

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 6

Introduced by Council Members Cornegy and Kallos (by request of the Mayor).

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to statements of compliance, issuance and posting requirements of certificates of occupancy and interim certificates of occupancy

Be it enacted by the Council as follows:

Section 1. Section 28-101.5 of the administrative code of the city of New York is amended by adding a definition of the term “interim certificate of occupancy”, in alphabetical order, to read as follows:

INTERIM CERTIFICATE OF OCCUPANCY. *A type of temporary certificate of occupancy authorizing occupancy of one or more floors of a building prior to the completion of all work needed to obtain a certificate of occupancy for the building, and that remains in effect until the issuance of a certificate of occupancy for the building.*

§ 2. Table 28-112.8 of the administrative code of the city of New York is amended by adding a fee for “Application for interim certificate of occupancy” after the line beginning “Application for temporary certificate of occupancy”, to read as follows:

TABLE 28-112.8

SERVICE TYPE	FEE	RENEWALS	COMMENTS
<i>Application for interim certificate of occupancy</i>	<i>\$130</i>		

§ 3. Section 28-118.4.2 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§ 28-118.4.2 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 registered design professional of record or [the superintendent of construction, as applicable,] *permit holder* stating that such person has examined the approved construction documents 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 construction documents and specifications and, as erected or altered, complies with the provisions of this code and all other applicable laws and rules, except insofar as variations or variances therefrom have been legally permitted or authorized, specifying such variations or variances in such required statement.

§ 4. Section 28-118.15 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§ 28-118.15 Temporary certificates of occupancy. Upon application, the commissioner is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that the subject portion or portions of the building may be occupied and maintained in a manner that will not endanger public safety, health, or welfare. The commissioner shall set a time period during which the temporary certificate of occupancy is valid. *The provisions of section 28-118.15.1 apply only to interim certificates of occupancy. Nothing in section 28-118.15.1 is intended to affect, alter or amend the commissioner's power to issue or to set time periods for the expiration of temporary certificates of occupancy that are not interim certificates of occupancy.*

§ 28-118.15.1 Interim certificate of occupancy. *An interim certificate of occupancy may be issued authorizing occupancy of a specific floor or floors of a building prior to the completion of the entire work covered by a permit in accordance with this section and rules of the department, subject to the following conditions:*

- 1. The building is of noncombustible construction and protected with an automatic sprinkler system;*
- 2. Adequate means of egress are provided;*

3. *There are no outstanding objections relating to or affecting the occupancy of such portion of the building; and*
4. *Upon inspection, the portion of the building is deemed safe for occupancy without reliance upon temporary measures.*

Exceptions: *Section 28-118.15.1 shall not apply to:*

1. *Residential buildings with fewer than eight stories or fewer than four dwelling units; or*
2. *Non-residential buildings with fewer than five stories; or*
3. *Mixed-use buildings with fewer than four dwelling units; or*
4. *Parking structures.*

§ 28-118.15.1.1 Issuance, contents and posting of interim certificate of occupancy. *An interim certificate of occupancy shall be issued after an inspection by the commissioner determines that the floor or floors of the building conform substantially to the approved construction documents and to the provisions of this code and other applicable laws and rules. Such interim certificate of occupancy shall contain the same information as a certificate of occupancy issued pursuant to section 28-118.6 and shall be posted while it is in effect in accordance with section 28-118.19 and replaced when necessary in accordance with section 28-118.19.1.*

§ 28-118.15.1.2 Effective period. *An interim certificate of occupancy shall remain in effect until the issuance of a certificate of occupancy for the building in accordance with section 28-118.6.*

§ 28-118.15.2 Revocation and suspension. *The commissioner may revoke or suspend a temporary certificate of occupancy, including an interim certificate of occupancy, that was issued in error, or on the basis of incorrect information provided to the department, or based on discontinuance of a nonconforming use pursuant to Article V of the New York city zoning resolution, in accordance with the procedures set forth in sections 28-105.10.1 and 28-105.10.2 for the suspension or revocation of a permit.*

§ 5. Section 28-118.17 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§ 28-118.17 Revocation of certificates of occupancy. The commissioner is authorized to request, in writing, pursuant to section six hundred forty five of the New York city charter that the board of standards and appeals or a court of competent jurisdiction revoke, vacate, or modify a certificate of occupancy issued under the provisions of this code whenever the certificate is issued in error, or on the basis of incorrect information provided to the department, *or the nonconforming use reflected on the certificate of occupancy is no longer permitted pursuant to Article V of the New York city zoning resolution. This section shall not be construed to apply to interim certificates of occupancy and other temporary certificates of occupancy.*

§ 6. Section 28-118.19 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§ 28-118.19 Posting of certificates of occupancy. The owner shall post a copy of the building's certificate of occupancy, *partial certificates of occupancy or temporary, including interim, certificates of occupancy* in accordance with this section 28-118.19, except buildings occupied entirely by group R3. Buildings that are not required to have a certificate of occupancy shall be posted by the owner with a sign or placard in a form prescribed by the commissioner. The certificate of occupancy or sign, as applicable, shall be permanently affixed to the structure in a conspicuous location in a public hall, corridor, management office of the building or as otherwise prescribed by the commissioner.

§ 28-118.19.1 Replacement of posted certificates of occupancy and signs. All posted certificates of occupancy, *partial certificates of occupancy, temporary, including interim, certificates of occupancy* or signs, as applicable, 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 buildings for compliance with the provisions of this code in regard to posting; and the inspection reports shall specify any violation thereof.

§ 7. This local law takes effect 120 days after it becomes law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 10, 2020 and returned unsigned by the Mayor on January 11, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 6 of 2021, Council Int. No. 2033-A of 2020) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.