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

Residential Buildings to
Non-residential Uses

DEPARTMENTAL MEMORANDUM

Date: November 13, 1968

TO: Borough Superintendents

FROM: Thomas V. Burke, Director of Operations

SUBJECT: Residential Buildings Converted to Non-residential Uses in Commercial Districts

In Commercial Districts as established by the Zoning Resolution, no approval shall be given an application for a change of use of a residence portion of a building to a non-residential use until it has been determined that, in addition to meeting all applicable laws, the residence portion of the building which it is proposed to change is vacant.

A statement by the owner to the effect that the portion to be changed is vacant is acceptable.

An approval and subsequent permit may be issued only for conversion of that portion of the building which is vacant and which in Commercial Zoning Districts meets the requirements of Section 32-42 of the Zoning Resolution for the proposed use.

Upon commencement of work, the inspector shall verify that the entire portion of the building which is proposed to be changed is vacant. If not, he shall inform the Borough Superintendent who shall immediately revoke the permit under Section C26-180.0 Administrative Code for applications complying with the existing Building Code (1938), or Section C26-119.2 Administrative Code for applications complying with the new Building Code (1968).

Please distribute a copy of this directive to each of the examiners and inspectors in your borough and have each person acknowledge receipt.

/signed/

Thomas V. Burke
Director of Operations

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