

THE CITY OF NEW YORK  
DEPARTMENT OF BUILDINGS  
DIRECTIVE NO. 4 of 1979

DEPARTMENTAL MEMORANDUM

DATE: May 22, 1979

TO: Borough Superintendents

FROM: Irwin Fruchtman, P. E.  
Commissioner

SUBJECT: PROCEDURE TO REDUCE BACKLOG OF COMPLAINTS,  
VIOLATIONS AND CERTIFICATE OF OCCUPANCY APPLICATIONS

Directive No. 1 of 1976 and Supplement to Directive No. 1 of 1976 dated February 23, 1977, is hereby superseded by the following:

In order to utilize engineering and inspectional personnel more efficiently, the following procedures are to be implemented immediately as an attempt to reduce current backlogs of complaints, violations and certificate of occupancy applications to manageable proportions:

1. COMPLAINTS. Complaints which are more than two (2) years old and which have not been responded to by departmental personnel are to be reviewed. Those which appear to involve a hazardous condition are to be assigned for immediate inspection and appropriate action, in compliance with departmental memorandum dated August 24, 1973 and Directive 9 of 1973, dated November 2, 1973, copies of which are attached. All other complaints more than two (2) years old are to be cancelled without inspections. The complaint docket shall be so annotated for those cancelled.

2. VIOLATIONS. All violations which are more than five (5) years old are to be reviewed, and the following steps taken:

a. Minor violations are to be administratively cancelled without inspection. Examples of minor violations are as follows:

- (1) No plans available on premises for final inspection for Building Notices.
- (2) Water seepage into cellar floor.
- (3) Work completed based on approved Building Notice without obtaining a permit.
- (4) New store front erected without approval and permit.
- (5) Installation of a water closet and basin in commercial or public premises without a permit.
- (6) Erection of a patio, stoop, terrace, or balcony in a one family dwelling without a permit.

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(7) Expiration of permit insurance for completed applications.

b. When the violation is to be administratively cancelled, the violation file, violation docket and index cards shall be so noted and a copy of the cancelled violation placed in the Block and Lot folder. Where the violation has been processed to court, a cancellation notification letter (B Form 37A) a copy of which is attached, shall be sent out with a copy retained in the violation file. Where the violation involves a public agency and therefore was not processed to court, a covering letter, a copy of which is attached (B Form 37B) shall be sent out with a copy retained in the violation file.

c. When the violation is not appropriate for cancellation, and when the owner of record is noted to be a corporation or firm with offices located in Manhattan, a copy of the violation and recent inspection report, and summonses prepared for responsible parties are to be forwarded to the Manhattan office. The process server presently assigned only to Manhattan will service the other boroughs as well.

3. CERTIFICATE OF OCCUPANCY APPLICATIONS. Applications for certificates of occupancy are to be reviewed, with the oldest applications given first priority. Where the objections precluding issuance of the certificates of occupancy are inconsequential, the C of O may be issued, without the necessity of any additional inspections. Where warranted, an inspection should be made to determine if prior objections have been substantially complied with.

4. Borough Superintendents should utilize plan examination personnel to the maximum extent feasible for items 2 and 3 above, and inspectional personnel for items No. 1 and as required for the other items, without seriously curtailing either routine plan examination or inspections. The Chief Engineer and Chief Construction Inspector shall be designated to supervise the above mentioned procedure.

  
Irwin Fruchtman, P. E.  
Commissioner

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Attachments

cc: Executive Staff  
Professional Societies

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DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES  
120 WALL STREET, NEW YORK, N.Y. 10005

IRWIN FRUCHTMAN, P.E. Commissioner  
248-8811

BORO OFFICES:

MANHATTAN  
MUNICIPAL BUILDING  
NEW YORK, N. Y. 10007

BRONX  
1932 ARTHUR AVENUE  
BRONX, N. Y. 10457

BROOKLYN  
MUNICIPAL BUILDING  
BROOKLYN, N. Y. 11201

QUEENS  
126-06 QUEENS BLVD  
NEW GARDENS, N. Y. 11413

STATEN ISLAND  
BOROUGH HALL  
ST. GEORGE, N. Y. 10301

Violation No. \_\_\_\_\_

Premises \_\_\_\_\_

Borough of \_\_\_\_\_

Dear Sir:

You are advised that the subject violation, previously reported against the above premises, has been administratively cancelled.

Although there will be no further prosecution of the violation in the criminal courts, you are advised that such deviation from the Administrative Code can possibly be cause for a legal cloud on the premises in any future civil proceeding, and, be a deterrent to issuance of building permits you may seek in the future, and you are urged to voluntarily comply with the cancelled violation at your earliest convenience.

Very truly yours,

\_\_\_\_\_  
Borough Superintendent



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128-06 QUEENS BLVD.  
NEW GARDENS, N. Y. 11415

STATEN ISLAND  
BOROUGH HALL  
ST. GEORGE, N. Y. 10301

Violation No. \_\_\_\_\_

Premises \_\_\_\_\_

Borough of \_\_\_\_\_

Dear Sir:

You are advised that the subject violation, previously reported against the above premises, has been administratively cancelled.

You are urged to voluntarily comply with the cancelled violation at your earliest convenience. This department will no longer monitor the specific situation.

Very truly yours,

\_\_\_\_\_  
Borough Superintendent