

The City of New York  
HOUSING AND DEVELOPMENT ADMINISTRATION  
Department of Buildings

DIRECTIVE NO. 6 OF 1973

DATE. May 11, 1973

TO: Borough Superintendents

FROM: Thomas V. Burke, Director of Operations

SUBJECT: QUESTIONABLE PLANS OF TWO-FAMILY DWELLINGS

BACKGROUND:

The illegal conversion of ostensible 2-family dwellings to 3-family dwellings has serious ramifications, both zoning wise as well as Building Code.

When a 2-family dwelling is illegally converted to 3 (or more) family occupancy, much fire protection included in the Building Code for multiple dwellings is omitted.

The construction features required by this directive will provide for basic fire-resistive construction for residential buildings.

APPLICABILITY:

This directive applies to all 3 story (basement and attic count as stories) residential buildings, filed for 2-family occupancy.

PROCEDURE:

1. Buildings of frame construction, Class II-D, or II-E may not be converted to use by more than two families.
2. When plans are filed for a 3 story residential building, of other than Class II-D or II-E construction indicating dwelling units, on the upper 2 levels, in other than R1, R2 and R3-1 Zoning Districts, no partitions or plumbing fixtures shall be permitted in the cellar or basement, or in the first story where plans indicate dwelling units on two upper stories above the first story, except as follows:
  - (a) Enclosed garage
  - (b) Boiler room enclosure
  - (c) Auxiliary recreation room without closets in a cellar or basement if not provided on the first story.
  - (d) Additional partitions and plumbing fixtures, when reviewed by the Chief Engineer (Engineering), Deputy Borough Superintendent or Borough Superintendent, may be permitted if all construction features listed in (3), without exception, are provided.

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PROCEDURE: continued

3. Additional partitions to form accessory kitchens with a sink and range and a toilet compartment with bath or shower and room for laundry and storage may be provided in the cellar, basement or first story if all construction features listed below, without exception are provided.
  - (a) Boiler room enclosure, with proper ventilation, of non-combustible or combustible construction having a one hour rating with 3/4 hour F.P.S.C. door.
  - (b) All stairs shall be enclosed with either a combustible or non-combustible enclosure having a one hour rating with 3/4 hour F.P.S.C. doors and shall be protected with an automatic sprinkler system complying with construction provisions of article 17 Building Code.
  - (c) Ceilings of all stories, including the cellar, shall be fire retarded with material having at least a one hour fire resistance rating. Section C26-504.3 Administrative Code.
4. Where permitted by the Zoning Resolution and the Building Code to have bedroom(s) on the first story or basement, all construction requirements of item (3) must be installed.
5. Special Situations:

In R1, R2 and R3-1 Zoning Districts, no construction other than a garage and a boiler room shall be permitted in the story in which the garage is located.
6. Special Requirements:

Within one week prior to issuance of a certificate of occupancy an inspection must be made to ascertain that there are no more than 2 doorbells, mail boxes and electric or gas meters on the premises.

EFFECTIVE DATE:

This Directive is applicable to New Buildings filed after May 2 1973 and thereafter.

All prior Memorandums and Directives on this subject are superseded by this Directive.

TVB/PEO/sc

cc: Executive Staff  
B.C.A.C. - C.I.C.I.  
Dave McGregor  
Industry

*Thomas V. Burke*  
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Director of Operations