

September 9, 2011

**DAL:**                   **DAL#: 11-09**  
**Subject:**           **Architectural Third Party**  
                                  **Certification**

Dear Administrator/Owner/Operator:

I am pleased to announce that the Department has moved forward with a third-party certification of the architectural component of applications for Adult Homes, Enriched Housing Programs, Assisted Living Programs and Assisted Living Residences.

As part of the new process, a licensed Registered Architect will need to attest to the following salient points of the third-party certification:

1. That they have been retained by the applicant, to provide third-party review services related to the design and working drawings/specifications for the construction project, and, as applicable, to make periodic visits to the site during construction, and perform such other required services to familiarize themselves with the general progress, quality and conformance of the work.
2. That they have no business or personal relationship with the applicant or the project architect outside of performing the third-party review for this project.
3. They will need to certify that, to the best of their knowledge, information and belief, that the completed structure will be designed and constructed, in accordance with the functional program for the referenced construction project and in accordance with any project definitions, waivers or revisions approved or required by the New York State Department of Health.
4. That the construction project has been designed and constructed in compliance with: (1) the applicable provisions of the New York State Uniform Fire Prevention and Building Code and/or any other local or municipal law or rule governing construction and fire safety of buildings (such as the New York City Building Code); and, (2) applicable provisions of Title 18 NYCRR Part 485(Adult Care Facilities), Part 487 (Standards for Adult Homes), Part 488 (Adult Care Facilities Standards for Enriched Housing) and Part 494 (Assisted Living Program) and, if the project involves an assisted living residence with special needs or enhanced certification, 10 NYCRR Section 1001.13.

5. That as the design of this project progresses, if a component of this project is inconsistent with applicable provisions of the New York State Uniform Fire Prevention and Building Code and/or any other local or municipal law or rule governing construction and fire safety of buildings (such as the New York City Building Code) or 18 NYCRR Parts 485, 487, 488, or 494, or, if the project involves an assisted living residence with special needs or enhanced certification, 10 NYCRR Section 1001.13, the project architect or the third-party architect will bring this to the attention of the Division of Long Term Care, New York State Department of Health prior to or upon submitting final drawings.

A copy of the third-party certification form is attached and available on the Department's website. This third party certification is the only way to certify compliance with the applicable provisions of the existing Building Code of New York State, 18 NYCRR Parts 485, 487, 488 or 494 or 10 NYCRR Section 1001.13

If you have any questions regarding this matter, please contact your Project Manager at (518) 408-1624.

Sincerely,



Mark L. Kissinger  
Director  
Division of Long Term Care

Enclosure