



## What Every Lawyer Needs to Know About the Buildings Department



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What Every Lawyer Needs to Know About the Buildings Department

**Phyllis Arnold**  
**Counsel, Bryan Cave**

BRYAN CAVE

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# What Every Lawyer Needs to Know About the Buildings Department

## All Roads Lead to the Department of Buildings

- Building Purchaser or Seller
- Neighbor of Construction Activity
- Restaurant Proprietor
- Coop or Condo Occupant Wishing to Combine Apartments
- Business Owner with a Sign



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## Department's Mandate

“with respect to buildings and structures, such provisions of the building code, zoning resolution, multiple dwelling law, labor law, and other laws, rules and regulations as may govern the construction, alteration, maintenance, use, occupancy, safety, sanitary conditions, mechanical equipment and inspection of buildings or structures in the city....”

New York City Charter §643

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# What Every Lawyer Needs to Know About the Buildings Department

## The Instruments

- Approvals and Permits
- Certificates of Occupancy
- Violations
- Trade Licenses
- Rules
- Reference Standards
- Directives and Memoranda
- Policy and Procedure Notices
- Buildings Bulletins

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# What Every Lawyer Needs to Know About the Buildings Department

## The Laws

- NYC Construction Codes
- NYC Energy Code
- NYC Electrical Code
- NYC Zoning Resolution

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## 2008 Construction Codes

- 1968 Building Code – Titles 26 and 27
- New Title 28
  - Administration
  - Mechanical Code
  - Plumbing Code
  - Fuel Gas Code
  - Building Code

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## 2008 Construction Codes (Continued)

- New Construction
- Alterations can choose
- Effective Dates - Exhibits 1 - 6
- Citation Form

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## Approvals and Permits

- NB, Alt 1, Alt 2, Alt 3, DM
- When required
- 2 steps
  - Professional Files the Application and gets Approval → Filing Reps
  - Contractor pulls the Permit
    - Insurance Requirements
    - Registration
    - Expiration and Renewal



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## Review

- Full Review → Objections
- Partial Review
  - Directive 14
  - Directive 2
- Professional Certification
- “Approval” v. “Acceptance”
- Audits



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## Related Agency Approvals

- DEP: Asbestos Abatement
- HPD: Certificate of No Harassment
- DEC: Wetlands
- LPC: Certificate of Appropriateness or No Effect
- Loft Board
- BSA
- CPC



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## Special Circumstances

- Predetermination
- Timely Pursuit
  - Between Approval and Permit → Abandonment
  - Between Permit and Work → Expiration or Lapse
- Stalled Sites
- Revocation



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## Construction

- 3rd Party Inspections
  - Formerly Controlled/Semi-Controlled
  - Special
  - Progress
  - Approved Agencies
  - Final if No C of O



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# What Every Lawyer Needs to Know About the Buildings Department

## Construction (Continued)

- Department Inspections
  - BEST for Site Safety Jobs
  - Excavation
  - Scaffold
  - Stalled Sites
  - Final if C of O Required
  - Sign Off



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## Licensing/ Registration

- Trades
- General Contractor
- Safety Registration
  - Construction
  - Demolition
  - Concrete
- Exhibit 7
- Site Safety
  - Manager
  - Coordinator
- Concrete Safety Manager



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# What Every Lawyer Needs to Know About the Buildings Department

## Certificates of Occupancy and Related Documents

- Prima Facie Evidence of Lawfulness of Occupancy
- 1938
- Temporary, Final, Partial
- When do I need a new one?
  - Change to use or occupancy
  - Amended C of O in limited circumstances

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## Certificates of Occupancy and Related Documents (continued)

- Letter of Completion
- Place of Assembly Certificate of Operation → Additional Requirement

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# What Every Lawyer Needs to Know About the Buildings Department

## Enforcement

- Routine
  - ECB Violations
    - Classes 1, 2, 3
    - Aggravating and Mitigating Factors
    - Certificate of Correction
    - Exhibit 8
  - DOB Violations
  - Criminal Court
- Special Circumstances
  - Padlock
  - Emergency Declarations
  - Unsafe Buildings
  - Stop Work Orders
  - Vacates



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## Green Building

- Greener, Greater Building Plan
  - Benchmarking
  - Audits and Retro-Commissioning
  - Sub-Metering and Lighting Upgrades
- Energy Code - December 28, 2010 → 2011 NYCECC
- Green Roofs
- Solar Panels
- Ongoing Code amendments → <http://www.urbangreencouncil.org/GreenCodes>

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## Questions?

Phyllis Arnold

212.541.1205

[phyllis.arnold@bryancave.com](mailto:phyllis.arnold@bryancave.com)

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