



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, NY 10013

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

ISSUANCE #115

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

TECHNICAL
POLICY AND PROCEDURE NOTICE #11/88

To: BOROUGH SUPERINTENDENTS
From: GEORGE E. BERGER, P.E. *GLB*
Date: JULY 6, 1988
Subject: LOCAL LAW 16/1984 and LOCAL LAW 16/1987
RESIDENTIAL HOTEL REVIEW GUIDELINES --
REVISION TO TECHNICAL PPN #2/88

This Technical PPN modifies Technical PPN #2/88 to provide that paragraphs 5 and 8 of said PPN reads as follows:

5. Determination of Residential Hotels.

a) If the 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 the Certificate of Occupancy shows more than 25% of Class B rooms and some Class A apartments, then if the sum of Class A apartments and permanently rented Class B rooms totals 75% or more, the building is a residential hotel. The owner must submit the evidence of the permanent tenancy of each of the Class B rooms.

c) If the 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 permanent tenancy of each of the Class B rooms.

d) To qualify as a residential hotel pursuant to (b) and (c) above, an applicant must demonstrate that each of the permanently rented Class B rooms had been in the same tenancy from March 27, 1981 until the date of the application for residential hotel status.

e) Buildings used by religious not-for-profit organizations as residences for their members qualify as residential hotels if the owner submits evidence that 75% or more of the rooms have been in the same tenancy during the one (1) year period preceding the date of the application for residential hotel status. See Department Rules and Regulations dated August 19, 1985.

8. Determination of J-2 Dormitory.

A building owner may contend that his/her building is a dormitory and therefore as a J-2 occupancy need only provide stair elevator signs, and if a high-rise building also remove locks on elevator and hoistway doors. To qualify as a dormitory, the building's current Certificate of Occupancy must indicate use as a dormitory. Where the Certificate of Occupancy indicates both dormitory and J-1 occupancy, those portions which are J-1 must comply with LL 16/84 requirements for J-1 occupancies.

When an owner seeks to amend his building's Certificate to provide for dormitory occupancy, he must submit an affidavit stating he will use the dormitory space only for sleeping accommodations of individuals on a month-to-month or longer-term basis (Adm. Code §27-265) and that the dormitory will be owned and operated by either a not-for-profit corporation or a school. Such amended Certificates of Occupancy shall provide that the dormitory may only be owned or operated by either a not-for-profit or a school.