copy of permission granted by the U.S. Post Office Department to accept other mail delivery service in lieu of providing mail boxes.

10. DOORBELL AND INTERCOM SYSTEMS

Doorbell systems to all Dwelling Units and Joint Living-Working Quarters to be included on the temporary certificate of occupancy shall be substantially completed. Intercom systems between the mail floor and all Dwelling Units and Joint Living-Working Quarters to be included on the temporary certificate of occupancy, if shown on the approved plans, must be substantially completed and operable. Floor designation signs must be installed for the floors to be included on the temporary certificate of occupancy.

11. "ARTIST" DESIGNATION

No temporary certificate shall be issued for occupied Joint Living-Working Quarters for Artists unless the occupant of the occupied space posses a valid certification as an "Artist". An "Artist" is a person so certified by the New York City Department of Cultural Affairs and/or State Council on the Arts. An artist may live with members of his or her family maintaing a common household.

12. No temporary certificate of occupancy shall be issued for any part of the building if any other part of the building is occupied by a high hazard occupancy.

13. The owner of the multiple dwelling must register with the Department of Rent and Housing Maintenance prior to the issuance of a temporary certificate of occupancy. (D26-41.01-H.M.C.)

14. There shall be no work started or in progress, anywhere in the building, for which a permit has not been issued. There shall be no violation orders of any nature on file for any part of the building, except that the Borough Superintendent may waive this requirement where the violation is not of a hazardous nature.

15. Non-required areas such as community rooms, laundry rooms, etc., need not be completed if they are not included on the temporary certificate of occupancy.

NOTE: A temporary certificate of occupancy for a multiple dwelling or Joint Living-Working Quarters for Artists may be issued for a period of two years for buildings owned or controlled by condominiums and cooperative corporations and for a period of one year for all others.

16. SATISFACTORY COMPLETION OF PUBLIC PORTIONS AND COMMON AREAS.

If all work has been satisfactorily completed except for non-fire-protection items within tenant spaces set forth in item # 4, the Borough Superintendent is to issue a letter to that effect, in addition to the itemized list of objections to issuance of a certificate of occupancy.

G. Temporary or final amended Certificate of Occupancy's for Joint Living-Working Quarters for Artists or General Residential Occupancy of Loft, Commercial or Manufacturing Buildings.

1. Temporary or final amended certificate of occupancy's may be issued for existing building exceeding three (3) stories in height which have an existing certificate of occupancy for that portion of the building where the use is to be changed, provided such portion does not exceed 20% of the total floor area of the building, and all of the conditions set forth above, as appropriate, are complied with.
2. Temporary or final amended certificate of occupancy's may be issued for existing buildings exceeding three (3) stories in height without a prior certificate of occupancy for that portion of the building where the use is to be changed, provided:
 - a. The changed use does not exceed 20% of the total floor area of the building;
 - b. All of the conditions set forth above, as appropriate, are complied with;

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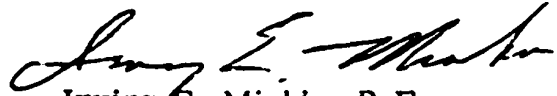
c. If over six (6) stories in height, there is an operating standpipe system;

d. Is either fireproof; or, if not, there is an operating sprinkler system throughout the building;

e. Two independent means of egress are available on each floor to all of the tenants, conforming with applicable law.

3. Applications for amended certificates of occupancy can be made more than once; and, amended certificates of occupancy may cumulatively be issued for an entire building.

4. There is no required specific time interval between the issuance of a final amended certificate of occupancy for one part of a building, and the filing of an application for another part.



Irving E. Minkin, P. E.
Deputy Commissioner

IEM:ap
cc:
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Executive Staff
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Industry