



**NEW YORK CITY DEPARTMENT OF BUILDINGS
TESTIMONY BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT
FEBRUARY 25, 2025**

Good morning, Chair Ariola and members of the Committee on Fire and Emergency Management. I am Gus Sirakis, Deputy Commissioner for Development and Technical Affairs at the New York City Department of Buildings (“the Department”). I am joined by Guillermo Patino, Deputy Commissioner for Policy and Legal Affairs at the Department, as well as Thomas Currao, Chief of Fire Prevention, and Don Nguyen, Deputy Commissioner for Legal Affairs and General Counsel from the New York City Fire Department. We are pleased to testify before the Committee regarding the Department’s role in issuing certificates of occupancy.

The Department is responsible for issuing certificates of occupancy, including temporary certificates of occupancy, for buildings under its jurisdiction. Such buildings, or parts thereof, may not be occupied until the Department issues a temporary or final certificate of occupancy. While a final certificate of occupancy does not expire, an alteration to an existing building could require that a new certificate of occupancy be issued if, for example, such alteration changes the occupancy group or zoning use group of the building. It should also be noted that buildings built before 1938 do not require a certificate of occupancy, unless they later perform alterations that would change their use, egress, or occupancy. Last fiscal year, the Department issued approximately 15,000 final and initial temporary certificates of occupancy.

In order to qualify for a final certificate of occupancy, a registered design professional must certify that the building has been built or altered in accordance with the Department-approved plans and the Department must perform an inspection to confirm that the building has been built or altered in accordance with such approved plans. Specifically, in order for a final certificate of occupancy to be issued for a building, a building owner must apply for such certificate of occupancy, final construction, plumbing, and electrical inspections must be completed, compliance with the approved pavement plan must be demonstrated, work associated with sanitary/storm water drainage must be completed, a fire protection plan must be filed and accepted, and certificates of compliance for certain service equipment, including air conditioning and ventilation systems, elevators, and boilers, must have been issued by the Department. As mentioned earlier, the Department may also issue temporary certificates of occupancy. Temporary certificates of occupancy may be issued where there are outstanding issues that must be resolved before a final certificate of occupancy can be issued. Temporary certificates of occupancy generally expire 90

days after issuance and may be renewed. Given that temporary certificates of occupancy expire, it is not uncommon for a building's temporary certificate of occupancy to lapse while a building owner takes steps to renew it, which may include responding to issues raised by the Department concerning a renewal application. From the Department's perspective, an expired temporary certificate of occupancy is considered an administrative issue and does not necessarily indicate that a building has become unsafe. As such, the Department does not vacate a building only because a temporary certificate of occupancy has expired. Members of the public are encouraged to report any concerns regarding a building to 311 so that the Department can investigate such concerns and take appropriate actions.

In addition to the requirements outlined above, there may additional requirements that must be met in order for a building to qualify for a certificate of occupancy. Such requirements are project specific. The Department has created a certificate of occupancy worksheet to help building owners and their design professionals determine what requirements they must meet in order to qualify for a certificate of occupancy, which may include approvals from other agencies. For example, certain buildings must have their fire protection plans, which outline their fire safety systems and features, approved by the New York City Fire Department before the Department may issue a final certificate of occupancy. Additionally, there could be relevant approvals needed from the New York City Department of Environmental Protection, the Landmarks Preservation Commission, the New York City Department of Housing Preservation and Development and other agencies.

Thank you for the opportunity to testify before you today. We welcome any questions you may have.

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