

**STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL**

INFORMATION FOR SUBMITTERS OF DESCRIPTIONS OF PROPERTY

Effective as of October 14, 2015.

This information is being provided by the Department of Law as a guidance document pursuant to State Administrative Procedure Act Section 102(14).

The exact text from the Part 23.7 regulations appears below in plain text, with Department of Law guidance in the right margins.

Section 23.7 Description of Property and Building Condition.

Each offering plan submitted pursuant to this Part must include a comprehensive narrative description of the building(s) and property included in the project. Emphasis should be on present condition of premises including deficiencies probably unknown to occupants, rather than description of material make-up visually obvious to each resident. The inspection of the property upon which the description is based must have taken place within 180 days prior to submission of the offering plan to the Department of Law. The Department of Law may in its discretion require a further inspection and report. The condition of all systems and materials must be fully described. Such report(s) shall disclose all defective conditions apparent upon inspection, and shall note any defective condition which is hazardous or which requires immediate repair to prevent further deterioration. Identify and describe all applicable items in the order listed below. Where an item is not specifically identifiable, it may be generally described, e.g., "two rows of deciduous trees" rather than "12 poplar and 12 maple trees in two lines." Where an item is not identifiable at all, a reason must be presented substantiating its unavailability.

- (a) *Location and use of property.* State whether this property and proposed use will comply with all zoning and use requirements at closing. Include in discussion:

Section 23.7 General Guidance

- In the Part 23.7 outline list, "describe" shall be interpreted to mean "fully describe." For example, the term "metal" is never an adequate description; rather, specific metals must be stated.
- All items must be described and their condition must be stated. If new, so state.
- All conditions, whether obvious or latent, must be disclosed.
- The Description of Property's narrative form should follow the sequence of Part 23.7 with exactitude.
- Unless otherwise stated, the Department of Law's commentary should be interpreted to mean "including, but not limited to."
- Sections that clearly do not apply may be omitted.
- Whenever approximate measurements are referenced, it shall be interpreted to mean within reasonable tolerances.

- (1) address;
 - (2) block and lot number;
 - (3) zoning;
 - (4) permissible use.
- (b) *Status of construction.* State:
- (1) year built;
 - (2) class of construction;
 - (3) certificate of Occupancy, type and number; and
 - (4) alteration permit numbers and description of work done.
- (c) *Site.* Discuss:
- (1) size;
 - (2) number of buildings and use;
 - (3) streets owned or maintained by the project:
 - (i) paving (material and condition);
 - (ii) curbing (material and condition);
 - (iii) catch basins, drainage (location and condition);
 - (iv) street lighting (material, type, location and condition); and
 - (v) state whether these items are in conformity with local fire district, town or municipal building codes.

Section 23.7(a)(2) Guidance

“Block and lot number” shall be interpreted to mean the block and lot number(s) of the property prior to the recording of the condominium declaration.

Section 23.7(a)(4) Guidance

State whether proposed uses comply with all legally permissible zoning and use requirements.

Section 23.7(b)(1) Guidance

“Year built” shall be interpreted to mean the year the building was originally built.

Section 23.7(b)(2) Guidance

State applicable building code(s), e.g. 2014 NYC Construction Codes, 2008 NYC Construction Codes, 1968 NYC Building Code, pre-1968 NYC Building Code, 2010 Codes of NYS, 2007 Codes of NYS, pre-2007 Codes of NYS.

Section 23.7(b)(3) Guidance

State whether the existing Certificate of Occupancy, if any, is permanent or temporary. If there is no Certificate of Occupancy, explain.

Section 23.7(b)(4) Guidance

“Description of work done” shall be interpreted to include, *inter alia*, anticipated start and completion dates of work.

Section 23.7(c)(1) Guidance

Specify dimensions and area.

Section 23.7(c)(4) Guidance

“Drives, sidewalks and ramps” shall be interpreted to include, *inter alia*, sidewalk vaults, curb cuts, aprons, etc.

- (4) drives, sidewalks and ramps;
 - (i) paving (material and condition);
 - (ii) curbing (material and condition);
 - (iii) catch basins, drainage (location and condition);
 - (iv) street lighting (material, type, location and condition);
 - (v) state whether these items are in conformity with local fire district, town or municipal building codes.

(d) *Utilities.* Identify source or provider of each utility. Specifically identify which are public utilities or regulated companies and which are solely the obligation of the board of managers of the condominium. Indicate whether water, sewer (or septic tank), gas, electric and telephone are metered individually, collectively or by any other method of billing.

(e) *Sub-soil conditions.* Describe (including water conditions):

- (1) whether uneven foundation movement or settling has occurred (cracking, mortar joint decay, etc.);
- (2) whether there is any evidence of moisture or seepage or ground water infiltration and, if so, whether corrective action is needed;
- (3) whether there is any danger from flooding, either due to water table in area or overflow from other bodies of water. Note potential for mudslides or erosion and what preventative action is appropriate.

Section 23.7(e) Guidance

Specify if any land subsidence, expansive soils, hazardous materials, and/or environmental restrictions are present on the property. If present, describe associated risks.

Section 23.7(e)(3) Guidance

State whether the project is located in an area designated as a flood zone by any local, state, or federal agency. If so, specify the flood zone designation, and whether property has flooded in the last ten years.

(f) *Landscaping and enclosures.* Describe:

- (1) grass cover (type, location);
- (2) plantings (type, location);
- (3) trees (location);
- (4) fencing (type, location);
- (5) gates (type, location);
- (6) garden walls (type, location);
- (7) retaining walls (type, location);
- (8) display pools and fountains (location, materials).

Section 23.7(f)(4) Guidance

Describe material and finish.

Section 23.7(f)(5) Guidance

Describe material and finish.

Section 23.7(f)(6) Guidance

Describe material and finish.

Section 23.7(f)(7) Guidance

Describe material, finish, and dimensions.

(g) *Building size.* Specify:

- (1) total height (approximate total feet from ground level to highest part of roof);
- (2) crawl spaces (floor to ceiling, height);
- (3) number of sub-cellars and cellars;
- (4) number of floors (actual including penthouses);
- (5) equipment rooms (location and use);
- (6) parapet (height above roof)

Section 23.7(g)(2) Guidance

“Crawl spaces” is interpreted to also include, *inter alia*, attic spaces, the size of which should also be specified.

Section 23.7(g)(4) Guidance

If the number of marketing floors differs from the number of actual floors, provide table of equivalence for marketing floors.

Section 23.7(h) Guidance

- Describe any underpinning.
- Describe provision made for sound insulation in the building, including impact noise insulation between floors. If none, so state.
- Describe typical structural system of the floors.
- State whether a sub-grade drainage system is provided for the foundation(s) of the building(s), if known.
- Describe the method of waterproofing for the foundation walls and floor slab, if known.

(h) *Structural system.* Describe materials used, include type of foundation(s) and method of installation. Specify:

- (1) Exterior of buildings:
 - (i) Walls: List materials, type of construction, method of construction.

Section 23.7(h)(1)(i) Guidance

- NOTE: Local Law 10 has been amended and superceded by Local Law 11 of 1998.
- Specify the type of each exterior wall (e.g. solid masonry, curtain, cavity, wood frame, etc.)
- Describe full wall-section for each type of wall.

For New York City buildings, if Local Law 10 applies, include the entire report of the results of the inspection. If Local Law 10 is inapplicable, so state. If such inspection is required, but not performed, specify as a violation. If insulated, describe material, type, size and insulating value where available.

(ii) Windows: Specify type and materials in all parts of the building including sills, screens, window guards, lintels, storm, sash, hardware, single or double glazing and caulking. Indicate whether lot line windows exist and describe any potential future problems.

(iii) Landmark status: State whether building has landmark status and discuss consequences.

(2) Parapets and copings: State type of materials, how firmly secured in place and whether there is any indication of problems e.g., leakage, spalling, deterioration of mortar, cracking, etc.

(3) Chimneys and caps: Indicate number, location and material of each chimney for boilers, incinerators, compactors and fireplaces. If fireplaces are not usable for wood fires, this fact must be conspicuously disclosed.

(4) Balconies and terraces. Describe:

(vi) deck finish (material);

(ii) balustrade (type, material);

(iii) railings (material);

Section 23.7(h)(1)(i) Guidance, Continued

- If curtain walls are present, specify whether they were installed as per manufacturer specifications and/or current building standards, if known.
- If an Exterior Insulation Finishing System (EIFS) or a panel cladding exists, so state. Also state the type: barrier or internally drained.

Section 23.7(h)(1)(ii) Guidance

- “Windows” shall be interpreted to include, *inter alia*, storefronts.
- State window manufacturer(s) and manufacturer's warranty, if applicable.
- Describe the thermal break system.
- List the units that are affected by lot line windows, state the number of lot line windows in each unit, and indicate lot line windows and their respective dimensions on unit floor plans.

Section 23.7(h)(1)(iii) Guidance

- “Landmark status” shall be interpreted to also mean whether the building is located in a landmarked district or any other area with a historic designation.
- Specify whether the building has landmark status by nature or due to its location in a landmark district.

Section 23.7(h)(2) Guidance

Describe material composition.

Section 23.7(h)(3) Guidance

- “Chimneys” shall be interpreted to include, *inter alia*, flues.
- For metal chimneys, state whether chimney is double or triple walled.

Section 23.7(h)(4) Guidance

“Balconies and terraces” are *not* interpreted to include roof areas unless a proper walking surface is provided and the space is indicated as an accessory to residential space in the Certificate of Occupancy.

Section 23.7(h)(4)(iii) Guidance

State whether design creates “ladder effect.” If so, describe protections.

- (iv) copings (material);
- (v) soffits (material);
- (vi) doors to balconies and terraces (type, material).

Section 23.7(h)(4)(vi) Guidance

- State manufacturer(s).
- State whether a thermal break system is provided.

(5) Exterior entrances. Describe:

- (i) exterior doors and frames (material, type, lock);
- (ii) vestibule doors and frames (material, type, lock);
- (iii) exterior stairs (material, location);
- (iv) railings (material, location);
- (v) mail boxes (type, location);
- (vi) lighting (type, location).

Section 23.7(h)(5)(i) Guidance

- State manufacturer(s).
- State whether a thermal break system is provided.

(6) Service entrances. Describe:

- (i) doors and frames (material, type, lock);
- (ii) gates (material, type, lock);
- (iii) exterior stairs (material, location);
- (iv) railings (materials, location).

(7) Roof and roof structures. Describe:

- (i) Type roofs for all areas:
 - (a) material;
 - (b) insulation (size, type and insulating value if available);

Section 23.7(h)(7)(i) Guidance

State manufacturer(s) of roof system and date installed or last repaired.

- (c) surface finish;
- (d) bond or guarantee;
- (e) flashing materials including counter flashing.

Section 23.7(h)(7)(i)(d) Guidance

- “Bond or guarantee” shall be interpreted to include, *inter alia*, warranties.
- Specify if the bond, guarantee, or warranty is issued by the manufacturer and/or installer, its term, and the commencement date.

(ii) Drains:

- (a) location, material and type;
- (b) gutters and leaders (type, material).

(iii) Skylights (location, type, material).

(iv) Bulkheads:

- (a) stairs (material);
- (b) elevator (material);
- (c) other.

(v) Metal work at roof levels:

- (a) exterior, metal stairs (material);
- (b) vertical ladders, including gooseneck (material);
- (c) railings (material);
- (d) hatches to roof (type, material);
- (e) other.

(vi) Rooftop facilities.

Section 23.7(h)(7)(vi) Guidance

State the presence of any rooftop antennae, cell phone towers, satellite dishes, lightning protection equipment, etc.

(8) Fire escapes. Describe at each floor and specify

any unusual access situations:

- (i) location (describe how attached and supported);
- (ii) floors covered;
- (iii) drop ladder;
- (iv) type;
- (v) materials.

Section 23.7(h)(8)(v) Guidance

- Describe the fire escape(s) finish and condition.
- State when fire escape(s) were last painted.

(9) Yard and courts. Describe each yard or court including front, rear and interior areas, listing methods of access:

- (i) paving (material);
- (ii) drainage (type and material);
- (iii) railings (material);
- (iv) stairs (material);
- (v) fencing (type and material);
- (vi) walls (type and material).

Section 23.7(h)(9)(vi) Guidance

Describe structural composition of retaining walls.

(10) Interior stairs. Describe:

- (i) number of stairs of each type;
- (ii) enclosure (construction and interior finishes);
- (iii) stair construction (steel, concrete, wood);
- (iv) stringers (material);
- (v) treads (material);
- (vi) risers (material);

Section 23.7(h)(10) Guidance

Describe each type of interior stairs, including, *inter alia*, the fire rating and compliance with applicable code(s).

- (vii) guard rails (material);
 - (vii) balustrade (material).
- (11) Interior doors and frames. Describe material, type and location for each, and state whether fireproof or exceeds fire/safety standards:
- (i) unit entrance and interior doors and frames;
 - (ii) corridor doors and frames;
 - (iii) stair hall doors and frames;
 - (iv) roof doors, basement doors and frames.
- (12) Elevators. Describe:
- (i) number of passenger and service elevators;
 - (ii) manufacturer, age of each and capacity (in pounds and number of passengers);
 - (iii) type of operation for each elevator by elevator number or location in building (for large numbers of elevators describe by class-passenger/freight);
 - (iv) automatic (type of controls);
 - (v) floors served;
 - (vi) type (hydraulic; gearless);
 - (vii) doors (sliding, swinging, manual, automatic)
 - (viii) location of machine rooms;

- (ix) DC motor (manufacturer);
- (x) AC motor-generator set (manufacturer);
- (xi) other.

(13) Elevator cabs. Describe:

- (i) kind (manufacturer);
- (ii) floor (material);
- (iii) walls (material);
- (iv) ceiling (material);
- (v) lighting;
- (vi) alarm, safety system.

(i) *Auxiliary facilities:*

(1) Laundry rooms. Describe:

- (i) location and number of rooms;
- (ii) clothes washers, number and type (e.g. heavy duty, coin operated, electric, gas);
- (iii) clothes dryers (number and type);
- (iv) room ventilation (method and final exhaust);
- (v) dryer ventilation (method and final exhaust).

(2) Refuse disposal. Describe, including:

- (i) incinerator(s) (number, location,

Section 23.7(i) Guidance

Auxiliary facilities shall be interpreted to include, *inter alia*, package rooms, storage rooms, bicycle rooms, all of which should be described and the dimensions clearly stated.

Section 23.7(i)(1)(i) Guidance

Specify if laundry rooms are located in common area(s) or individual units.

Section 23.7(i)(1)(iii) Guidance

Specify whether clothes dryers are gas or electric.

Section 23.7(i)(2)(i) Guidance

NOTE: For properties in New York City, please refer to Section 24-118 of the New York City Administrative Code for permissible incinerator uses.

capacity, type, manufacturer);

- (ii) compactor(s) (number, location, capacity, type, manufacturer);
- (ii) approvals by authority having jurisdiction (date of each approval);
- (iii) initial storage location (ultimate storage location);
- (iv) pick-up schedule, and whether public or private provider.

(j) *Plumbing and drainage.*

- (1) Water supply. Describe system, pumps, storage and location.
- (2) Fire protection system. Describe:
 - (i) standpipes (material, size, location);
 - (ii) hose racks, hoses and nozzles (location);
 - (iii) sprinkler heads (type system, location);
 - (iv) siamese connection (type, location).
- (3) Water storage tank(s) and enclosures. Describe:
 - (i) number, type, location of each;
 - (ii) material (interior, exterior and roof of tank);
 - (iii) access to tank (e.g. vertical gooseneck ladder);
 - (iv) capacity (total gallons);

Section 23.7(j)(1) Guidance

- “Water supply system” shall be interpreted to include, *inter alia*, irrigation system(s), which should also be described.
- State size and material(s) for all services, including, *inter alia*, insulation of piping.
- Specify location for main shut-off valve.

Section 23.7(j)(2) Guidance

“Fire protection system” shall be interpreted to include, *inter alia*, central panel systems, which should be described, if applicable.

- (v) capacity (fire reserve).
- (4) Water pressure and how maintained.
- (5) Sanitary sewage system. Describe, including:
 - (i) sewage piping (materials);
 - (ii) sewage pumps (if any);
 - (iii) sewage disposal (public/private; treatment; drainfield; sewer).
- (6) Permit(s) required. List and include date(s) obtained.

(7) Storm drainage system. Describe system, adequacy, method of disposal and materials including:

- (i) catch basins (location);
- (ii) yard and roof drains (location);
- (iii) piping (materials);
- (iv) eject or sump pumps (describe in detail and describe conditions requiring pumps).

Section 23.7(j)(7) Guidance

“Storm drainage system” shall be interpreted to mean all drainage from the building, including, *inter alia*, drainage from roof surfaces (including roof detention systems), balconies, terraces, areaways, canopies, awnings, etc., which should also be described.

(k) *Heating*. Describe (including space heating and domestic hot water heating):

- (1) heating and distribution of domestic hot water and whether capable of providing peak required services. Describe heating system’s ability to maintain legally required conditions under anticipated weather conditions, specifying internal temperature and ambient temperature used in calculations;
- (2) number of boilers and description;

Section 23.7(k) Guidance

- “Heating” shall be interpreted to include any and all heating systems, including, *inter alia*, furnaces, steam systems, hot water systems, electrical systems, hot air systems, radiant flooring, which should be described generally.
- State energy efficiency rating for all heating systems and equipment, if applicable.
- If heating system as described has a useful life of less than five years, disclose as Special Risk.

- (3) manufacturer and age of boiler(s) (model, capacity; alternatively, give type, approximate age and approximate remaining useful life);
- (4) manufacturer and age of burners (model; alternatively, give type and approximate remaining useful life);
- (5) type of controls;
- (6) radiators, piping, insulation, valves, pumps;
- (7) fuel (if oil give type and grade; if gas give type and supply system);
- (8) location of oil tank, materials, enclosure;
- (9) capacity of oil tank.
- (10) for gas (details on type and supply system)

(l) *Gas supply* (if not described above). Describe:

- (1) type;
- (2) meters;
- (3) piping.

Section 23.7(l)(3) Guidance

Describe service size and material.

(m) *Air conditioning*. Describe cooling system's adequacy to maintain comfortable conditions under anticipated weather conditions, specifying internal temperature and base ambient temperature used in calculations. Describe:

- (1) type of system;
- (2) central system (manufacturer, model and capacity);
- (3) cooling towers, condensers (roof top, self-contained units, including number, location and description);

Section 23.7(m) Guidance

State energy efficiency rating for all systems and all equipment, if applicable.

Section 23.7(m)(3) Guidance

- Specify whether exterior metals, including fasteners, are corrosion resistant.
- If rooftop equipment is present, specify measures that are to be implemented to prevent equipment vibration and noise from reverberating in the apartments below.
- Specify the insulation for rooftop piping.

- (4) individual units covered by the offer (window/sleeve - specify number, capacity, amperage and efficiency).
- (n) *Ventilation*. Describe system in kitchens, fireplaces and all windowless areas such as corridors, garages, laundries, baths, etc.
- (o) *Electrical system*. Specify:
- (1) service from main service switchgear (amperes, voltage, phases, wire, protective equipment);
 - (2) service to individual units (risers, etc.)
 - (3) compartment switch gear (location and floor of sectional meter boards and transformers supplying power to the meter boards);
 - (4) unit service (ratings of fuses and circuit breakers); adequacy of electrical system to handle modern usage and appliances such as air conditioners, dishwashers and dryers;
 - (5) adequacy:
 - (i) service - average number of circuits per apartment and capacity to handle modern appliances - specifically air conditioners, dishwashers and electric dryers;
 - (ii) lighting and fixtures
 - (iii) convenience outlets, appliance outlets.
- (p) *Intercommunication and/or door signal systems, security closed circuit TV*. Specify mode of operation and condition. Describe television reception facilities (master antennae, cable TV, antennae by tenants).

Section 23.7(m)(4) Guidance

- If packaged terminal air conditioners (PTACs) are present, describe the drainage system, insulation, flashing, and inner and outer sealant. Also state the manufacturer(s) and warranty.
- If air handling units are installed within individual units as part of the split system, describe: (1) the type of controls, (2) type of unit, (3) whether ducted or ductless, and (4) location within the unit. Also state the manufacturer(s) and manufacturer's warranty, if applicable.

Section 23.7(n) Guidance

"All windowless areas" shall be interpreted to also include, *inter alia*, cellars, attics, crawl spaces, etc., the ventilation of which should also be described.

Section 23.7(o)(1) Guidance

Specify wire material.

Section 23.7(o)(5) Guidance

"Adequacy" shall be interpreted to mean, *inter alia*, compliance with all applicable codes. State that the following comply with all applicable codes.

Section 23.7(o)(5)(i) Guidance

- Adequacy of service" shall be interpreted to include, *inter alia*, provisions for electricity supply during outages, such as the presence of a generator. If applicable, state generator type and its operating time during power failure. If there is no generator provided, so state.

Section 23.7(o)(5)(ii) Guidance

Specify on a room-by-room basis.

Section 23.7(p) Guidance

- Specify security systems, if any.
- State manufacturer(s), model number(s), and warranties for television reception facilities, intercom, and/or any other security systems.

(q) *Public area lighting.* Describe and state adequacy (entrances, halls and stairs, corridors, basements, courts and yards).

(r) *Garages and parking areas.* Describe:

- (1) location of garages (description of facility);
- (2) location of parking areas (number of spaces in each),
- (3) surfaces (materials used, lighting, fencing etc.);
- (4) parking (attended or unattended);
- (5) garage ventilation (method and equipment);
- (6) garage fire protection (method and equipment);
- (7) drainage.

(s) *Swimming pool(s).* Describe in detail:

- (1) type (concrete, material composition) and location on property;
- (2) size including length, width, depth, and approximate number of bathers permitted at any time;
- (3) enclosure (material including roof);
- (4) pumping and filter system (describe material);
- (5) water heating equipment or usage of building's hot water (feed or heat exchangers);
- (6) if on building roof, specify structural support system.

Section 23.7(q) Guidance

- “Adequacy” shall be interpreted to mean, *inter alia*, compliance with all applicable codes.
- State whether public area lighting complies with all applicable codes.
- State manufacturer(s) and model number(s) for all public area lighting.

Section 23.7(r)(2) Guidance

State space dimensions, number of accessible spaces, and include parking layout as an exhibit in Part II of the offering plan.

Section 23.7(r)(4) Guidance

State whether there are any restrictions on users imposed by zoning requirements, e.g., residents only.

Section 23.7(s)(3) Guidance

“Enclosure” shall be interpreted to include, *inter alia*, pool decks, the size of which should be stated.

(t) *Tennis courts, playgrounds and recreation facilities*

(1) Tennis courts. Describe:

- (i) type (clay, macadam, turf);
- (ii) number and size;
- (iii) lighting (number and type);
- (iv) fencing or enclosure (including distance between fence or enclosure and all sides of court).

(2) Playgrounds. Describe location and size(s), fencing (if any), equipment types and sand bed or safety padding.

(3) Other recreation facilities. Describe any beach or lake front, boating facilities, golf course(s), handball, basketball or other game courts.

Section 23.7(t)(3) Guidance

“Other recreation facilities” shall be interpreted to also include, *inter alia*, community meeting rooms, fitness centers, children’s playrooms, movie-screening rooms, saunas, etc., which should also be described.

(u) *Permits and certificates*. List all applicable permits which must be obtained and inspections which are to be done. List type of inspection, authority inspecting and duration of approval once obtained. Include all compactors, incinerators, boilers, oil storage tanks, elevators, etc. In New York City include Department of Air Resources, Elevator Safety, Boiler Safety, Fire Department and Buildings Department permits.

Section 23.7(u) Guidance

- “Inspections” shall be interpreted to mean recurring inspections to be done after the building is in operation.
- NOTE: For properties in New York City, please refer to Section 24-118 of the New York City Administrative Code for permissible incinerator uses.

(v) *Violations*. List all violations outstanding as of the date of this report and the agency imposing the violation, the condition involved, the date violation issued, and work required by violation notice to cure. If no violations are outstanding, so state.

(w) *Unit information*. Specify the number of units inspected. Specify the unit designations for each typical unit or line of units, including the number and type of rooms. Give criteria for calculations of the number of rooms. For lofts give useable residential space in square feet. Describe (include foyers, living rooms,

dining areas, kitchen, bedrooms, bathrooms, etc.):

- (1) Type and grade of finish material used in each type of unit and the number of coverings given. Include paint, wall and floor coverings, as well as specifying the type of flooring, walls and ceiling used.
- (2) Presence, type and condition of all bathroom fixtures.
- (3) Presence, type and condition of kitchen and laundry equipment.
 - (i) If data is substantially the same for all units, a single narrative may be substituted for this schedule.
 - (ii) If any equipment or fixtures described are not included in the offering price, or the offering price is conditioned on the equipment and fixtures selected, such fact must be conspicuously noted in the body of the plan.

- (x) *Finish schedule of spaces other than units.* The following is a form of schedule to be given for each floor.

Room Floor Walls Ceiling Remarks

Describe all common rooms and spaces including but not limited to: sub-sub cellar, sub-cellar, basement, cellar, first floor, penthouse floor, public and service halls, corridors, lobbies.

- (y) *Safety and warning devices.* Describe any fire or smoke safety devices installed in units and common areas. State what devices are required by law, and whether any required devices have not been installed.
- (z) *Additional information required.* Include the following in the Description of Property and Building

Section 23.7(w)(1) Guidance

If a finish schedule is available for renovated units, please supply the following:

- If wood floors are present, specify the wood species, grade, finish, thickness, and underlayment. If manufactured, state manufacturer, model, and warranty.
- If carpets are present, state manufacturer, grade, and warranty of any carpeting.
- For walls and ceilings, specify a primer and the grade and number of finished coats of paint.

Section 23.7(w)(2) Guidance

For renovated units, state manufacturer(s) and models of all bathroom fixtures, to the extent known.

Section 23.7(w)(3) Guidance

For renovated units:

- “Kitchen equipment” is interpreted to include, *inter alia*, countertops and cabinets, which should also be described.
- State the manufacturer(s) and models of kitchen and laundry equipment, to the extent known.

Section 23.7(x) Guidance

- “All common rooms and spaces” shall be interpreted to also include, *inter alia*, bicycle storage rooms, cold food storage rooms, wine cellars, mail rooms, etc., which should also be described.
- For all common rooms and spaces, include the same finishes information as required in section (w).

Condition section of the plan:

- (1) a site plan showing landscape features, roads, the outside dimensions of the building(s) and designated common areas, including recreation and refuse disposal areas, and all privately owned access roads. The site plan may be omitted if the building covers the entire lot.
 - (2) an area map showing the location of the condominium with respect to its surroundings, if the condominium is not located in a highly urban area.
 - (3) floor plan for each line or type of unit drawn to scale, indicating room dimensions and showing unit boundaries.
 - (4) floor to ceiling heights of units.
 - (5) approximate total area of each unit.
 - (6) a master floor plan showing unit boundaries and the relationship of units to each other. The master floor plan may be omitted if the site plan clearly shows unit boundaries and appropriate unit designations.
- (aa) In the event that certain conditions in the building(s) cannot be adequately evaluated by a visual examination, the Department of Law may, in its discretion, direct that an independent engineer or testing laboratory be retained to perform such tests or monitoring as may be necessary in order to make adequate disclosure. Conditions which may require additional testing or monitoring include, but are not limited to: settlement, masonry cracks, rusting of structural steel, adequacy of concrete cover, firestopping, etc. Test results must be reported in the offering plan or in an amendment thereto.
- (ab) *Further development.* If the sponsor intends to add

Section 23.7(z)(1) Guidance

- “Site plan” shall be interpreted to include, *inter alia*, a demarcation of the property line and a depiction of neighboring buildings, including the roof lines.
- “Landscape features” shall be interpreted to include, *inter alia*, fencing, steps, entries, yard or area drains, drywells, all trees, tree pits, hydrants, ramps, etc.

Section 23.7(z)(3) Guidance

“Floor plan” shall be interpreted to include, *inter alia*, room or space designations that conform to those on approved documents or applicable building code designations.

Section 23.7(z)(5) Guidance

“Approximate total area” shall be interpreted to include accessory spaces. All uninhabitable accessory spaces must be clearly denoted in the Schedule A.

Section 23.7(z)(6) Guidance

- “Master floor plan” shall be interpreted to include every floor or floor type, including cellars, ground floor, and roof.
- All rooms or spaces, exclusive of closets and spaces within units, must be labeled and dimensions provided.
- All equipment must be shown and labeled.
- All area, roof, or floor drains must be shown.

additional apartments to the building, either above the existing roof, outside the existing building development, or by altering space within the building, it must make disclosure about the new apartments to conform to 13 NYCRR Section 20.7. In addition:

- (1) If additional apartments are to be added, sponsor must submit plans and specifications approved by all necessary local governmental agencies before the offering plan may be accepted for filing.
- (2) If additional apartments will be on top of an existing structure, state:
 - (i) whether the existing structure has sufficient capacity to support the additional load, and, if not, what steps are being taken to support the increased load.
 - (ii) what the resulting building height will be.
- (3) Describe the components which will be removed, relocated, or extended, *e.g.*, parapet, bulkheads, roof, tanks, elevators, service rooms, landscaping, etc.
- (4) Describe the effect the additional structure will have on existing systems and state the adequacy of all existing systems which will be affected by the addition, including heat and hot water, water pressure, sewage, elevators, electricity, air conditioning, parking and sprinklers.
- (5) Include a list of facilities that will be shared by the existing and new structures, *e.g.*, laundry room, intercom, garage, etc.
- (6) State the effect that the renovation or construction will have on tenants in

Section 23.7 (bb)(6) Guidance

Include the Tenant Protection Plan, and any amendments thereto, as an addendum to the offering plan and state that it will be posted conspicuously throughout the building during renovation or construction. *See* the Department of Law guidance document, "Required Disclosures for Occupied Conversion Plans," dated August 19, 2015, available at:

http://www.ag.ny.gov/sites/default/files/pdfs/bureaus/real_estate_finance/Effective-memos/Required_Disclosures_for_Occupied_Conversion_Plans.pdf

occupancy. Specifically:

- (i) State the manner in which construction debris will be handled and its effect on common areas used by tenants.
 - (ii) Give the schedule for renovation and construction work, e.g., Monday-Friday, 8:00 a.m. to 5:00 p.m., except holidays.
 - (iii) Describe any measures that will be taken to protect the security of the building during the construction or renovation process. Include a statement of the manner in which tenants and construction workers will gain access to the building.
 - (iv) State whether there will be any interruption of services during construction or renovation and, if so, provide details. This includes water, electricity, elevator service, and laundry rooms.
 - (v) State whether new piping will be added to existing piping and whether such work may cause breaks in existing piping. If so, state whether precautions will be taken to minimize damage and state who will be responsible for any such damage.
 - (vi) State whether the sponsor and/or contractors will have liability insurance in effect during construction.
- (ac) *Asbestos*. State whether Asbestos Containing Material (ACM) is present in insulating or fireproofing material anywhere in the building. Sponsor shall perform such tests as are necessary to make such determination. In the event that ACM is

present, sponsor shall have a person who is qualified to render an opinion on asbestos prepare a report on the asbestos in the building (the "asbestos report"). Such asbestos report shall contain at least the following information:

- (1) the qualifications of the person preparing the report.
 - (2) a detailed inventory of the asbestos in each unit and in all other areas of the property, including the location, amount of ACM, type and concentration of asbestos in ACM, and condition. At least 10% of all units must be inspected in an initial inspection. If ACM is found in any of these units, a second inspection, with notice to tenants, must be performed in all remaining accessible units. List units inspected.
 - (3) recommendations for handling each and every item of the asbestos inventory, *i.e.*, removal, enclosure, encapsulation, or leaving undisturbed.
 - (4) how the recommendations should be implemented. Include, if applicable, whether units must be vacated or whether use of certain rooms will be limited and the projected duration thereof. State whether the work must be performed in compliance with New York City Local Law 76 of 1985 or any other applicable laws.
 - (5) a recommended protocol (operations and maintenance program) for the future handling and maintenance of asbestos which will remain in the building, whether encapsulated, enclosed or left undisturbed.
- (ad) *Lead-based paint.* Include records, reports, violations and any other information known or available to the sponsor or its agents concerning the presence of lead-

based paint and/or lead-based paint hazards.