

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: May 9, 1983

TO: Borough Superintendents

FROM: Commissioner Robert Esnard, R.A.

SUBJECT:

Guidelines for Vacates of Interim Multiple Dwellings
(I.M.D.)

BACKGROUND: Section 284 (1) (IV) of Article 7-C of the Multiple Dwelling Law assigns certain rights and responsibilities to both residential occupants and landlords in the event that municipal vacate orders are issued for interim multiple dwellings (IMDs). An interim multiple dwelling is a non-residential building housing three or more independent residential units, lacking a residential certificate of occupancy and located in an area that permits residential use. IMDs must obtain a residential certificate of occupancy within a fixed time period.

OBJECT: To provide suggested guidelines for minimum action, obviate the necessity for a Peremptory Vacate Order (PVO), to insure life safety.

SUGGESTED

CRITERIA: The following shall be sufficient cause to issue a PVO:

1. Where an unsprinklered building contains only one (1) open stairway and is more than three stories in height. The presence of a fire-escape, in addition to the single open stairway and complete sprinklering may obviate the requirement of a PVO, provided all units have the proper access to both means of egress.

Since the purpose of enclosed stairs is to provide protection against spread of smoke throughout the building, as well as to provide a reasonably safe means of egress for building occupants, an "enclosed stairway" consisting of a public hall common with the stairway within the enclosure where more than two doors open into such enclosure shall not be considered an enclosed stairway.

2. Where building laws require two means of egress and only one is provided. Should the premises contain a functioning sprinkler system, and one legal means of egress, a PVO is not mandatory.

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3. Where only a portion of the dwelling units are denied adequate access to all required means of egress in an unsprinklered (fully) building, only such units warrant a vacate order.

4. Before signing the Peremptory Vacate Order of a loft building with residential tenants lacking a residential certificate of occupancy for all other circumstances, the Borough Superintendent shall be guided by the enclosed memos.

RTS

Robert Esnard, R.A.
Commissioner

RE:ap
cc:Deputy Commissioner Felstein
Deputy Commissioner Minkin
Executive Staff
Carl Weisbrod, NYC Loft Board
Suzanne O'Keefe, NYC Loft Board
Five County PE & RA Societies
Inspector General Klein
Pat Iacobazzo
City-Wide Administrative Chief Inspectors

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