

DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: March 30, 1979

TO: BOROUGH SUPERINTENDENTS

FROM: IRWIN FRUCHTMAN, P. E., COMMISSIONER

SUBJECT LOCAL LAW NO. 5/73

(Amended by Local Law No. 26/75)-Fire Safety Law

The Fire Safety Law has been upheld in its entirety by the New York State Court of Appeals, and it is now to be enforced by the Department of Buildings and the Fire Department in its entirety.

Attached is a compilation of all previously issued memoranda relating to the Fire Safety Law, which are still in effect, except for the following memoranda, which are revoked in their entirety:

(a) May 3, 1977 and May 17, 1977 - approval of request for Certificate of Occupancy.

(b) March 31, 1977 and November 28, 1977 - approval of alterations and building notice applications.

(c) August 24, 1977, August 26, 1977, September 28, 1977 and December 1, 1977 - approval of applications for elevator recall including smoke detection systems and elevator landing lobbies.

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The following procedures shall be implemented forthwith:

1. Supervisory review of B.N. applications in conformance with Directive 14/75 shall include, in addition to a zoning review and landmarks status determination, shall also include a determination as to whether the applicant has apparently complied with the Fire Safety Law in the portion of the building being altered.
2. Applications examined in conformance with Directive No. 2/75, shall include a review for compliance with the Fire Safety Law .
3. Approval of amendments to the original Local Law No. 5 applications, new applications, B.N. and Misc. applications, etc., shall be granted only if there is compliance with all substantive provisions. All references to time for completion shall be deleted (proposed legislation may establish new time schedules).
4. No final certificate of occupancy shall be issued for any premises required to comply with the Fire Safety Law unless the building is now in full compliance.

5. All applicants requesting approval of temporary Certificates of Occupancy as a result of completion of alteration applications to existing office buildings affected by the Fire Safety Law, where non-compliance is indicated, shall only be issued a temporary Certificate of Occupancy for a period not exceeding 90 days.

Further extensions shall only be considered based on the applicant's schedule in conformance with the Fire Safety Law.

6. All applicants requesting approval of Certificates of Occupancy on new building applications on buildings governed by the Fire Safety Law shall be required to comply with all provisions of this law and temporary Certificate of Occupancy shall not be issued.

7. After all of the informational letters referred to in Deputy Commissioner Parascandola's memorandum of March 20, 1979 have been sent out, the enclosed violation notice, modified from its predecessor as to incorporate all items of the Fire Safety Law now required to be in place, is to be issued and sent to all premises. Care should be taken to delete those items on the violation for which there has in fact been compliance.


Irwin Fruchtman, P.E.
Commissioner

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