

Chapter 10: Notification to Lessees of Landmarks Designation and Permit Requirements

§ 10-01 Introduction.

These rules are issued to assist the owners and other persons in charge of improvements or property that is a landmark, interior landmark or located on a landmark site or in a historic district in complying with the nonresidential tenant notification requirements set forth in § 25-322 of the Administrative Code of the City of New York.

§ 10-02 Notice to Tenant of Landmarks Designation.

The language set forth below shall satisfy the notification requirements set forth in § 25-322 of the Landmarks Law. "The tenant [lessee] is hereby notified that the leased premises are subject to the jurisdiction of the Landmarks Preservation Commission. In accordance with §§ 25-305, 25-306, 25-309 and 25-310 of the Administrative Code of the City of New York and the rules set forth in Title 63 of the Rules of the City of New York, any demolition, construction, reconstruction, alteration or minor work as described in such sections and such rules may not be commenced within or at the leased premises without the prior written approval of the Landmarks Preservation Commission. Tenant is notified that such demolition, construction, reconstruction, alterations or minor work includes, but is not limited to, (a) work to the exterior of the leased premises involving windows, signs, awnings, flagpoles, banners and storefront alterations and (b) interior work to the leased premises that (i) requires a permit from the Department of Buildings or (ii) changes, destroys or affects an interior architectural feature of an interior landmark or an exterior architectural feature of an improvement that is a landmark or located on a landmark site or in a historic district."

§ 10-03 Notification.

(a) *Lease Notification:* Any nonresidential lease or sublease (including any renewal thereof) executed after December 13, 1996 for property or an improvement that is a landmark, interior landmark or located on a landmark site or in a historic district shall include the notice set forth in 63 RCNY § 10-02 above. Such notification shall be highlighted in bold or underscored or otherwise highlighted so that it is conspicuously set forth.

(b) *Letter Notification:* If an improvement or property is designated as a landmark or an interior landmark or included as part of a landmark site or historic district during the term of a nonresidential lease or a sublease of all or a portion of such improvement or property, the lessor of such lease or sublease shall within 30 days after being notified of such designation by the Landmarks Preservation Commission or person in charge, send the written notice set forth in 63 RCNY § 10-02 to the nonresidential lessee or sublessee. Such notice shall be highlighted in bold or underscored or otherwise highlighted so that it is conspicuously set forth. Such notice shall be sent by certified or registered mail, return receipt requested to all nonresidential lessees on the first two floors (excluding the basement or cellar) and shall be sent to all other nonresidential lessees by any means reasonably designed to ensure that notice is given.