



DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, N. Y. 10013
CHARLES M. SMITH, Jr., R.A., *Commissioner*

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ISSUANCE #56

Legal
Policy and Procedure Notice # 1/87

To: Distribution
From: Charles R. Foy, General Counsel
Subject: Freedom of Information Law
Date of Issuance: November 4, 1987

Directive No. 2 of 1979 dated May 1, 1979 and Administrative Policy and Procedure Notices #2/87 and #14/87 are superseded by the following:

In order to comply with the State Freedom of Information Law, as amended, the following records are to be considered as public records in conformance with the law and are to be made available to the public in a manner that will not interfere with the normal operation of the borough offices. All building applications, plans, certificates of occupancy, index cards and index printouts, violation orders and complaints with the complainant's name and address deleted, shall be made available to the public upon request, subject to the following conditions which are required to prevent interference with the procedures and operations of the department and to provide for orderly inspection and security of the records:

1. Plan Desk Files

Applications which are on file in the plan record room may be examined upon presentation of a request on the prescribed form of the department. Such records may not be taken from the public area of the plan record room. Records will be available at the plan record room only during normal operating hours. Consents of owners shall not be required.

2. Plan Examination Files

Applications which have not been approved or which are not in the plan record room because of amendment or other reason, may be examined upon request made to the Borough Chief Engineer. Consent of an owner or architect shall not be required. The Borough Chief Engineer shall require that the inspection of records be made under the supervision of a person designated by him, and that inspection be made at such time as not to interfere with plan examination or other functions of the department.

3. Block and Lot Files

Block and lot records may be examined upon request in writing, on department forms, during normal operating hours of the plan record room. Records may not be taken out of the public area in the plan record room. Consent of the owners or other persons shall not be required.

4. Records in Litigation

Reports or other records made in association with a claim against the city or for use in any investigations authorized by the Charter are not to be released to the public unless authorized by the General Counsel of this Department or the Corporation Counsel's office. Reports relating to injuries or deaths shall be considered to be in this category.

5. Violation Orders

Violation orders may be viewed by the public at any time of the day, provided there is no interference with the normal operation of the department, as determined by the person in charge of the Violation Section. Records may not be taken out of the section.

6. Receipts for Records

A receipt shall be required for every record. Whenever a record has not been returned by closing time for the day, the Deputy Borough Superintendent shall be notified.

7. Complaints

Complaints, with the name and address of the complainant deleted, relating to buildings or premises shall be released to the public upon request. Complaints may be released to the complainant without deletion of the complainant's name and address.

8. Copies of Records

Copies of records may be issued upon requests in writing and upon payment of applicable fees. Persons may be permitted to look at records and to make notes and sketches without payment of fees where such practice does not interfere with the normal operation of the office.

9. Directives and Memorandums

Copies of directives and memorandums issued to Borough Superintendents, relating to procedures or interpretations of law, shall be made public upon request.

10. Other Memorandums and Reports

Requests for other memorandums, reports and communications between Borough Superintendents and Commissioners, or other officials of the department, shall be referred to the General Counsel's Office.

11. Board of Inquiry Minutes

The minutes of Boards of Inquiry or reports or personnel of the department concerning incidents or persons, shall not be released to the public without permission of the Commissioner.

12. Inspectors' Reports - Other Than Item 4

Reports of inspectors concerning violations, complaints and applications shall be considered public records and shall be made available at the convenience of the department. Reports of inspections, which were requested by the Commissioner, Borough Superintendent, or a member of the executive staff, shall not be released to the public until the person who requested the report or the General Counsel's Office is notified.

13. Telephone Information

Where information routinely made available to the public is requested by telephone, the information may be given over the telephone when it is readily available, otherwise the caller shall be advised to obtain the information in person.

14. Press Information

When information is requested by representatives of the press, television or other news agencies, the person making the request shall be referred to the Director of Public Affairs of the department.

15. Inquiries From Other Governmental Agencies

All inquiries from City, State or Federal Auditing Units or non-routine requests from any other government agency or elected official must be referred to Mark Ritze, Director of Program and Management Analysis (312-8025).

"Non-routine" is defined as an unusual request (e.g., the total number of applications filed on a certain day, or the number of employees in a particular section) or a request by an agency which does not normally have contact with the Department of Buildings.