

STATE VARIANCE REQUIREMENTS

It shall be NBD policy that any property found in violation of the Property Maintenance Code of New York State or the New York State Multiple Residence Law (Articles 1-4), that the owner either correct the violation(s) or apply for a State variance.

Applications can be obtained in the permit office. If the variance involves a violation of the MRL, the application will be submitted to the permit office and reviewed by a local review board. If the violation involves the State Code, the application can be obtained in the permit office, but it will then be submitted to the State for review.

This policy is to be followed even though a prior Certificate of Occupancy has been issued. Those properties where it can be demonstrated that a State Variance was previously issued are to be documented as such. All State variance applications that have come through the permit office are on file in the Building Bureau. If a previous variance was submitted to the State, it should be the owner's responsibility to provide this documentation.

No one is authorized to supersede this policy. Any questionable situations will be brought to the area Code Compliance coordinator's attention, who will make the final determination.