



DEPARTMENT OF BUILDINGS  
EXECUTIVE OFFICES  
60 HUDSON STREET, NEW YORK, N.Y. 10013  
RUDOLPH J. RINALDI, Commissioner

BARRY G. COX  
Assistant Commissioner  
Borough Operations  
(212) 312-8004

Issuance # 339

---

OPERATIONS  
POLICY AND PROCEDURE NOTICE # 5/92

---

To: Distribution  
From: Barry G. Cox  
Date: 6 March 1992  
Subject: Temporary Certificates of Occupancy

-----  
**Effective:** Immediately

**Purpose:**

To assure that purchasers of newly constructed one, two and three family homes are aware that all objections required for this agency to issue a final certificate of occupancy may not have been corrected by the developer/builder and that it is the developer/builder's responsibility to do so.

**Specifics:**

When an application is received for a certificate of occupancy and the necessary inspections indicate that the structure substantially complies with code and other applicable law, but sufficient objections exist precluding the issuance of a final certificate of occupancy, none of which affect the public safety, the Borough Commissioner/Superintendent may, in his/her discretion, issue a temporary certificate of occupancy.

In addition to any other condition or requirement, no temporary certificate of occupancy shall be issued unless the following documents are supplied:

- a signed statement from the developer/builder accepting responsibility to cure the stated objections to qualify for a final certificate of occupancy.
- a signed statement from the developer/builder's attorney indicating that in an escrow account there has been deposited an amount sufficient to complete the work required for a final certificate of occupancy and that it is the developer/builder's responsibility to obtain the final certificate of occupancy.
- a signed statement from the developer/builder agreeing that at every closing on a house with a temporary certificate of occupancy, he/she will inform the buyer of outstanding objections required to be cured in order to obtain a final C of O, and the name of the holder of the escrow account.