**2014 Administrative Code – Chapter 1**

Add a new definition for INTERIM CERTIFICATE OF OCCUPANCY in alphabetical order SECTION 28-101.5, which includes the comprehensive legislative history for this definition.

**INTERIM CERTIFICATE OF OCCUPANCY.** A type of temporary certificate of occupancy authorizing occupancy of one or more floors of a building prior to the completion of all work needed to obtain a certificate of occupancy for the building, and that remains in effect until the issuance of a certificate of occupancy for the building.

Legislative history:

[Local Law 6/21](https://www1.nyc.gov/assets/buildings/local_laws/ll6of2021.pdf)

[Local Law 141/13 (2014 Code Revision Cycle)](http://www1.nyc.gov/assets/buildings/local_laws/ll141of2013.pdf)

Replace the existing Section 28-104.11 in its entirety with the below, which includes the comprehensive legislative history for this section.

**§28-104.11 Construction documents for sites that are covered development projects as defined in section 24-541 of the administrative code.** Construction documents for sites that are covered development projects as defined in section 24-541 of the administrative code shall comply with section 28-104.11.1 through 28-104.11.4.

Legislative history:

[Local Law 91 of 2020](https://www1.nyc.gov/assets/buildings/local_laws/ll91of2020.pdf)

[Local Law 97 of 2017](https://www1.nyc.gov/assets/buildings/local_laws/ll97of2017.pdf)

Replace the existing Section 28-104.11.1 in its entirety with the below, which includes the comprehensive legislative history for this section.

**§28-104.11.1 Definitions.** As used in this code in connection with provisions relating to the jurisdiction of the development of environmental protection, the terms covered development project, development activity, post-construction stormwater management facility, stormwater construction permit, stormwater maintenance permit, and stormwater pollution prevention plan or SWPPP shall have the same definitions as such terms are defined in subchapter 1 of chapter 5-A of title 24 of the administrative code.

Legislative history:

[Local Law 91 of 2020](https://www1.nyc.gov/assets/buildings/local_laws/ll91of2020.pdf)

[Local Law 97 of 2017](https://www1.nyc.gov/assets/buildings/local_laws/ll97of2017.pdf)

Replace the existing Section 28-104.11.2 in its entirety with the below, which includes the comprehensive legislative history for this section.

**§28-104.11.2 Disclosure required.** It shall be the duty of an applicant for construction document approved to determine whether the site of the proposed work is part of a covered development project and to disclose such information on construction documents. Failure to disclose such information on construction documents shall be a violation of this code.

Legislative history:

[Local Law 91 of 2020](https://www1.nyc.gov/assets/buildings/local_laws/ll91of2020.pdf)

[Local Law 97 of 2017](https://www1.nyc.gov/assets/buildings/local_laws/ll97of2017.pdf)

Replace the existing Table 28-112.8 in its entirety with the below, which includes the comprehensive legislative history for this section.

**TABLE 28-112.8**

|  |  |  |  |
| --- | --- | --- | --- |
| **SERVICE TYPE** | **FEE** | **RENEWALS** | **COMMENTS** |
| Accelerated plan review | As provided by department rules |  |  |
| Accelerated inspection | As provided by department rules |  |  |
| Certificate of occupancy request | As provided by department rules |  |  |
| Accelerated certificate of occupancy request | As provided by department rules |  |  |
| Application for temporary certificate of occupancy | $100 | $100 |  |
| Application for interim certificate of occupancy | \*$130 |  |  |
| Reinspection made necessary by a failure to correct a condition or respond to a request to correct that results in issuance of a violation or other order | As provided by department rules |  |  |
| Temporary place of assembly certificate of operation | $100 | $100 |  |
| Temporary use letter (does not include fees for any associated temporary structure) | For the initial 30 days of duration $100.  $100 for each additional 30 day period of permit duration. | $100 for each additional 30 days |  |
| Temporary use letter for place of assembly | $250 |  | Application shall be submitted at least ten work days prior to the event; late fees shall be imposed at $100 for each day following required submission date that the application is received by the department. |
| Subpoena | As provided by applicable state or federal law |  |  |
| Place of assembly certificate of operation | $200 |  | $100 amendment |
| Ordinary plumbing work | $100 for each report |  |  |
| Limited plumbing alteration | Filing fee as calculated for respective building alteration |  |  |
| Limited sprinkler and/or standpipe alteration | Filing fee as calculated for respective building alteration |  |  |
| Limited oil burner/boiler alteration | Filing fee as calculated for respective building alteration |  |  |
| ***Approval or acceptance of materials, assemblies and equipment*** |  |  |  |
| Application for approval of materials | $600 |  |  |
| Application for amendment of prior approval of materials | $500 |  |  |
| Application for change of identification (change of ownership, corporate name or name of product) of prior approval | $350 |  |  |
| Application for approval of materials evaluated by an approved testing agency | $200 |  |  |
| ***Other fees*** |  |  |  |
| Certificate of pending violation: Multiple and private dwellings | As provided by department rules |  |  |
| Certificate of pending violation: All other buildings | As provided by department rules |  |  |
| Certified copy of license | As provided by department rules |  |  |
| Records Management of applications for new buildings and alterations and associated documentation for certificates of occupancy, temporary certificates of occupancy, “compliance reports” and/or letters of completion, as required by rule of the commissioner | As provided by department rules |  |  |
| Preparing only or preparing and certifying a copy of a record or document filed in the department | As provided by department rules |  |  |
| Notification of, the installation or removal of an adjustable suspended scaffold | $35 |  |  |
| Issuance of a core certificate of completion, which indicates completion of the building structure, the elevator systems, stairs, and all fire safety systems | $100 |  |  |
| Issuance of letter of no objection to or classification of a specified occupancy of a premises, as follows:   * 1, 2, or 3 family homes * All other premises | $25  $100 |  |  |
| Fees for after-hours work variances.   * The initial application fee for an after-hours variance * The renewal application fee for an after-hours variance   For each day for which such variance is granted or renewed | $100  $100  $80 |  |  |
| Application for approved agency approval | As provided by department rules |  |  |
| Application for special inspector authorization | As provided by department rules |  |  |
| Failure to keep a scheduled plan examination appointment | As provided by department rules |  |  |
| Failure to keep a scheduled inspection appointment | As provided by department rules |  |  |

Legislative history: [Local Law 6/21](https://www1.nyc.gov/assets/buildings/local_laws/ll6of2021.pdf)

Replace the existing Section 28-118.4.2 in its entirety with the below, which includes the comprehensive legislative history for this section.

**§28-118.4.2 Statement of compliance.** When a certificate of occupancy for a new or altered building is applied for, the application shall be accompanied by a signed statement of the registered design professional of record or permit holder stating that such person has examined the approved construction documents and specifications of the building for which the certificate of occupancy is sought, and that, to the best of his or her knowledge and belief, the building has been erected or altered in accordance with the approved construction documents and specifications and, as erected or altered, complies with the provisions of this code and all other applicable laws and rules, except insofar as variations or variances therefrom have been legally permitted or authorized, specifying such variations or variances in such required statement.

Legislative history: [Local Law 6/21](https://www1.nyc.gov/assets/buildings/local_laws/ll6of2021.pdf)

Replace the existing Section 28-118.15 in its entirety with the below, which includes the comprehensive legislative history for this section.

**§28-118.15 Temporary certificates of occupancy.** Upon application, the commissioner is authorized to issue a tempo­rary certificate of occupancy before the completion of the entire work covered by the permit, provided that the subject portion or portions of the building may be occupied and main­tained in a manner that will not endanger public safety, health, or welfare. The commissioner shall set a time period during which the temporary certificate of occupancy is valid. The provisions of section 28-118.15.1 apply only to interim certificates of occupancy. Nothing in section 28-118.15.1 is intended to affect, alter or amend the commissioner’s power to issue or to set time periods for the expiration of temporary certificates of occupancy that are not interim certificates of occupancy.

Legislative history: [Local Law 6/21](https://www1.nyc.gov/assets/buildings/local_laws/ll6of2021.pdf)

Add new Section 28-118.15.1 in its entirety with the below, which includes the comprehensive legislative history for this section.

**§28-118.15.1 Interim certificate of occupancy.** An interim certificate of occupancy may be issued authorizing occupancy of a specific floor or floors of a building prior to the completion of the entire work covered by a permit in accordance with this section and rules of the department, subject to the following conditions:

1. The building is of noncombustible construction and protected with an automatic sprinkler system;

2. Adequate means of egress are provided;

3. There are no outstanding objections relating to or affecting the occupancy of such portion of the building; and

4. Upon inspection, the portion of the building is deemed safe for occupancy without reliance upon temporary measures.

**Exceptions:** Section 28-118.15.1 shall not apply to:

1. Residential buildings with fewer than eight stories or fewer than four dwelling units; or

2. Non-residential buildings with fewer than five stories; or

3. Mixed-use buildings with fewer than four dwelling units; or

4. Parking structures.

Legislative history: [Local Law 6/21](https://www1.nyc.gov/assets/buildings/local_laws/ll6of2021.pdf)

Add new Section 28-118.15.1.1 in its entirety with the below, which includes the comprehensive legislative history for this section.

**§28-118.15.1.1 Issuance, contents and posting of interim certificate of occupancy.** An interim certificate of occupancy shall be issued after an inspection by the commissioner determines that the floor or floors of the building conform substantially to the approved construction documents and to the provisions of this code and other applicable laws and rules. Such interim certificate of occupancy shall contain the same information as a certificate of occupancy issued pursuant to section 28-118.6 and shall be posted while it is in effect in accordance with section 28-118.19 and replaced when necessary in accordance with section 28-118.19.1.

Legislative history: [Local Law 6/21](https://www1.nyc.gov/assets/buildings/local_laws/ll6of2021.pdf)

Add new Section 28-118.15.1.2 in its entirety with the below, which includes the comprehensive legislative history for this section.

**§28-118.15.1.2 Effective period.** An interim certificate of occupancy shall remain in effect until the issuance of a certificate of occupancy for the building in accordance with section 28-118.6.

Legislative history: [Local Law 6/21](https://www1.nyc.gov/assets/buildings/local_laws/ll6of2021.pdf)

Add new Section 28-118.15.2 in its entirety with the below, which includes the comprehensive legislative history for this section.

**§28-118.15.2 Revocation and suspension.** The commissioner may revoke or suspend a temporary certificate of occupancy, including an interim certificate of occupancy, that was issued in error, or on the basis of incorrect information provided to the department, or based on discontinuance of a nonconforming use pursuant to Article V of the New York city zoning resolution, in accordance with the procedures set forth in sections 28-105.10.1 and 28-105.10.2 for the suspension or revocation of a permit.

Legislative history: [Local Law 6/21](https://www1.nyc.gov/assets/buildings/local_laws/ll6of2021.pdf)

Replace the existing Section 28-118.17 in its entirety with the below, which includes the comprehensive legislative history for this section.

**§28-118.17 Revocation of certificates of occupancy.** The commissioner is authorized to request, in writing, pursuant to section six hundred forty five of the New York city charter that the board of standards and appeals or a court of competent jurisdiction revoke, vacate, or modify a certificate of occu­pancy issued under the provisions of this code whenever the certificate is issued in error, or on the basis of incorrect infor­mation provided to the department, or the nonconforming use reflected on the certificate of occupancy is no longer permitted pursuant to Article V of the New York city zoning resolution. This section shall not be construed to apply to interim certificates of occupancy and other temporary certificates of occupancy.

Legislative history: [Local Law 6/21](https://www1.nyc.gov/assets/buildings/local_laws/ll6of2021.pdf)

Replace the existing Section 28-118.17 in its entirety with the below, which includes the comprehensive legislative history for this section.

**§28-118.19 Posting of certificates of occupancy.** The owner shall post a copy of the building’s certificate of occupancy, partial certificates of occupancy or temporary, including interim, certificates of occupancy in accordance with this section 28-118.19, except buildings occu­pied entirely by group R3. Buildings that are not required to have a certificate of occupancy shall be posted by the owner with a sign or placard in a form prescribed by the commis­sioner. The certificate of occupancy or sign, as applicable, shall be permanently affixed to the structure in a conspicuous loca­tion in a public hall, corridor, management office of the build­ing or as otherwise prescribed by the commissioner.

Legislative history: [Local Law 6/21](https://www1.nyc.gov/assets/buildings/local_laws/ll6of2021.pdf)

Replace the existing Section 28-118.17 in its entirety with the below, which includes the comprehensive legislative history for this section.

**§28-118.19.1 Replacement of posted certificates of occupancy and signs.** All posted certificates of occupancy, partial certificates of occupancy, temporary, including interim, certificates of occupancy or signs, as applicable, shall not be removed or defaced and, if lost, removed or defaced, shall be immediately replaced. The commissioner may inspect or cause to be inspected periodically all buildings for compliance with the provisions of this code in regard to posting; and the inspection reports shall specify any violation thereof.

Legislative history: [Local Law 6/21](https://www1.nyc.gov/assets/buildings/local_laws/ll6of2021.pdf)

**2014 Administrative Code – Chapter 3**

Add new Section 28-309.13 in its entirety with the below, which includes the comprehensive legislative history for this section.

**§28-309.13 Outreach to building owners regarding making energy efficiency improvements.** Each year, the department shall provide information regarding energy efficiency improvements to owners of buildings of all sizes, including buildings connected to gas lines. Such information shall also be posted on the department’s website. The information shall include but not be limited to making energy efficiency improvements including the use of fossil fuel alternatives, the benefits of energy efficiency improvements, compliance with the New York city energy conservation code, and compliance with other laws aimed at reducing building energy use and carbon emissions.

Legislative history: [Local Law 93/20](https://www1.nyc.gov/assets/buildings/local_laws/ll93of2020.pdf)