

THE CITY OF NEW YORK
HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF RENT AND HOUSING MAINTENANCE
Office of Code Enforcement

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DIRECTIVE No. CE1-1975

To : Chief Inspectors
From: Frank A. Dell'Aira
Deputy Commissioner
For : Office of the Chief Inspector
Inspectorial Staff
Date : February 20, 1975
Subject : Cellar Apartments
Effective: Immediately

Supersedes: Directive No. CE-8-1974 (12/27/74), "Cellar Apartments"

Rent-Paying Tenant Occupancy

Occupancy of cellar apartments by a rent paying tenant rather than by a janitor is no longer a violation of the Housing Maintenance Code. At a meeting of Borough Superintendents of the Department of Buildings held on June 21, 1973 a determination was made to defer to the Office of Code Enforcement all questions regarding whether a cellar apartment can lawfully be occupied by a rent paying tenant without obtaining a new or amended Certificate of Occupancy. The Commissioner of the Department of Buildings so informed the Commissioner of this Department on July 17, 1973.

This Directive is issued to clarify the Office of Code Enforcement's policy regarding occupancy of cellar apartments by a rent paying tenant rather than by a janitor. Also, to add subdivision 4, below.

OCE Policy

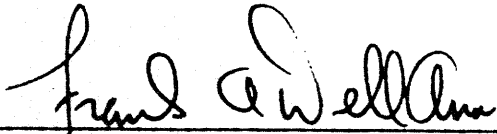
Cellar apartments must conform to Article 34 of the Housing Maintenance Code. The occupancy, where allowed, is lawful by either a janitor or rent paying tenant:

1. If there is no Certificate of Occupancy for the building, and the apartment is shown on a completed plan, or
2. If the certificate of occupancy lists only an apartment in the cellar, or
3. Where the certificate of occupancy specifies a janitor's or superintendent's apartment in the cellar, or
4. Where the Certificate of Occupancy does not list the cellar apartment but the plan does show one and there is an A & K card (Form 1056) on record showing a cellar apartment.

If the Certificate of Occupancy for a building does not list a cellar apartment, but the building plan indicates a cellar apartment and does not conform to subdivision 4, above, the Certificate of Occupancy must be amended to show the cellar apartment.

Cellar apartments formerly approved under a temporary permit must also be shown on the building plan and on the Certificate of Occupancy to attain legal status.

APT MUST SHOW ON
N/B PLAN, THEN HAVE IT
ENFORCED BY BORO SUPT.


Frank A. Dell'Aira
Deputy Commissioner