

May 17, 1977

ALL BOROUGH SUPERINTENDENTS

Blaise F. Parascandola, Assistant Commissioner

Local Law No. 5/1973 - Approval of Request For Certificate of Occupancy

This memorandum revises previous memorandum on this subject issued by me on May 3, 1977. All requests for temporary or final certificates of occupancy involving buildings governed by Local Law No. 5/73 shall be issued according to the following revised procedures:

- 1) Where the applicant indicates there is non compliance with the February 7, 1976 and prior Local Law No. 5 provisions and that there is no intention of complying with same at present then a statement shall be included on the certificate of occupancy as follows:  
"This certificate does not denote compliance with the provisions of Local Law No. 5/73. This building shall be required to comply with the aforesaid law and such amendments or modifications that might result from the determination of the ultimate decision on appeal in the law suit *Mc Callin et. al. v Walsh*, at Supreme Court, New York County, Index #22781/75 for which a decision was rendered after the trial on January 24, 1977."

This statement shall also be included by the applicant on his application for certificate of occupancy.

- 2) Where an applicant indicates that there is compliance with the February 6, 1976 and prior Local Law No. 5 provisions then the approval of the request for a certificate of occupancy shall be handled in the usual manner.
- 3) Applicants requesting approval of certificates on new building applications for buildings which are not governed by the provisions for existing buildings of Local Law No. 5/73 shall not avail themselves of the procedure outlined in No. 1 above.

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Blaise F. Parascandola  
Assistant Commissioner

BFP/mb

cc: Comm. Walsh

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