

13 NYCRR Section 25.7.

Description of Property Specifications or 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. For newly constructed buildings, the condition of all items is presumed to be new and need not be stated; if the condition is other than new, so state. For existing buildings, emphasis should be on present condition of premises, rather than the description of material make-up visually obvious. 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 Office of the Attorney General. The Office of the Attorney General may in its discretion require a further inspection and report. For existing buildings, 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 commencement of occupancy. Include in discussion:

- (1) address;
- (2) block and lot number;
- (3) zoning; and
- (4) permissible use.

(b) *Status of construction.* State:

- (1) year built;
- (2) class of construction;
- (3) certificate of occupancy, type and number;
- (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);

(v) state whether these items are in conformity with local fire district, town or municipal building codes;

(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 sponsor. 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.

(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).

(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).

(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. For New York City buildings, if Local Law 10 applies, include the entire report 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:

(i) deck finish (material);

(ii) balustrade (type, material);

(iii) railings (material);

(iv) copings (material);

(v) soffits (material);

(vi) doors to balconies and terraces (type, material).

(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).

(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);

(c) surface finish;

(d) bond or guarantee;

(e) flashing materials including counter flashing;

(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.

- (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.

- (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).

- (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);

(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, capacity, type, manufacturer);

(ii) compactor(s) (number, location, capacity, type, manufacturer);

(iii) approvals by authority having jurisdiction (date of each approval);

(iv) initial storage location (ultimate storage location);

(v) 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);

(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).

(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;

(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.

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

(1) type;

(2) meters;

(3) piping.

(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);

(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).

(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) handicapped parking spaces and their allowable use;
- (6) garage ventilation (method and equipment);
- (7) garage fire protection (method and equipment);
- (8) 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.

(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 and amenities.* Describe any beach or lake front, boating facilities, golf course(s), handball, basketball or other game courts; bus stop enclosures, health club facilities and equipment.

(u) *Handicap provisions.* Describe what handicap provisions are included and/or required. Indicate if the property, facilities and units are in compliance with ~~Federal~~ federal, state and local laws for people with disabilities (e.g., NYC Local Law 58/87, Access For People With Disabilities).

(v) *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.

(w) *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.

(x) *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 usable 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.

(y) *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. Also indicate the type of wood floors (e.g., solid oak, veneer, etc.).

(z) *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.

(aa) *Additional information required.* Include the following in the Description of Property and Building 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 residence with respect to its surroundings, if the residence 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 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.

(ab) In the event that certain conditions in the building(s) cannot be adequately evaluated by a visual examination, the Office of the Attorney General 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.

(ac) *Further development.* If the sponsor intends to add additional units 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 units to conform to this section. In addition:

(1) If additional units 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 units 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 occupancy. Specifically:

(i) The manner in which construction debris will be handled and its effect on common areas used by tenants.

(ii) The schedule for renovation and construction work, *e.g.*, Monday - Friday, 8:00 a.m. to 5:00 p.m., except holidays.

(iii) 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) 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) 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) Whether the sponsor and/or contractors will have liability insurance in effect during construction.

(ad) *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.

(ae) *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.