

THE CITY OF NEW YORK  
HOUSING AND DEVELOPMENT ADMINISTRATION  
DEPARTMENT OF BUILDINGS  
DIRECTIVE NO. 2 OF 1975

DEPARTMENTAL MEMORANDUM

DATE: February 21, 1975

TO: Borough Superintendents

FROM: Commissioner Jeremiah T. Walsh, P.E.

SUBJECT: PLAN EXAMINATION AND BUILDING LAWS INTERPRETATIONS  
Section C26-108.6 Adm. Code

In order to minimize delays in approval of applications for building permits and to expedite the issuance of such permits, examination of new building, alteration and building notice applications shall be limited to examination of applications and plans for compliance with the Zoning Resolution and with the requirements of the building laws relating to egress and fire protection and with administrative requirements of the laws.

The procedure takes cognizance of the professional standing of architects and engineers and their responsibility and capability to provide plans of buildings which are in compliance with law.

Plans are in development in architects' and engineers' offices for new buildings and major alterations, for extended intervals, frequently of several months duration before reaching a stage of sufficient completion for filing with the Building Department. During such time, competent architects and engineers develop the plans in compliance with the requirements of the building laws and the instructions of clients. The structural design, and plans for ventilation, heating and air conditioning are prepared by specialists in respective elements of construction, men who are presumably cognizant of code requirements, and who are aware of their professional responsibility to protect the safety, health and welfare of the public. Such plans may be accepted as in compliance with law, subject only to random, occasional spot checks after approval by examiners of the Building Department.

Architects and engineers who may not be sufficiently familiar with the building laws of this city, or who may have a question as to the interpretation of sections of the laws, may request complete examination of the plans or may request examination of only such additional parts of the plans as they may consider to be in question.

Additionally, engineering personnel of the Building Department will be designated in each borough office to provide information to the architects, engineers, owners, builders, or other persons, who may desire information concerning procedures or requirements of laws or rules enforced by the department.

Accordingly, the procedure below is hereby established for all applications filed on and after March 3, 1975, pursuant to Section C26-108.6 of the Administrative Code. Applications filed before such date may be examined under the procedure herein, upon written request of the applicant.

PROCEDURE

A. PLAN EXAMINATION

For new building, alteration and building notice applications, plan examination is to be restricted to examination of applications and plans for compliance with the Zoning Resolution and the bulk provisions of the Multiple Dwelling Law, where applicable, and those portions of the Building Code, the Multiple Dwelling Law, and the Labor Law, which relate to egress and fire prevention.

1. Examination under the 1968 code shall include:

- a. All applicable provisions of the Zoning Resolution.
- b. All pertinent sections of the Multiple Dwelling Law and Housing Maintenance Code and General City Law.
- c. Egress requirements of the Building Code in Article 6, Egress, and for places of assembly in Article 6, and egress for special uses and occupancies in Article 7.
- d. Fire protection and egress requirements of title 3 of Article 11 of the Labor Law, and the Factory Exit Rules of the Board of Standards and Appeals, where applicable to factories.
- e. Fire protection requirements of Articles 3, Occupancy and Construction Classification, 4, Building Limitations, 5, Fire Protection, 7, Special Uses, 8, Places of Assembly, and 17, Fire Alarm and Extinguishing Equipment, of Part II of Title C of the Building Code.

2. Applications which come under the provisions of the 1938 Building Code shall be examined for zoning and compliance with applicable provisions of the Multiple Dwelling Law, Housing Maintenance Code, and the Labor Law. In addition, such applications shall be examined for egress under Articles 7, Egress, 13, Special Occupancies, and 18, Places of Assembly, and for fire protection under Articles 4, Occupancy and Construction Classification, 5, Building Restrictions, 11, Fire Resistive Construction, 16, Sprinklers, and 17, Standpipes, of the 1938 Building Code, and where applicable under the provisions of the Labor Law and the Factory Exit Rules of the Board of Standards and Appeals.

3. Administrative Requirements

- a. All applications shall be examined for administrative requirements such as completing information on applications, listing of controlled inspections, approvals of other agencies and other requirements, such as sewer and highway approvals, landmark designations, urban renewal approvals, and Health Department records, etc.

4. Requested Examinations

- a. Upon written request of the architect or engineer applicant, plans may be examined completely or in part, for compliance with all applicable laws. The written request may be filed at the time the application is filed, or at any time before work is completed.
- b. Complete examination shall be made at the time of the first examination, if requested prior to such examination, and when requested after the first examination, the application shall be examined as an amendment, with respect to backlog.
- c. Where objections to approval are found upon making the requested examination, approval shall not be issued until compliance with such objections, or waiver by those persons authorized to issue waivers. No permit shall be issued for performance of work in the portion of the structure for which objections remain.
- d. Occasional random spot checks, as required by the Borough Superintendent, shall be made of applications and plans that were approved and not completely examined, to ascertain whether unexamined plans comply with legal requirements. Applications shall be selected for spot checks after consultation and prior approval of the Director of Operations as to frequency and method of selection. Such routine spot checks shall be made generally within thirty days of the date of approval of the application; however, examinations may be made by the department at any time upon receipt of complaints or other evidence of non-compliance. Notice of any objections found shall be sent promptly to the applicant. Failure to submit revised plans showing compliance with objections, within thirty days thereafter, will be cause for revocation of approval and permit. When approved plans are found to be seriously deficient in matters affecting public safety, the approval and permit shall be revoked immediately by the Borough Superintendent or Deputy Borough Superintendent, and the Director of Operations shall be notified.

- e. Applications and plans filed by persons other than architects and engineers, where legally permitted, shall be examined completely, regardless of scope of plans.

B. INTERPRETATIONS OF LAWS ENFORCED BY THE DEPARTMENT OF BUILDINGS

The Borough Superintendent shall designate engineering members of the borough staff to be available for interviews with persons seeking information as to procedures or requirements or interpretations of the building laws. Such persons shall answer telephone, written and personal inquiries during all working hours of the day. Where the number of interviews and telephone calls and letters warrants, the persons so assigned shall devote full time to this assignment. When requested by the applicant, such information shall be in writing.

JTW/TVB/df

  
Jeremiah T. Walsh, P.E.  
Commissioner

CC: Exec. Staff  
Engineers, Architects,  
Builders Societies