



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

93-91 - Demolition

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LAST AMENDED
12/20/2018

The Department of Buildings shall not issue a permit for the demolition of a #multiple dwelling#, as defined in Section [93-90](#) (HARASSMENT), paragraph (a)(14), located within Subareas D4 or D5 in the Hell's Kitchen Subdistrict D or within Subdistrict A-2 of the #Special Garment Center District#, or an alteration permit for the partial demolition of a #multiple dwelling# located within Subareas D4 and D5 or within Subdistrict A-2 of the #Special Garment Center District#, where such partial demolition would decrease the amount of #residential# #floor area# in such #multiple dwelling# by 20 percent or more, unless:

- (a) such #multiple dwelling# is an unsafe #building# or an emergency exists such that demolition is required pursuant to the provisions of Title 28, Chapter 2, Articles 215 or 216 of the New York City Administrative Code; or
- (b) the Commissioner of the Department of Housing Preservation and Development, after providing 60 days notice and opportunity to comment to the local Community Board, has certified:
 - (1) if such #multiple dwelling# is to be substantially preserved, that an alteration permit is required to allow the removal and replacement of 20 percent or more of the #floor area#;
 - (2) if such #multiple dwelling# is not to be substantially preserved, that the Department of Housing Preservation and Development has determined that the rehabilitation of such #multiple dwelling# is not feasible under any active governmentally funded program; and
 - (3) that the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to Section [93-90](#), paragraph (c), or has certified compliance with the cure provisions of Section [93-90](#), paragraph (d).
- (c) the following structures shall be exempt from the provisions of this Section:
 - (1) any city-owned #multiple dwellings#;
 - (2) any #multiple dwelling# which is the subject of a program approved by the Department of Housing Preservation and Development for the provision of housing for persons of low- or moderate-income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development;
 - (3) any #multiple dwelling# initially occupied for #residential# purposes after January 1, 1974, except for #buildings# which are or have been interim #multiple dwellings#, pursuant to Article 7C of the Multiple Dwelling Law;
 - (4) any #exempt hotel#, as defined in Section [93-90](#);
 - (5) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory #use# and occupancy was restricted to clubhouse or school dormitory #use# on June 21, 2004; or
 - (6) any #exempt institutional residence#, as defined in Section [93-90](#).