

APPLYING FOR A WAIVER OF ACCESSIBILITY REQUIREMENTS

2014 New York City Building Code

If a plan examiner rejects your building plans due to an accessibility issue, there are two things you can do: revise your plans accordingly, or obtain a waiver from the New York City Department of Buildings ("DOB"). If you choose to obtain a waiver, then you must consult with us, the Mayor's Office for People with Disabilities ("MOPD"). We will then issue a recommendation to DOB.

IMPORTANT NOTES

- An application must be filed with the DOB and a Job / Application number must be obtained before any Waivers of Accessibility can be approved.
- All necessary paperwork, forms, and drawings must be signed and sealed by a registered professional, like a registered architect (RA) or professional engineer (PE).



Q: WHAT PAPERWORK IS REQUIRED FOR MY ACCESSIBILITY WAIVER REQUEST TO MOPD?

- Accessibility Waiver Request form PEO-1 (<http://on.nyc.gov/peo1>).
- Cover letter prepared by the applicant (your RA or PE is considered the applicant). See cover letter section below.
- All of the drawings that have been filed with DOB.
- If objections have been raised, a copy of DOB's objection sheet.
- If the waiver request involves exterior work, provide Plot plan showing property lines, front and backyards, and sidewalks with proper dimensions and annotations.
- Landmarks Preservation Commission (www.nyc.gov/landmarks) application and approval (if necessary).
- Photographs, surveys, drawings etc. to support your request.
- If you are filing a waiver due to economic burden, submit all of the following information:
 - Nature of business;
 - Is the company new, expanding or relocating;
 - Number of employees;
 - Cost estimate for work planned prepared by the architect, the contractor or a professional estimator;
 - Cost estimate for the items for which waiver is sought prepared by the architect, the contractor, a professional estimator, or supplier; and
 - Financial review prepared by a Certified Public Accountant, setting forth a full accounting of all debts and assets of the applicant. Documentation submitted should include information, such as: tax returns (income and property taxes), existing bank accounts, stocks, bonds, real estate and other holdings, all income sources, all inventory, salaries of employees, loans, mortgages, and accounts payable and receivable.

Note: Only (1) one copy of all required paperwork is necessary.



Q: WHAT INFORMATION IS NEEDED ON THE COVER LETTER?

- A written explanation detailing the reason compliance with the building code cannot be achieved due to one of the following criteria:
 - create an undue economic burden; or
 - not achieve its intended objective; or
 - be physically or legally impossible; or
 - be unnecessary in light of alternatives which ensure the achievement of the intended objective or which, without a loss in the level of safety, achieve the intended objective more efficiently, effectively or economically; or
 - entail a change so slight as to produce a negligible additional benefit consonant with the purposes of the Code.
 - A detailed description of the construction work that is being planned.
- Define any changes in use, occupancy or egress.
- A list of all of the documents included in your request.



Q: WHAT IS THE PROCESS AT MOPD?

- The waiver submission must be mailed to: The Mayor's Office for People with Disabilities, 100 Gold Street, 2nd Floor; NY, NY 10038 (we do not accept email, drop off, or fax submissions).
- Once the waiver is received, we typically review the request within 5 – 10 business days (business days do not include weekends or holidays).
- We will review the request and make a recommendation to DOB (to either accept or deny your request), or we may request additional information from the applicant.
- Once we make our recommendation to DOB:
 - We will stamp the PEO-1 and the relevant drawings.
 - We will email a copy of the PEO-1 form back to the applicant and copy the relevant DOB Borough Commissioner.
 - We will also mail the original PEO-1 back to the applicant.
- It is your responsibility to follow through with DOB from this point.



Q: IF MY APPLICATION IS REJECTED, IS THERE AN APPEAL PROCESS AT MOPD?

- The simple answer to this is, no. However, you can resubmit your application with additional information to support your request. A resubmission must include all the required paperwork detailed above and also include:
 - A copy of the PEO-1 form with our comments.
 - A new signed and sealed PEO-1 form with resubmission.
 - A cover letter, detailing the reason for resubmission.



Q: IF A WAIVER IS GRANTED, AM I STILL REQUIRED TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT (ADA) AND OTHER FEDERAL, STATE, AND LOCAL LAWS?

- Yes. All other applicable laws are not waived. If you need technical assistance with the ADA, you can contact the United States Access Board at (800) 504-0301 for additional guidance.