



# TITLE 27

## CONSTRUCTION AND MAINTENANCE

### CHAPTER 1

#### BUILDING CODE

#### SUBCHAPTER 1

##### ADMINISTRATION AND ENFORCEMENT

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*\*\*C26" omitted from section numbers in this column.*

*\*\*27" omitted from section numbers in this column.*

## ARTICLE 1 GENERAL PROVISIONS

**§[C26-100.1] 27-101 Title.**- This code shall be known and may be cited as the "building code of the city of New York", and is hereinafter referred to as "this code" or "the code".

**§[C26-100.2] 27-102 Purpose.**- The purpose of this code is to provide reasonable minimum requirements and standards, based upon current scientific and engineering knowledge, experience and techniques, and the utilization of modern machinery, equipment, materials, and forms and methods of construction, for the regulation of building construction in the city of New York in the interest of public safety, health and welfare, and with due regard for building construction and maintenance costs.

**§[C26-100.3] 27-103 Scope.** - This code shall apply to the construction, alteration, repair, demolition, removal, maintenance, occupancy and use of new and existing buildings in the city of New York, including the installation, alteration, repair, maintenance and use of service equipment therein, except as provided in section six hundred forty-three of the charter.

**§[C26-100.4] 27-104 Interpretation.**- This code shall be liberally interpreted to secure the beneficial purposes thereof. Any conflict or inconsistency between the requirements of this code and applicable state and federal laws and regulations shall be resolved in favor of the more restrictive requirement.

**§[C26-100.5] 27-105 Effective date.**- Any work for which an application for a permit was submitted to the department prior to the effective date of this code, (December sixth nineteen hundred sixty-eight), or for which an application for a permit is submitted to the department within a period of twelve months after such date may, however, at the option of the owner, be performed in its entirety in accordance with the requirements of this code, or in accordance with the requirements of the building laws and regulations previously in force in the city of New York, provided that such work is commenced within twelve months after the date of issuance of a permit therefor and is diligently carried on to completion. This section shall not apply to the requirements of article ten of subchapter nineteen of this chapter which shall become effective on December sixth, nineteen hundred sixty-eight.

**\*§[C26-100.6] 27-106 Enforcement.**- This code shall be enforced by the commissioner of buildings, pursuant to the provisions of section six hundred forty three of the New York city charter, as amended, except that the fire commissioner shall also enforce the provisions of this code relating to the approved number of persons in places of assembly (overcrowding), obstruction of aisles, corridors, and exits, the posting and availability for inspection of equipment use permits, and the availability for inspection of certificates of occupancy or other authorization of lawful occupancy, and to the maintenance of installations involving fire alarm equipment and devices, exit and directional signs, emergency lighting, fire-preventative and fire extinguishing equipment and devices, refrigerating systems, and storage tanks and auxiliary storage tanks for oil burning equipment, except that the commissioner of small business services, shall enforce all the provisions of this code with respect to buildings under the jurisdiction of the department of small business services. Where the installation of exit and directional signs, emergency lighting and sprinkler and fire alarm protection is required by the fire prevention code, the fire commissioner shall require such installations to be in accordance with the provisions of this code.

*\*Local Law 32-2004.*

**§[C26-100.7] 27-107 Variations.**- The requirements and standards prescribed in this code shall be subject to variation in specific cases by the commissioner, or by the board of standards and appeals, under and pursuant to the provisions of paragraph two of subdivision (b) of section six hundred forty-five and section six hundred sixty-six of the charter, as amended.

**§[C26-100.9] 27-108 Application of references.**- Unless otherwise specifically provided in this code, all references to articles and section numbers, or to provisions not specifically identified by number, shall be construed to refer to articles, sections, or provisions of this code.

## ARTICLE 2 MATTERS COVERED

**§[C26-101.1] 27-109 Building matters covered.**- The provisions of this code shall cover all matters affecting or relating to buildings, as set forth in section 27-103 of article one of this subchapter, and shall extend to excavation operations, and to all types of buildings and structures and their appurtenant constructions, including vaults, signs, projections, and accessory additions, together with all surface and sub-surface construction within the curb line, including curb cuts and driveways, the coverings thereof and entrances thereto, and the issuance of permits in reference thereto.

**§[C26-101.2] 27-110 Matters not provided for.**- Any matter or requirement essential for the fire or structural safety of a new or existing building or essential for the safety or health of the occupants or users thereof or the public, and which is not covered by the provisions of this code or other applicable laws and regulations, shall be subject to determination and requirements by the commissioner in specific cases.

## ARTICLE 3 CONTINUATION AND CHANGE IN USE

**§[C26-102.1] 27-111 Continuation of lawful existing use.**- The lawful occupancy and use of any building, including the use of any service equipment therein, existing on the effective date of this code or thereafter constructed or installed in accordance with prior code requirements, as provided in section 27-105 of article one of this subchapter, may be continued unless a retroactive change is specifically required by the provisions of this code.

**§[C26-102.2] 27-112 Change in occupancy or use.**- Changes in the occupancy or use of any building may be made after the effective date of this code, subject to the provisions of section 27-217 of article twenty-two of this subchapter. After a change in occupancy or use has been made in a building, the re-establishment of a prior occupancy or use that would not be lawful in a new building of the same construction class shall be prohibited unless and until all the applicable provisions of this code and other applicable laws and regulations for such re-established occupancy or use shall have been complied with. A change from a use prohibited by the provisions of this code, but which was permitted prior to the effective date of this code, to another use prohibited by the provisions of this code shall be deemed a violation of this code.

**§[C26-102.3] 27-113 Continuation of unlawful existing use.**- The continuation of the unlawful occupancy or use of a building after the effective date of this code, contrary to the provisions of this code, shall be deemed a violation of this code.

## ARTICLE 4 ALTERATION OF EXISTING BUILDINGS

**§[C26-103.0] 27-114 Alteration of existing buildings.-** Subject to the provisions of section 27-105 of article one of this subchapter, and except as otherwise specifically provided by the provisions of this code, the following provisions shall apply to the alteration of existing buildings, whether made voluntarily or as a result of damage, deterioration or other cause, provided, however, that the following alterations shall conform with the requirements of this code regardless of magnitude or cost:

(a) Alterations or additions to existing standpipes, sprinklers or interior fire alarm and signal systems or a change in use or an enlargement to spaces requiring such protection, as provided in subchapter seventeen of this code.

(b) Alterations, replacements or new installations of equipment for heating or storing water, as provided in reference standard RS-16.

(c) Projections beyond the street line, as provided in subchapter four of this code.

(d) Sprinkler, alarm protection, and emergency lighting requirements for places of assembly, as provided in subchapter eight of this code.

[(e) Plumbing fixtures required to be installed in conjunction with any change of use, enlargement or addition to any space classified in occupancy group F-4, a place of assembly, dormitory, public building, public bath, school or workers temporary facility, as provided in table RS 16-5 of section P104.1 of reference standard RS-16.]\*

(e)\*\* Interior finish work, as provided in section 27-348.

(f)\*\*\* Finish flooring and floor covering, as provided in section 27-351.

(g)<sup>†</sup>The installation or replacement of elevators, as provided in subchapter eighteen of this code.

(h)<sup>††</sup>The installation, alteration or replacement of refrigerating systems as provided in reference standard RS 13-6.

\**Copy in brackets not enacted but probably intended.*

\*\**As enacted but "(f)" probably intended.*

\*\*\**As enacted but "(g)" probably intended.*

<sup>†</sup>*As enacted but "(h)" probably intended.*

<sup>†††</sup>*Local Law 32-2004.*

**§[C26-103.1] 27-115 Alterations exceeding sixty percent of building value.-** If the cost of making alterations in any twelve-month period shall exceed sixty percent of the value of the building, the entire building shall be made to comply with the requirements of this code, except as provided in section 27-120 of this article.

**§[C26-103.2] 27-116 Alterations between thirty percent and sixty percent of building value.-** If the cost of making alterations in any twelve-month period shall be between thirty percent and sixty percent of the value of the building, only those portions of the building altered shall be made to comply with the requirements of this code, except as provided in sections 27-120 and 27-121 of this article.

**§[C26-103.3] 27-117 Alterations under thirty percent of building value.-** Except as otherwise provided for in

sections 27-120 and 27-121 of this article, if the cost of making alterations in any twelve month period shall be under thirty percent of the value of the building, those portions of the building altered may, at the option of the owner, be altered in accordance with the requirements of this code, or altered in compliance with the applicable laws in existence prior to December sixth, nineteen hundred sixty-eight, provided the general safety and public welfare are not thereby endangered.

**§[C26-103.4] 27-118 Alterations involving change in occupancy or use.-**

(a) Except as otherwise provided for in this section, if the alteration of a building or space therein results in a change in the occupancy group classification of the building under the provisions of subchapter three, then the entire building shall be made to comply with the requirements of this code.

(b) Except as otherwise provided for in this section, if the alteration of a space in a building involves a change in the occupancy or use thereof, the alteration work involved in the change shall, except as provided for in this section, be made to comply with the requirements of this code and the remaining portion of the building shall be altered to such an extent as may be necessary to protect the safety and welfare of the occupants.

(c) When, however, the cost of alterations involved in the change of occupancy of an existing building erected prior to December sixth, nineteen hundred sixty-eight or space therein authorizes the alterations to be made in compliance with the applicable laws in existence on such sixth day of December, nineteen hundred sixty-eight, such change in occupancy may similarly be made in compliance with such prior laws, provided the general safety and public welfare are not thereby endangered, and further provided that the alteration work shall effect compliance with all requirements of this code relating to interior finish work, finish flooring and floor covering, sprinklers, interior fire alarms, fire command and communication systems, elevators, smoke detectors, directional signs, emergency lighting and emergency power.

**††27-118.1 Illegal alterations involving change in occupancy.-** No person, except in accordance with all requirements of this code, shall convert, knowingly take part or assist in the conversion, or permit the maintenance of the conversion, of a residence which is legally approved for occupancy as a dwelling for one or more families, to a residence for occupancy as a dwelling for more than the legally approved number of families. Any person who shall violate or fail to comply with the provisions of this section shall be liable for a civil penalty which may be recovered in a proceeding before the environmental control board pursuant to the provisions of section 26-126.1 of this code.

Upon the finding of such violation and the imposition of the civil penalty, the Environmental Control Board shall forward to the Internal Revenue Service, the New York State Department of Taxation and Finance and the New York City Department of Finance the name and address of the respondent, the address of the building or structure with respect to which the violation occurred, and the time period during which the violation was found to have existed.

*†† Local Law 65-1997.*

**§[C26-103.5] 27-119 Alteration cost: building value.**- For the purpose of applying the foregoing provisions of this article, the cost of making alterations shall be determined by adding the estimated cost of making the proposed alterations computed as of the time of submitting the permit application, to the actual cost of any and all alterations made in the preceding 12-month period; and the value of the building shall be determined at the option of the applicant on the basis of one and one-quarter times the current assessed valuation of the building, as adjusted by the current State equalization rate, or on the basis of the current replacement cost of the building, provided that satisfactory evidence of current replacement cost is submitted to the commissioner.

**§[C26-103.6] 27-120 Alterations to multiple dwelling[s]\* and conversions to multiple dwellings.**- At the option of the owner, regardless of the cost of the alteration or conversion, an alteration may be made to a multiple dwelling or a building may be converted to a multiple dwelling in accordance with all requirements of this code or in accordance with all applicable laws in existence prior to December sixth, nineteen hundred sixty-eight, provided the general safety and public welfare are not thereby endangered.

*\*Copy in brackets not enacted but probably intended.*

**§[C26-103.7] 27-121 Alterations to residence buildings.**- Alterations to one- or two-family residence buildings erected under the provisions of the building code in effect prior to December sixth, nineteen hundred sixty-eight, and damaged by fire or other catastrophe to the extent of less than fifty percent of the value of the building (except as otherwise provided in section 27-297 of article four of subchapter four of this chapter) may be reconstructed in accordance with the provisions of the building code in effect prior to December sixth, nineteen hundred sixty-eight.

**§[C26-103.8] 27-122 Alterations involving conversions from seasonal to year round use..**

(a) Buildings converted from seasonal use to year round use shall comply with the minimum building insulation standards as provided in reference standard RS 12-10, energy conservation in new building design, with the exception that the provisions as set forth in opinion 76-16, state of New York, public service commission, dated August thirteenth, nineteen hundred seventy-six, relating to noise control and fire rating shall not apply. The standards set forth in this code relating to noise control and fire rating and other applicable standards shall apply.

(b) All alterations performed in accordance with the requirements of this section shall also be in full compliance with the provisions of subchapter fourteen (inspections) of chapter one of title twenty-six of the administrative code to insure a method of controlled inspection of all converted buildings.

**§[C26-103.9] 27-123 Alterations involving high hazard occupancies.**- Any building erected prior to the effective date of this code (December sixth, nineteen hundred sixty-eight) and complying with section 27-117 of this article may be utilized for new high hazard occupancies without compliance with article two of subchapter six of this chapter on condition that the building or building section for such high hazard occupancy be provided with an approved one source automatic sprinkler system complying with the provisions of subchapter seventeen for B-1 occupancies regardless of the area thereof. Existing high hazard occupancies in structures erected prior to the effective date of this code and complying with section 27-117 of this article may continue to operate, subject to such fire protection requirements as the fire commissioner shall direct.

**\*\*27-123.1 Alterations, additions, repairs and changes in occupancy or use requiring facilities for people having physical disabilities.**- The provisions of subarticle two of article two of subchapter four of chapter one of title twenty-seven of this code shall apply to alterations, additions and repairs made to buildings, as well as to changes in occupancy or use, as set forth below. The provisions of sections 27-115, 27-116, 27-117, 27-118 and 27-120 of this code shall not govern the application of the provisions of such subarticle.

(a) The provisions of subarticle two of article two of subchapter four of chapter one of title twenty-seven of this code shall apply to an entire existing building, as if hereafter erected, when the costs of any alterations, additions or repairs, other than ordinary repairs, made within any twelve-month period immediately following the filing of the application exceed fifty percent of the cost of replacement of the building with one of similar floor space, as estimated by the department at the beginning of that twelve-month period. When such estimated costs of alterations, additions or repairs, other than ordinary repairs, do not exceed fifty percent of such replacement cost, then the provisions of subarticle two of article two of subchapter four of chapter one of title twenty-seven shall apply to such alterations, additions or repairs, although nothing herein is meant to discourage compliance with the standards set forth in subarticle two of article two of subchapter four of chapter one of title twenty-seven in other portions of buildings described in this sentence.

(b) The provisions of subarticle two of article two of subchapter four of chapter one of title twenty-seven of this code shall apply to an entire existing building, as if hereafter erected, when there is a change in occupancy classification of the building. The provisions of subarticle two of article two of subchapter four of chapter one of title twenty-seven of this code shall apply to a space in a building when there is a change in the occupancy type thereof or in how such space is used.

(c) When any work not otherwise required to comply with the provisions of subarticle two of article two of subchapter four of chapter one of title twenty-seven is done on an interior accessible route in existing residential buildings, other than in occupancy group J-3, which work involves plumbing fixtures, that work shall be required to comply with section 27-292.8 of this code for the extent of the work being performed, provided such work will not require any structural changes or additional partitions; ordinary repairs and replacement of existing piping shall be exempt from the provisions of this sentence.

(d) Where additions or alterations subject parts of existing systems to loads exceeding those permitted herein, such parts shall be made to comply with this code.

(e) The provisions of subarticle two of article two of subchapter four of chapter one of title twenty-seven of this code and of subdivisions b and c of this section shall not apply to the alteration of existing residential buildings, other than adult residential care facilities, which are classified in occupancy group J-2 and contain no more than three dwelling units or which are classified in occupancy group J-3 and are being altered to contain three dwelling units, and which satisfy the requirements of subdivision (d) of section 27-357 of this code, when the cost of any alterations, additions or repairs, other than ordinary repairs, made within any twelve-month period immediately following the filing of the application do not exceed fifty percent of the cost of replacement of the building with one of similar floor space, as estimated by the department at the beginning of that twelve-month period.

*\*\*Local Law 58-1987.*

**\* § 27-123.2 Provision of sprinklers in existing buildings.-** Notwithstanding any provision of law to the contrary, the provisions of section 27-954 of this code shall apply to alterations made to buildings, as well as to changes in occupancy or use, as set forth below:

(a) The provisions of section 27-954 of this code shall apply to an entire existing building that is being altered, when such building is classified in occupancy group J-2 and will have four or more dwelling units upon the completion of the alterations, or is classified in occupancy group J-1, and when the costs of making any alterations to any such J-1 or J-2 building within any twelve-month period exceeds fifty percent of the building value.

(b) The provisions of section 27-954 of this code shall apply to an entire existing building when the occupancy

classification of the building will change to a residential occupancy group other than occupancy group J-2 with not more than three dwelling units or occupancy group J-3.

(c) The provisions of section 27-954 of this code shall apply to any space:

(1) when alterations thereto involve a change in the occupancy or use thereof to a residential occupancy group other than occupancy group J-2 with not more than three dwelling units or occupancy group J-3, or

(2) when the costs of making alterations thereto within any twelve-month period exceeds fifty percent of the value of the space.

(d) For the purposes of this section, the cost of making alterations and the value of any such building or space shall be determined as set forth in section 27-119 of this chapter; provided, however, that for purposes of this section:

(1) the cost of making alterations to a residential building shall be determined based on the aggregate cost of alterations to the residential Portions of such building, and the value of such a building shall be determined based on the aggregate value of the residential portions of the building, exclusive of the value of any non-residential portions of the building; and

(2) the cost of making alterations to residential spaces in a non-residential building shall be determined based on the collective cost of alterations to such spaces, and the value of such residential spaces shall be determined based on the aggregate value of all such spaces in the building, exclusive of the value of any non-residential portions of the building.

(e) When a system of automatic sprinklers is installed in any existing building or space pursuant to this section, such system shall comply with the requirements of this code and any other laws and rules applicable to the occupancy group in which such building or space is classified or in which such building or space would be classified if such building or space were classified under this chapter.

*\*\*Local Law 10-1999.*

## ARTICLE 5 MINOR ALTERATIONS: ORDINARY REPAIRS

**§[C26-104.1] 27-124 Minor alterations.-** For the purposes of this code, the term "minor alterations" shall mean minor changes or modifications in a building or any part thereof, excluding additions thereto, that do not in any way affect health or the fire or structural safety of the building. Minor alterations shall not include any of the work described or referred to in section 27-126 of this article, or any other work for which a permit is required under the provisions of articles ten through seventeen of this subchapter.

**§[C26-104.2] 27-125 Ordinary repairs.-**

For the purposes of this code, the term "ordinary repairs" shall mean replacements or renewals of existing work in a building, or of parts of the service equipment therein, with the same or equivalent materials or equipment parts, that are made in the ordinary course of maintenance and that do not in any way affect health or the fire or structural safety of the building or the safe use and operation of the service equipment therein. Ordinary repairs shall not include any of the work described or referred to in section 27-126 of this article or any other work for which a permit is required under the provisions of articles ten through seventeen of this subchapter.

**\*\*§[C26-104.3] 27-126 Work not constituting minor alterations or ordinary repairs. -**

(a) For the purposes of this code, minor alterations or ordinary repairs shall not include the cutting away of any wall, floor, or roof construction, or any portion thereof; or the removal, cutting, or modification of any beams or structural supports; or the removal, change, or closing of any required means of egress; or the rearrangement or relocation of any parts of the building affecting loading or exit requirements, or light, heat, ventilation, or elevator requirements; nor shall minor alterations or ordinary repairs include additions to, alterations of, or rearrangement, relocation, replacement, repair or removal of any portion of a standpipe or sprinkler system, water distribution system, house sewer, private sewer, or drainage system, including leaders, or any soil, waste or vent pipe, or any gas distribution system, or any other work affecting health or the fire or structural safety of the building.

(b) Minor alterations or ordinary repairs shall include the repair or replacement of any fixture, piping or faucets from the inlet side of a trap to any exposed stop valve.

*\*\*Local Law 51-2001.*

## ARTICLE 6 MAINTENANCE

**§[C26-105.1] 27-127 Maintenance requirements.-** All buildings and all parts thereof shall be maintained in a safe condition. All service equipment, means of egress, devices, and safeguards that are required in a building by the provisions of this code or other applicable laws or regulations, or that were required by law when the building was erected, altered, or repaired, shall be maintained in good working order.

**§[C26-105.2] 27-128 Owner responsibility.-** The owner shall be responsible at all times for the safe maintenance of the building and its facilities.

**\*§[C26-105.3] 27-129 Exterior walls and appurtenances thereof.-**

In order to maintain a building's exterior walls and appurtenances thereof in a safe condition, the following additional requirements shall apply to all existing buildings or buildings hereafter erected which are greater than six stories in height:

**(a) Inspection requirements.-** A critical examination of an applicable building's exterior walls and appurtenances thereof shall be conducted at periodic intervals as set forth by rule of the commissioner, but such examination shall be conducted at least once every five years.

(1) The initial examination for any building in existence on February twenty-first, nineteen hundred eighty shall be conducted prior to February twenty-first, nineteen hundred eighty-two and the initial examination for any building thereafter constructed shall be conducted in the fifth year following the erection or installation of any exterior wall and/or enclosures.

(2) Such examination shall be conducted and witnessed by or under the direct supervision of a licensed architect or licensed professional engineer by or on behalf of the owner of the building.

(3) Such examination shall include, in addition to an inspection, a complete review of the most recently prepared report.

(4) Such examination shall also be conducted in accordance with applicable rules promulgated by the commissioner.

**(b) Notification requirements.-** Whenever an architect or engineer learns through a critical examination of a building's exterior walls and appurtenances thereof of an unsafe condition prior to the filing of a report with the department of buildings pursuant to subdivision (c) of this section, he or she shall notify the owner and the department of buildings immediately in writing of such condition.

**(c) Report of examination.-** Such architect or engineer shall submit a written report certifying the results of such examination to the commissioner, clearly documenting the condition of the exterior walls and appurtenances thereof, as either safe, unsafe or safe with a repair and maintenance program. The report shall include a record of all significant deterioration, unsafe conditions and movement observed as well as a statement concerning the watertightness of the exterior surfaces. Such report must be signed by and bear the professional seal of such architect or engineer.

**(d) Necessary repairs.-**

(1) Unsafe condition.

a. Upon the filing of the architect's or engineer's report of an unsafe condition with the commissioner, the owner, his or her agent or the person in charge shall immediately commence such repairs or reinforcements and shall undertake such measures as may be required to secure public safety and to make the building's exterior walls or appurtenances thereof conform to the provisions of this code.

b. All unsafe conditions shall be corrected within thirty days of the filing of the critical examination report.

c. The architect or engineer shall inspect the premises and file an amended report setting forth the condition of the building within two weeks after

repairs to correct the unsafe condition have been completed.

d. The commissioner may grant an extension of time of up to ninety days to complete the repairs required to correct an unsafe condition upon receipt and review of an initial extension application submitted by the architect or engineer together with such additional documentation as may be prescribed by rule.

e. The commissioner may grant a further extension of time to complete the repairs required to remove an unsafe condition upon receipt and review of an application for a further extension submitted by the architect or engineer together with such further documentation as may be prescribed by rule.

(2) Safe condition with a repair and maintenance program. An architect or engineer shall not file a report of a safe condition with a repair and maintenance program for the same building for two consecutive filing periods unless the second such report is accompanied by his or her certification attesting to the correction of all conditions identified in the earlier report as requiring repair.

(e) **Exceptions.**- The additional requirements imposed by this section shall not be applied to any part of an exterior wall which is less than twelve inches from the exterior wall of an adjacent building.

(f) **Violations.**- Any person who shall violate, or refuse, or neglect to comply with any provisions of this section shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars, or by imprisonment not exceeding six months, or both; and any such person shall, also, for each offense, be subject to the payment of a penalty in the sum of two hundred fifty dollars for each month there is non-compliance, to be recovered in a civil action brought in the name of the commissioner.

(g) With respect to buildings in existence on March first, nineteen hundred ninety eight, the initial critical examination of an exterior wall which was not subject to such examination under the provisions of paragraph one of subdivision d of this section in effect prior to the effective date of this local law shall be conducted prior to March first, two thousand.

*\*Local Law 11-1998.*

## ARTICLE 7 MATERIALS, ASSEMBLIES, FORMS AND METHODS OF CONSTRUCTION

**§[C26-106.1] 27-130 General requirements.**- All materials, assemblies, forms, and methods of construction (hereinafter collectively referred to as "material" or "materials") which, in their use, are regulated by the provisions of this code, shall be subject to the requirements for acceptance, as provided in section 27-131 of this article and to the requirements for inspection, as provided in section 27-132 of this article, except as otherwise specifically provided by the provisions of this code. Materials which in their use do not require regulation and control in the interests of public safety, health, and welfare, are not subject to any requirement of

acceptance, inspection, test, or approval under the provisions of this code.

**\*§[C26-106.2] 27-131 Acceptance requirements.**- The following requirements shall apply to the initial acceptance of all materials which, in their use, are regulated by the provisions of this code:

(a) **Methods of acceptance.**-No material of any manufacturer or producer shall be acceptable for the use intended unless and until the material shall have been tested for compliance with code requirements under a test method prescribed by the code, or shall have been tested and approved by the commissioner or shall have been previously approved by the board of standards and appeals, unless such approval is amended or repealed by the commissioner.

(1) **Code test method.**- Whenever the code prescribes a method for testing any material, the material shall be tested in accordance with such test method (a) under the direction of an architect or engineer, or (b) by a testing service or laboratory acceptable to the commissioner. The commissioner may require the witnessing of tests by his or her representative. The test report showing compliance with code requirements and bearing the signature of the architect or engineer, or the signature of an officer of the testing service or laboratory, as the case may be, shall be filed with the department. The commissioner may require a certificate of the manufacturer or producer, certifying that the material tested was and is equivalent to material of the same kind and quality regularly being manufactured by such manufacturer or producer. Upon the filing of the test report, as provided above, the material shall be acceptable for the use intended, subject to the provisions of subdivisions (d) and (e) of this section.

(2) **Commissioner approval.**- Materials which in their use are regulated by the provisions of this code but cannot satisfy the requirements of paragraph one of this subdivision shall not be acceptable for the use intended unless and until the material shall have been tested and approved for such use by the commissioner. For the purposes of this requirement, all materials legally acceptable prior to July 1, 1991 shall be permitted subject to the provisions of subdivision d of this section.

(b) **List of acceptable laboratories and materials.**- A current list of all testing services and laboratories acceptable to the commissioner for the purpose of testing materials, as provided in subparagraph (b) of paragraph one of subdivision (a) of this section and a current list of all acceptable materials, shall be maintained by the department and made available for public inspection.

(c) **Certification of accepted materials.**- All shipments and deliveries of such materials shall be accompanied by a certificate or label certifying that the

material shipped or delivered is equivalent to the materials tested and acceptable for use, as provided in this section. Such certificate or label is to be provided (1) by the manufacturer or producer of the material, or (2) by a testing service or laboratory acceptable to the commissioner and regularly engaged by the manufacturer or producer to make periodic inspections and/or tests of the material in the course of manufacture or production. In the case of materials previously approved by the board of standards and appeals, the shipment or delivery of the material shall also be accompanied by a tag or label stating that the material has been approved for use by the board, and containing the calendar number under which the material received board approval.

**(d) Retesting of materials.**- All materials tested and acceptable for use, shall be subject to periodic retesting as determined by the commissioner; and any material which, upon retesting is found not to comply with code requirements or the requirements set forth in the approval of the commissioner shall cease to be acceptable for the use intended. During the period for such retesting, the commissioner may require the use of such material to be restricted or discontinued if necessary to secure safety.

**(e) Conflicting test results.**- Whenever there is evidence of conflicting results in the test of any material, the commissioner shall determine the acceptability of the material and/or the acceptable rating for such material.

*\*Local Law 49-1991.*

**\*§27-131.1 Reference Standards.**- The appendix to this chapter of the administrative code, known as the "building code reference standard", is adopted and promulgated and shall be known as the "building code rules" of said chapter; except for reference standards RS4-3, RS7-2, and such portions of RS16 not included in the "List of Referenced National Standards". The commissioner shall be empowered to issue or amend the building code reference standards acting in consultation with the fire commissioner on all issues relating to fire safety.

*\*Local Law 49-1991.*

**§[C26-106.3] 27-132 Inspection requirements.**- The following requirements shall apply to the inspection of all materials which, in their use, are regulated by the provisions of this code:

**(a) Controlled inspection.**- All such materials which are designated for "controlled inspection" under the provisions of this code shall be inspected and/or tested to verify compliance with code requirements. Unless otherwise specifically provided by code provisions, all required inspections and tests of materials designated for "controlled inspection" shall be made and witnessed by or under the direct supervision of an architect or engineer retained by or on behalf of the owner or lessee, who shall be, or shall be acceptable to, the architect or engineer who prepared or supervised the preparation of the plans; and the architect or engineer by whom, or under whose direct supervision, the required inspections and tests are made

and witnessed shall file with the department signed copies of all required inspection and test reports, together with his or her signed statement that the material and its use or incorporation into the work comply with code requirements, unless the filing of such reports and statements is specifically waived by code provisions. The provisions of section 27-195 of article nineteen of this subchapter relating to notice of commencement of work shall be complied with prior to the commencement of any work requiring controlled inspection.

**(b) Semicontrolled inspection.**- All such materials that are not designated for controlled inspection under the provisions of this code shall be subject to semicontrolled inspection and, as such, shall be inspected and/or tested to verify compliance with code requirements by the person superintending the use of the material or its incorporation into the work, except that all required inspections and tests may, at the option of the owner or lessee, be made and witnessed by or under the direct supervision of an architect or engineer retained by or on behalf of the owner or lessee, who shall be, or shall be acceptable to, the architect or engineer who prepared or supervised the preparation of the plans. The person superintending the use of the material or its incorporation into the work, or the architect or engineer by or under whose direct supervision the required inspections and tests are made and witnessed, as the case may be, shall file with the department signed copies of all required inspection and test reports, together with his or her signed statement that the material and its use or incorporation into the work comply with code requirements, unless the filing of such reports and statement is specifically waived by code provisions.

**(c) Off-site inspection.**- In all cases where code provisions require that the inspection and/or test of materials be made off-site, or prior to actual use or incorporation into the work, the inspector shall mark or cause to be marked for identification all units (or packages of units) of the material inspected; and the reported results of such inspection shall state that the material was so marked for identification.

**§[C26-106.4] 27-133 Alternate or equivalent materials.**- Whenever the code prescribes the use of a particular material, the commissioner may permit the use of any material shown to be equivalent for the use intended, in terms of health, fire, and/or structural safety. Nothing contained in this code shall be construed to require the use of any particular material for the purpose of meeting performance requirements of this code.

## ARTICLE 8 SERVICE EQUIPMENT

**§[C26-107.1] 27-134 General requirements.**- All service equipment and machinery and devices used in connection therewith (hereinafter collectively referred to as "equipment") which, in their use, are regulated by the provisions of this code, shall be subject to the requirements for acceptance, as provided in section 27-135, and to the requirements for inspection, as provided in section 27-136 of this article, except as otherwise specifically provided by the provisions of this code. Equipment which in its use does not require regulation and control in the interests of public safety, health, and welfare, is not subject to any requirement of acceptance, inspection, test, or approval under the provisions of this code. Elements or appurtenances of equipment or machinery which are in conformity with specifications relating thereto in this code, or which may be designed in their entirety in accordance with accepted engineering design principles based on provisions of this code are not subject to the requirements for acceptance.

**§[C26-107.2] 27-135 Acceptance requirements.**- The requirements for acceptance of materials, as provided in section 27-131 of article seven of this subchapter, shall apply to the initial acceptance of all equipment which, in its use, is regulated by the provisions of this code; and for this purpose, the word "equipment" shall be substituted for the words "or materials" wherever those words occur in section 27-131 of article seven of this subchapter.

**§[C26-107.3] 27-136 Inspection requirements.**- The requirements for inspection of materials, as provided in section 27-132 of article seven of this subchapter, shall apply to the inspection of all equipment which, in its use, is regulated by the provisions of this code; and for this purpose, the word "equipment" shall be substituted for the words "material" and "materials" wherever those words occur in section 27-132 of article seven of this subchapter.

**§[C26-107.4] 27-137 Alternate or equivalent equipment.**- Whenever the code prescribes the use of particular equipment, the commissioner may permit the use of any equipment shown to be equivalent for the use intended, in terms of health, fire and/or structural safety. Nothing contained in this code shall be construed to require the use of any particular equipment for the purpose of meeting performance requirements of this code.

## ARTICLE 9 APPROVAL OF PLANS

**§[C26-108.1] 27-138 Separate approval of plans required.**- Whenever plans are required to be submitted in connection with applications for work permits, as provided in articles ten through seventeen of this subchapter, separate application shall be made for the approval of the plans

therefor. The application may be made at or prior to the time of submitting the work permit application.

**§[C26-108.2] 27-139 Application for approval of plans.**- Applications for approval of plans shall be made on forms furnished by the department, and shall be accompanied by the required fee. The application shall contain a general description of the proposed work, its location, and such other pertinent information as the commissioner may require. All applications for approval of plans for any new construction, in which plumbing fixtures are to be installed, shall be accompanied by the following:

1. Information as to the availability of a public sewer system.

\*2. In the event that a private sewage treatment plant is proposed, evidence of submission of plans for approval of such plant to the department of environmental protection and the department of health as required by law.

(a) the lot diagram showing compliance with the zoning resolution, as provided in paragraph one of subdivision (a) of section 27-157 of article eleven of this subchapter;

(b) the foundation plans, as provided in paragraphs one and seven of subdivision (b) of section 27-157 of article eleven of this subchapter;

(c) the floor and roof plans showing compliance with exit requirements, as provided in paragraph three of subdivision (a) of section 27-157 of article eleven of this subchapter;

(d) the detailed architectural, structural and mechanical drawings, as provided in subdivisions (a) through (c) of section 27-157 of article eleven of this subchapter.

*\*Local Law 65-1996.*

\*\***§[C26-108.3] 27-140 Applicant.**- Applications for approval of plans shall be made in behalf of the owner or lessee or condominium unit owner or cooperative shareholder by the person who prepared or supervised the preparation of the plans, and shall be accompanied by a signed statement of the owner, condominium board of managers or cooperative board of directors stating that the applicant is authorized to make the application. In the case of applications for approval of plans for the construction or alteration of buildings, for the installation or alteration of plumbing or plumbing systems, or for the installation or alteration of service equipment which involves changes in the structure of the building or requirements for fire protection, light, heat, ventilation, or means of egress, the application shall be made by protection, light, heat, ventilation, or means of egress, the application shall be made by an architect or engineer. The full names and addresses of the owner,

including the condominium unit owner or cooperative shareholder, lessee, and applicant, and of the principal officers thereof, if a corporation, shall be set forth in the application.

*\*\*Local Law 72-1991.*

**\*\*\* §27-140.1 Registration requirements.-**

(a) No person, other than those described in subdivision (c) of this section, may present, submit, furnish or seek approval of applications for approval of plans or remove any documents from the possession of the department, without first having registered with the department his or her name, address and company affiliation on a form to be furnished by the department. Consistent with article twenty-three-A of the correction law, registration may be denied to any person who has been convicted of a criminal offense relating to bribing or receipt of a bribe, giving or receiving unlawful gratuities, official misconduct, or other corruption-related acts. The commissioner, after due notice and a hearing before the office of administrative trials and hearings, pursuant to section one thousand forty-eight of the charter and rules established thereunder, shall have the power to revoke, suspend or limit the registration of any person upon a finding that such person has willfully or negligently violated the rules of the department or has engaged in any misconduct arising out of his or her business dealings with the department. Misconduct shall be defined by the rules of the commissioner promulgated pursuant to subdivision (d) of this section.

(b) No person shall use the term "registered with the department of buildings", "registered" or any similar representation in such a manner as to convey the impression that such person is registered with the department of buildings unless such person is registered in accordance with the provisions of this section.

(c) The following persons are exempt from the provisions of this section:

(i) the owners of the premises for which the building applications are filed including, in the case of partnerships or corporations, the general partners or the principal officers of the corporation. Principal officers of a corporation shall include the president, vice presidents, secretary and treasurer;

(ii) the lessees of such premises authorized by the owner to file building applications;

(iii) condominium unit owners authorized by the condominium board of managers to file building applications;

(iv) cooperative shareholders authorized by the cooperative board of directors to file building applications;

(v) registered architects licensed by the New York state department of education;

(vi) professional engineers licensed by the New York state department of education;

(vii) attorneys admitted to practice in New York state;

(viii) master plumbers licensed pursuant to article two of subchapter two of chapter one of title twenty-six of this code;

(ix) master fire suppression piping contractors licensed pursuant to article two of subchapter two of chapter one of title twenty-six of this code; and

(x) master electricians licensed pursuant to subchapter one of chapter three of title twenty-seven of this code.

(a) the commissioner shall promulgate rules for the proper and efficient administration and enforcement of this section.

*\*\*\*Local Law 72-1991.*

**§[C26-108.4] 27-141 Plans.-** With each application for approval of plans, there shall be submitted such number of copies of the plans as the commissioner may require. All plans shall comply in form and content with requirements of this code and other applicable laws and regulations.

**§[C26-108.5] 27-142 Applicant's statement.-**

(a) A signed statement of the applicant shall also be submitted with the application, stating that he or she is authorized by the owner to make the application and that, to the best of his or her knowledge and belief, the plans and the work shown thereon comply with the provisions of this code and other applicable laws and regulations. If there are practical difficulties in the way of carrying out the strict letter of the law, the applicant shall set forth the nature of such difficulties in such signed statement.

(b) In addition to all other requirements of this article, an application for approval of plans for the alteration of an existing building or the construction of a new building shall be accompanied by a signed statement of the applicant certifying either (1) that the building to be altered, or the site of the new building, as the case may be, contains no occupied housing accommodations subject to control under chapter three of title twenty-six of the administrative code, or (2) that the owner has notified the city rent agency of his or her intention to file such plans and has complied with all requirements imposed by the regulations of such agency as preconditions for such filing.

**§[C26-108.6] 27-143 Examination of application and plans.-** All applications for approval of plans and all plans submitted in connection therewith, and any amendments thereto, shall be numbered, docketed and examined promptly after their submission. The examination shall be made under the direction of the commissioner for compliance with the provisions of this code and other applicable laws and regulations. The commissioner may at his or her discretion, when the application is submitted by an architect or an engineer,

designate portions of the examination for limited supervisory check. The personnel employed for examination of plans shall be qualified engineers or architects experienced in building construction and design.

**\*§[C26-108.7] 27-144 Approval of application and plans.**- Except as otherwise provided in section 27-198 and section 27-198.1 of article nineteen of this subchapter, applications and plans complying with the provisions of this code and other applicable laws and regulations shall be approved by the commissioner and written notice of approval shall be given the applicant promptly and no later than forty calendar days after the submission thereof, and applications and plans failing to comply with the provisions of this code and other applicable laws and regulations shall be rejected and written notice of rejection, stating the grounds of rejection, shall be given the applicant promptly and not later than forty calendar days after the submission thereof, except that on or before the fortieth day, the commissioner may on good cause shown, and upon notification to the applicant, extend such times for an additional twenty days. Whenever an application and accompanying plans have been rejected and are thereafter revised and resubmitted to meet stated grounds of rejection, the revised application and plans shall be approved if they meet the stated grounds of rejection, or shall be rejected if they fail to meet the stated grounds of rejection; and written notice of approval or written notice of rejection, stating the grounds of rejection, shall be given the applicant promptly and not later than twenty calendar days after the resubmission thereof.

*\*Local Law 76-1985, language juxtaposed per Ch. 907-1985.*

**§[C26-108.8] 27-145 Conditional approval of plans.**- All approvals of plans given prior to the submission of the work permit application shall be conditioned upon and subject to compliance with the requirements of this code and other applicable laws and regulations in effect at the time of submission of the permit application, and shall also be conditioned upon the submission of the work permit application not later than twelve months after the date of notice of plan approval.

**§[C26-108.9] 27-146 Endorsement of approved plans.**- All plans and amendments thereto, when approved by the commissioner, shall be stamped or endorsed approved under the official seal of the department, followed by a notation of the date of plan approval. One set of such approved plans shall be retained in the department office of the borough in which the building premises or equipment is located; and after the issuance of a work permit, a second set of such approved plans shall be retained at the place where the building premises or equipment is located, and shall be open at all times to inspection by the commissioner and his or her authorized representatives until final inspection of the work is completed.

## ARTICLE 10 PERMITS

**§[C26-109.1] 27-147 When permits required.**-

No building construction or alteration work, foundation or earthwork, demolition or removal work, or plumbing work shall be commenced, and no signs or service equipment of the types listed in articles sixteen and seventeen of this subchapter shall be erected, installed, altered, repaired, or used, nor shall any service equipment of the types listed in article eighteen of this subchapter be used or operated, unless and until a written permit therefor shall have been issued by the commissioner. The provisions of this section shall not apply, however, to minor alterations and ordinary repairs, as defined and delineated in article five of this subchapter or to work or equipment exempted from permit requirements under the provisions of sections 27-176, 27-179, 27-184, and 27-189 of this subchapter.

**§[C26-109.2] 27-148 Classification of permits.**-

For the purposes of this code, permits shall be classified as follows:

(a) **New building permits:** for the construction of new buildings, as provided in article eleven of this subchapter.

(b) **Alteration permits:** for the alteration of existing buildings, as provided in article twelve of this subchapter.

(c) **Foundation and earthwork permits:** for the construction or alteration of foundations, including earthwork excavation and fill, as provided in article thirteen of this subchapter.

(d) **Demolition and removal permits:** for the demolition or removal of existing buildings, as provided in article fourteen of this subchapter.

(e) **Plumbing permits:** for the installation or alteration of plumbing and plumbing systems including gas piping, as provided in article fifteen of this subchapter.

(f) **Sign permits:** for the erection or alteration of signs and sign installations, as provided in article sixteen of this subchapter.

(g) **Equipment work permits:** for the installation or alteration of service equipment, as provided in article seventeen of this subchapter.

(h) **Equipment use permits:** for the use and operation of service equipment, as provided in article eighteen of this subchapter.

**\*\*§[C26-109.3] 27-149 Separate permits required.**-

Separate permits shall be required, as provided above, except that separate permits for foundations and earthwork, or for the installation or alteration of service equipment, other than fire suppression piping systems,

shall not be required whenever plans for such work are included in and form a part of the plans for the construction of new buildings or the alteration of existing buildings.

*\*\* Local Law 107-1993.*

**\*§[C26-109.4] 27-150 Application for permit.-**

All applications for permits shall be submitted on forms furnished by the department, and shall be accompanied by the required fee. The application shall contain a general description of the proposed work or equipment, its location, and such other pertinent information as required pursuant to section 27-198.1 or as the commissioner may require.

*\* Local Law 76-1985, language juxtaposed per Ch. 907-1985.*

**§[C26-109.5] 27-151 Applicant.-** Applications for permits shall be made by or in behalf of the owner or lessee of the buildings; and if made by a person other than the owner, the application shall be accompanied by a signed statement of the applicant declaring that he or she is authorized by the owner to make the application. The full names of the owner, lessee, and applicant, and of the principal officers thereof, if a corporation, shall be set forth in the application.

**§[C26-109.6] 27-152 Other application requirements.-** In addition to the foregoing general requirements, applications for permits shall be subject to the further requirements of articles eleven through eighteen of this subchapter, as the same may be applicable.

**\*\* §[C26-109.7] 27-153 Place of filing applications.-** Except as otherwise provided by rule, applications for permits and accompanying papers and plans shall be filed in the department office in the borough in which the work or equipment is located. Applications shall be numbered and docketed promptly as received; and for purposes of identification and reference, all such papers shall be marked with the block and lot number of the property to which they apply, and with street and house number where possible.

*\*\*Local Law 107-1993.*

**§[C26-109.8] 27-154 Amendments to applications.-**

Subject to the limitations of section 27-155 of this article, amendments to permit applications and any accompanying plans and papers may be submitted at any time before final inspection of the work or equipment is completed; and such amendments shall be deemed part of the original permit application and shall be filed therewith.

**§[C26-109.9] 27-155 Time limitation of application.-**

An application for a permit shall be deemed to have been abandoned twelve months after date of submission, unless such application has been diligently prosecuted after rejection in whole or in part, or a permit shall have been

issued under article nineteen of this subchapter except that the commissioner may, for reasonable cause, grant extensions of time for additional twelve month periods.

## ARTICLE 11 APPLICATIONS FOR NEW BUILDING PERMITS

**§[C26-110.1] 27-156 General requirements.-** All applications for new building permits shall be subject to the requirements of articles nine and ten of this subchapter. In addition, each such application shall set forth the name and business address of the person who is to perform the proposed work, and shall be accompanied by satisfactory evidence of compliance with the provisions of the workers compensation law.

**§[C26-110.2] 27-157 Plans required.-** All such applications shall be accompanied by architectural, structural, and mechanical plans, which shall be complete and of sufficient clarity to indicate the entire nature and extent of the proposed construction work and its compliance with the provisions of this code and other applicable laws and regulations. Composite plans showing architectural, structural, and mechanical parts of a building may be submitted provided that a clear understanding of each part is not impaired. The plans may be submitted with the application for the permit or prior thereto, as provided in section 27-138 of article nine of this subchapter; and the same set of plans may be used for several buildings of the same construction, if such buildings are located on adjoining lots under the same ownership, and if permit applications therefore [sic] are filed simultaneously. All such plans shall be drawn to suitable scale and shall be reproduced upon substantial paper, plastic, or cloth, as the commissioner may require; and each plan or drawing shall contain the registration number, seal, signature, and address of the architect or engineer who prepared or supervised the preparation of the plans. Whenever equipment, materials, assemblies, forms, or methods of construction are subject to "controlled inspection", as provided in sections 27-131 and 27-135 of this subchapter, all such equipment, materials, assemblies, forms, or methods of construction shall be listed on the title sheet of the plans, or the sheet immediately following as subject to "controlled inspection" in accordance with code requirements. In no case shall the code be cited or the term "legal" or its equivalent used as a substitute for specific reference to particular code section or standard in order to show compliance with code requirements or other applicable laws or regulations.

**(a) Architectural plans** shall contain at least the following data and information:

(1) Lot diagram showing compliance with the zoning resolution, and indicating the size, height and

location of the proposed construction and all existing structures on the site and their distances from lot and street lines, the established grade and existing curb elevations, and final grade elevations of the site shown by contours or spot grades at reasonable intervals. The lot diagram shall be drawn in accordance with an accurate boundary survey, made by a licensed surveyor, which shall be attached to and form part of the lot diagram.

(2) A statement or notation as to the occupancy group or groups that apply to the building and all parts thereof, the construction class of the building, and whether the building is inside or outside of the fire districts.

(3) Floor and roof plans showing compliance with exit requirements, and with sufficient elevations and cross-sections to indicate all means of egress, and including the number of stories in all parts of the building.

(4) Detailed drawings necessary to show adequately all architectural elements of the building, including those doors, windows, and interior finish schedules, and other details necessary to substantiate all required fire-protection characteristics.

(b) **Structural plans** shall contain at least the following data and information except as provided for in section 27-590 of article one of subchapter ten of this chapter:

(1) Foundation plans, floor plans, levels, and sections, showing all structural requirements.

(2) Detailed drawings showing sizes, sections, and locations of members, and such other information as may be required to indicate clearly all structural elements and special structural engineering features.

(3) A tabulation of the vertical live loads, both uniform and concentrated (including allowances of partition loads), used in the design of the several areas and levels of the building. The locations and loads of each piece of machinery and equipment having a weight in excess of one thousand pounds shall be noted.

(4) Column schedules showing the design load contributed by the framing at any level and the total accumulated design load at each level.

(5) Where trusses are employed, a diagram or table indicating the loads or moments in the various members under the design loading conditions. The requirement for a diagram or table will be waived when the trusses consist of elements selected from load tables or similar data, subject to the requirements for verification in section 27-590 of article one of subchapter ten of this chapter.

(6) Where prestressed members are employed, a schedule or table showing the total prestressing forces and the method and sequence of application.

(7) Foundation plans shall comply with the requirements of subchapter eleven of this chapter and shall show the plan locations, design elevations of the bottoms, and details as to sizes, reinforcements, and construction of all footings, piers, foundation walls, pile groups, and pile caps. The levels of footings of adjacent structures shall be indicated or, if the adjacent structures

are pile supported, this shall be so stated. In addition, there shall be a statement indicating the character and minimum class of the soil strata required for the support of the foundation; the allowable soil pressure used for the design of footings; and the character, class, and presumptive bearing capacity of the bearing stratum to which piling is required to penetrate. The types and design capacities of piling and the records of required borings or test pits shall also be shown.

(c) **Mechanical plans** shall contain at least the following data and information:

(1) The plumbing, heating, ventilating, refrigeration, and other mechanical work to be performed, so drawn as to conform to the architectural and structural aspects of the building. If desired, plans may be composite plans showing one or more types of systems on each plan, provided that a clear understanding of each system shown is not thereby impaired.

(2) Details for each type of work to be performed, and for each type of equipment to be installed, shall be shown, as provided in sections 27-173 and 27-182 of this subchapter.

(3) Information as to the availability of a public sewer system.

\*\* (4) In the event a public sewer system is not available, alternate provisions for disposal of storm water and sanitary sewage. If private sewers are to be constructed pursuant to subdivision b of section fourteen hundred three of the New York city charter, a copy of the sewer plan. If a private sewage treatment plant is to be constructed, a copy of plans of the plant approved by the department of health and the department of environmental protection. If an individual on site private sewage disposal system is to be installed, a site and subsoil evaluation indicating that the site and subsoil conditions comply with the applicable law and rules.

\*\*Local Law 65-1996.

\*§[C26-110.3] 27-158 **Datum.** - All elevations on plans shall be referred to the United States coast and geodetic survey mean sea level datum of nineteen hundred twenty-nine (national geodetic vertical datum, NGVD), as provided in section 26-208 of chapter one of title twenty-six of the administrative code, as amended. The following table shall be used to convert NGVD to borough datum elevations:

Location:	Add to NGVD to obtain borough datum
Bronx.....	+2.608
Brooklyn.....	+2.547
Manhattan.....	+2.752
Queens.....	+2.725
Staten Island.....	+3.192

\*Local Law 33-1988.

**§[C26-110.4] 27-159 Additional information.-** In addition to the data and information specified under subdivisions (a) through (c) of section 27-157 of this article, the commissioner may require the submission of computations, test reports, and such other data and information as may be necessary to determine compliance with code provisions and other applicable laws and regulations.

**\*\*§[C26-110.5] 27-160 Certification of performance bond, license and insurance required.-**

\*\*\*(a) An applicant for a permit who, pursuant to section 24-526 of the administrative code, is required to construct or repair defects in catch basins or sewers which lie outside of the property shall submit to the department certification from the department of environmental protection that the applicant or owner has provided such department with:

(1) a performance bond or other security satisfactory to such department and approved as to form by the law department of the city for the full cost, as estimated by such department, of constructing the part of the storm water drainage system for such property which shall lie outside of such property and repairing defects in such construction, if and as required by section 24-526 of the administrative code;

(2) any license or other written instrument which such department or the law department of the city may reasonably request which gives such department, its agents and contractors and the surety for a performance bond described in paragraph one of this subdivision the legal right to enter private property to perform work described in paragraph one of this subdivision, pursuant to the terms of the performance bond or in accordance with the conditions of acceptance of other security described in paragraph one of this subdivision, and the legal right to connect to, to extend or to discharge storm water into any private sewer authorized as a point of disposal pursuant to section 24-526 of the administrative code, in the event that the owner of property fails to do so, if and as required pursuant to section 24-526 of the administrative code; and

(3) insurance of a kind and in an amount which such department and the law department of the city deem satisfactory to insure the city fully for all risks of loss, damage to property or injury to or death of persons to whomever occurring, arising out of or in connection with the performance of all work described in this section.

(b) The provisions of this section shall not be construed to abrogate or contravene any contractual obligation of the city to construct storm water drainage systems or parts thereof. The requirements of subdivision (a) of this section shall be inapplicable to an applicant for a new building permit insofar as they relate to any construction work required to be performed by the city pursuant to such a contractual obligation.

*\*\*Note for Excerpts from Local Law 7-1974, see end of Subchapter 1.*

*\*\*\*Local Law 65-1996; Local Law 103-1989.*

## ARTICLE 12 APPLICATIONS FOR BUILDING ALTERATION PERMITS

**§[C26-111.1] 27-161 General requirements.-** All applications for permits to alter existing buildings shall be subject to the requirements of articles nine and ten of this subchapter and section 27-156 of article eleven of this subchapter.

**\*\*§[C26-111.2] 27-162 Plans required.-** All such applications shall be accompanied by such architectural, structural, and mechanical plans as may be necessary to indicate the nature and extent of the proposed alteration work and its compliance with the provisions of this code and other applicable laws and regulations. To the extent necessary, all such applications and plans shall be subject to and shall comply with the requirements of sections 27-157, 27-158, and 27-159 of article eleven of this subchapter. Whenever the proposed alteration work consists of the construction of a substantial horizontal enlargement as defined in subdivision (a) of section P110.2 of reference standard RS-16, the applicant shall submit information as to the availability of a public sewer system pursuant to paragraph three of subdivision (c) of section 27-157 of this code as well as an evaluation of the adequacy of any existing system for the disposal of storm water by any means other than storm or combined sewers, prepared pursuant to paragraph four of subdivision (c) of section 27-157 of this code. The plans may be submitted with the application for the permit or prior thereto, as provided in section 27-138 of article nine of this subchapter.

*\*\*\* Local Law 103-1989.*

## ARTICLE 13 APPLICATIONS FOR FOUNDATION AND EARTHWORK PERMITS

**§[C26-112.1] 27-163 General requirements.-** All applications for foundation and earthwork permits shall be subject to the requirements of articles nine and ten and section 27-156 of article eleven of this subchapter. When the permit sought is solely for earthwork excavation operations, the applicant shall also submit satisfactory evidence that the property is free from any lien for unpaid city taxes, assessments, water rates, bail bonds, or judgments obtained by the city, together with the consent in writing of the mortgagee, if there is any mortgage upon the property, and the consent in writing of the surrogate's court or the supreme court, if the owner of the property is a minor or incompetent.

**§[C26-112.2] 27-164 Plans required.-** All such applications shall be accompanied by a lot diagram, as provided in paragraph one of subdivision (a) of section 27-157 of article eleven of this subchapter, and foundation plans, as provided in subdivision (b)

of section 27-157 of article eleven of this subchapter, except that when the permit sought is solely for earthwork excavation or fill operations, the applicant shall submit, in lieu of foundation plans, plans showing the exact location, extent, and depth or height of the proposed excavation or fill operation.

**§[C26-112.3] 27-165 Notice to adjoining owners.-** No foundation or earthwork permit shall be issued unless and until at least five days prior written notice of the permit application shall have been given by the applicant to the owners of all adjoining lots, buildings and service facilities which may be affected by the proposed foundation work or earthwork operations.

**§[C26-112.4] 27-166 Protection of adjoining properties.-** All foundation and earthwork operations shall be performed in accordance with the requirements of subchapters eleven and nineteen of this code; and all lots, buildings and service facilities adjoining the foundation and earthwork areas shall be protected and supported in accordance with the requirements of subchapters eleven and nineteen of this code and subchapter seventeen of chapter one of title twenty-six of the administrative code.

## **ARTICLE 14 APPLICATIONS FOR DEMOLITION AND REMOVAL PERMITS**

**§[C26-113.1] 27-167 General requirements.-** All applications for demolition or removal permits shall be subject to the requirements of article ten, section 27-156 of article eleven, section 27-198 and section 27-198.1 of article nineteen of this subchapter.

**§[C26-113.2] 27-168 Requirement of certifications.-**

(a) Prior to the issuance of the permit, all gas, electric, water, steam, and other service lines to the building shall be disconnected and certifications to that effect by the respective utility companies or city agencies having jurisdiction shall be filed with the department; and the applicant shall also file with the department a certification by a licensed exterminator that the building has been treated effectively for rat extermination.

(b) In addition to all other requirements of this article, an application for a permit for the demolition or removal of an existing multiple dwelling shall be accompanied by a signed statement of the applicant certifying either (1) that the dwelling contains no occupied housing accommodations subject to control under chapter three of title twenty-six of the administrative code, or (2) that the owner has notified the city rent agency of his or her intention to apply for such permit and has complied with all requirements imposed by the regulations of such agency as preconditions of such application.

**§[C26-113.3] 27-169 Notice to adjoining owners.-** No demolition or removal permit shall be issued unless and until at least five days prior written notice of the permit application shall have been given by the applicant to the owners of all adjoining lots, buildings and service facilities which may be affected by the proposed demolition or removal work.

**§[C26-113.4] 27-170 Protection of lot and adjoining properties.-** All demolition and removal operations shall be performed in accordance with the requirements of subchapter nineteen of this chapter; and after the building has been demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper protection of the lot, restoration of grades, and the erection of necessary retaining walls and fences in accordance with the provisions of article three of subchapter eighteen of this chapter.

**§[C26-113.5] 27-171 Requirement of photographs.-**

(a) Except as otherwise provided herein, all applications for permits for the demolition or removal of existing buildings shall be accompanied by two sets of photographs of the building or buildings to be demolished or removed. Both sets of photographs shall be received by the department on behalf of the landmarks preservation commission and the municipal archives division of the department of records and information services.

(b) The commissioner, upon the advice of the commissioner of the department of records and information services and the chairperson of the landmarks preservation commission, shall promulgate such rules and shall prescribe such specifications as may be necessary to carry out the provisions of this section.

(c) Where photographs are otherwise required to be submitted to the landmarks preservation commission, applications for demolition or removal permits submitted on behalf of the department of housing preservation and development, shall be exempt from the requirements of this section.

(d) Permits authorized pursuant to section 26-243 of the administrative code, shall be exempt from the requirements of this section.

## **ARTICLE 15 APPLICATIONS FOR PLUMBING PERMITS**

**§[C26-114.1] 27-172 General requirements.-** All applications for plumbing permits shall be subject to the requirements of articles nine and ten of this subchapter. In addition, each such application shall set forth the name and business address of the licensed master plumber who is to perform or supervise the proposed work, and shall be

accompanied by satisfactory evidence of compliance with the provisions of the workers' compensation law.

**§[C26-114.2] 27-173 Plans required.**— Except as provided in section 27-174 of this article, all applications for plumbing permits shall be accompanied by plans which shall be complete and of sufficient clarity to indicate the nature and extent of the plumbing work to be performed and its compliance with provisions of this code and other applicable laws and regulations. The plans may be submitted with the application for the permit or prior thereto, as provided in article nine of this subchapter. All plans for plumbing work shall comply with the applicable provisions of section 27-157 of article eleven of this subchapter. In addition, the plans shall contain at least the following data and information:

(a) Single line or diagrammatic plans showing the location, layout, and spacing of all plumbing fixtures, the summation of plumbing loads, the size, location, and material for all building sewers and drains, and the soil, waste, vent, water, and gas distribution piping.

(b) One floor plan for floors with typical layouts; and stack details shown on one drawing, provided that such details are clearly identified as to location and stack number.

(c) A riser diagram showing:

(1) Story heights.

(2) All plumbing fixtures with diagrammatic arrangement of their connections to soil, waste, and vent piping.

(3) All soil, waste, and vent stacks from the point of connection with the building drain to their termination above the roof.

(4) All leader and storm water piping from the point of connection with the building drain to the roof drain.

(5) All water and gas risers.

(d) In the case of plans for new plumbing systems, the relative elevation of the lowest fixture referred to the datum provided in section 27-158 of article eleven of this subchapter and the approximate inside top of the public sewers, and the number, size, and location of all proposed sewer connections and relative location and size of all water mains, leaders, and risers; and the plans shall be accompanied by a statement from the department of environmental protection, giving the minimum water pressure in the main serving the building. When required by the commissioner, such data shall also be included on plans for the alteration of existing plumbing systems.

(e) All appurtenant equipment, including, but not limited to, pumps, ejectors, water tanks, and piping shall be indicated clearly on the plans.

**§[C26-114.3] 27-174 Exemptions from plan requirements.**— The submission of plans shall not be required for any of the following:

(a) Plumbing or gas piping alterations requiring a repair slip as provided in section 27-175 of this article.

(b) Plumbing for temporary installations used for exhibition purposes when not designed for sanitary use and not directly connected to a sewerage, water supply, or water distribution system.

(c) Plumbing for temporary installations used in connection with construction operations, other than plumbing for temporary gas installations for which the submission of plans shall be required.

**\*§[C26-114.4] 27-175 Alteration and repair slip.**—

(a) An application for a plumbing permit may be treated as an application for an alteration and repair slip where the total cost of the proposed work in the building, as certified by the permit applicant, does not exceed eighteen thousand dollars in any twelve-month period and the proposed work consists of any of the following:

(1) The installation of new plumbing or gas piping, or the rerouting of existing plumbing or gas piping.

(2) The addition of not more than two plumbing fixtures or fixture connections.

(3) The mounting of new plumbing fixtures on existing roughings, other than the mere replacement of existing fixtures constituting a minor alteration or ordinary repair under article five of this subchapter.

(4) The installation or replacement of backflow prevention devices.

(b) Upon the approval of the application, an alteration and repair slip shall be issued in lieu of a plumbing permit, with same force and effect as if a plumbing permit had been issued.

*\*Local Law 51-2001, Local Law 6-1997.*

**§[C26-114.5] 27-176 Exemptions from permit requirement.**—

Plumbing permits shall not be required for the installation or alteration of gas service piping or gas meter piping including meters, valves, regulators, and related equipment, when such work is to be performed and serviced and maintained by utility corporations subject to the jurisdiction of the public service commission; nor shall plumbing permits be required for the emergency repair of gas distribution piping when such work is performed by licensed master plumbers or by utility corporations subject to the jurisdiction of the public service commission, in order to alleviate hazardous conditions, provided that a written report describing the details of such repairs shall be filed with the commissioner upon completion of the work.

## ARTICLE 16 APPLICATIONS FOR SIGN PERMITS

**\*\*§[C26-115.1] 27-177 General requirements.**— All applications for permits to erect or alter signs or sign installations shall be subject to the requirements of

articles nine and ten of this subchapter. In addition, each such application shall set forth the name and business address of the licensed sign hanger who is to perform or supervise the proposed work and, if the sign or sign location is under the control of an outdoor advertising company, as defined in section 26-259 of this code, the name and, where provided by rule, the registration number of such outdoor advertising company. The application shall be accompanied by satisfactory evidence of compliance with the provisions of the workers' compensation law. Each permit shall have an identification number and shall authorize the erection, alteration or installation of the type of display described in the application. The identification number of the permit and, if the sign is under the control of an outdoor advertising company, the name and, where provided by rule, the registration number of such outdoor advertising company shall be displayed on the sign or on the building or premises on which the sign is located or both in a manner to be provided by rule. If a sign is otherwise in compliance with the administrative code, the zoning resolution and rules adopted pursuant to such provisions, the changing of copy on an existing permitted sign, specifically designed for the use of replaceable copy, and the painting, repainting, cleaning or other normal maintenance and repair of an existing permitted sign, not involving structural changes, shall not require a new permit pursuant to this article and sections 27-147 and 27-148 of the code. The changing of copy on a permitted sign not designed for the use of replaceable copy or any structural change of the sign or sign structure shall require a new permit pursuant to this article and sections 27-147 and 27-148 of the code. No permit for the erection, alteration or installation of a sign or sign structure issued pursuant to this article and sections 27-147 and 27-148 of the code shall be deemed to constitute permission or authorization to maintain a sign which would otherwise be illegal without a maintenance permit for an outdoor sign as required pursuant to section 26-253 of the code or which is otherwise illegal pursuant to any other provision of law nor shall any permit issued hereunder constitute a defense in an action or proceeding with respect to such an unlawful sign.

*\*\*Local Law 14-2001.*

**Footnote:** The following §§ 5,6,7,8 are unconsolidated provisions of Local Law 14 of 2001.

§5. The initial application for registration of an outdoor advertising company pursuant to section 26-260 of the administrative code, as added by section 3 of this local law, shall include a report to the department of buildings identifying:

- (a) all signs and supporting structures therefor and
- (b) all sign locations that are under the control of such outdoor advertising company and located in:
  - (i) zoning districts in which signs for advertising purposes are not permitted;

(ii) areas within a distance of two hundred linear feet from and within view of an arterial highway, as such term is defined under subdivision c of section 26-253 of the administrative code, as added by section 3 of this local law; and

(iii) areas within a distance of two hundred linear feet from and within view of a public park with an area of one half acre or more.

Notwithstanding any provision to the contrary of section 26-260 of the administrative code, as added by section 3 of this local law, the commissioner of buildings shall refuse to accept and may return the initial application for registration of an outdoor advertising company:

(i) where such business fails to submit the report required by this section; or

(ii) the commissioner has reasonable cause to believe that such report contains an incomplete or inaccurate listing of signs or sign locations which are required to be included therein.

In the event a company whose initial application for registration has been rejected by the commissioner of buildings pursuant to this subdivision fails thereafter to submit a report acceptable to the commissioner within a time frame specified by the department of buildings, and the commissioner, after notice and opportunity to be heard, affirms his or her determination that such company has not satisfied the requirements of this section, then such outdoor advertising company shall be deemed in violation of subdivision a of section 26-260 of the administrative code, as added by section 3 of this local law, and shall be subject to all provisions of section 26-262 of the administrative code, as added by section 3 of this local law, which apply to an outdoor advertising company which has not registered with the department of buildings. The department shall revoke the registration of an outdoor advertising company if it is subsequently determined by the commissioner, after notice and opportunity to be heard, that such company has filed an incomplete or inaccurate listing of signs which are required to be included in the report provided for under this section, and such company knew or should have known that the listing was incomplete or inaccurate. Notwithstanding the provisions of section six hundred sixty six of the charter, such determinations by the commissioner shall not be subject to review by the board of standards and appeals. The commissioner shall make all reports filed pursuant to this section accessible to the public.

§6.

(a) In addition to the report described in section 5 of this local law, an outdoor advertising company may elect to include in its initial application for registration pursuant to section 26-260 of the administrative code, as added by section 3 of this local law, a compliance plan, prepared in such form

and according to such standards as shall be specified by rules of the department of buildings with regard to such plans and amendments thereto, which plan shall include a schedule for the permanent removal of all signs and any supporting structures therefor which were installed, erected, attached, affixed, painted on, or in any other manner represented on a building or premises prior to December 22, 2000 which are identified in the report submitted pursuant to section 5 of this local law. Such removal shall take place within three annual periods following the commissioner's acceptance of the compliance plan, based on his or her determination that such plan satisfies all requirements of this section. The removal schedule included with such compliance plan shall provide for the removal of equal numbers of signs and any supporting structures therefor during the course of each of such three annual periods, at regular intervals within such annual periods as specified by rule of the department. Such compliance plan shall not include signs which have legal non-conforming use status pursuant to the zoning resolution, provided the outdoor advertising company provides evidence of such status in a form satisfactory to the commissioner. Notwithstanding any provisions to the contrary of subdivision a of section 26-261 of the administrative code, as added by section 3 of this local law, an outdoor advertising company shall not be required to submit a certification pursuant to such subdivision with respect to signs included in the compliance plan provided that the sign is in compliance with the schedule for its removal pursuant to such plan.

(b) For each sign and any supporting structure therefor included in a compliance plan, the outdoor advertising company shall submit to the department of buildings as part of such compliance plan an instrument, in a form satisfactory to the commissioner of buildings, executed by all persons parties or entities to whom notice is required to be given pursuant to subdivision b of section 26-127.3 of the administrative code, as added by section 2 of this local law, and binding upon all successors and assigns, consenting to:

(i) removal of such sign and any supporting structure therefor in accordance with the schedule for removal set forth in the compliance plan; and

(ii) entry by the commissioner, police officers, and authorized representatives of the department upon the building or premises on which the sign and any supporting structure therefor is located for purposes of removal of such sign and any supporting structure therefor by the city, without further proceedings, in the event that such sign and any supporting structure is not removed in accordance with the schedule included in such compliance plan. Such instrument shall be filed and recorded with the clerk or register of the county in which the sign is located.

(c) As part of a compliance plan, the outdoor advertising company shall also post a bond to the city,

with a surety approved by the department, in an amount to be determined by the department by rule based on the number, size and other features of signs and any supporting structures therefor identified in the compliance plan. The bond shall be conditioned such that the obligor will pay all costs incurred by the city with respect to the removal of such signs and any supporting structures therefor in accordance with the consents set forth in instruments filed with respect to such signs pursuant to paragraph b of this section. Nothing herein shall be construed to affect the obligation of an outdoor advertising company to post a bond pursuant to subdivision c of section 26-260 of the administrative code, as added by section 3 of this local law, with respect to signs not eligible for inclusion in the compliance plan.

(d) The commissioner shall refuse to accept and may return a compliance plan submitted pursuant to this section where he or she determines that it does not satisfy the requirements of this section and rules promulgated pursuant thereto. In the event a company whose initial compliance plan has been rejected by the commissioner of buildings pursuant to this subdivision fails thereafter to submit a compliance plan acceptable to the commissioner within a time frame specified by the department of buildings, and the commissioner, after notice and opportunity to be heard, affirms his or her determination that such company has not satisfied the requirements of this section, then such outdoor advertising company shall be deemed subject to section 7 of this local law. Notwithstanding the provisions of section six hundred sixty-six of the charter, such determination shall not be subject to review by the board of standards and appeals.

(e) Notwithstanding any provisions to the contrary of section 26-262 of the administrative code, as added by section 3 of this local law, where a sign and any sign structure therefor is included in a compliance plan accepted by the commissioner, no civil penalties or criminal fines and/or imprisonment may be imposed with respect to such sign upon an outdoor advertising company or other party for any violations of the zoning resolution, the administrative code or rules adopted pursuant thereto (except for violations which involve the creation or maintenance of a hazardous condition), nor shall the commissioner of buildings seek the removal of such sign pursuant to section 26-127.3 of the administrative code, as added by section 2 of this local law; provided, however, that:

(i) the outdoor advertising company is in compliance with the schedule for removal of such sign and any supporting structure therefor set forth in the compliance plan; and

(ii) the size, height or degree of projection of such sign and any supporting structure therefor has not been increased or enlarged after December 22,

2000. Upon acceptance of a compliance plan pursuant to this section, the commissioner of buildings shall discontinue any administrative, judicial or other enforcement proceedings pending as of such date with respect to such sign (other than collection activities with respect to previously adjudicated violations), unless the commissioner has reasonable cause to believe that the size, height or degree of projection of such sign and any supporting structure therefor has been increased or enlarged after December 22, 2000. Nothing herein shall be construed to prevent the imposition of civil penalties or criminal fines and/or imprisonment upon an outdoor advertising company or other party for violations of the zoning resolution, the administrative code or rules adopted pursuant thereto, with respect to signs which are not eligible for inclusion in a compliance plan submitted pursuant to this section.

(f) The provisions of section 26-253 of the administrative code, as added by section 3 of this local law, shall not apply to a sign under the control of an outdoor advertising company which is included in a compliance plan accepted by the commissioner, provided that the outdoor advertising company is in compliance with the schedule for removal of such sign and any supporting structure set forth in the compliance plan.

(g) The sale, lease, or other transfer of control of a sign, and any supporting structure therefor identified in a compliance plan shall not affect the schedule for the removal of such sign and any supporting structure in accordance with the schedule included in the compliance plan, and any outdoor advertising company which assumes control of such sign and any sign structure shall be responsible for compliance with the terms of the compliance plan with respect thereto. In the event an outdoor advertising company which has submitted a compliance plan pursuant to this section assumes control of a sign and any supporting structure therefor required to be included in the report provided for under section 5 of this local law but not previously included in a compliance plan, such company shall amend its compliance plan to include such sign and supporting structure in the plan, in accordance with rules of the department.

(h) In the event a sign and any supporting structure therefore [*sic*] is not removed in accordance with the schedule included within a compliance plan, or in the event the registration of the outdoor advertising company which submitted such compliance plan is revoked pursuant to subdivision i of this section, the commissioner shall, in addition to or in lieu of seeking any and all remedies provided for under this local law, be authorized to remove such sign and any supporting structure therefor in accordance with the consents set forth in the instrument filed with respect to such sign pursuant to paragraph (b) of this section.

(i) Notwithstanding any provisions to the contrary of subdivision d of section 26-260 of the administrative

code, as added by section 3 of this local law, in the event that an outdoor advertising company has failed to remove all signs and any supporting structures therefor in accordance with the compliance plan by the end of any of the three annual periods following the commissioner's acceptance of the compliance plan, registration of such company shall be subject to revocation.

(j) The commissioner shall make all compliance plans filed pursuant to this section accessible to the public.

§7. An outdoor advertising company which does not submit a compliance plan pursuant to section 6 of this local law shall be subject to all criminal, civil and other remedies provided for in this local law for any violation of the zoning resolution or the administrative code or rules adopted pursuant thereto with respect to signs under its control, without limitation. Notwithstanding any provision to the contrary of subdivision d of section 26-260 of the administrative code, as added by this local law, relating to the circumstances under which the commissioner is authorized to revoke the registration of an outdoor advertising company, the commissioner of buildings shall, after notice and opportunity to be heard, revoke the registration of any such outdoor advertising company where such company has been found liable on three or more occasions by the environmental control board or a court of competent jurisdiction for violations of the zoning resolution or the administrative code or rules adopted pursuant thereto with respect to signs under its control identified in the report submitted by such outdoor advertising company pursuant to sections 5 of this local law, on the basis that such signs are advertising signs, as defined in section 12-10 of the zoning resolution, which are located in:

(i) zoning districts in which signs for advertising purposes are not permitted;

(ii) areas within a distance of two hundred linear feet and within view of an arterial highway, as such term is defined under subdivision c of section 26-253 of the administrative code, as added by section 3 of this local law; or

(iii) areas within a distance of two hundred linear feet from and within view of a public park with an area of one half acre or more.

§8. All terms as used in sections 5, 6 and 7 of this local law shall be as defined in subchapter four of chapter one of title twenty-six of the administrative code, as added by this local law. The commissioner of buildings shall promulgate rules as necessary for the administration and implementation of sections 5, 6 and 7 of this local law.

\*\*\***[C26-115.2] 27-178 Plans required.**- All such applications shall be accompanied by plans which

shall contain at least the following data and information:

(a) A sketch or drawing showing the size and location of the sign or sign installations in relation to the building or premises upon which the sign is or will be erected.

(b) Detail drawings showing the dimensions, materials, and construction of the sign, its supporting members, and the foundation or anchorage thereof.

(c) A tabulation or diagram of all loads and stresses.

(d) Plans for illuminated signs projecting beyond the street line shall be accompanied by a statement from the department of buildings indicating that such department has received an application from a licensed electrician for inspection of such signs.

*\*\*\*Local Law 59-1996.*

**§[C26-115.3] 27-179 Exemptions from permit requirements.-**

Sign permits shall not be required where the sign is:

(a) Painted directly on the exterior wall surface of a building or on the surface of a fence.

(b) A wall sign of not more than six square feet in area.

(c) A sign erected by employees of a city or other governmental agency, including traffic and other similar signs.

(d) A ground sign advertising the sale or rental of the premises on which it is erected, provided the sign does not exceed twelve square feet in area.

(e) A temporary sign erected during construction work and related thereto.

(f) A temporary sign for special decorative display use for holidays, public demonstrations, or the promotion of civic, welfare or charitable purposes, except that signs that utilize streets or cross streets shall be subject to the requirements of the department of highways.

**ARTICLE 17 APPLICATIONS FOR EQUIPMENT WORK PERMITS**

**\*\*§[C26-116.1] 27-180 When equipment work permits required.-** Except as provided in section 27-184 of this article, equipment work permits shall be required for the installation or alteration of the following types of service equipment:

(a) Air conditioning and ventilating systems.

(b) Elevators, escalators, moving walks, and stairways, dumbwaiters, etc.

(c) Fuel burning and fuel oil storage equipment.

(d) Refrigerating systems.

(e) Heating systems.

(f) Boilers.

(g) Fire suppression piping systems.

*\*\*Local Law 107-1993.*

**§[C26-116.2] 27-181 Application requirements.-** All such applications shall be subject to the applicable requirements of article ten and section 27-156 of this subchapter, and to the applicable requirements of article nine, subdivision (c) of section 27-157 and sections 27-158

and 27-159 of this subchapter whenever plans are required to be submitted in connection with such applications.

**\*§[C26-116.3] 27-182 Plans required.-** Except as provided in section 27-183 and section 27-184.1 applications for equipment work permits shall be accompanied by plans in the following cases and in accordance with the following requirements:

*\*Local Law 6-1997.*

**(a) Air conditioning and ventilating systems.-** Plans for air conditioning and ventilating systems shall contain at least the following data and information:

(1) The location and sizes of all ducts; the location of all fire dampers, motors, fans, and filters; the type, air capacity, and size of all equipment; and where the plans are not accompanied by structural plans, the operating weight and manner of support of all equipment weighing in excess of one thousand pounds.

(2) The locations of smoke detecting devices.

(3) The location and size of the fresh air intake, the design population, and the index for ventilation for each room or space.

(4) The amount of air to be exhausted or supplied from each outlet for each room or space.

In the case of ventilating or exhaust systems for ranges, fryers, ovens, and other similar types of restaurant or bakery equipment, for which a hood is required, the plans shall also show the type of extinguishing system, the location of heat detection devices, nozzles, piping, gas controls, manual and automatic control valves, method of joining ducts, method and location of discharging exhaust from building, the location of break-glass controls, and the quantity in cfm designed for each hood.

**(b) Elevators, etc.-** Plans for elevators, escalators, moving walks and stairways, dumbwaiters, and similar equipment shall contain at least the following data and information.

(1) The location of all machinery, switchboards, junction boxes, and reaction points, with loads indicated.

(2) The details of all hoistway conditions including bracket spacing.

(3) The estimated maximum vertical forces on the guide rails on application of the safety device.

(4) In the case of freight elevators for class B or C loading, the horizontal forces on the guide-rail faces during loading and unloading; and the estimated maximum horizontal forces in a post wise direction on the guide-rail faces on application of the safety device.

(5) The size and weight per foot of any rail reinforcements where provided.

**(c) Fuel-burning and fuel-oil storage equipment.**-Plans for fuel-burning equipment and fuel-oil storage equipment shall contain at least the following data and information:

- (1) The kind or grade of fuel to be used.
- (2) The location, arrangement, size, load, and maximum capacity of the burning, storage and fuel-pumping equipment.
- (3) The method or means of providing air to the equipment space, showing duct and opening sizes.
- (4) The location, size, and materials for all breechings; the height and size of all chimneys and gas vents; the thickness and type of all insulation materials; and the clearances from combustible walls, partitions, and ceilings.
- (5) Diagrams of all piping, including vent and fill piping for oil systems, and all safety cut-off and relief devices and valves in piping.

(6) Where the alteration or replacement of parts for a fuel-oil burning installation does not affect the size of the combustion chamber, the atomization of the fuel, the grade of fuel used, or the maximum capacity of the system, a descriptive statement of the proposed work may be submitted in lieu of plans.

**(d) Refrigerating systems.**- Plans for refrigerating systems shall contain at least the following data and information:

- (1) The location of all machinery; the horsepower of compressors; the type and number of pounds of refrigerant to be used; and the air quantities for, and means of, ventilating the machinery space.
- (2) The location of emergency switches for compressors and for ventilation in the machinery rooms.
- (3) The location of pressure relief piping and any city water connections and water-saving devices.
- (4) The tonnage capacity of the machine and the suction and discharge pressures at which the machine is rated.
- (5) The operating weight of the equipment.

**(e) Heating systems.**- Plans for heating systems shall contain at least the following data and information:

- (1) The temperature to be maintained in every room.
- (2) The amount of heat in btu per hour to be provided in every room, and the output capacity in btu per hour of the central heat sources.

**(f) Boilers.**- Plans for boiler installations and boiler alterations shall contain at least the following data and information:

- (1) The btu per hour output capacity and operating weight of each boiler; and the pressure setting of the relief valves.
- (2) Such other data and information as are required to be contained on plans for fuel-burning equipment, as hereinabove provided.

**\*\*(g) Fire suppression piping systems.** - All applications shall include a plot plan to scale indicating the location of the system in relation to the rest of the building.

**(1) Standpipe systems.** Plans for standpipe systems shall contain at least the following data and information:

(a) The location and size of all risers, cross-connections, hose racks, valves, siamese connections, sources of water supply, piping, and other essential features of the system.

(b) A floor plan for floors that have typical riser locations and no special features within the floor level, with the title of this plan indicating clearly the floors to which the arrangement is applicable.

(c) A riser diagram showing the essential features of the system and indicating the risers, cross-connections, valves, siamese connections, tanks, pumps, sources of water supply, pipe sizes, capacities, floor heights, zone pressures, and other essential data and features of the system.

(d) The available water pressure at the top and bottom floors of each zone, and at each floor where the weight pipe fittings change, shall be shown on the riser diagram. For street pressure-fed systems and fire pumps, a statement from the department of environmental protection, giving the minimum water pressure in the main serving the building, shall be supplied.

**\*\*(2) Sprinkler systems.** Plans for sprinkler systems, whether automatic or non-automatic, shall contain at least the following data and information:

(e) The location and size of water supplies and the location, spacing, number, and type of sprinklers to be used, with approximate location and size of all feed mains, risers, valves, siamese connections, and other essential features of the system.

(f) A diagram showing the proposed sprinkler system in relation to principal construction features of the building, such as its size, walls, columns, and partitions; and such other information as may be necessary for the evaluation of the system.

(g) The location, number, and type of any electrical or automatic devices to be used in the system.

(h) The available water pressure at the top and bottom floors of each zone shall be shown on the riser diagram. For street pressure-fed systems and fire pumps, a statement from the department of environmental protection, giving the minimum water pressure in the main serving the building, shall be supplied.

**\*\*(3) Other fire suppression piping systems.** Plans for chemical or gaseous fire suppression piping systems shall contain at least the following data and information.

(a) Type, model number and location of all surface, plenum and duct nozzles; the type, location and surface dimensions of all cooking appliances; the location and type of the automatic fuel shut-off and

statement as to type (gas or electric); location and distance of the remote control or manual pull station.

(a) A statement that board of standards and appeals or department approved grease filters are to be used in any kitchen hood; the dimensions of all hoods and all related ducts.

(b) The brand name, model and board of standards and appeals or department approval number of the fire suppression piping system; the type of extinguishing agent and number and size of agent containers; size, length, and type of all piping that will be used; number and location of all fusible links or detectors and the temperature setting; type, model number and location of all surface, plenum and duct nozzles.

(c) For halon systems, the plan should also include type and concentration of the halon, the method of providing power supply to smoke or heat detectors; if reserve supply is being provided, fire rating of partitions and if the area involved is sprinklered, location of all audible/visible alarms within and outside the location involved and the details of construction of the room to contain the halon.

*\*\*Local Law 107-1993.*

**§[C26-116.4] 27-183 Exemptions from plan requirements.**- The submission of plans shall not be required in connection with applications for permits to install or alter fuel-burning and fuel-oil storage equipment under any of the following conditions. However, the commissioner may require the filing of sketches showing compliance with the provisions of this code.

(a) The equipment is to be used for heating a one- or two-family dwelling.

(b) The equipment is fed by gas fuel and is not used with an incinerator.

(c) The capacity of the equipment does not exceed three hundred fifty thousand btu per hour and the capacity of each of the oil storage tanks for the equipment does not exceed two hundred seventy-five gallons, unless the tanks are buried, or are in a multiple dwelling, or in a building adjacent to the line of a subway, or are located above the lowest story of a building, or unless the fuel-burning equipment is located above the lowest story of a building.

**§[C26-116.5] 27-184 Exemptions from permit requirement.**- An equipment work permit shall not be required in any of the following cases:

(a) Air-conditioning and ventilating systems.- Where the system is a voluntary system serving only one floor of a building and:

(1) Does not use lot line windows for the intake or exhaust of air or the mounting of equipment.

(2) Is not installed in any public hallway, passageway, or stairway.

(3) Does not in any way reduce the ventilation of any room or space below that required by code provisions.

(4) Does not penetrate any fire division, roof, floor, or wall (except that a packaged air-conditioning unit not exceeding 3 tons rated capacity may be used in windows or in sleeves under windows, provided that health, fire and/or structural safety is not thereby impaired).

(b) Elevators, etc.- Where the equipment consists of a portable elevating device used only for handling materials and located and operated entirely within one story.

(c) Fuel-burning and fuel-oil storage equipment.- Where the equipment consists of any of the following:

(1) Portable fuel-burning equipment that does not require a chimney or vent connection.

(2) Portable heaters used in construction work.

(3) Oil-fired heaters having a fuel-storage capacity of 6 gallons or less (except that internal combustion engines of any size shall require a permit).

(d) Refrigerating systems.- Where the system:

\*\*\*  
(1) Has a capacity of twenty-five tons or less and uses a Group A1 refrigerant.

(2) Is to be installed in a vehicle, railroad car, or vessel.

(3) Uses water or air as the refrigerant.

(e) Hot water boilers and steam boilers operating at a gauge pressure of not more than fifteen pounds per square inch located in dwellings occupied by less than six families.

*\*\*Local Law 32-2004.*

**\*§ 27-184.1 Alteration and repair slip. -**

(a) An application for an equipment work permit for work on an existing combined standpipe or sprinkler system may be treated as an application for an alteration and repair slip where the total cost of the proposed work within the building, as certified by the permit applicant, does not exceed ten thousand dollars in any twelve month period and the proposed work consists of any of the following:

(1) Replacement of parts required for the operation of a combined standpipe or sprinkler system. In the event of emergency an application for an alteration and repair slip must be filed within twenty-four hours after the commencement of the repairs.

(2) Replacement of sprinkler heads. Provided that orifice sizes, type and deflector position remain the same.

(3) Changes that do not alter the type of sprinkler system.

(4) Relocation of piping that does not effect the operation of the sprinkler system.

(5) Rearrangement of not more than twenty sprinkler heads in areas presently sprinklered in light hazard occupancy which will remain light hazard

occupancy, provided that the addition of sprinkler heads in existing systems shall be limited to light hazard occupancy in rooms or spaces not exceeding eight hundred square feet requiring only one head with the maximum spacing allowed by the code, and provided that the number of new heads does not exceed a total of five.

(6) Relocation of combined fire standpipe auxiliary hose sources and cabinets within ten feet of their original location, provided that the existing covered area is not affected and provided that such relocation complies with subchapter seventeen and reference standard RS 17-1.

(b) Notwithstanding any inconsistent provision of this section, an application for an equipment work permit for work on an existing combined standpipe or sprinkler system may not be treated as an application for an alteration and repair slip for any alteration of primary or auxiliary water supplies.

(c) Upon the approval of the application an alteration and repair slip shall be issued in lieu of an equipment work permit, with the same force and effect as if an equipment work permit had been issued.

(d) The submission of plans shall not be required for an alteration and repair slip.

*\*Local Law 6-1997.*

## ARTICLE 18 APPLICATIONS FOR EQUIPMENT USE PERMITS

**§[C26-117.1] 27-185 When equipment use permits required.**- Equipment use permits shall be required for the use and operation of the following types of service equipment:

- (a) Air-conditioning and ventilating systems.
- (b) Elevators, escalators, moving walks and stairways, dumbwaiters, etc.
- (c) Fuel-burning and fuel-oil storage equipment.
- (d) Refrigeration systems.
- (e) Heating systems.
- (f) Boilers.

**§[C26-117.2] 27-186 Application requirements.**- All applications for equipment use permits shall be subject to the requirements of article ten of this subchapter.

**§[C26-117.3] 27-187 Inspections and tests.**- No equipment use permit shall be issued unless and until the equipment shall have been inspected and tested to determine proper functioning and compliance with the provisions of this code and other applicable laws and regulations. All inspections and tests shall be conducted in accordance with required inspection and test procedures; and signed copies of all required inspection and test reports shall be filed with the department and form part of the papers accompanying the permit application. In the case of heating systems, a signed statement by an architect or engineer shall be submitted with the permit application, stating that the system has been operated and

functions satisfactorily and that, to the best of his or her knowledge and belief, the system will meet code temperature requirements.

**§[C26-117.4] 27-188 Temporary use permit.**- The commissioner may, upon request, issue a temporary use permit authorizing partial use and operation of the equipment prior to completion of the installation or alteration work, provided that such partial use and operation may be made safely and without endangering public health, safety and welfare, and further provided that such temporary use permit shall not be issued for a period of more than thirty calendar days, subject to renewal for additional thirty-day periods at the discretion of the commissioner. All temporary use permits shall be required to be posted in a conspicuous location in or near the equipment covered by the permit, and shall state the nature and extent of the partial use and operation permitted and indicate clearly that full use and operation of the equipment is not permitted.

**§[C26-117.5] 27-189 Exemptions from equipment use permit requirement.**- No equipment use permit shall be required for equipment exempted from the requirement of an equipment work permit under section 27-184 of article seventeen of this subchapter; nor shall an equipment use permit be required for the use and operation of equipment specifically exempted under the provisions of subchapters thirteen and fourteen of this chapter.

**§[C26-117.6] 27-190 Duration and renewal of permit.**- Equipment use permits shall be of indefinite duration, subject to the provisions of section 27-196 of article nineteen of this subchapter, except that permits for the use and operation of elevators and similar equipment and boilers shall be limited to a term of one year from the date of issuance of the permit, subject to annual renewal upon application and proof of compliance with the requirements for periodic inspections as prescribed in subchapters fourteen and eighteen of this chapter. Applications for renewal of such permits shall be submitted on forms furnished by the department, not later than thirty calendar days prior to the expiration date of the permit, accompanied by the required fee; and late applications for renewal shall be subject to the payment of an additional fee of one (1) dollar.

## ARTICLE 19 ISSUANCE OF PERMITS

**§[C26-118.1] 27-191 Approval of permit application.**-All applications for permits and any accompanying plans and papers, including any amendments thereto, shall be examined promptly after their submission for compliance with the

provisions of this code and other applicable laws and regulations. Except as otherwise provided in section 27-198 of this article, applications complying with the provisions of this code and other applicable laws and regulations shall be approved by the commissioner and the permit issued promptly and not later than forty calendar days after the submission thereof, and applications failing to comply with the requirements of this code and other applicable laws and regulations shall be rejected and written notice of rejection, stating the grounds of rejection, shall be given the applicant promptly and not later than forty calendar days after the submission thereof, except that on or before the fortieth day, the commissioner may on good cause shown, and upon notification to the applicant, extend such time for an additional twenty days. Whenever a permit application has been rejected and is thereafter revised and resubmitted to meet stated grounds of rejection, the revised application shall be approved if it meets the stated grounds of rejection, or shall be rejected if it fails to meet the stated grounds of rejection; and the permit shall be issued or written notice of rejection, stating the grounds of rejection, shall be given the applicant promptly and not later than 20 calendar days after the resubmission thereof.

**§[C26-118.2] 27-192 Approval of application in part.-** The commissioner may approve the application and issue a permit for construction of part of a building, including foundations, before complete plans and specifications for the entire building have been submitted and approved, provided that adequate information and detailed plans or statements have been submitted complying with the provisions of this code and any other applicable laws and regulations, and provided further that the holder of such permit shall proceed with the building operation at his or her own risk and without assurance that a permit for construction of the entire building will thereafter be issued.

**§[C26-118.3] 27-193 Signature to permit.-** Every permit issued by the commissioner shall have his or her signature affixed thereto; but the commissioner may authorize any subordinate to affix such signature.

**§[C26-118.4] 27-194 Posting of permit.-** A permit card bearing the permit number, application number, location of the premises or equipment for which the permit is issued, and such other information as the commissioner may determine, shall be furnished the applicant in connection with the issuance of the permit; and such permit card shall be posted in a conspicuous place at such location open to public inspection during the entire time of the prosecution of the work or the use and operation of the equipment, or until the expiration of the permit. No such permit card shall be posted or displayed at any

location other than the location of the premises or equipment for which the permit was issued.

**§[C26-118.5] 27-195 Notice of commencement of work.-** At least twenty-four hours written notice shall be given to the commissioner before the commencement of any work for which a permit has been issued. Before any work is commenced on an item of construction requiring controlled inspection, all persons responsible for such controlled inspection shall be notified in writing at least seventy-two hours prior to such commencement.

**\*§[C26-118.6] 27-196 Expiration of permit.-** Except as otherwise provided in section 27-190 of article eighteen of this subchapter, all permits issued by the commissioner shall expire by limitation and become invalid if the permitted work or use is not commenced within twelve months from the date of issuance of the permit or, if commenced, is suspended or abandoned for a period of twelve months thereafter. All permits for work in a special flood hazard area as delineated in reference standard RS4-4 shall expire if the actual start of permanent construction has not occurred within one hundred eighty-eight days of the date on which such permit is issued. The commissioner may, however, upon good cause shown, reinstate a work permit at any time within a period of two years from the date of issuance of the original permit, provided that the work shall comply with all the requirements of this code and other applicable laws and regulations in effect at the time application for reinstatement is made, and provided further that the applicant shall pay a renewal fee in accordance with section 26-211 of the code.

*\*Local Law 38-1990; Local Law 33-1988.*

**\*\*§[C26-118.7] 27-197 Revocation of permit.-** The commissioner may, on notice to the applicant, revoke any permit for failure to comply with the provisions of this code or other applicable laws and regulations; or whenever there has been any false statement or any misrepresentation as to a material fact in the application or accompanying plans and papers upon the basis of which the permit was issued; or whenever any permit has been issued in error and conditions are such that a permit should not have been issued. Such notice shall inform the applicant that he or she shall have the right to present to the commissioner or his or her representative within five business days or personal service or ten days of the posting of service by mail information as to why the permit should not be revoked. The commissioner may suspend a permit immediately when the commissioner has determined that an imminent peril to life or property exists and shall at the same time notify the applicant that the permit shall be revoked

and that the applicant has the right to present to the commissioner or his or her representative within five business days of personal service or ten days of the posting of service by mail information as to why the permit should not be revoked.

*\*\*Local Law 11-1988.*

**§[C26-118.8] 27-198 Approval of plans and permit applications for alteration or demolition of single room occupancy multiple dwellings.-**

a. For the purposes of this section "single room occupancy multiple dwelling" means either a class A multiple dwelling used in whole or in part as a rooming house or furnished room house or for single room occupancy pursuant to section two hundred forty-eight of the multiple dwelling law or containing rooming units, as such term is defined in section 27-2004 of the housing maintenance code or a class B multiple dwelling. Notwithstanding the foregoing provision, the term "single room occupancy multiple dwelling" shall not include:

- (1) college or school dormitories;
- (2) clubhouses;

(3) luxury hotels, as such term is defined by the commissioner of housing preservation and development;

(4) residences whose occupancy is restricted to an institutional use such as housing intended for use primarily or exclusively by the employees of a single company or institution;

- (5) city-owned multiple dwellings;

(6) any multiple dwelling containing fewer than nine class B dwelling units used for single room occupancy unless the total number of such units is more than fifty percent of the total number of dwelling units in such multiple dwelling; and

- (7) any class A or class B multiple dwelling which is

(a) The subject of a program approved by the commissioner of housing preservation and development and related to the rehabilitation and preservation of single room occupancy multiple dwellings other than a program of tax abatement or tax exemption including, but not limited to, programs of tax abatement or tax exemption authorized by subchapter two of chapter two of title eleven of the administrative code or section four hundred twenty-one-a of the real property tax law, and

(b) exempted from the provisions of this section by such commissioner.

b. (1) The commissioner shall not approve any plans pursuant to article nine of this subchapter, issue an alteration permit pursuant to article twelve of this subchapter or a demolition permit pursuant to article fourteen of this subchapter for a single room occupancy multiple dwelling:

(a) for the alteration of such dwelling to a class A multiple dwelling to be used in whole or in part for other than single room occupancy purposes or for the demolition of such dwelling, or

(b) with respect to the addition or removal of kitchen or bathroom facilities in such multiple dwelling or such other types of alteration work as shall be prescribed by regulation of the commissioner of housing preservation and development, in consultation with the commissioner, unless

(i) the commissioner of housing preservation and development has certified that there has been no harassment of the lawful occupants of such multiple dwelling within the thirty-six month period prior to the date of the submission of an application for a certification of no harassment or has issued a waiver of such certification,

(ii) the applicant has submitted a sworn statement by or on behalf of all the owners, as such term is defined in paragraph forty-five of subdivision a of section 27-2004 of the housing maintenance code, of such multiple dwelling that there will be no harassment of the lawful occupants of such multiple dwelling by or on behalf of such owners during the construction period, and

(iii) the applicant has submitted a plan which provides for the safety and health of the occupants thereof during the construction period.

(2) Notwithstanding the foregoing provisions, if within the thirty-six month period prior to the date of the submission of an application for a certification of no harassment to the commissioner of housing preservation and development, title to a single room occupancy multiple dwelling was vested in the city, the period of time for which the commissioner of housing preservation and development shall certify whether there has been no harassment of the lawful occupants of such multiple dwelling shall commence from the date on which the title to such property was no longer vested in the city.

(3) An applicant for such plan approval, alteration or demolition permit shall forward a copy of such application to the commissioner of housing preservation and development, together with an application for a certification of no harassment pursuant to section 27-2093 of the housing maintenance code.

(4) The time period in which the commissioner is required to approve or reject an application, or resubmission thereof, for such plan approval or alteration permit pursuant to section 27-144 or 27-191 of this subchapter shall commence from the date that the commissioner receives either such certification or a waiver thereof, or notice of the denial of such certification or waiver thereof from the commissioner of housing preservation and development and such sworn statement and plan.

(5) Where the commissioner of housing preservation and development denies the certification required by this section the commissioner shall reject

the application for such plan approval, alteration permit or demolition permit.

(6) The commissioner shall be empowered to issue a stop-work notice and order with respect to an alteration or demolition permit or rescind such plan approval, alteration or demolition permit at the request of the commissioner of housing preservation and development pursuant to section 27-2093 of the housing maintenance code.

(7) Where the commissioner rejects an application for such plan approval, alteration or demolition permit pursuant to paragraph five of this subdivision or where the commissioner rescinds such plan approval, alteration or demolition permit pursuant to paragraph six of this subdivision, no further application for plan approval, an alteration or demolition permit, for the purposes described in subdivision b of this section, with respect to the alteration or demolition of such multiple dwelling shall be considered by the commissioner for a period of thirty-six months following the date of the denial of the certification of no harassment by the commissioner of housing preservation and development or the date of the rescission of such certification of no harassment by such commissioner.

(8) The provisions of this subdivision shall not apply to repairs, demolition or any other work performed by a city agency or by a contractor pursuant to a contract with a city agency.

\* (9) The commissioner shall not approve any plans or issue any permits based upon a certification of no harassment issued prior to February second, nineteen hundred eighty-seven unless the commissioner of housing preservation and development issues a supplemental certification that there is no reasonable cause to believe that there has been harassment at the multiple dwelling during the period of time from the date of the issuance of the original certification of no harassment to the date of the application for such a supplemental certification. If the commissioner of housing preservation and development finds that there is reasonable cause to believe that harassment has occurred during such period of time he or she shall suspend the original certification of no harassment pursuant to paragraphs two and three of subdivision f of section 27-2093 of the code.

*\*Local Law 9-1987; Local Law 59-1985, language juxtaposed per Ch. 907-1985.*

**\*\*[C26-118.9] 27-198.1 Approval of plans and permit applications where an asbestos project is performed.-**

a. The commissioner shall not approve any plans pursuant to article nine of this subchapter except plans for the construction of new buildings unless an asbestos investigator has certified that work to be performed will not constitute an asbestos project or the applicant submits with the application for approval of plans an asbestos inspection report completed in accordance with the provisions of section 24-146.1 of subchapter six of chapter one of title twenty-four of the code.

b. Where the commissioner of environmental protection has by regulation required that, in connection with other work for which a permit but not plans is required under this chapter, that an asbestos investigator certify that the work to be performed will not constitute an asbestos project or that an asbestos inspection report be completed in accordance with the provisions of section 24-146.1 of subchapter six of chapter one of title twenty-four of the code, the commissioner shall not issue such permit unless such certification or such report is submitted in connection with the application for such permit.

c. Where the commissioner of environmental protection has by regulation required that, in connection with work for which an alteration permit or demolition permit is required under this chapter, that an asbestos investigator certify that the work to be performed will not constitute an asbestos project or that the applicant submit with the application for such permit proof that an asbestos removal plan has been approved by the commissioner of environmental protection in accordance with the provisions of section 24-146.1 of subchapter six of chapter one of title twenty-four of the code, the commissioner shall not issue such permit unless such certification or proof of such approval has been submitted in connection therewith.

d. The commissioner shall not issue any permit under this chapter for work which constitutes an asbestos project and for which an asbestos inspection report is required unless the applicant at the time of application for such permit certifies on forms prescribed by the commissioner of environmental protection that he or she is familiar with federal, state and local laws and regulations applicable to asbestos related work.

e. Whenever proof of approval of an asbestos removal plan is required for plan or permit approval, any requirement for the submission of an asbestos inspection report shall be deemed waived.

f. For purposes of this section, the terms "asbestos", "asbestos inspection report", "asbestos investigator", "asbestos project" and "asbestos removal plan", shall have the meanings as are ascribed in section 24-146.1 of subchapter six of chapter one of title twenty-four of the code.

*\*\*Local Law 80-1986. Not applicable to plans submitted prior to April 1, 1987 or amendments or revisions to such plans submitted prior to March 31, 1988; Local Law 76-1985, language juxtaposed per Ch. 907-1985.*

**\*[C26-118.10] 27-198.2 Conversion, alteration and demolition of single room occupancy multiple dwellings prohibited.-**

a. Except as otherwise provided in this section and notwithstanding any other provision of law to the contrary, no single room occupancy dwelling unit or

units or portions thereof (i) shall be altered for or converted to use as apartments, whether such alteration or conversion is effected with or without physical alterations, or (ii) shall be altered for or converted to use other than as single room occupancy dwelling units, whether such alteration or conversion is effected with or without physical alterations, or (iii) shall be altered to add either kitchens or bathrooms if such units lacked either of such facilities as of January ninth, nineteen hundred eighty-five or to remove such facilities. No single room occupancy multiple dwelling shall be altered to reduce the number of single room occupancy dwelling units and no single room occupancy multiple dwelling shall be demolished. No single room occupancy multiple dwelling shall be altered to remove kitchens or bathroom facilities which are used for any single room occupancy dwelling unit.

b. 1. For the purposes of this section the term "single room occupancy multiple dwelling" means a multiple dwelling which is either (i) a class A multiple dwelling which is either used in whole or in part for single room occupancy or as a rooming house or furnished room house pursuant to section two hundred forty-eight of the multiple dwelling law or which contains rooming units or (ii) a class B multiple dwelling including, without limitation, hotels, lodging houses, rooming houses, boarding houses and furnished room houses. Notwithstanding the foregoing provision, the term "single room occupancy multiple dwelling" shall not include:

(a) any multiple dwelling which had a certificate of occupancy as a college or school dormitory on January ninth, nineteen hundred eighty-five or if the dwelling had no certificate of occupancy was lawfully used as a college or school dormitory on such date;

(b) any multiple dwelling which had a certificate of occupancy as a clubhouse on January ninth, nineteen hundred eighty-five or if the dwelling had no certificate of occupancy was lawfully used as a clubhouse on such date;

(c) any multiple dwelling which was a residence whose occupancy was restricted to an institutional use such as housing intended for use primarily or exclusively by the employees of a single company or institution on January ninth, nineteen hundred eighty-five;

(d) multiple dwellings owned by the city, the state, or any political subdivision thereof;

(e) hotels in which the rent on October first, nineteen hundred eighty-four, exclusive of governmentally assisted rental payments, charged for seventy-five percent or more of the total number of occupied individual dwelling units was more than fifty-five dollars per day for each unit rented on a daily basis, or more than two hundred fifty dollars per week for each unit rented on a weekly basis or more than eight hundred fifty dollars per month for each unit rented on a monthly basis;

(f) any class A or class B multiple dwelling in which, on January ninth, nineteen hundred eighty-five, either less

than five dwelling units were rooming units or dwelling units other than apartments or less than ten percent of the total number of dwelling units were rooming units or dwelling units other than apartments;

(g) any class A or class B multiple dwelling which is (a) the subject of a project or program related to the rehabilitation and preservation of single room occupancy multiple dwellings approved by the commissioner of housing preservation and development other than a program of tax abatement or tax exemption including, but not limited to, programs of tax abatement or tax exemption authorized by subchapter two of chapter two of title eleven of the code or section four hundred twenty-one-a of the real property tax law, and (b) exempted from the provisions of this section by such commissioner;

(h) any wood-frame multiple dwelling.

(i) any hotel in which during the twelve month period commencing on January first, nineteen hundred eighty-four ninety percent or more of the dwelling units were occupied for less than thirty consecutive days by any one occupant and in which there are no dwelling units subject to regulation pursuant to the rent stabilization law of nineteen hundred sixty-nine, as amended, provided however that this provision shall not apply unless an application for exemption is filed with the department of housing preservation and development in such form and containing such information as the department shall prescribe on or before April thirtieth, nineteen hundred eighty-seven.

2. The status of a vacant building as a single room occupancy multiple dwelling shall be determined by its last legal use prior to vacancy.

3. For the purposes of this section the term "single room occupancy dwelling unit" means a dwelling unit, other than an apartment, in a single room occupancy multiple dwelling.

4. For the purposes of this section the terms "apartment", "dwelling unit", "owner" and "rooming unit" shall be as defined in the housing maintenance code.

c. 1. The commissioner shall not approve any plans pursuant to article nine of this subchapter, issue an alteration permit pursuant to article twelve of this subchapter or a demolition permit pursuant to article fourteen of this subchapter for a single room occupancy multiple dwelling:

(a) for the alteration of such dwelling to a class A multiple dwelling to be used in whole or in part for other than single room occupancy purposes or for the demolition of such dwelling, or

(b) with respect to the addition or removal of kitchen or bathroom facilities in such multiple

dwelling prohibited pursuant to subdivision a of this section, or

(c) with respect to any other alterations or other work prohibited pursuant to subdivision a of this section.

2. Except as provided in paragraph three of this subdivision, the department shall revoke any such permit or approval granted on or after January ninth, nineteen hundred eighty-five.

3. If demolition of a single room occupancy multiple dwelling has been completed pursuant to a permit issued on or after January ninth, nineteen hundred eighty-five and prior to August fifth, nineteen hundred eighty-five, the department shall not issue a permit for new construction on the site of such demolished dwelling and shall revoke any such permit for new construction issued on or after January ninth, nineteen hundred eighty-five unless the owner makes the payment or provides for replacement units pursuant to subparagraph (a) of paragraph (4) of subdivision d of this section for each single room occupancy dwelling unit which was demolished.

4. The provisions of this section shall not apply to work done pursuant to any permit issued by the department prior to January ninth, nineteen hundred eighty-five.

a. The provisions of subdivisions a and c shall not apply to a single room occupancy multiple dwelling if:

1. (a) such multiple dwelling had twenty-four or fewer dwelling units on January ninth, nineteen hundred eighty-five and

(i) on January first, nineteen hundred eighty-three and on January ninth, nineteen hundred eighty-five had seven or fewer occupied single room occupancy dwelling units, excluding any owner occupied single room occupancy dwelling units; or

(ii) an individual owner with at least a fifty percent fee interest in the multiple dwelling establishes to the satisfaction of the commissioner of the department of housing preservation and development prior to the issuance of any permit by the department of buildings for work which would otherwise be prohibited pursuant to subdivisions a and c of this section that he or she intends to occupy such premises as his or her primary residence for a period of not less than three years after completion of such work; and

(iii) an application to establish an exemption pursuant to this subparagraph is submitted to the department of housing preservation and development and such application is approved by the department; or

(b) such multiple dwelling had twenty-five or more dwelling units on January ninth, nineteen hundred eighty-five and the residential portion of such dwelling has been continuously vacant since January first, nineteen hundred eighty-three, an application to establish an exemption pursuant to this subparagraph is submitted to the department of housing preservation and development on or before May twenty-ninth, nineteen hundred eighty-

seven and such application is approved by such department; or

2. such multiple dwelling is within an area for which the department of city planning has issued a special permit prior to January ninth, nineteen hundred eighty-five which was conditioned upon a commitment by the developer to provide dwelling units as set forth in such special permit to replace the single room occupancy dwelling units which are lost; or

3. such multiple dwelling is determined by the department or by the fire department to be an unsafe building and the department determines there is no alternative to demolition; or

4. (a) (i) Prior to the issuance of a permit for work which would otherwise be prohibited pursuant to subdivisions a and c of this section, the owner of such single room occupancy multiple dwelling complies with the provisions of §27-198.3 of this code and further provides for the replacement of the single room occupancy dwelling units which would be altered, converted or demolished by paying, to the single room occupancy housing development fund company established pursuant to subdivision i of this section for each dwelling unit which would be altered, converted or demolished as a result of the work, forty-five thousand dollars or such other amount which the commissioner of housing preservation and development determines by regulation would equal the cost of creating a dwelling unit, other than an apartment, to replace such single room occupancy dwelling unit. No such regulation shall be promulgated before January first, nineteen hundred eighty-eight provided, however, that on and after such date such regulation shall be promulgated where the commissioner determines that the cost of creating such a dwelling unit, exceeds forty-five thousand dollars. Each regulation shall indicate the manner in which the cost of creating such a dwelling unit was determined. Notwithstanding the foregoing, where fifty percent or more of the dwelling units of such multiple dwelling are occupied as of January twentieth, nineteen hundred eighty-seven, the owner of such multiple dwelling shall be required to provide for replacement units pursuant to clause (ii) of this subparagraph for such units occupied as of such date; or

(ii) Prior to the issuance of a permit for work which would otherwise be prohibited pursuant to subdivisions a and c of this section, the owner replaces the single room occupancy dwelling units which would be altered, converted or demolished as a result of such work elsewhere within the city by providing dwelling units affordable to persons of low and moderate income, under a plan approved by such commissioner which complies with the provisions of §27-198.3 of this code. "Replacement" shall include but not be limited to the acquisition of an existing

multiple dwelling or the creation of such dwelling units either by the construction of a new multiple dwelling or the substantial rehabilitation of an existing multiple dwelling. "Multiple dwelling" shall include but not be limited to a "single room occupancy multiple dwelling". In the event that an existing multiple dwelling is acquired for the purpose of providing replacement units, such multiple dwelling shall be located in the same or adjacent community board in which the single room occupancy multiple dwelling which is to be altered, converted or demolished is located. Where a replacement Plan is submitted to such commissioner, the commissioner shall give notice to the council member and community board for the community district in which the dwelling units to be provided pursuant to such plan are to be located. Such plan shall provide either for the sale or net lease of the multiple dwelling containing such dwelling units to a not-for-profit organization or for such other form of transfer of ownership, management or possession of such multiple dwelling approved by such commissioner.

(iii) Notwithstanding the provisions of item (i) or (ii) of this subparagraph, upon the submission of an application for a permit for such work an owner shall make an application for a certification of no harassment or supplemental certification of no harassment pursuant to the provisions of section 27-2093 of this code and if such application is denied by the commissioner of housing preservation and development or a certification is granted and thereafter revoked and the basis for such denial or revocation is predicated in whole or in part on a determination by such commissioner that harassment occurred at such multiple dwelling after January ninth, nineteen hundred eighty-five, no permit shall be issued on the basis of any payment made pursuant to item (i) or the provision of dwelling units pursuant to item (ii) and such owner shall be subject to the provisions of section 27-2151 of this code and subdivisions a and c of this section. In addition, the sanctions provided by section 27-198 shall apply and no permit shall be issued for a period of two years following the expiration of the sanction period set forth in section 27-198 unless the owner, prior to the issuance of such permit, makes a payment of twice the amount required by item (i) or provides for twice the number of replacement units required by item (ii) for each single room occupancy dwelling unit which would be demolished, altered or converted as a result of the issuance of such permit. Any payment made or replacement units provided prior to such denial or revocation shall be credited against such required amount or units.

(b) The amount of the payment required to be made or the number of dwelling units required to be provided pursuant to subparagraph (a) of this paragraph may be reduced in whole or in part by the commissioner of housing preservation and development if such commissioner determines that the owner has established:

(i) that there is no reasonable possibility that such owner can make a reasonable rate of return unless the property is

altered or converted in a manner prohibited by subdivisions a and c of this section or demolished; and (ii) that neither the owner nor any prior owner intentionally managed the property to impair the ability to earn such return, and (iii) that the requirement that all single room occupancy dwelling units be replaced would substantially impair the feasibility of redeveloping the property for any other use. Such application shall be made to the commissioner of housing preservation and development in a form and manner and containing such information as the commissioner of housing preservation and development shall prescribe. The term "reasonable rate of return" is defined to mean a net annual return of eight and one-half percent of the assessed value of the subject property without recourse to the alteration, conversion or demolition prohibited by subdivisions a and c of this section. If the department of housing preservation and development determines that the assessed value of the subject property has increased as the result of the sale of such property, such department shall disregard the increase in the assessed value resulting from such sale to the extent that such department determines that the amount paid for the property at such sale was in excess of the fair market value of the property on the date of the sale if the property continued to be used for single room occupancy rental housing of the same type and quality after the sale. For the purpose of such determination the property shall be valued subject to the continuation of tenancies existing at the subject property immediately prior to the date of the sale. Notwithstanding the foregoing provision the commissioner shall revoke a determination reducing the payment or the number of replacement dwelling units if the denial or revocation of a certification of no harassment or supplemental certification of no harassment is predicated in whole or in part on a determination by such commissioner that harassment occurred at such multiple dwelling after January ninth, nineteen hundred eighty-five.

e. The department shall not issue a building permit to allow new construction on the site after demolition pursuant to paragraph three of subdivision d of this section unless the owner makes the payment or provides replacement units pursuant to subparagraph (a) of paragraph four of subdivision d of this section for each single room occupancy dwelling unit which is demolished, provided however that if the department of housing preservation and development determines that the conditions which necessitated or significantly contributed to the need for the demolition were not the result of violations of the housing maintenance code which resulted from intentional acts or substantial negligence of an owner or former owner or his or her agent or was the owner of record prior to January ninth, nineteen hundred eighty-five and such acts did not occur during the period of his or her ownership, the owner may

apply for a reduction of the required replacement units pursuant to subparagraph (b) of paragraph four of subdivision d of this section.

f. Notwithstanding the provisions of section 27-2077 of the code for purposes of this section, rooming units for persons of low and moderate income provided pursuant to paragraph two or four of subdivision d of this section may be created through alterations of apartment units in a class A multiple dwelling.

g.\*\* i Any person who violates the provisions of this section shall be subject to all of the remedies and penalties provided for in this title except that no civil or criminal penalties shall apply with respect to acts in violation of this section committed prior to August fifth, nineteen hundred eighty-five.

*\*\*As enacted but "I" probably intended.*

2. In addition to any other penalties set forth in this subdivision or in any other provisions of law, any person who violates the provisions of this section following August fifth, nineteen hundred eighty-five shall also be liable for a civil penalty in the amount of one hundred fifty thousand dollars for each single room occupancy dwelling unit unlawfully altered, converted or demolished.

3. An owner who falsely represents an intention to occupy a dwelling in order to obtain a permit pursuant to clause (ii) of subparagraph (a) of paragraph one of subdivision d of this section to do work which would otherwise be prohibited pursuant to subdivisions a and c of this section shall be liable for a civil penalty of fifty thousand dollars for each single room occupancy dwelling unit demolished or converted to use as apartments under such permit.

4. Such civil penalties shall be recovered by the corporation counsel in an action in any court of competent jurisdiction. A judgement recovered in such an action shall constitute a lien against the premises with respect to which the violation occurred from the time of the filing of a notice of pendency in the office of the clerk of the county in which such premises is situated. A notice of pendency may be filed at the time of the commencement of this action or at any time before final judgement or order.

5. In addition to any other penalties set forth in this subdivision or in any other provisions of law, the commissioner shall either (i) refuse to issue or shall seek to have revoked the certificate of occupancy of a dwelling which has been altered, converted or demolished after August fifth, nineteen hundred eighty-five to reduce the number of single room occupancy dwelling units in violation of this section unless the owner makes the payment or provides replacement units pursuant to subparagraph (a) of paragraph four of subdivision d of this section for each single room occupancy dwelling unit which was unlawfully altered, converted or demolished, provided, however, that such owner shall not be eligible for a reduction in such payment pursuant to subparagraph (b) of paragraph four of subdivision d of this section; or (ii) order any single

room occupancy multiple dwelling to be restored so that the number of single room occupancy dwelling units is increased up to the number of such units prior to such alteration or conversion.

h. All applications submitted pursuant to this section shall be accompanied by an affidavit of the owner attesting to the accuracy and truthfulness of the information contained therein and an application fee. The department of housing preservation and development is authorized to establish such reasonable fees as may be appropriate.

i. The commissioner of housing preservation and development shall establish a single room occupancy housing development fund company pursuant to the provisions of article eleven of the private housing finance law or such other provision of law as may be deemed appropriate by the corporation counsel. Monies paid to the company shall be used for the preservation, acquisition and development of dwelling units for persons of low and moderate income pursuant to applicable provisions of law and a preference in the occupancy of such dwelling units shall be given to individuals who are of low income, are single adults and whose last residence was in a single room occupancy multiple dwelling unit which was altered, demolished or converted. On or before June thirtieth, nineteen hundred eighty-eight and annually thereafter the company shall submit a report to the city council and to the mayor describing its activities during the preceding calendar year.

j. All civil penalties recovered pursuant to any provision of this section shall be single room occupancy housing fund development company established pursuant to subdivision i of this section.

k. The provisions of this section shall not be construed to alter, affect or amend any of the provisions of the emergency housing rent control act, the emergency tenant protection act of nineteen seventy-four or any local laws enacted pursuant thereto, the emergency housing rent control law, the rent stabilization law of nineteen hundred sixty-nine and the local hotel stabilization law of nineteen hundred sixty-nine.

1. For the purpose of this section and §27-198.3, "commissioner of housing preservation and development" may also mean such other agency or office of the city, as the mayor may direct.

*\*Local Law 9-1987. However, 27-198.2 and 27-198.3 have no force or effect pursuant to Seawall v. New York, 74 N.Y. 2d 92.*

**\*§ 27-198.3 Relocation of tenants in occupancy in certain single room occupancy multiple dwellings.-**

a. An owner who, pursuant to either clause (i) or (ii) of subparagraph (a) of paragraph four of subdivision d of section 27-198.2, seeks an exemption from the provisions of subdivisions a and c of such section, shall be required to offer tenants in

occupancy as of January twentieth, nineteen hundred eighty-seven, or thereafter, an opportunity for relocation to a comparable unit at a comparable rent and such comparable unit shall be located in the same borough in which the single room occupancy unit which is to be exempted is located. Any owner subjected to the provisions of subdivisions a and c of such section shall, on or before April first, nineteen hundred eighty-seven, submit to the commissioner of housing preservation and development a sworn statement containing a list of tenants in occupancy as of January twentieth, nineteen hundred eighty-seven. A "tenant in occupancy" shall be defined as an occupant of a dwelling unit within a single room occupancy multiple dwelling who has lawfully occupied such dwelling unit for thirty consecutive days or longer or who has entered into a lease with respect to such dwelling unit.

b. On or before April first, nineteen hundred eighty-seven, an owner of a single room occupancy multiple dwelling subject to the provisions of subdivisions a and c of section 27-198.2 of this code shall both post in a conspicuous, common area in such multiple dwelling and mail to each occupant on an annual basis thereafter and to each new occupant within ten days of occupancy, a notice, in a form approved by the commissioner of housing preservation and development, setting forth the rights of tenants in occupancy pursuant to this section and other applicable provisions of law. Such owner shall be subject to a civil penalty of one hundred dollars per day for each and every day that such owner fails to mail, or to post such notice after April first, nineteen hundred eighty-seven.

c. The commissioner of housing preservation and development shall not authorize the exemption of any single room occupancy dwelling unit from the prohibitions contained in subdivisions a and c of section 27-198.2 of this code unless the owner of such single room occupancy multiple dwelling shall submit a sworn statement to such commissioner accounting for all vacancies occurring at such multiple dwelling after January twentieth, nineteen hundred eighty-seven by submitting to such commissioner a sworn statement by each and every tenant in occupancy at such multiple dwelling, on January twentieth, nineteen hundred eighty-seven, or thereafter, who has vacated such multiple dwelling, that such tenant was advised by the owner, prior to vacating such dwelling, of his or her right to remain at such dwelling and his or her right to be offered relocation by such owner pursuant to this section. Where a vacancy has occurred at such multiple dwelling after January twentieth, nineteen hundred eighty-seven and the owner does not submit the affidavit of such tenant, the owner shall submit an affidavit to such commissioner stating either that such tenant wrongfully refused to sign such affidavit or, if the owner lacks knowledge of the cause for such vacancy, setting forth the period of such tenant's occupancy at such multiple dwelling, the date of such tenant's vacating of such multiple dwelling and the circumstances thereof. The commissioner shall have the discretion not to accept an affidavit which such

commissioner has reason to believe is substantially or materially inaccurate.

d. Where an owner, pursuant to either clause (i) or (ii) of subparagraph four of subdivision d of section 27-198.2, seeks an exemption from the provisions of subdivisions a and c of such section for single room occupancy dwelling units which had tenants in occupancy as of the date of the application for such exemption, such owner shall submit to the commissioner of housing preservation and development a relocation plan for such tenants. If such plan is approved by such commissioner, the owner shall notify such tenants, in a form approved by such commissioner, of their right to elect to accept the offer of relocation pursuant to such plan within the period of ninety days from the date of such notification. A tenant in occupancy who fails to accept such an offer within such ninety day period or rejects such offer shall be deemed to have waived his or her right to relocation pursuant to this section. Upon approval of a relocation plan by such commissioner, the commissioner, shall notify those parties who have registered with the commissioner as being interested in providing tenants in occupancy with alternative offers of relocation.

*\*Local Law 9-1987. However, 27-198.2 and 27-198.3 have no force or effect pursuant to Seawall v. New York, 74 N.Y. 2d 92.*

## ARTICLE 20 CONDITIONS OF PERMIT

**§[C26-119.1] 27-199 Payment of fees.**- No permit shall be issued unless and until the required fee or fees therefor, as prescribed in subchapter three of chapter one of title twenty-six of the administrative code shall have been paid.

**§[C26-119.2] 27-200 Compliance with code, etc.**- Permits shall be deemed to incorporate the provisions [*sic*] that the applicant, his or her agent, employees, and contractors shall carry out the permitted work or use in accordance with the provisions of this code and other applicable laws and regulations, whether specified or not, except insofar as variations therefrom have been legally permitted or authorized.

**§C26-119.3] 27-201 Compliance with application, plans, etc.**-

All work shall conform to the approved application and accompanying plans and papers, and any approved amendments thereto.

**§[C26-119.4] 27-202 Adherence to lot diagram.**- All work shall be located strictly in accordance with the approved lot diagram; and no lot or plot shall be changed, increased or diminished in area from that shown on the approved lot diagram, unless and until a revised diagram showing such changes, accompanied by the necessary statement of the owner or applicant,

shall have been submitted to and approved by the commissioner.

**§[C26-119.5] 27-203 Compliance with safety requirements.-**

All building operations shall be conducted in accordance with and subject to the safety requirements of this code and other applicable laws and regulations, including any order or requirement by the commissioner that the building under construction or alteration be vacated, in whole or in part during the progress of the work and until the issuance of a certificate of occupancy.

**\*§[C26-119.6] 27-204 Builder's pavement.-**

a. Every permit issued for the construction or alteration of any building shall contain a statement that no certificate of occupancy or letter of completion shall be issued with respect to such building unless the sidewalk in front of or abutting such building, including but not limited to the intersection quadrant for corner property, shall have been installed and paved or repaired by the owner at his or her own cost, in the manner, of the materials, and in accordance with the standard specifications prescribed by the department of transportation pursuant to sections 19-113 and 19-115 of the code except where the commissioner has determined that such sidewalk is not required, unless the owner of such premises furnishes to the department prior to the issuance of a certificate of occupancy or letter of completion security satisfactory to the department that the sidewalk will be installed and paved or repaired within the time specified by the department. Nothing contained in this subdivision shall impair or diminish the power of the commissioner to waive the requirements of this subdivision if he or she shall determine that conditions do not require the construction *[sic]* of such sidewalks, nor affect the obligations of an owner of property specified under subdivision (a) of section 19-152 of the code, or relieve such owner of any such obligations, or impair or diminish the rights of the city or its agencies to enforce such obligations.

b. No permit shall be granted for the construction or alteration of any building, unless the owner of such premises has furnished to the department a policy of liability insurance, marked paid, in such amounts as may be fixed by the department. Such policy shall insure, indemnify and save the city harmless from all claims, suits, demands, causes of action and judgments by reason of personal injuries, including death, sustained by any person and from any claims, suits, demands, causes of action and judgments for damages to property, occurring on any sidewalk on, abutting or in front of such premises, including but not limited to the intersection quadrant for corner property, up to the date of issuance of such certificate of occupancy or letter of completion or up to the date on the completion of the installation and pavement of such sidewalk in accordance with the standard specifications and regulations prescribed by the commissioner of the department of transportation pursuant to sections 19-113 and 19-115 of the code, whichever is later. In the event that the owner of the premises

is covered by a policy of liability insurance, the department may accept a certificate of endorsement extending such policy to include the city within the policy's coverage.

*\*Local Law 65-1996.*

## ARTICLE 21 DEPARTMENT INSPECTIONS

**§[C26-120.1] 27-205 Right of entry and inspection.-**

The commissioner or his or her authorized representatives, in the discharge of their duties, shall have authority to enter upon and examine and inspect at all reasonable times any building, enclosure, or premises, or any part thereof, or any signs or service equipment attached thereto or contained therein, for the purpose of determining compliance with the provisions of this code and other applicable laws and regulations.

**§[C26-120.2] 27-206 Identification of inspectors.-**

Officers and employees of the department, in the discharge of their duties, shall identify themselves by exhibiting the official badge of the department; and other authorized representatives of the commissioner shall identify themselves by producing and exhibiting their authority in writing signed by the commissioner.

**§[C26-120.3] 27-207 General provisions.-** All examinations and inspections, including all tests in connection therewith, as required by the provisions of this code and other applicable laws and regulations, shall be made and conducted under the direction of the commissioner and in accordance with such inspection and test procedures as may be prescribed by the provisions of this code or other applicable laws and regulations, with the expense of all tests to be borne by the owner or lessee, or the contractor performing the work. The commissioner may accept inspection and test reports from officers and employees of the department and other government agencies. The commissioner may accept signed statements and supporting inspection and test reports filed by architects, engineers or persons superintending construction work and the installation of equipment, under and pursuant to the requirements of sections 27-131, 27-132, 27-135 and 27-136 of this subchapter.

**§[C26-120.4] 27-208 Preliminary inspection.-**

Before the issuance of a work permit, the commissioner may cause an examination and inspection to be made at the site of the proposed work.

**§[C26-120.5] 27-209 Inspections during progress of work.-**

After the issuance of a work permit, inspections shall be made during the progress of the work at such times or at such stages of the work and in such manner as the commissioner shall direct; and such inspections shall include inspection of machinery

and equipment used for hoisting purposes, cableways and rigging purposes. The commissioner may accept signed statements by architects or engineers and supporting inspection and test reports which have been filed with the department covering materials and equipment subject to controlled inspection and semi-controlled inspection, as provided under sections 27-132, 27-133, 27-136 and 27-137 of this subchapter, and the work may, unless otherwise specifically provided by code provisions or directed by the commissioner, proceed without any verifying inspections or test by the department, provided that the names and business addresses of such architects or engineers shall have been set forth in the work permit application or filed in writing with the department not later than ten calendar days prior to the commencement of work thereunder.

**§[C26-120.6] 27-210 Final inspection.**- Upon completion of the work, and before the issuance of any certificate of occupancy or equipment use permit, a final inspection of the work shall be made by the department, at which the architect, engineer, or other person who supervised or superintended the construction, installation or alteration work shall be present; and any and all failures to comply with the provisions of this code or other applicable laws and regulations shall be noted and the owner or lessee promptly notified thereof in writing.

**§[C26-120.7] 27-211 Inspection of completed buildings.**- The commissioner shall cause inspections to be made periodically of completed buildings, and of signs and service equipment installations when so required by the provisions of subchapter four of chapter one of title twenty-six, or other applicable laws and regulations.

**§[C26-120.8] 27-212 Inspection reports.**- All inspection reports shall be in writing and signed by the inspector, or the responsible individual, or an officer of the inspection service, making the examination of inspection; and a record of all inspections shall be kept by the department.

## ARTICLE 22 CERTIFICATES OF OCCUPANCY

**\*§[C26-121.1] 27-213 General provisions.**-All certificates of occupancy shall be issued by the commissioner and the issuance thereof shall be subject to the provisions of this section, and to the provisions of subdivision (b) of section six hundred forty-five of the New York city charter and article five of subchapter three of chapter one of title twenty-six.

*\*Local Law 91-1989.*

**§[C26-121.2] 27-214 New buildings; sidewalk requirements.**

a. Except as permitted under the provisions of section 27-218 of this article, no building hereafter constructed shall be occupied or used, in whole or in part, unless and until a certificate of occupancy shall have been issued

certifying that such building conforms substantially to the approved plans and the provisions of this code and other applicable laws and regulations.

\*\*\*b. (1) No certificate of occupancy or letter of completion shall be issued for any building, completed on or after April twenty-third, nineteen hundred sixty-three unless the sidewalk in front of or abutting such building, including but not limited to the intersection quadrant for corner property shall have been installed and paved or repaired by the owner at his or her own cost, in the manner, of the materials, and in accordance with the specifications prescribed by the department of transportation pursuant to sections 19-113 and 19-115 of the code, or unless the owner of such premises has furnished to the department security satisfactory to it that such sidewalk will be installed and paved or repaired within the time specified by the department or unless the commissioner waives such requirement where conditions do not require the installation of a sidewalk.

(2) The commissioner of buildings shall insure that streets are suitably improved in accordance with the standards and specifications of the department of transportation as required by subdivision two of section thirty-six of the general city law and shall otherwise carry out the provisions of such subdivision.

c. No certificate of occupancy or temporary certificate of occupancy (excluding amendments to previously issued certificates of occupancy) shall be issued on or after April first, nineteen hundred eighty-seven for any existing building which has not fully complied with all requirements of this code applicable to such existing building.

*\*\*\*Local Law 65-1996.*

**§[C26-121.3] 27-215 Altered buildings.**- Except as permitted under the provisions of section 27-218 of this article, no building hereafter altered so as to change from one occupancy group to another, either in whole or in part, or so as to affect any existing means of egress, or so as to increase the number of habitable rooms in the building, and no building hereafter altered for which a certificate of occupancy has not theretofore been issued, shall be occupied or used unless and until a certificate of occupancy shall have been issued certifying that the alteration work for which the permit was issued has been completed substantially in accordance with the approved plans and the provisions of this code and other applicable laws and regulations. If the building was not required to be vacated, either in whole or in part, during the course of the alteration work, the occupancy or use of the building shall not continue more than thirty calendar days after completion of the alteration work, unless a certificate of occupancy has been issued, as above provided.

**\*\*§[C26-121.4] 27-216 Existing buildings.-** Upon application by the owner of an existing building, and subject to the provisions of section 27-111 of article three of this subchapter, the commissioner shall issue a certificate of occupancy for such building, provided that at the time of issuing such certificate, no notices of violation or other notices or orders affecting the building as they relate to the provisions of this code are pending before the department of buildings, and provided further that it is established to the satisfaction of the commissioner, after inspection and investigation, that the alleged use of the building has heretofore legally existed. The issuance of a certificate of occupancy for any existing building on waterfront property not used in conjunction with and in furtherance of waterfront commerce and/or navigation shall be conditioned upon compliance with the provisions of this code regulating means of egress, and upon the issuance of a certificate of completion by the commissioner of ports and trade, and shall be limited to the uses and purposes certified to therein.

*\*\*Local Law 14-1989; Local Law 5-1986, language juxtaposed per Ch. 907-1985.*

**§[C26-121.5] 27-217 Change of occupancy or use.-**

(a) No change shall be made in the occupancy or use of an existing building which is inconsistent with the last issued certificate of occupancy for such building, or which would bring it under some special provision of this code or other applicable law or regulation, unless a new certificate of occupancy is issued by the commissioner certifying that such building or part thereof conform to all of the applicable provisions of this code and all other applicable laws and regulations for the proposed new occupancy or use.

(b) Except as provided by law, a new certificate of occupancy shall not be required where the change of use is within the same use group as listed in the amended zoning resolution. Where a building exceeds three stories in height and the change does not exceed twenty per cent of the total floor area, an amendment to the existing certificate of occupancy for such new use shall be issued by the commissioner certifying that the proposed new occupancy and use conforms to the provisions of the laws governing building construction and that the proposed use will not be in conflict with any provisions of the labor law, multiple dwelling law or the zoning resolution.

**†§[C26-121.6] 27-218 Temporary occupancy.-** The commissioner may, upon request, issue a temporary certificate of occupancy for a part or parts of a building before the entire work covered by the permit shall have been completed, provided that such part or parts may be occupied safely prior to completion of the building and will not endanger public safety, health or welfare, and further provided that the temporary certificate of occupancy shall be issued initially for a period between

ninety and one hundred eighty days, in the case of all buildings classified in occupancy group J-3 or three-family homes, and ninety days for all other buildings subject to renewal for additional ninety-day periods at the discretion of the commissioner. When an applicant applies for an initial temporary certificate of occupancy for longer than ninety days, he or she must state the reason necessary for the longer time period.

*†Local Law 12-1993.*

**\*§[C26-121.7] 27-219 Applications for certificates of occupancy.-**

All applications for certificates of occupancy shall be submitted on forms furnished by the department. Each application shall be accompanied by an accurate and complete lot survey made by a licensed surveyor showing the location of any new building and/or any extension to an existing building, the elevation of the first tier of beams or the first floor, the finished grades of all open spaces on the lot, the location and controlling grades of watercourses, paved swales and similar above-grade methods of storm water disposal when permitted by this code, the locations of all catch basins on the property, the established curb level, and the location of all other structures and impervious surfaces, as defined in subdivision (a) of section P110.2 of reference standard RS-16, on the lot. Such lot survey shall also show the location and boundaries of the lot or plot upon which such buildings and structures are located. The commissioner may waive the requirement of such survey in the case of small sheds, stands, signs, and similar small structures. In addition, prior to the issuance of a certificate of occupancy the department shall confirm by inspection that all work relating to the installation of the part of the storm water drainage system which shall lie outside of such property, if and as required by section 24-526 of this code, has been satisfactorily completed.

*\*Local Law 65-1996; Note: For Excerpts from Local Law 7-1974, see end of Subchapter 1; Local Law 103-1989.*

**§[C26-121.8] 27-220 Applicant.-** The application for a certificate of occupancy shall be made by or in behalf of the owner of the building premises; and if made by a person other than the owner, the application shall be accompanied by a signed statement of the applicant stating that he or she is authorized by the owner to make the application. The full names and addresses of the owner, lessee, and applicant, and of the principal officers thereof, if a corporation shall be stated in the application.

**§[C26-121.9] 27-221 Statement of compliance.-** When a certificate of occupancy for a new or altered building is applied for, the application shall be accompanied by a signed statement of the architect, engineer or other person who supervised or superintended

the construction or alteration work, stating that he or she has examined the approved plans and specifications of the building for which the certificate of occupancy is sought, and that, to the best of his or her knowledge and belief, the building has been erected or altered in accordance with the approved plans and specifications and, as erected or altered, complies with the provisions of this code and all other applicable laws and regulations, except insofar as variations or variances therefrom have been legally permitted or authorized, specifying such variations or variances in such required statement.

**§[C26-121.10] 27-222 Issuance of certificates of occupancy.-**

(a) All applications for certificates of occupancy and accompanying papers shall be examined promptly after their submission. If the building is entitled to the certificate of occupancy applied for, the application shall be approved and the certificate of occupancy issued by the commissioner within ten calendar days after submission of the application. Otherwise, the application shall be rejected and written notice of rejection stating the grounds of rejection, shall be given to the applicant within ten calendar days of the submission of the application. Wherever an application has been rejected and proof is thereafter submitted establishing that the grounds of rejection have been met and that the building is entitled to the certificate of occupancy applied for, the application shall be approved and the certificate of occupancy issued within ten calendar days after submission of such proof.

(b) No certificate of occupancy or temporary certificate of occupancy shall be issued until a fire protection plan, if required under the provisions of article twenty-five, has been filed and accepted.

\*\*(c) No certificate of occupancy shall be issued until compliance with such provisions of chapter three of title twenty-seven of this code as may be required in regulations promulgated by the commissioner is certified by the bureau of electrical control. This subdivision shall not apply to temporary certificates of occupancy issued by the commissioner pursuant to section 27-218 of this code.

*\*\*Local Law 73-1988.*

**§[C26-121.11] 27-223 Contents of certificates.-** In addition to the required certification by the commissioner, each certificate of occupancy shall state the purposes for which the building may be used in its several parts, and shall specify:

- (a) The occupancy group or groups which apply to all parts of the building.
- (b) The maximum permissible live loads on the several floors of the building.
- (c) The occupancy loads in the building and all parts thereof.
- (d) Any special stipulations and conditions of the building permit.

**§[C26-121.12] 27-224 Record of certificates.-** A record of all certificates of occupancy shall be kept by the department; and copies thereof shall be furnished by the department upon request, and on the payment of the fee prescribed in section 26-214 of the administrative code. The certificate of occupancy

or a copy thereof shall be available for inspection at the building at all reasonable times.

## ARTICLE 23 POSTING BUILDINGS

**§[C26-122.1] 27-225 Posted occupancy and use.-** All buildings other than buildings classified in occupancy group J shall be posted by the owner with a sign or placard in a form prescribed by the commissioner, which shall be permanently affixed to the structure in a conspicuous location in a public hall or corridor of the building, and which shall state the live loads and the occupant loads in the building and all parts thereof, as provided in subchapters six, eight and nine of this chapter.

**§[C26-122.2] 27-226 Replacement of posted signs.-** All posted signs shall be furnished by the owner and shall be of permanent design, shall not be removed or defaced, and if lost, removed or defaced, shall be immediately replaced. The commissioner may inspect or cause to be inspected periodically all existing buildings for compliance with the provisions of this code in regard to posting; and the inspection reports shall specify any violation thereof.

## ARTICLE 24 STOP-WORK ORDER

**§[C26-123.1] 27-227 Stop-Work notice and order.-** Upon notice from the commissioner, or his or her authorized representatives, that any work at any building or building site is being executed in violation of the provisions of this code or other applicable laws or regulations, or in a dangerous or unsafe manner, such work shall immediately be stopped. The notice shall be given to the owner or lessee of the property involved, or to the agent of either of them, or to the person or persons doing the work, and may be continued in a stop-work order issued by the commissioner stating the reasons for the issuance of the order and the conditions under which the work may be resumed.

[Conditions warranting issuance of a stop work order include but are not limited to, failure to have a construction site safety coordinator present in the course of ongoing construction at those sites where department rules and regulations requires that a construction site safety coordinator be designated and present; the failure to erect a sidewalk shed (or portions thereof), as required by Section C26-1901.5 of the administrative code, or the removal of a sidewalk shed or portions thereof, when such sidewalk shed is still required pursuant to Section C26-1901.5 of the administrative code.

In addition to the penalties provided for in this title, failure to comply with a stop work order shall be subject to the payment of a penalty in the sum of \$500 for each day there is non-compliance, to be recovered in a civil action brought in the name of the commissioner;

provided, however, this shall not apply to any work performed to remedy an unsafe or hazardous condition.]\*

*\*Copy in brackets not enacted but probably intended.  
(§C26-1901.5 referred to is renumbered §27-1021.)*

**§[C26-123.2] 27-228 Unlawful continuance.**- No person shall, with knowledge or notice of a stop-work order, continue or cause to be continued any work covered by such order, except such work as is directed to be performed to remove the violation or the dangerous or unsafe condition.

## ARTICLE 25 FIRE PROTECTION PLAN

**§[C26-124.1] 27-228.1 Applicability.**- This article shall apply to the following buildings and building sections:

- (a) High rise buildings or building sections exceeding seventy-five feet in height.
- (b) Buildings or building sections classified in occupancy group A, B, C, D, E or G which are two or more stories in height with over twenty thousand gross square feet per floor or are two or more stories in height with a total building floor area exceeding fifty thousand gross square feet.
- (c) Any building containing an assembly use having an occupant load of three hundred or more persons.
- (d) Buildings or building sections classified in occupancy group H or J-1 which are two or more stories in height and contain sleeping accommodations for thirty or more persons.
- (e) Buildings or building sections classified in occupancy group J-2 which contain thirty or more dwelling units and over ten thousand gross square feet of floor area used for mercantile, assembly, educational or institutional purposes.
- (f) Alterations to a building or building section listed in subdivisions (a) through (e) of this section, if the cost of the alterations, computed in accordance with section 27-119, exceeds one million dollars or involves a change of use.

**§[C26-124.2] 27-228.2 Scope.**-

(a) The plan shall include the following information, where applicable:

- (1) Building description: address; block and lot numbers; number of stories; height in feet; occupancy group; construction classification; occupancy load and department of buildings application number.
- (2) Key plans showing all floors, exits, corridors, partitions serving as fire separations or fire divisions, locations and ratings or required enclosures, stairs with pressurization, roof access, exit discharges, locations of frontage space.
- (3) Descriptions in narrative form of safety systems and features, including:

- a. Communications systems
- b. Alarm systems
- c. Smoke detection equipment
- d. Location of fire command station
- e. Elevator recall
- f. Emergency lighting and power
- g. Standpipes
- h. Sprinklers
- i. Compartmentation
- j. Mechanical ventilation and air conditioning

- k. Smoke control systems and equipment
- l. Furnishings types and materials
- m. Places of assembly
- n. Fire department access
- o. Other systems, required and voluntary, to be installed

(4) Proof that the fire safety plan, if required, has been filed with the fire department and accepted by that department.

**§[C26-124.3] 27-228.3 General Requirements.**- A fire protection plan, as defined in subchapter two shall be filed with the department by a registered architect or licensed professional engineer whose seal and signature shall be on the plan.

**§[C26-124.4] 27-228.4 Retroactivity.**- The requirements of this article shall apply to all alterations to, and construction of, buildings listed in section 27-228.1 in progress and not yet completed on March twenty-seventh, nineteen hundred eighty-four.

## ARTICLE 26 SPECIAL FILING REQUIREMENTS

**\*\*§[C26-125.1] 27-228.5 General requirements.**-

(a) Owners of all existing buildings which are required to comply with the provisions of subdivision (a) of section 27-353.1 (elevator vestibules), section 27-381 and subdivision (b) of section 27-382 (exit lighting), subdivision (b) of section 27-384 (exit signs), section 27-396.3 (signs in sleeping rooms), section 27-777.2 (ventilation in J-1 buildings), subdivision (b) of section 27-929 (sprinklers, fire alarm systems, fire command and communication systems), paragraph two of subdivision (c) of section 27-989 (elevators in readiness), section 27-996.1 (locks on hoistway doors) and section 27-996.2 (firemen's service) shall file with the department a report on or before April first, nineteen hundred eighty-seven certifying to the installation of the required fire protection systems in accordance with approved plans and appropriate permits prior to such date. Owners of all existing buildings not already subject to the requirements of article nine of subchapter six of this chapter as of January eighth, nineteen hundred seventy-three shall file with the department a report on or before October first, nineteen hundred eighty-five certifying to the installation of stair and elevator signs meeting the requirements of article nine of subchapter six of this chapter prior to such date. Owners of all existing buildings that are required to comply with the provisions of subdivision (c) of section 27-384 (power source of exit signs) shall file with the department, on or before July 1, 2007, a report of an architect or engineer certifying that all required exit and/or directional signs are connected to an emergency power source or to storage battery equipment in compliance with such subdivision except that no such report shall be required to be filed if an owner of a building submits an affidavit to the department, within

ninety days after October 22, 2004 certifying that all required exit and/or directional signs are connected to an emergency power source or to storage battery equipment as required by such subdivision. Such reports shall be on such forms and in such manner as prescribed by the commissioner. Failure to file such report by such dates shall be a violation of this section, which shall be punishable pursuant to section 26-125 of title twenty-six of the administrative code.

(b) (1) Owners of all buildings one hundred feet or more in height required to comply with the provisions of subdivision (a) of section 27-929.1 (sprinklers) shall file with the department on or before July 1, 2019 a final report prepared by an architect or engineer certifying to the

installation of the required sprinklers in accordance with such provisions and, pending the filing of such final report, such owner shall be required to file the following interim reports as described below. Failure to file such final report and/or, where required, such interim reports by the dates indicated or within any extended period of time granted by the commissioner pursuant to paragraph (2) of this subdivision shall be a violation of this section, which shall be punishable pursuant to section 26-125 of the code. Such reports shall be on such forms and in such manner as prescribed by the commissioner and shall be filed as follows:

Unless a final report is filed on or prior to such date, a one year report shall be filed no later than July 1, 2005.	The one year report shall contain an affidavit by the owner of the building acknowledging that sprinklers are required to be installed in such building on or before July 1, 2019 in compliance with subdivision (a) of section 27-929.1 of this code and indicating his or her intention to comply with such requirement.
Unless a final report is filed on or prior to July 1, 2011, a seven year report shall be filed no earlier than January 1, 2011 and no later than July 1, 2011.	Such seven year report shall contain a certification by an architect or engineer of the percentage of the building in which sprinklers have been installed as of the date of such report and an implementation plan prepared by such architect or engineer detailing when and how the remaining portions of the building will be made fully compliant.
Unless a final report is filed on or prior to July 1, 2018, a fourteen year report shall be filed no earlier than January 1, 2018 and no later than July 1, 2018.	Such fourteen year report shall contain a certification by an architect or engineer of the percentage of the building in which sprinklers have been installed as of the date of such report and an implementation plan, prepared by such architect or engineer detailing when and how the remaining portions of the building will be made fully compliant.
Except as otherwise provided in paragraph (2) of this subdivision, a final report shall be filed no later than July 1, 2019.	Such final report shall contain a certification by an architect or engineer that the building is fully compliant.

(2) Where the owner of a building is unable to comply with the requirements of subdivision (a) of section 27-929.1 on or before July 1, 2019 because of undue hardship, and where such owner timely filed all interim reports as required in paragraph (1) of this subdivision and has obtained approval of all required applications, plans and permits relating to the required work, such owner may submit to the department an application for additional time to comply with such requirements. Such application shall be submitted to the department on or before July 1, 2018, along with supporting documents indicating the basis for such claim of undue hardship. The commissioner shall appoint a committee

consisting of employees of the department and the fire department and a representative of the real estate industry to review such application. Such committee shall issue findings and recommendations relating to the application. After reviewing such findings and recommendations, if the commissioner finds that the owner has made a good faith effort to complete the required work and has substantiated his or her claim of undue hardship, the commissioner may grant an extension of time in which to complete the work and submit the final report.

*\*\*Local Law 26-2004.*

## **\*ARTICLE 27 ALTERNATIVE PROCEDURE FOR CERTAIN PERMITS**

### **27-228.6 Contract with not-for-profit corporation.-**

Notwithstanding any other provision of law, the commissioner may enter into a contract with a not-for-profit corporation described in section 27-228.7 to provide for the examination and approval of plans and the issuance of permits by such corporation on behalf of the department for the

installation or alteration of plumbing and plumbing systems, including gas piping, as provided in article fifteen of this subchapter, and for the installation or alteration of fire suppression piping systems, as provided in article seventeen of this subchapter. Such contract shall require the not-for-profit corporation to agree to provide such services in conformity with sections 27-228.8, 27-228.9, 27-228.10, 27-228.11, 27-228.12, 27-228.13 and 27-228.14.

**\*\*27-228.7 Not-for-profit corporation.-** No contract shall be entered into pursuant to this article except with a not-for-profit corporation, a majority of the members of the board of directors of which are city officials. Such members shall include one person designated by the speaker of the council and officers or employees of the department and the fire department, serving ex officio, and such other persons as provided in the bylaws of such corporation. No such bylaws shall be adopted by such corporation prior to January 18, 1994. For the purposes of this article the term "corporation" shall mean a not-for-profit corporation as set forth in this section.

*\*\*Local Law 109-1993; Local Law 107-1993.*

**27-228.8 Examination and approval of plans.-**

(a) The corporation shall examine and approve plans in accordance with and in the manner prescribed by the provisions of the charter, the code and the rules of the department relating to the examination and approval of plans by the department, except as hereinafter provided.

(b) Except where authorized by the commissioner, the corporation shall not have the authority to designate

(c) portions of the examination of plans submitted by architects or engineers for limited supervisory check pursuant to section 27-143 of the code.

(d) All plans approved by the corporation shall be endorsed with the official seal of the corporation.

(e) The corporation shall use forms for applications which shall be prescribed by the commissioner.

**27-228.9 Issuance of permits.-**

(a) The corporation shall issue permits in accordance with and in the manner prescribed by the provisions of the charter, the code and the rules of the department relating to the issuance of permits by the department, except as hereinafter provided.

(b) Whenever work which requires a plumbing permit or a fire suppression piping system permit is a part of the construction of a new building or the alteration of an existing building, the corporation shall not issue such plumbing permit or fire suppression piping system permit until after the department has issued a new building permit or a building alteration permit to the applicant. The applicant shall submit to the corporation the final plans, approved by the department, for such new building or alteration and a copy of the new building permit or the building alteration permit issued by the department before the plumbing permit and/or the fire suppression piping system permit may be issued.

(c) The corporation shall act in accordance with guidelines which the commissioner shall establish under which the corporation shall defer the approval of plans or the issuance of permits pending appropriate action by other city agencies.

(d) The corporation shall not have the power to revoke any of the permits issued by the corporation but may recommend revocation to the commissioner. The commissioner may revoke permits issued by the corporation pursuant to section 27-197 of the code.

(e) All determinations of the corporation shall be subject to review by the board of standards and appeals to the same extent and in the same manner as if such determination were made by the department.

(f) All permits issued by the corporation shall bear the signature of the chief operating officer of the corporation.

**27-228.10 Fees.-** The corporation shall collect fees on behalf of the department for permits which the corporation issues. The disposition of such fees shall be governed by the contract between the corporation and the city.

**27-228.11 Employment conditions.-**

(a) The corporation shall require its salaried officers and employees to agree in writing:

(1) to refuse to accept gratuities in the performance of their duties for the corporation;

(2) to be subject to the restrictions set forth in chapter sixty-eight of the New York city charter; and

(3) to be subject to the restrictions upon outside work, employment and financial interests set forth in section 26-114 of the code.

(b) The corporation shall require its per diem employees and consultants to agree in writing to refuse to accept gratuities in the performance of their duties for the corporation.

(c) The corporation shall adopt disciplinary and other procedures to ensure compliance with such agreements.

**27-228.12 Inspection.-** With respect to the permits issued by the corporation, the corporation shall perform the inspections described in sections 27-208, 27-209 and 27-210 of the code. For such purpose, employees of the corporation shall be designated as authorized representatives of the commissioner pursuant to section 27-205 with authority to enter upon and examine and inspect at all reasonable times any building.

**27-228.13 Records.-** The corporation shall keep and maintain records relating to the services performed on behalf of the department in a manner and for such period of time as shall be agreed upon between the department and the corporation.

**27-228.14 Corruption prevention program.-** The corporation shall develop and implement a corruption prevention program to detect and punish corrupt conduct by employees in carrying out their duties on behalf of the corporation which shall not be less restrictive than the corruption prevention program for employees of the department. Such program shall provide for the dismissal of employees who are found to be engaged in corrupt activities, including the solicitation and acceptance of gratuities. The corporation shall not commence services pursuant to the contract until a plan for the implementation of such program has been reviewed and approved by the commissioner.

**27-228.15 Performance review by the commissioner.-**  
The commissioner shall establish such procedures for the audit, inspection, examination and review of services performed by the corporation on behalf of the department as may be necessary to ensure that the examination and approval of plans, the issuance of permits and conduct of inspections performed by the corporation are carried out in a manner consistent with the provisions of this article.

**27-228.16 Jurisdiction of the fire department.-**

The provisions of this article shall not be construed to affect, alter or amend the jurisdiction of the fire department over the inspection and testing of plumbing and fire suppression piping systems.

*\*Local Law 107-1993.*

**Footnote: The following §§ 1 and 10 are unconsolidated provisions of Local Law 7 of 1974 (see §27-160)**

Section 1. the council finds that serious flooding and ponding problems exist in areas of the city of New York which are presently without adequate sewers for the disposal of storm water. The council further finds that these flooding and ponding problems endanger human life and cause substantial property damage. As the primary means of reducing these problems, the city of New York currently is engaged in an accelerated sewer construction program, approved by the council, of unprecedented scope. The city is also engaged in an active program of maintaining existing watercourses and other storm water disposal systems, pursuant to orders of the city's Board of Health. It is the expectation of the council that in the next twenty years the city sewer construction program will provide a large network of storm sewers for the areas of the city which presently lack them. In addition, however, the council recognizes that present construction of new buildings and developments without adequate storm water drainage in these unsewered areas is worsening existing flooding and ponding problems, and that the stringent storm drainage requirements for property owners set forth in this local law, which terminate December thirty-first, nineteen hundred ninety-three, are necessary as a temporary measure until the city has substantially advanced its accelerated sewer construction program.

§10. This local law shall take effect thirty days after it shall have become law. Its requirements insofar as they differ from or are additional to those of the administrative code of the city of New York in effect immediately prior to the effective date of this local law shall apply to the construction of all new buildings for which applications for new building permits have been filed on or after such effective date; provided, however, that such new or different requirements shall not apply to the construction of new buildings on specific sites for which schemes for storm water drainage have been approved by the environmental protection administration on or before such effective date if such construction lawfully commences within five years after such approval. A scheme for storm water drainage for the purpose of this section is an undetailed plan which shows the

proposed drains, sewers and/or other means of storm water disposal, which the environmental protection administration normally require property owners to submit to it prior to the submission of a detailed plan for the construction of such facilities.

Effective date, May 16, 1974.

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