



Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, MD, MPH
Commissioner

JOHANNE E. MORNE, MS
Executive Deputy Commissioner

December 4, 2024

DAL: DAL# 24-28
Subject: Adult Care Facility Third-Party
Architectural Certification

Dear Adult Care Facility Operator and Administrator:

The purpose of this correspondence is to inform Adult Care Facility (ACF) Operators and Administrators that the New York State Department of Health (Department), effective immediately, will be suspending the policy governing third-party certification of the architectural component of applications for Adult Homes, Enriched Housing Programs, Assisted Living Programs and Assisted Living Residences (ALRs) including Special Needs ALRs and Enhanced ALRs.

Third-party architectural certification was previously a policy that required completion of Schedule 5B (DOH-5097 Form), which is a part of the Adult Care Facility and Assisted Living Common Application (ACF Common Application). The third-party certification of the architectural component for ACF Common Applications was established at a time when architectural expertise with adult care facility requirements was limited. The Bureau of Adult Care Facility Licensure will utilize the expertise of its architect on staff to complete all necessary reviews for construction and renovation projects submitted for approval, thereby making this additional third-party certification unnecessary. Therefore, a third-party architect/engineer will no longer be required to certify the applicant's Primary Architect or Engineer's design or plan submission.

Please be reminded that the applicant's primary architect will remain responsible for design certification. The primary architect or engineer shall certify that to the best of their knowledge, information, and belief, the submitted plans are in accordance with the functional program for the referenced project and in accordance with known concerns regarding compliance with applicable provisions of Title 18 NYCRR Parts 485, 487, 488, 494 and/or Title 10 NYCRR Section 1001.13, as well as applicable State and local laws, regulations and ordinances. This certification is required to complete the submission of Schedule 5B.

Specifically, the primary architect or engineer shall certify 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 Title 10 NYCRR Section 1001.13 (Assisted Living Residences).

In addition, as the design of the proposed project progresses, if a component of the 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 Title 10 NYCRR Section 1001.13, the primary project architect or engineer shall bring this to the attention of the Office of Aging and Long-Term Care at the Department prior to or upon submitting final drawings.

Updates to Schedule 5B (DOH-5097 Form) of the ACF Common Application, specifically the section titled, "Third Party Architect/Engineer", will be revised in the near future, and third-party certification may be required upon request by the Department.

Questions regarding this correspondence should be forwarded to acfcon@health.ny.gov. Thank you for your ongoing cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynn Baniak".

Lynn Baniak, Deputy Director
Center for Long-Term Care Licensure, Planning,
and Finance
Office of Aging and Long-Term Care

cc: V. Deetz
H. Hayes
K. Anderson
D. Seidner
J. Browning