

THE CITY OF NEW YORK  
HOUSING AND DEVELOPMENT ADMINISTRATION  
DEPARTMENT OF BUILDINGS

*(File)*  
*Zuccotti*

DEPARTMENTAL MEMORANDUM

DATE: April 23, 1975

TO: Borough Superintendents  
FROM: Jeremiah T. Walsh, P.E., Executive Engineer  
SUBJECT: Restrictive Declarations; Corporation Counsel Opinion No. 107,915

*Enforcement of use restrictions  
on city real estate sales +  
restrictions required  
by Plan Council & Bd. of  
Estimate.*

Herewith forwarded for your advice and guidance are copies of Opinion No. 107,915 dated April 17, 1975 received from the Corporation Counsel in regard to the Building Department's responsibility to enforce use restrictions in conveyances of real property sold at public auction by the City, and restrictive declarations that the City Planning Commission and the Board of Estimate have required as a condition for approval of some street mapping and zoning actions, as well as copies of recent letters from me to Chairman Zuccotti of the Planning Commission, Commissioner Duchan of the Department of Real Estate, and Director Benedetto of the Office of Staten Island Development, and related prior correspondence.

Our Charter responsibility as stated in said opinion, is to be implemented immediately, with interim procedures to be instituted by your office until the procedures described in the enclosed correspondence from me become operative with the cooperation of the other city agencies involved.

Failure to conform to restrictions on city-owned property sold at public auction shall be cited as a violation of Sections 304 (b), 1803 (6), and 1804 (1) of the New York City Charter.

Failure to conform with restrictions that the Planning Commission and the Board of Estimate have required as preconditions to approval of changes in the City Map and the Zoning Resolution (including Zoning Map), shall be cited as a violation of Section 199 or 200 of the New York City Charter, respectively, as well as Sections 1803 (6) and 1804 (1) of said Charter. Permits issued in error in regard to the above are to be revoked forthwith.

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Private restrictions or covenants between parties not pre-conditions to government actions pursuant to the above-mentioned sections of law are unaffected by the subject opinion, and are not enforceable by this department.

Very truly yours,

*Jeremiah T. Walsh*  
Jeremiah T. Walsh, P.E.  
Commissioner