

THE CITY OF NEW YORK
HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS
DIRECTIVE NO. 14 OF 1974

DEPARTMENTAL MEMORANDUM

DATE: October 1, 1974

TO: Borough Superintendents

FROM: Thomas V. Burke, Director of Operations

SUBJECT: PUBLIC RECORDS - CHAPTER 578 OF THE LAWS OF 1974
FREEDOM OF INFORMATION LAW

A copy of the law approved by the Governor on May 24, 1974, known as the Freedom of Information Law, is attached, together with a copy of a memorandum from Janice Griffith, General Counsel of the Housing and Development Administration, which sets forth the salient features of the law. Its provisions supersede the provisions of sections 1113 and 1114 of the Charter.

The following records are to be considered as public records in conformance with the law and are to be made available to the public in a manner that will not interfere with the normal operation of the borough offices, and at a time, place and manner as may be determined by the Borough Superintendent. Fees shall be collected under the provisions of section C26-34.0 of the Administrative Code as required. All applications, plans, violation orders and complaints shall be made available to the public upon request, subject to the following conditions which are required to prevent interference with the procedures and operations of the department and to provide for orderly inspection of the records:

1. Plan Desk Files

Applications which are on file in the plan record room may be examined upon presentation of a request on the prescribed form of the department. Such records may not be taken from the public area of the plan record room. Records will be available at the plan record room only during normal operating hours. Consents of owners shall not be required.

2. Plan Examination Files

Applications which have not been approved or which are not in the plan record room because of amendment or other reason, may be examined upon request made to the Borough Chief Engineer (Engineering).

Consent of an owner or architect shall not be required. The Borough Chief Engineer (Engineering) shall require that the inspection of records be made under the supervision of a person designated by him, and that inspection be made at such time and place as not to interfere with plan examination or other functions of the department.

3. Block and Lot Files

Block and lot records may be examined upon request in writing, on department forms, during normal operating hours of the plan record room. Records may not be taken out of the public area in the plan record room. Consent of the owners or other persons shall not be required. Inspection of block and lot records that are in use by engineers or inspectors may be permitted by the Borough Chief Engineer (Engineering) or Borough Chief Engineer (Construction) or, by the Chief Inspector of Construction for the respective divisions.

4. Records in Litigation

Reports or other records made in association with a claim against the city or for use in any investigations authorized by the Charter, are not public records and are not to be released to the public, unless authorized by the Corporation Counsel's office.

5. Violation Orders

Violation orders may be viewed by the public at any time of the day, provided there is no interference with the normal operation of the department, as determined by the person in charge of the Violation Section. Records may not be taken out of the section.

6. Receipts for Records

A receipt shall be required for every record. Whenever a record has not been returned by closing time for the day, the Deputy Borough Superintendent shall be notified.

7. Complaints

Complaints relating to buildings or premises, including names of complainants, shall be released to the public upon request.

8. Copies of Records

Copies of records may be issued upon requests in writing and upon payment of applicable fees. Persons may be permitted to look at records and to make notes and sketches without payment of fees. This shall not be construed to permit the tracing or complete reproduction of plans.

9. Directives and Memorandums

Copies of directives and memorandums issued to Borough Superintendents, relating to procedures or interpretations of law, and minutes of meetings relating to procedures and interpretations, shall be made public upon request.

10. Other Memorandums and Reports

Other memorandums, reports, and communications between Borough Superintendents and Commissioners, or other officials of the department, shall not be considered as public records and shall not be made available to the public unless there is a court order directing that this be done.

11. Board of Inquiry Minutes

The minutes of Boards of Inquiry or reports of personnel of the department concerning incidents or persons, shall not be released to the public without permission of the Commissioner.

12. Inspectors' Reports - Other Than Item 4

Reports of inspectors concerning violations, complaints and applications shall be considered public records and shall be made available at the convenience of the department. Reports of inspections, which were requested by the Commissioner, Borough Superintendent, or a member of the executive staff, shall not be released to the public without the approval of the person who requested the report.

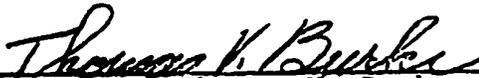
13. Telephone Information

Where information is requested by telephone, the information may be given over the telephone when it is readily available, otherwise, the caller shall be advised to obtain the information in person.

14. Press Information

When information is requested by representatives of the press, television, or other news agencies, the person making the request shall be referred to the Director of Public Affairs of the department.

This directive supersedes Directive No. 21 of 1970, issued June 22, 1970, subject, "Public Records - Section 1114 New York City Charter." (Page 290, Volume 2)


Thomas V. Burke
Director of Operations

TVB/df
Attachments

CC: Executive Staff
Chief Insp. Dillon, Boiler Div.
J. Grill, Dir. Cranes & Derricks
M. Hassman, MEA
C. Sparks, Dir. of Div. of Licenses & Permits
Industry