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## **BUILDINGS BULLETIN 2018-009**

### **Operational**

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**Issuer:** Thomas Fariello, RA  
First Deputy Commissioner

**Issuance Date:** August 1, 2018

**Purpose:** This bulletin establishes revised operational procedures to consider issuing Certificate of Occupancy for buildings with certain open alteration applications.

**Related Code Section(s):** AC 28-116  
AC 28-118

**Subject(s):** Certificate of Occupancy; Temporary Certificate of Occupancy; Amended Certificate of Occupancy; Inspection and Sign-off of Completed Work

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### **1. Background**

The Department implemented an “Open Applications” pilot program as a Fast Track Initiative to facilitate the timely issuance of final Certificates of Occupancy (C of O). The purpose of the program was to review the process of issuing a final C of O (new or amended), assess its current requirements, and to consider the issuance of a C of O despite the fact that the building has certain types of applications open, so long as such applications are not related to the building life safety systems, egress or sidewalks.

This bulletin establishes the initiative as an ongoing one, and outlines procedures for submitting a request for issuance of a final C of O under the open application initiative, and the borough requirements for review and approval of the request.

### **2. Scope and Limitations**

- i. The initiative shall include only the issuance of a final Certificate of Occupancy (C of O) for those new and altered buildings with open applications that the building’s occupants filed, or certain alteration applications, including Alt-1, Alt-2, and Alt-3 applications. All required sign-offs related to construction, electrical, elevator, boiler, and plumbing must have been obtained.
- ii. The initiative shall be limited to open applications other than those involving base building life safety systems, including but not limited to: standpipe, sprinklers, fire alarms, egress or other safety systems, structural and mechanical alterations; or those involving sidewalks.

### **3. Process**

Applicants or their representative(s) who apply under the Open Application initiative must submit a request in writing (Open Applications Cover Letter) to the designated contact(s) in the appropriate Borough Commissioner’s office. The submission must include pertinent details of the problems or issues that impact the issuance of a final C of O for their building, and copies of relevant documents. Following the applicant’s submission of all relevant information, a Project Advocate from the borough office will coordinate a review

of the request with the necessary technical and inspection units, and recommend a disposition to the Borough Commissioner.

#### 4. Review of Open Application Request

Under this Initiative, the Borough Office will review each application on a *case-by-case basis*, and examine all open applications to determine whether the Department can issue a final C of O notwithstanding the fact that certain applications for the property remain open. The following divisions in the Borough and Central Offices will participate in the program:

##### Borough Inspection Units

- Construction Unit
- Plumbing Unit
- Electrical Unit

##### Central Inspection and Enforcement Units

- Boilers and Elevators
- Facades
- Local Law Enforcement Unit
- Administrative Enforcement Unit

However, for properties that have simultaneous and/or multiple Alt-1 applications, the review will require the Borough Commissioner’s office to make a final determination allowing any Alt-1 application to remain open. Under no circumstances will the Department issue a final C of O if open applications involve building life safety systems, including but not limited to: standpipe, sprinklers, fire alarms, egress or other safety systems, structural and mechanical alterations; or those involving sidewalks.

For all requests, the Department’s issuance of a final C of O will be based on the results of a final inspection by the borough Construction Unit. Some examples **of reviews in considering the open application request are provided as Guidelines<sup>1</sup>** in a table in the following page.

#### 5. Borough Office Contact

For eligible buildings, Project Advocates in the borough offices will serve as the primary contacts for all applicants and their representative(s):

Borough	Phone	eMail
Bronx	(718) 960-4700	<a href="mailto:BXopenapp@buildings.nyc.gov">BXopenapp@buildings.nyc.gov</a>
Brooklyn	(718) 802-3677	<a href="mailto:BKopenapp@buildings.nyc.gov">BKopenapp@buildings.nyc.gov</a>
Manhattan	(212) 393-2615	<a href="mailto:MNopenapp@buildings.nyc.gov">MNopenapp@buildings.nyc.gov</a>
Queens	(718) 286-7670	<a href="mailto:QNopenapp@buildings.nyc.gov">QNopenapp@buildings.nyc.gov</a>
Staten Island	(718) 420-5414	<a href="mailto:Slopenapp@buildings.nyc.gov">Slopenapp@buildings.nyc.gov</a>

<sup>1</sup> The examples listed here are intended to serve as guidelines for the disposition of requests under the Open Application Initiative and are not meant to be exclusive or exhaustive.

**Guidelines<sup>1</sup>:** Below are examples of C of O requests and probable dispositions under the open applications initiative for existing or new, residential, mixed use, or commercial buildings.

Open Application/Issue	Probable Disposition
<b>1. C of O requested for a new, residential, mixed use, or commercial building with a Temporary C of O</b>	
An active demolition application for the building that pre-existed the new building for which the applicant requests the C of O.	<i>Issuance of the C of O will require sign-off of the open demolition application.</i>
Multiple active (not signed-off) Alt-1, Alt-2, and Alt-3 applications filed prior to the demolition of the building, and which pre-exist the new building for which the applicant requests a C of O.	<i>Issue the requested C of O by requiring sign-off of demolition application.</i>
Alt-2 and Alt-3 applications for tenant fit outs not related to the New Building (NB) for which the applicant requests the C of O, and which do not impact building's life safety systems.	<i>Issue the requested C of O notwithstanding the fact that these applications remain open.</i>
<b>2. C of O requested in connection with an Alt-1 for an existing building with C of O as well as the following open applications:</b>	
An active Alt-1 not related to the Alt-1 work for which the applicant requests the amended C of O.	<p><i>Issue an amended C of O notwithstanding the fact that item 'a' is open so long as the work that is the subject of the C of O application does not exceed 20% of the total floor area of the building.</i></p> <p><i>If work covered under an Alt-1 exceeds 20% of the floor area, a final inspection of the entire building is required, and issuance of the amended C of O will be based on its results.</i></p>
Multiple active (not signed-off) Alt-2 and Alt-3 applications that are not related to the Alt-1 work for which the applicant requests the amended C of O, and which do not impact building's life safety systems.	<i>Issue the requested C of O notwithstanding the fact that applications remain open.</i>
An active Place of Assembly (PA) application related to an existing PA space that does not affect the Alt-1 work for which the applicant requests an amended C of O.	<i>Review details of open PA work application to determine whether they relate to building life safety systems, and egress.</i>
Alt-2 and Alt-3 applications that are part of the scope of Alt-1 work for which the applicant requests the amended C of O.	<i>These open applications need to be completed and sign-off obtained prior to the issuance of an amended C of O (these applications may relate to the building life safety system).</i>