

THE CITY OF NEW YORK  
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: March 4, 1983

TO: Borough Superintendents

FROM: Irving E. Minkin, P.E., Acting Commissioner *IEM*

SUBJECT: PROCEDURE FOR REVOCATION OF PERMITS

A determination has been made to formalize the practice of this Department in revoking permits. The practice has been to notify a permittee of the intent to revoke a permit prior to actually revoking the permit and giving the permittee an opportunity to provide any additional information that could have an impact on the determination to revoke. The notice period has varied depending upon the situation. It is the intent of this memorandum to standardize this notice period to the extent possible.

Effective March 1, 1983, written notice shall be given to a permittee of the intent to revoke the permit. The notice shall include a statement of the basis for revocation and shall advise the permittee

- a) that he has 5 days from service of the notice to submit to the Borough Superintendent any additional facts or evidence that he believes would have a bearing on the determination to revoke the permit, and
- b) that if no submission is made within the five day period, the notice shall constitute a revocation and the permit shall be revoked effective at the end of the fifth day.

The above stated procedure will be applied as uniformly and consistently as possible. However, the Borough Superintendent retains the authority and must exercise his discretion in determining whether to revoke permits without notice in situations

- a) where there is a threat to the health, safety and welfare of any individuals or a threat to property or the quality of life in a community,
- b) where a change in law requires immediate revocation, and
- c) where previous violations have been noted, or stop work orders or other orders issued. Thus, the notice requirement will apply primarily to situations where work is being performed contrary to approved plans, or where the work exceeds the approved scope of work, or any other situation where the dangers noted above are not applicable.

If the permittee does not respond and submit facts or evidence within the five day period, then the notice by its terms shall constitute a revocation effective at the end of five days. If a submission is made

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then a final letter of revocation in standard form shall be issued if the determination is made to go forward with the revocation.

Any inquiries concerning the applicability of the notice to a particular situation may be made, if necessary, to either General Counsel Munoz or Assistant Commissioner Dennis.

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