



DEPARTMENT OF BUILDINGS  
EXECUTIVE OFFICES  
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&  
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M E M O R A N D U M

To: EXECUTIVE STAFF AND BOROUGH SUPERINTENDENTS

From: CHARLES R. FOY *CRF*  
General Counsel & Director  
Office of Legal Affairs

Date: September 6, 1989

Re: SRO Moratorium

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Please be advised that the United States Supreme Court has recently denied the City's application for a stay of the New York Court of Appeals' determination that the SRO Moratorium is unconstitutional.

Although the City has filed a petition with the Supreme Court to have its appeal heard, the moratorium is at this time null and void unless and until the Supreme Court issues an order to the contrary. Therefore, all applications considering SROs do not have to comply with the moratorium, Administrative Code §27-198.2. This means that a building owner may apply to convert, alter or demolish SRO dwellings as long as all other Code provisions and Zoning Resolution requirements are met.

Although the SRO Moratorium has been found to be unconstitutional, LL 19, Administrative Code §27-198, has previously been found to be constitutional and to still be in effect. Therefore, prior to approval of any plans calling for the alteration or demolition of a single room dwelling unit, a certificate of nonharassment from HPD is still required. Moreover, applicants should still complete the SRO intake sheet. The intake sheets will continue to be filled out until such time as there is a final determination from the Supreme Court of the City's petition.

CRF:ngm