



ISSUANCE # 464

DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, N.Y. 10013

JOEL A. MIELE, SR., P.E., Commissioner

CAROLE S. SLATER
General Counsel & Director
Office of Legal Affairs
(212) 312-8130

LEGAL
POLICY AND PROCEDURE NOTICE # 3/94

TO: Distribution

FROM: Carole S. Slater, General Counsel *CS*

DATE: November 28, 1994

RE: Five-Day Notice to Owners of Adjoining Property Pursuant to Administrative Code §27-165 and §27-169.

SUPPLEMENTS: Memoranda dated October 19, 1983 from Carol Feinstein to Borough Superintendents, Directives and Memorandums, Volume 13, pages 1956 through 1959.

PURPOSE: To clarify what is meant by "five-day notice" under Administrative Code §27-165 and §27-169.

DISCUSSION: The "five-day notice" refers to the minimum period of notice given to an adjoining property owner prior to issuance of a permit allowing the commencement of demolition, foundation or earthwork. The five day period is to be calculated as follows:

1. If the notice was personally delivered to the adjoining property owner, count five days from the date the notice was delivered to such person.
2. If the notice was mailed to the adjoining property owner count ten days from the date the notice was mailed.

No additional period of notice is required due to a holiday or weekend.

An affidavit of service may be submitted as appropriate documentation as to when and how the notice was given.