

The City of New York
HOUSING AND DEVELOPMENT ADMINISTRATION
Department of Buildings

DIRECTIVE NO. 33 OF 1970

TO: Borough Superintendents

DATE: August 10, 1970

FROM: Jeremiah T. Walsh, P.E., Acting Director of Operations

SUBJECT: Issuance of Certificates of Occupancy for New Buildings -
(1968 Building Code or 1938 Building Code)
Sections C26-121.2 and C26-121.10 Building Code
(This directive supersedes Directive #16-1970 issued
May 8, 1970, and shall be effective immediately.)

The following shall apply as minimum requirements for the issuance of certificates of occupancy for new buildings.

A. Temporary Certificates of Occupancy for New Multiple Dwellings

1. All required stair and exit facilities, including fire escapes and party wall balconies, from floors to be occupied under temporary certificates of occupancy, must be entirely completed including all doors, handrails, treads, risers, platforms, exit lights and signs, and lighting. This includes ramps for the use of persons in wheel chairs where they are required by the code.
2. Standpipe, sprinkler and other fire protection systems, for those portions of the building to be included on the temporary certificate of occupancy, where required, must be completed and must be available for use at all floors and spaces proposed to be occupied under the temporary certificate of occupancy. Such systems or parts of systems shall be tested and accepted prior to the issuance of a temporary certificate of occupancy. The primary and auxiliary sources of water supply must be completed and must be ready for use.
3. Public halls and corridors of floors specified for the temporary certificate of occupancy must be clear of rubbish and debris.

- All openings on these corridors or public halls must be properly protected. Ceiling work must be completed.
4. The core of the building, including stairs, elevators and other shafts must be completed from the highest floor to be occupied under the temporary certificate of occupancy down to and including the lowest level of the core. Only those openings shown on the approved plans shall be permitted on and below the highest occupied floor and the openings must be protected with the required assemblies as shown on the approved plans.
 5. Apartments to be included in a temporary certificate of occupancy must be completed. Walls, floors, ceilings and plumbing must be installed and completed. Ceilings must be painted with finish coat and walls are to be painted with prime coat. Floor finishing need not be completed provided the owner of the building has filed a signed statement that the floor finishing will be completed prior to the occupancy of the apartment. Closet doors and all other doors must be completed and hardware for all doors must be installed. Kitchen and bathroom cabinets, cooking ranges, and other kitchen fixtures, where shown on the approved plans, must be installed and completed. Soundproofing, as shown on the approved plan, must be completed. The Borough Superintendent may waive the requirement that interior decorating such as painting, floor covering, etc. be completed, provided that an affidavit, by the tenant of the apartment, has been filed stating that the tenant is going to complete the interior decorating work.
 6. Windows must be installed, glazed, and must be in proper operating condition. All ventilating systems shall be completed and operable. Required ventilating equipment must be installed and must be in

operating condition. Ventilation test reports and affidavits must have been filed and have been accepted for those portions of the building included on the temporary certificate of occupancy.

7. All plumbing systems, including gas piping, serving those portions of the building to be included on the temporary certificate of occupancy must be completed and must have been tested and accepted prior to the issuance of the temporary certificate of occupancy. A gas card must have been issued prior to the issuance of a temporary certificate of occupancy. Heating equipment must be completed and must be in readiness for operation. Hot and cold water supply must be available to all fixtures in every apartment included on the temporary certificate of occupancy. The storm and sanitary drainage systems must be completed and connected to the public sewer system or to a private disposal system where this has been accepted on the approved plan. Drainage systems either public or private must be approved by the appropriate agency.
8. At least one required elevator must be completed and in operation to serve each floor included on the temporary certificate of occupancy. Such elevator must have been inspected and approved for use prior to the issuance of the temporary certificate of occupancy.
9. Electrical work, for those portions of the building to be included on the temporary certificate of occupancy, including lighting in apartments, public halls, stairs, lobbies, other public parts of floors to be occupied and fire alarm systems

if required, must be substantially complete and must be in safe operable condition. Exterior required lighting of entrances, yards and courts must be provided, but may be a temporary system provided it is safe and operable.

10. Stair and elevator lobbies must be finished including door installations, terrazzo or other floor finishing. Decorative wall finishing need not be completed for a temporary certificate of occupancy. Material or equipment may be temporarily stored in the lobby provided it is non-combustible and provided a minimum clear width of 10 feet is maintained at all times for exit passage. Mail delivery boxes must be installed prior to issuance of a temporary certificate of occupancy unless the owner submits a copy of permission granted by the U.S. Post Office Department to accept other mail delivery service in lieu of providing mail boxes.
11. Doorbell systems to apartments to be included on the temporary certificate of occupancy shall be substantially completed. Intercom systems between the main floor and apartments to be included on the temporary certificate of occupancy, if shown on the approved plans, must be substantially completed and operable. Floor designation signs must be installed for the floors to be included on the temporary certificate of occupancy.
12. A sidewalk having a width of not less than one-half the width of required permanent sidewalk, and in no event less than five feet, must be provided. The sidewalk must extend across the entire width of the property and must also extend to the main entrance of the building. Such sidewalks may be temporary but must be constructed of portland cement concrete or of asphaltic concrete.

Temporary sidewalks shall remain in place until an equal width and length of permanent sidewalk has been provided.

13. Concrete reports, including test reports, for the entire building must be submitted and must be approved before issuance of a temporary certificate of occupancy. Required steel affidavits, aluminum affidavits, and welding inspection reports must be submitted and must be approved before issuance of the temporary certificate of occupancy.
14. The owner of the multiple dwelling must register with the Department of Rent and Housing Maintenance prior to the issuance of the temporary certificate of occupancy. (D26-41.01-H.M.C.)
15. There shall be no work started or in progress, anywhere in the building, for which a permit has not been issued. There shall be no violation orders of any nature on file for any part of the building, except that the Borough Superintendent may waive this requirement where the violation is not of a hazardous nature.
16. Non-required areas such as community rooms, laundry rooms, stores, etc. need not be completed if they are not included on the temporary certificate of occupancy.
17. Parking spaces adequate for the number of dwelling units for which the temporary certificate of occupancy will be issued in accordance with the provisions of the Zoning Resolution must be completed. The Borough Superintendent may accept a substitute location and temporary surfacing of the parking area if he deems it to be adequate, until the permanent parking spaces have been provided.

NOTE: A temporary certificate of occupancy for a multiple dwelling may be issued for a period of time not exceeding ninety days and may be renewed for similar periods but shall not extend, together

with such renewals, beyond one year from the date of its original issuance. (Section 301-M.D.L.)

B. Permanent Certificates of Occupancy for New Multiple Dwellings

1. For permanent certificates of occupancy, the foregoing requirements for temporary certificates shall apply throughout the entire building.
2. Stairs shall be completed and shall be enclosed entirely from cellar to roof. Roof bulkheads shall be completely finished.
3. Department of Highways approval for streets shall be filed if required. See "A Guide for the Industry for Plans Examination and Certificates of Occupancy" (one-step manual) for detailed information on this subject. Sidewalks and curbs must be completed even if final grading has been waived.
4. All required reports, certifications and test reports, which have not been submitted and approved in accordance with paragraph A-13, must be submitted and must be approved before issuance of a permanent certificate of occupancy.
5. All commercial and public use areas and all accessory spaces and buildings including storage spaces, recreation rooms, utility and heating spaces, parking spaces and garage spaces shall be completed except that within the commercial use areas, interior finishing, subdividing partitions, and plumbing and lighting installations need not be completed. Store fronts, where not completed, must be completely enclosed in non-combustible construction except that stud backing may be of combustible material. Required place of assembly applications must be on file before the issuance of a permanent certificate of occupancy.

6. All work shall conform to the approved plans including all amendments. No unlawful condition shall exist in the building and there shall be no violation orders pending for the building or any accessory structure or space.

C. Temporary Certificates of Occupancy for New Non-Residence Buildings

Temporary certificates of occupancy may be issued for new non-residence buildings, provided there is compliance with the following items:

1. All required exits leading from the floors to be occupied to the ground floor and to the street must be completed including exit and directional signs, exit lights, lighting of exit facilities, phosphorescent exit signs and proper protection of all openings. This includes ramps for the use of persons in wheel chairs where they are required by the code.
2. Standpipes, sprinkler and other fire protection systems for those portions of the building to be included on the temporary certificate of occupancy where required, must be completed and must be available for use at all floors and spaces proposed to be occupied under the temporary certificate of occupancy. Such systems or parts of systems shall be tested and accepted prior to the issuance of a temporary certificate. The primary and auxiliary sources of water supply must be completed and must be ready for use.
3. The core of the building including stair, elevator, ventilating and other shafts from stories to be occupied to the lowest level of the core must be completed. This includes all required enclosures. All openings on and below the highest floor to be occupied must be protected with the required protective assemblies as shown on the approved plans.

4. Ventilating, heating and air conditioning systems shall be completed and the heating or air conditioning systems, depending on the season, must be operable for the floors to be included on a temporary certificate of occupancy. Ventilation test reports and affidavits must have been filed and have been accepted for those portions of the building to be included on the temporary certificate of occupancy.
5. All plumbing systems serving those portions of the building to be included on the temporary certificate of occupancy must be completed and must have been tested and accepted prior to the issuance of the temporary certificate of occupancy. The storm and sanitary drainage systems must be completed and connected to the public sewer system or to a private disposal system where this has been accepted on the approved plans. A gas card must have been issued prior to the issuance of a temporary certificate of occupancy where gas service is provided.
6. At least two elevators serving the floors to be occupied, as shown on the approved plans, must be completed and have been tested and approved except that where only one elevator is to be constructed, that elevator must be completed. Minor items such as inspection card frame and indicator light cover need not be completed.
7. Electrical work, including lighting in public halls, corridors, stairs, lobbies, other public parts and fire alarm systems if required must be substantially completed and must be in safe operating condition.
8. Any lobby or part of a lobby which provides access for the public to elevators or stairs serving those floors or spaces which are to be included on the temporary certificate of occupancy must be

substantially completed including finishing of floors, ceilings, and walls. Decorative wall finishing need not be completed for a temporary certificate of occupancy. All openings to the lobby must be provided with doors and such other protective assemblies as are shown on the approved plans.

9. Tenant changes shall not be required to be completed provided that where work is in progress plans for such changes have been filed and approved and permits have been issued. No work shall be started nor shall be in progress anywhere in the building unless a permit has been issued for such work.
10. There shall be no violation orders, of any nature, on file for any part of the building except that the Borough Superintendent may waive this requirement where the violation is not of a hazardous nature.

D. Permanent Certificates of Occupancy for New Non-Residence Buildings

1. For permanent certificates of occupancy, the foregoing requirements for temporary certificates shall apply throughout the entire building.
2. In addition, the following items shall be entirely completed:
 - a. Stairs including exit lights and signs.
 - b. Elevators including final test and approval.
 - c. All plumbing work including fixtures.
 - d. All heating, ventilating and air conditioning systems.
 - e. Standpipes and sprinklers including final tests and approvals.
 - f. Fire alarm systems.
 - g. Lighting of all exit facilities and all public areas.
 - h. All work shown on the approved plans.
 - i. When located completely within tenant areas items c and d

need not be completed provided that the work is being done under a permit which has been issued based on a separate tenant work application. Item h need not be completed in so far as it is work shown on the approved tenant plans.

- j. Store fronts, where not completed, must be completely enclosed in non-combustible construction except that stud backing may be of combustible construction.
3. Sidewalk and curb work must be completed and approved and Department of Highways certification for the street, if required, must be filed. See "A Guide for the Industry- - -" for detailed information. Sidewalks and curbs must be completed even if final grade has been waived. Paving and grading of yards and courts, where required, shall be completed. Sewer construction, private disposal systems, drains, drywells etc. shall be completed and approved by the appropriate agencies.
4. All required reports, certifications, final survey etc. shall be submitted and shall be approved prior to the issuance of a permanent certificate of occupancy.
5. Where occupancy constituting a place of assembly is to be included on the certificate of occupancy, an application for a place of assembly permit shall be on file.
6. Accessory parking spaces and other required accessory spaces shall be completed including required paving, drainage and screening.
7. All work shall conform to the approved plans including all amendments. No unlawful condition shall exist in the building and there shall be no violation orders pending for the building or for any other structure or space accessory to the building.

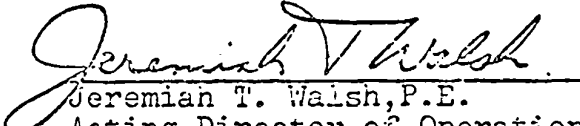
E. Certificates of Occupancy for New Private Dwellings

1. Temporary certificates of occupancy shall not be issued for one or two family dwellings.
2. Permanent certificates of occupancy shall be issued only after all work is completed including but not limited to:
 - a. Sanitary and storm drainage disposal systems including private systems.
 - b. Required paving, grading and retaining structures.
 - c. Required parking facilities.
 - d. Painting, papering, decorating where included on the approved plans.
 - e. All plumbing systems must be completed and proper water supply must be available to all fixtures in the building. All gas piping must be completed and a gas card must have been issued prior to the issuance of the certificate of occupancy.
 - f. All electrical work must be completed.
 - g. Closet doors and all other doors must be completed and hardware for all doors must be installed and completed.
 - h. Kitchen and bathroom cabinets, cooking ranges and other kitchen fixtures, where shown on the approved plans, must be installed and completed.
3. All required certifications, tests, final surveys etc., must be submitted and must be approved before the certificate of occupancy is issued.
4. Sidewalk and curbs must be completed and approved. The Department of Highways certification for the street, if required, must be submitted. See "A Guide for the Industry_ _ _" for detailed information.

Sidewalks and curbs must be completed even if final grade has been waived. The street upon which the property fronts must be on the "Final Map".

5. There shall be no violations pending, nor any work, requiring a permit in progress.

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cc: Exec. staff
Industry