



ISSUANCE #527

DEPARTMENT OF BUILDINGS

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**TECHNICAL
POLICY AND PROCEDURE NOTICE #3/97**

TO: Distribution

FROM: Satish K. Babbar, R.A. 

DATE: November 3, 1997

SUBJECT: **Combining Apartments to Create Larger Residential Units Without Affecting the Certificate of Occupancy**

Effective: Immediately

Supersedes: Departmental Memorandum regarding Combining Apartments to Create Larger Residential Units, dated February 24, 1969.

Purpose: The New York City Charter was amended by Local Law 77 of 1968 to eliminate the necessity of obtaining a Certificate of Occupancy where the alteration only consists of combining apartments to create larger residential units, resulting in the reduction of the total number of legal dwelling units in the building, and the bulk of the building is not being increased. The NYC Charter permitted the apartment combination for old law and new law tenements.

In order to simplify combining of apartments, this provision is now extended for all multiple dwelling buildings, including both old and new law tenements, converted dwellings and new code multiple dwellings.

Specifics: An Alteration Type II application may be filed for such combining of apartments with the following restrictions:

1. The combining of apartments shall be permitted either on the same floor or adjacent floors by interior access stairs connecting not more than two stories, and must result in equal or lower number of zoning rooms. New layouts may maintain existing legal non-complying conditions.
2. Natural light and air requirements shall be in compliance for each new habitable room and shall not be diminished for existing non-compliant rooms.
3. Egress from any floor of the building (stairs, corridors, passageways, lobby, fire escape, etc.) shall not be altered under this application.
4. The second kitchen shall be eliminated and plumbing connections shall be capped, unless the approved application plans indicate an alternative use for the connections, such as for washer, dryer, bar sink, new bathroom, etc.
5. If the units are condominiums, a new tentative tax lot number must be obtained from the Department of Finance for the newly created unit prior to filing.

Plan examination by the Department and completion sign-off by a Professional Engineer or Registered Architect shall be limited to the apartments being altered.

Upon sign-off of the completed work, the Borough Office shall issue a **letter of completion**. The letter of completion issued shall clearly state at the end, "**The Department of Buildings does not require a new or amended certificate of occupancy for combining these apartments.**"