

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: May 11, 1983

TO: Borough Superintendents

FROM: Commissioner Robert Esnard, R.A.

SUBJECT: Vacate Orders for Interim Multiple Dwellings (IMDs)

In order to protect the rights of residential occupants and landlords of IMDs, and to assure that all responsibilities are met, the following procedure is hereby established between the Loft Board and the Department of Buildings with respect to vacate orders for IMDs:

1. Before signing a peremptory vacate order for a loft building with residential tenants which lacks a residential Certificate of Occupancy, the Borough Superintendent shall simultaneously notify either Deputy Commissioner Irving Minkin or Deputy Commissioner Carol Felstein (copy the other if in writing) of the Department of Buildings, and Suzanne O'Keefe, the Executive Director of the Loft Board (566-6643). Such notification will include a description of the circumstances and conditions which require the issuance of a vacate order, and shall be in writing whenever circumstances permit. No order to vacate such residentially-occupied premises will be issued until this notification is provided.
2. After assessing the circumstances of the proposed vacate order, considering vacate guidelines for IMDs promulgated by the Department of Buildings, the Superintendent in consultation with Deputy Commissioner Minkin or Deputy Commissioner Felstein, taking into consideration any comments that may be forthcoming from the Executive Director of the Loft Board, shall only issue a vacate order for applicable dwelling units where this reflects the minimum action necessary to ensure life safety.
3. If, however, the Borough Superintendent deems the circumstances to be such an extreme hazard, e.g., imminent structural collapse, etc., the foregoing shall not be applicable.

Examples of situations apparently warranting vacate orders, entitled "Guidelines for Vacate for IMDs" dated May 9, 1983 is attached for your advice and guidance.

cc: Irving E. Minkin
Carol Felstein
Carl Weisbrod
Suzanne O'Keefe
Deputy Borough Superintendent DeCanio
Inspector General Klein

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