

THE CITY OF NEW YORK  
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: July 13, 1981

TO: Borough Superintendents

FROM: Irving Minkin, P.E., Deputy Commissioner

SUBJECT: Issuance of Temporary Certificates of Occupancy for Joint Living - Work Quarters for Artists or General Residential Occupancy of Loft, Commercial or Manufacturing Buildings and/or final amended Certificate of Occupancy. (This memorandum supplements Directive #33 of 1970, Directive #3 of 1977, and Memorandum of Feb. 1, 1979)

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II. The following shall apply for the issuance of a temporary Certificate of Occupancy to existing non residential buildings or portions thereof, erected prior to December 15, 1961, converted to the following uses: as dwelling units in the zoning districts subject to Article I, Chapter 5 et seq. of the Zoning Resolution; and as Joint Living-Work Quarters for Artists in M1-5A and M1-5B districts (J42-14D). These guidelines shall also apply for the issuance of a temporary or final amended Certificate of Occupancy in the special cases set forth in item Numbers 18-21.

1. STAIR AND EXIT FACILITIES

All work on required stair and exit facilities, (including fire escapes and party wall balconies handrails, treads, risers, platforms, exit lights and signs, and lighting). This includes ramps for the use of persons in wheelchairs where they are required by the code.

2. FIRE PROTECTION SYSTEMS

Standpipe, sprinkler and other fire protection systems, where required, must be completed and must be tested and available for use at all floors and spaces that are occupied. Such systems or parts of systems shall be tested and accepted prior to 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

Public halls and corridors of floors specified for temporary certificates 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. TENANT SPACES

Joint Living-Work Quarters for Artists and/or Dwelling

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Units to be included in a temporary certificate of occupancy must be completed. Walls, floors, ceilings, water closets, bathroom sinks, rough plumbing for all other plumbing fixtures, and smoke detectors must be installed and completed to code standards, in addition to all fire protection devices within such units. Sound-proofing, as shown on the approved plan must be completed.

Unless the owner of the building has filed an affidavit as indicated below, the following shall be required prior to issuing a temporary certificate of occupancy. Ceilings must be painted with finish coat, walls are to be painted with prime coat, and floor finishing must be completed. Closet doors and all other doors shown on the approved plans 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.

The Borough Superintendent, in waiving the requirement that interior decorating such as painting, floor covering, etc., be completed, shall require that an affidavit, by the owner of the building, has been filed stating that he will be responsible for assuring the completion of such work.

#### 5. WINDOWS AND VENTILATION SYSTEMS

Windows must be installed, glazed with plain or wire glass as shown on approved plans, and must be in proper operating condition. All ventilation 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 and those portions of the building included on the temporary certificate of occupancy.

Section 15-025, requiring Double Glazed Windows, applies to all converted dwelling units in the buildings with one or more uses listed in Section 15-58 and converted under the provisions of Article I, Chapter 5. This work must be completed in all dwelling units for which a temporary certificate of occupancy is being requested. The only exemption is for residential units occupied on September 1, 1980.

#### PLUMBING AND HEATING SYSTEMS

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 available to every Joint Living-Working Quarters for Artists and Dwelling Units included on the temporary certificate of occupancy.

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7. ELEVATOR SERVICE

Work on at least one passenger elevator, if required, 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.

8. ELECTRICAL WORK

Electrical work, for those portions of the building to be included on the temporary certificate of occupancy, including lighting or an electrical panel box in each Dwelling Unit or Joint Living-Working Quarters for Artists, lighting in all public halls, stairs, lobbies, other public parts of floors to be occupied, fire alarm system 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.

9. VESTIBULE AND LOBBIES

Stair and elevator lobbies must be substantially finished including door installation, terrazzo or other floor finishing. Decorative wall finishing need not be completed for a temporary certificate of occupancy. Mail delivery boxes must be installed prior to the 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.

10. DOORBELL AND INTERCOM SYSTEMS

Doorbell systems to all Dwelling Units and Joint Living-Working Quarters to be included on the temporary certificate of occupancy shall be substantially completed. Intercom systems between the mail floor and all Dwelling Units and Joint Living-Working Quarters 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.

11. "ARTIST" DESIGNATION

No temporary certificate shall be issued for occupied Joint Living-Working Quarters for Artists unless the occupant of the occupied space possess a valid certification as an "Artist". An "Artist" is a person so certified by the New York City Department of Cultural Affairs and/or State Council on the Arts. An artist may live with members of his or her family maintaining a common household.

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12. HAZARDOUS USES

No temporary certificate of occupancy shall be issued for any part of the building if any other part of the building is occupied by a high hazard occupancy.

13. HOUSING REGISTRATION

The owner of the multiple dwelling must register with the Department of Rent and Housing Maintenance prior to the issuance of a temporary certificate of occupancy. (D26-41.01-H.M.C.)

14. VIOLATIONS

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.

15. NON-RESIDENTIAL SPACES

Non-required areas such as community rooms, laundry rooms, etc., need not be completed if they are not included on the temporary certificate of occupancy.

16. TEMPORARY CERTIFICATE OF OCCUPANCY LIMITATIONS

A temporary certificate of occupancy for a multiple dwelling or Joint Living-Working Quarters for Artists may be issued for 90 day periods, renewable up to two years from the initial issuance, for converted buildings. No extensions may be authorized at the end of the two years for any part of the building.

17. SATISFACTORY COMPLETION OF PUBLIC PORTIONS AND COMMON AREAS

If all work has been satisfactorily completed except for non-fire protection items within tenant spaces set forth in item 14, the Borough Superintendent is to issue a letter to this effect, in addition to the itemized list of objections to issuance of a certificate of occupancy.

18. TEMPORARY OR FINAL AMENDED CERTIFICATES OF OCCUPANCY FOR BUILDINGS HAVING A PRIOR CERTIFICATE OF OCCUPANCY

Temporary or final amended certificates of occupancy may be issued for existing buildings exceeding three (3) stories in height which have an existing certificate of occupancy for that portion of the building where the use is to be changed, provided such portion does not exceed 20% of the total floor area of the building, and all of the conditions set forth above, as appropriate, are complied with.

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19. TEMPORARY OR FINAL AMENDED CERTIFICATES OF OCCUPANCY FOR BUILDINGS WITHOUT A PRIOR CERTIFICATE OF OCCUPANCY

Temporary or final amended certificates of occupancy may be for existing buildings exceeding three (3) stories in height without a prior certificate of occupancy for that portion of the building where the use is to be changed, provided:

- a. The changed use does not exceed 20% of the total floor area of the building;
- b. All of the conditions set forth above, as appropriate, are complied with;
- c. If over six (6) stories in height, there is an operating standpipe system;
- d. If either fireproof; or, if not, there is an operating sprinkler system throughout the building;
- e. Two independent means of egress are available on each floor to all of the tenants, conforming with applicable law.

20. AMENDED CERTIFICATES OF OCCUPANCY - GENERAL ADMINISTRATION GUIDELINES

Applications for amended certificates of occupancy can be made more than once; and, amended certificates of occupancy may cumulatively be issued for an entire building.

There is no required specific time interval between the issuance of a final amended certificate of occupancy for one part of a building, and the filing of an application for another part.

I. FINAL CERTIFICATE OF OCCUPANCY FOR CONVERTED BUILDINGS

1. All of the required work that must be completed, and precluded issuance of a final Certificate issuance of a final certificate of occupancy when the temporary certificate of occupancy was issued in accordance with Section II of this memorandum, shall be required to be fully completed, except for interior partitions of dwelling units

2. Since the zoning districts for conversion south of 59th Street in Manhattan, subject to the requirement of either Art. 1, Chapter 5, §42-14D, or §111-00, have no restrictions on the number of living rooms, (the only exception to this is for dwelling units exempt from the provisions of Art. 1, Chapter 5, §15-01, because they are located in buildings that meet all the requirements for new residential development of Art. II and are in R6, R7, R8, R9, R10, C1, C2, C3, C4, C5, or C6 districts. the sole criteria that would pertain to new partitions within dwelling units, loft dwelling and Joint Living-Work Quarter for Artists are room size and ventilation. Accordingly, the following

procedure shall be followed (except for dwelling units exempt from the provisions of Art. 1, Chapter 5, §15-01, as noted above):

- a. The number of living rooms need not be specified in such conversions.
- b. If the completed work at the time of application for a final certificate of occupancy for converted buildings does not include some interior partitions, the applicant, or person owning the dwelling units may amend the application to delete the partition (s).
- c. A final certificate of occupancy may thereafter be issued.
- d. Alternately, a final certificate of occupancy may be issued even though partition work not shown on the Alteration plans is in progress, provided a Building Notice has been filed for partition work, and approved for permit.

3. After issuance of the final certificate of occupancy, any additional partition work may be filed and approved as a Building Notice in converted buildings in zoning districts south of 59th Street in Manhattan; except for those dwelling units in buildings subject to the exemption of 15-01 since they still have restrictions on the number of living rooms.

  
Irving E. Minkin, P.E.  
Deputy Commissioner

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