

## OATH/ECB Violations

An Environmental Control Board (OATH/ECB) violation is issued by the Department of Buildings when a property does not comply with a part of the New York City Construction Codes and or Zoning Resolution. These violations, referred to as OATH/ECB Violations, are returnable to the OATH/ECB . While all violations contain an order to correct the conditions cited, OATH/ECB violations carry an additional order to CERTIFY CORRECTION. Respondents may challenge their violation at a hearing before the OATH/ECB and may face penalties, if found in violation.

The most commonly issued violation is the OATH/ECB Notice of Violation. There are three classes of OATH/ECB violations:

- Class 1 (Immediately Hazardous)
- Class 2 (Major)
- Class 3 (Lesser)

1 RCNY §102-01

CHAPTER 100

Subchapter B Enforcement

§102-01 Violation classification and certification of correction.

(a) Pursuant to section 28-204.1 of the Administrative Code, any person who shall violate or fail to comply with any provision or provisions of law enforced by the Department or with any order issued pursuant thereto shall be liable for a civil penalty that may be recovered in a proceeding before the Environmental Control Board (“ECB”). Such proceeding shall be commenced by service of a notice of violation (“NOV”) returnable before the board. Such notice of violation may be issued by employees of the Department or of other city agencies designated by the Commissioner and may be served by such employees or by a licensed process server.

(b) Classification of violations. For purposes of classifying violations pursuant to section 28-201.2 of the Administrative Code, the following terms shall have the following meanings:

(1) IMMEDIATELY HAZARDOUS VIOLATION. Immediately hazardous violations are those specified as such by the New York City Construction Codes, or those where the violating condition poses a threat that severely affects life, health, safety, property, the public interest, or a significant number of persons so as to warrant immediate corrective action, or, with respect to outdoor advertising, those where the violation and penalty are necessary as an economic disincentive to the continuation or the repetition of the violating condition. Immediately hazardous violations shall be denominated as Class 1 violations.

(2) MAJOR VIOLATION. Major violations are those specified as such by the New York City Construction Codes or those where the violating condition affects life, health, safety, property, or the public interest but does not require immediate corrective action, or, with respect to outdoor advertising, those where the violation and penalty are appropriate as an economic disincentive to the continuation or the repetition of the violating condition. Major violations shall be denominated as Class 2 violations.

(3) LESSER VIOLATION. Lesser violations are those where the violating condition has a lesser effect than an immediately hazardous (Class 1) or major violation (Class 2) on life, health, safety, property, or the public interest. Lesser violations shall be denominated as Class 3 violations.

(c) Correction and certification of correction.

(1) Each NOV issued by the Commissioner shall contain an order of the Commissioner directing the respondent to correct the condition constituting the violation and to file a certification with the Department that the condition has been corrected

(2) The following violation cannot be certified as corrected prior to a hearing before ECB. The respondent must appear at the hearing prior to the submission of the certification to the Department:

(i) A violation for filing a false certification;

(3) The required certification shall be completed on the form issued with the NOV or obtained from the Department in accordance with the instructions contained therein.

(4) The respondent must appear at the ECB hearing for all violating conditions unless those charges are cured or a pre-hearing stipulation is offered, timely accepted by the respondent, and approved in writing by ECB. Where more than one violation of law is listed on the same NOV, the respondent may submit a single certification covering one or all of the violating conditions.

(5) The certification shall be signed by one with personal knowledge of the correction of the violating condition and notarized by a notary public or commissioner of deeds.

(6) The certification shall be accompanied by true and legible copies of any and all documentary proof of compliance.\*

\*See [https://www1.nyc.gov/assets/buildings/rules/1\\_RCNYS\\_102-01.pdf](https://www1.nyc.gov/assets/buildings/rules/1_RCNYS_102-01.pdf)

For complete Rule text

#### Immediately Hazardous Violations

If you receive a Class 1 (Immediately Hazardous) violation, you must immediately correct the violating condition and certify correction. Failure to certify correction will result in the issuance of a DOB violation with a \$1,500 civil penalty. The civil penalty is in addition to penalties assessed by ECB Court.

#### Immediately Hazardous Illegal Conversion Violations

To limit the imposition of additional daily penalties (\$1,000/day), certify correction as soon as possible. You do not have to wait until the hearing.

#### Work Without a Permit Violations

You must pay additional DOB civil penalties before your Certificate of Correction will be approved, or provide proof of a penalty waiver.

#### Approval

The Department's Administrative Enforcement Unit (AEU) reviews all Certificates of Correction and accompanying documents to determine their acceptability. If your Certificate of Correction is approved, the violation will appear as Resolved in BIS. Unless you received a cure or stipulation or admit, you may still need to attend the hearing at OATH/ECB or pay default penalties. Check your violation on BISWEB or contact OATH/ECB for hearing information.

## Disapproval

If your Certificate of Correction is disapproved, you must resubmit your Certificate of Correction after addressing the reasons for the disapproval printed on the disapproval letter. Common reasons for disapproval are:

- Additional proof of correction is not submitted (e.g., permits)
- Written statement confirming all violating conditions have been corrected is missing
- Certificate is not signed, and/or not notarized, or is not an original
- Certificate of Correction is not submitted with other documentation
- Respondent is raising a defense to the violation and must appear at OATH/ECB
- Civil penalties to DOB not paid (class 1 violations or work without permit violations)

Note: The violation will continue to appear as "open" in BIS until acceptable proof is submitted that the violating condition has been corrected even if the penalty imposed at OATH/ECB has been paid. (Violations dismissed at OATH/ECB court also show as "resolved" and do not require certification or payment.)

To resolve an OATH/ECB Violation, you must:

- Correct the conditions cited on the violation and certify correction with the Department
- Admit guilt or attend a hearing at OATH/ECB to contest the violation
- Pay any applicable penalties

## Resolving Violations: OATH/ECB

OATH/ECB violation information is included in the online Buildings Information System (BIS) and appears in property title searches. Open – or uncorrected – violations can prevent an owner from selling, refinancing or obtaining a new Certificate of Occupancy or Letter of Completion.

To resolve OATH/ECB violations:

You must correct the violating condition and certify correction with the Department. To resolve OATH/ECB Violations:

- Correct the conditions and submit an original Certificate of Correction (AEU2 Form) to the Department's Administrative Enforcement Unit; submit a notarized statement attesting how the violation was corrected, supporting documentation must be provided (example: photographs and receipts)
- Admit to the violation or attend the OATH/ECB hearing to contest the violation. Owners who do not attend the hearing (or who don't have a representative there) may face default penalties up to \$25,000, depending upon the violation.
- Pay any applicable penalties. Violations remain open in BIS until the Department approves any Certificate of Correction submitted.

You can submit a Certificate of Correction once the violating condition is corrected. The hearing and certification processes are separate. Up to ten certificates can be submitted from 8:30 am to 10:00 am for immediate review, and up to three thereafter.

The Certificate of Correction can be completed by the:

- Respondent named in the violation
- Officer, Director or Managing Agent of named respondent corporation
- Owner, but not named respondent (if you are a new owner, attach a copy of deed)
- Managing agent of place of occurrence (attach a notarized letter of designation from owner)

- Partner of named respondent partnership
- Contractor or other agent (with authorization)

## New Owners

If you are a new owner, and not the named respondent, you must also attach a copy of a deed showing the transfer of ownership. Online copies of deeds are available from the Department of Finance at [www.nyc.gov/finance](http://www.nyc.gov/finance).

## OATH/ECB Glossary

**Aggravated I:** Aggravated I penalties may be imposed when the same condition has been charged in a prior enforcement action against the same party during the previous three years (1 RCNY 102-01). A violation with aggravating conditions may result in higher than standard penalties.

**Aggravated II:** Aggravated II penalties may be imposed if:

- 1.The respondent is found in violation of any law or rule enforced by the Department of Buildings where the violation of law is accompanied by or results in a fatality or serious injury or where the violating condition affects a significant number of people; or
- 2.The respondent refuses to give the Department of Buildings requested information necessary to determine the condition of a building or site; or
- 3.The respondent has a history of non-compliance with laws or rules enforced by the Department of Buildings at one or more locations, including but not limited to a pattern of unreasonable delays in correcting violations, a pattern of failing to obey Stop Work Orders, filing false documents, or multiple defaults.

**Cure:** The hearing and penalty are waived when the respondent admits guilt and has satisfactorily corrected the violation by the Cure Date indicated on the violation.

**Infraction Code:** The specific infraction cited by the Department of Buildings inspection unit. There is at least one infraction code for every violation cited.

**Section of Law:** This is the section of the NYC Construction Codes, Zoning Resolution, or Rules of the City of New York which the respondent has violated.

**Violation Description:** This includes detailed information on the violating condition(s) as well as specific locations of where the Inspector observed the condition(s).

**Remedy:** This is a suggestion on how to correct the violation. There may be other ways to correct the violation. Consult a licensed tradesperson, architect, or engineer to identify possible options.

**Stipulation:** An agreement with the Department whereby the respondent admits guilt in exchange for additional time (75 days) to correct the violation. If the respondent agrees to the stipulation prior to the scheduled hearing, a reduced penalty (one-half standard penalty) will be imposed. If eligible, a Stipulation Offer will be mailed by OATH/ECB to the respondent.

Penalty: The board-approved amount owed for the violation.

Mitigated Penalty: A reduced penalty (generally one-half) imposed for a violation when the respondent has satisfactorily corrected the violation prior to the first scheduled hearing.

Default Penalty: This is the penalty imposed by OATH/ECB for failure to appear at a scheduled hearing for the violation. Default penalties are generally five times the board approved standard.

## Department of Buildings Violations

A DOB Violation is a notice that a property is not in compliance with some provision of applicable law and includes an order from the Commissioner of the Department of Buildings to correct the violating condition. The violation is entered against the property in the Department's Buildings Information System (BIS), and must be corrected before a new or amended Certificate of Occupancy (CO) can be obtained.

DOB violation information is public and will appear in a property title search. Open violations can prevent an owner from selling or refinancing. The Department will not issue new or amended Certificates of Occupancy or Letters of Completion when DOB violations remain active

Some violations that we issue do not require you to appear at an ECB hearing, but they may have fines you have to pay. We call these types of violations a "Department of Buildings violation" or a "DOB violation."

You must resolve DOB violations quickly because some may accrue interest over time, which can substantially add to the total fine you have to pay.

Resolving DOB Violations: You must correct the violations listed on a DOB violation. Once the work correcting the violations is completed, you or your representative must provide supporting documentation to us such as pictures or invoices to prove you have corrected them. Follow the instructions in the paperwork you received from us to submit these documents.

## VIOLATION TYPE WHO TO CONTACT

All ECB violations Administrative Enforcement Unit (AEU)  
280 Broadway, 5th floor,  
New York, NY 10007  
(212) 393-2405  
(212) 393-2303

DOB Façade Violation Local Law Enforcement Unit  
(Local Law 11/98) 280 Broadway, 4th Floor,  
New York, NY 10007  
(212) 393-2551

DOB Boiler Violation Central Inspections Boiler Division  
(Local Law 62/91) 280 Broadway, 4th Floor,  
New York, NY 10007  
(212) 393-2661

DOB Elevator Violation Elevator Division  
(Local Law 10/81) 280 Broadway, 4th Floor  
New York, NY 10007  
(212) 393-2144

DOB Electrical Violations Electrical Unit Borough Offices  
Manhattan: (212) 393-2462  
Bronx: (718) 960-4750  
Brooklyn: (718) 802-4342/4347  
Queens: (718) 286-7650  
Staten Island: (718) 420-5411

DOB: All other types of Construction Unit Borough Offices  
DOB violations Manhattan: (212) 393-2553  
Bronx: (718) 960-4730  
Brooklyn: (718) 802-3685/3684  
Queens: (718) 286-8360  
Staten Island: (718) 420-5418

#### Resolving Violations: DOB

Property owners must correct the issues listed in the DOB violation. Once completed, provide supporting documentation that shows the work has been performed to the Unit that issued the violation. The team will then dismiss the violation. These Units typically operate in the borough office where the property is located, though some Units – such as Boilers and Elevators – may operate at the Department’s headquarters in Manhattan.

To remove the violation from the property's record, the condition must be corrected and proof of that correction must be provided to the issuing Unit before the violation is removed from the property's record. Where the DOB violation pertains to a DOB civil penalty, payment must be made to the cashier.

To view violations on your property access the Buildings Information System (BIS). Refer to the BIS Property Profile Overview for the number of open DOB violations. DOB violations are shown without an asterisk next to the violation number; dismissed DOB violations are shown with an asterisk, e.g., V\*7052-18P.

Detailed information on certain DOB violations is available in BIS. If detailed information is not available, you may request copies of DOB violations as follows:

- For the specific DOB violation types listed in the table below, request a copy of the violation from the issuing Unit named in the right column. Be prepared to provide the violation number indicated in BIS.
  - For all other DOB violation types, request a copy of the violation from your borough’s Construction customer service counter. Be prepared to provide the violation number indicated in BIS. The processing fee is \$8.00 per copy for each violation; each additional duplicate copy of a violation is \$5.00.
- Alternatively, you may submit a written request to your borough’s Records Control Officer, citing the

Freedom of Information Law (FOIL); the processing fee for FOIL requests is \$0.25 per page. It may take up to five business days for the Department to acknowledge receipt of your FOIL request, and if approved, may take additional time to fulfill the request.

### DOB Fire Safety Violation

#### LL 16/84 - Report of Compliance with Local Law 16/84

Local Law 16/84 is a Fire Safety Code. The requirements to comply vary depending on the occupancy. The law requires building owners to notify the Department of the Buildings regarding the compliance status of their building by completing this form. The owner must specifically indicate on this form what work has been completed or partially completed to comply with the law. This form must be notarized. Duplicate copies are to be submitted to the Department.

- Local Law 16/84 Form - Rev. 6/03
- Instructions Appendix A, Appendix B & Procedures

#### Local Law 5/73 (fire safety for high rise office buildings only)

Ensure that a Professional Engineer or Registered Architect submits the documents required for Department signoff. Requirements vary according to the height and type (central or non-central air conditioning) of building. This checklist is to be used as an aid to the owner. The owner is responsible for full compliance with Local Law 5 of 1973.

- PEO4 - Local Law 5 of 1973 Informational Checklist

### DOB Façade Violation

#### Local Law 11/98

Failure to File a Façade Technical Report (NRF) violation - Ensure that a Professional Engineer or Registered Architect submits the outstanding LL11/98 Technical Report Periodic Inspection of Exterior Walls & Appurtenances. Pay the late filing penalties owed; \$150.00 for every month that report is not filed.

Failure to File an Amended Façade Technical Report Violation - Ensure the unsafe façade condition resulting in a technical report of unsafe has been corrected. Ensure that a Professional Engineer or Registered Architect submits, and the Department approves, an amended LL11/98 Technical Report.

- TR6 Form - Rev. 2/15
- TR6 Instructions

### DOB Boiler Violation

#### Local Law 62/91, LBLVIO & HBLVIO

Failure to File a Timely Low or High Pressure Boiler Inspection Report – Ensure that a current Annual Boiler Inspection Report has been filed with the Department. If a current filing is not yet recorded in BIS, provide complete, legible copies of the BO-9 form(s) along with the front and back of the cashed filing fee check(s) to the Department. If an insurance company filed electronically on your behalf, provide the corresponding Electronic Disc Tracking (EDT) number(s) as well.

- For information on paying the full civil penalties
- BO9 Form - Rev. 5/1
- BO9 Instructions

When a boiler in a multi-dwelling, SRO, commercial, or mixed-use building is removed and not replaced by another boiler, or if it is determined not to require filing annual inspection reports due to a major change such as a building renovation or demolition, you must submit form OP49 to the department within 30 days. A licensed professional must complete this form. Failure to submit form OP-49 Timely will result in late penalties of \$50.00 per month. In addition, any DOB violations issued as a result of failure to submit form OP-49 within 30 days of boiler removal or jurisdictional status change are the owner's responsibility.

- OP49 Form - Rev. 5/14
- OP49 Instructions

#### DOB Elevator Violation

##### Local Law 10/81

Mandated Elevator Inspection Violation - Pay the penalty due for the filing period in question and file a current Mandated Elevator Inspection Report (ELV3 Form) for the device, no later than September 30 of the current year.

- ELV3 Form - Rev. 8/15
- ELV3 Form - Rev. 8/15 (continued)
- ELV3 Instructions

Elevator PVT Violation - If the violation is hazardous or violation was issued for no access to the device or machine room, a Certified Elevator Inspection Company must submit a letter, by mail or in-person to the Elevator Unit indicating the corrections made and requesting a re-inspection of the device.

If the violation is non-hazardous, the certified company may itself perform the re-inspection and submit an Affirmation of Correction (ELV29 Form) along with a copy of the violation to the Elevator Unit.

- ELV29 Form - Rev. 5/15
- ELV29 Instructions

#### DOB: All Other Types of DOB Violations

Requirements vary according to the type of DOB violation. Consult with your Professional Engineer or Registered Architect. For assistance, contact the Construction Unit in your borough, which can help you identify and resolve all other types of DOB Violations.

#### Electrical Violations

- Violation to Owner: No Application on File - Engage a Licensed Electrical Contractor to file an application. Penalties for unfiled work range from two to ten times the ordinary fee otherwise payable.
- Violation to Owner: Defective Electrical Equipment - Engage a Licensed Electrical Contractor to repair or replace the defective equipment. Contractor is required to file an application, make repairs, and obtain a Certificate of Electrical Inspection.
- Violation to Owner: Nonelectrical Work not in Compliance (storage in electric room, improper signs at electric room, no access to electrical equipment) - Filing of an application by a Licensed Electrical Contractor is not required. The owner should address the condition(s) cited in the violation (remove stored items; install proper signs; render equipment accessible) and call the Electrical Unit borough office for an inspection.
- Violation to Electrical Contractor: Filed Work not in Compliance - Ensure that a Licensed Electrical Contractor obtains a Certificate of Electrical Inspection. Filing of an additional application is not required if the contractor is the original filer.

## Types of DOB Violations

1. The NYC Construction Codes require owners to build and maintain their properties in safe condition. Inspectors issue Environmental Control Board (ECB) Notices of Violation or Department of Buildings (DOB) Violations when property or construction doesn't comply with the Construction Codes, NYC Zoning Resolution and other applicable laws and rules.

The following codes, within the violation number, help determine the type of DOB Violation:

<b>CODE</b>	<b>DESCRIPTION</b>	<b>CODE</b>	<b>DESCRIPTION</b>
<b>B</b>	Boiler	<b>V</b>	DOB Violation
<b>BDM</b>	Boiler	<b>V*</b>	DOB Violation Dismissed
<b>BMD</b>	Boiler	<b>V%</b>	Precept issued for Unsafe Buildings Violation
<b>C</b>	Construction	<b>VAC</b>	Vacate
<b>E</b>	Elevator	<b>VAC*</b>	Vacate Dismissed
<b>EIT</b>	Elevator Safety Test	<b>VCL OS</b>	Order of Closure (padlock order)
<b>ES</b>	Electric Sign	<b>V</b>	DOB Violation
<b>LL5</b>	Local Law 5 of 1973 (Fire Safety in Office Buildings)	<b>VCL OS*</b>	Order of Closure (padlock order) Dismissed
<b>LL5/73</b>	Local Law 5 of 1973 (Fire Safety in Office Buildings)	<b>VEW L</b>	Violation Work without Permit Elevator Lien
<b>LL10/80</b>	Local Law 10 of 1980 (Façade: Borough Office)	<b>VWL</b>	Violation Work without Permit Elevator Lien
<b>LL10/81</b>	Local Law 10 of 1981 (Elevator Safety Test)	<b>VWL*</b>	Violation Work without Permit Elevator Lien Dismissed
<b>LL16/84</b>	Local Law 16 of 1984 (Fire Safety)	<b>VEC W</b>	Violation Work without Permit Elevator
<b>LL58</b>	Local Law 58 of 1988 (penalties for work without a permit)	<b>VEW</b>	Violation Work without Permit Elevator

DoB Violation Types cont.

<b>LL62/91</b>	Local Law 62 of 1991 (Boiler)	<b>VH</b>	Violation Hazardous
<b>NRF</b>	No Report Filed	<b>VH*</b>	Violation Hazardous Dismissed
<b>1684NRF</b>	No Report Filed	<b>VW</b>	Violation - Work Without a Permit
<b>LL11/98</b>	Local Law 11 - 1998 (Façade)	<b>VWH</b>	Violation - Work Without a Permit Hazardous
<b>MDV</b>	Multiple Dwelling Violation	<b>VWH*</b>	Violation - Work Without a Permit Hazardous Dismissed
<b>P</b>	Plumbing	<b>VPW</b>	Violation Pending - Work Without a Permit
<b>S</b>	Sign	<b>VPW*</b>	Violation Pending - Work Without a Permit Dismissed
<b>UB</b>	Unsafe Building Violation	<b>ZV</b>	Zoning Violation
<b>UB*</b>	Unsafe Building Violation dismissed	<b>ZV*</b>	Zoning Violation Dismissed
<b>UB%</b>	Precept issued for Unsafe Buildings		

## HOUSING PRESERVATION AND DEVELOPMENT

### Maintenance Requirements

In New York City, renters and landlords have rights and responsibilities to maintain residential property. These rights and responsibilities are outlined in many codes and laws, which HPD enforces, including the New York City Housing Maintenance Code and New York State Multiple Dwelling Law.

- Gas Leaks
- Housing Information Guide Notice
- Heat and Hot Water
- Mold
- Pests
- Lead-Based Paint
- Smoke and Carbon Monoxide Detectors
- Window Guards
- Basement and Cellar
- Signage, Filing, and Notices
- Outlet Covers in Public Areas
- Fire Safety

If you are interested in information about a specific property, use our HPDONLINE tool to find out about complaints, violations, registration, emergency repair charges and litigation.

Beginning on August 20, 2015, new inspection fees may be imposed against properties where violations are issued in the same apartment multiple times over the course of a single twelve month period. Review clearing HPD violations to learn more about this new fee and to see more information about how to address both old and newly issued violations.

For information about elevators, filing plans for renovations, demolitions, or violations about structural conditions, please consult the Department of Buildings (DOB), the agency responsible for enforcing the New York City building and construction codes.

For Housing Maintenance Requirements specific to Section 8 landlords, visit our Section 8 landlords page.

### Violations

#### After a Violation Is Issued

If the Inspector writes a violation, HPD will send a Notice of Violation to the managing agent instructing him/her to repair the condition within a specified time period, which depends on the severity of the violation. In general, the owner has the following amounts of time to correct a violation from the time he/she receives it:

- CLASS A (non-hazardous) - 90 days
- CLASS B (hazardous) - 30 days
- CLASS C lead-based paint - 21 days
- CLASS C window guards - 21 days
- CLASS C heat or hot water - immediately
- CLASS C (all other types) - 24 hours

You can check on HPDONLINE for the violations which are issued, the class of the violation, and the exact certification date.

### Further Action

If the violation condition is not corrected, you may initiate legal action against the landlord in Housing Court. You can seek free legal counsel if you qualify or can see a representative in any Housing Court for assistance with filing a case.

If the violation condition is considered an immediate danger, HPD will attempt to contact the managing agent to advise him/her that the condition must be corrected as soon as possible. HPD will also attempt to contact you to confirm whether the owner corrected the condition. If the owner does not correct the condition, HPD's Emergency Repair Program may repair certain conditions and bill the owner. Tenants can ask about the status of emergency repair work in their apartments by calling (212) 863-5510. NOTE: This number is for status requests only for HPD-sponsored emergency repair work already in progress.

### LOOK UP YOUR BUILDING'S OPEN VIOLATIONS

<http://www.investigatenyc.com/look-up-your-buildings-open-violations.html>

Do so courtesy NYC's Department of Housing Preservation and Development:

1. Go here, type in your address, and click "Search." You'll now see your building listed with any other buildings your landlord owns. Click the "Info" button next to your building:
2. A page will come up with a list of links to the left. One of these links will be "All Open Violations." Click this, and a list of your building's open violations will come up, like the one below for my building. Note each violation is graded by "hazard class":

A = non-hazardous violations, like a bathroom door that needs refitting, a door knob that need fixing/replacing, some painting that needs to be done.

B = hazardous violations. Examples from my own building: defective carbon monoxide detector, defective smoke detector, "nuisance consisting of bedbugs in the entire apartment," "nuisance consisting of mice in the entire apartment," various leaks

C = immediately hazardous violations, like lack of heat or hot water; see other "C" violations in list above.

According to the Public Advocate's site, an owner has 90 days to correct "A" violations, 30 days to deal with "B" violations, and 24 hours to fix "C" violations. Or...what? Fines. No doubt the threat of 311 calls + fines means all violations across all five boroughs are being handled in a timely manner.

Also from the Public Advocate's site:

"According to HPD, violations reflect information on three classes of housing code violations:

- Class A: Non-hazardous violations, such as minor leaks or lack of signs designating floor numbers. An owner has 90 days to correct an A violation and two weeks to certify repair to remove the violation.
- Class B: Hazardous violations, such as requiring public doors to be self-closing, adequate lighting in public areas, lack of posted Certificate of Occupancy, or removal of vermin. An owner has 30 days to correct a B violation and two weeks to certify the correction to remove the violation.

•Class C: Immediately hazardous violations, such as inadequate fire exits, rodents, lead-based paint, lack of heat, hot water, electricity, or gas. An owner has 24 hours to correct a C violation and five days to certify the correction to remove the violation. If the owner fails to comply with emergency C violations such as lack of heat or hot water, HPD initiates corrective action through its Emergency Repair Program."

## Penalties and Fees

HPD violations may result in civil penalties imposed by the Housing Court if an owner fails to comply with the violation and certify the correction, or if the owner certifies correction falsely. HPD inspections may result in inspection fees. Information about violations and inspection fees is outlined below.

HPD inspections may also result in emergency repair work.

## Civil Penalties

### Violations

Properties are subject to the penalties described below unless violations are corrected and the correction is certified to the Department by the dates indicated on the front of the Notice of Violation(s) mailed to the property owner or, in the case of heat and hot water violations, from the date the violation is posted at the building.

#### Class A violations (non-hazardous)

- Failure to post a notice regarding the housing information guide: \$250 each
- All other Class A violations: \$10-\$50 each

#### Class B violations (hazardous)

- \$25-\$100 each, plus \$10 per violation per day

#### Class C violations (immediately hazardous)

- Not related to heat, hot water or illegal devices or lead-based paint: ?Buildings with 5 or fewer units: \$50 per violation per day

?Buildings with more than 5 units: \$50-\$150 per violation plus \$125 per violation per day

- Heat and hot water violations: ?\$250-\$500 dollars per day for each violation from and including the date the notice is posted at the building until the date the violation is corrected

?\$500-\$1,000 per day for each subsequent violation at the same building that occurs within two consecutive calendar years or, in the case of HMC § 27-2029(a) (hot water), during two consecutive periods of October 1st through May 31st (heat)

- Illegal Device on a central heating system: \$25 per day (from the date that the violation was posted on the building until the illegal device is removed) or \$1,000, whichever is more

- Lead-based paint violations: ?\$250 per day per violation, up to a maximum of \$10,000

## Failure to file Property Registration annually

Annual Property Registration is required by the New York City Housing Maintenance Code (HMC) for all residential properties with the exception of one- or two-family homes occupied by the Owner or the Owner's immediate family. Failure to file may result in:

- A civil penalty of \$250-\$500
- If the property has three or more units, an owner is not be allowed to bring an action for nonpayment in housing court against a tenant of this property
- The property owner will not be able to certify correction of HPD violations or file for a violation Dismissal Request

## False Certification

False Certification can result in criminal charges. The Housing Maintenance Code provides for a civil penalty of:

- \$50-250 for non-lead violations
- A minimum of \$1000 with a maximum of \$3000 for lead violations

## Fees

### Code Enforcement Inspection

Heat and Hot Water: HPD may impose an Inspection Fee of \$200 if a third or subsequent inspection within a heat season results in a third or subsequent heat violation and if a third or subsequent inspection within a calendar year results in a third or subsequent hot water violation.

Non-heat/hot water: Where (1) the department has performed two or more complaint-based inspections in the same dwelling unit within a twelve-month period, (2) each such inspection has resulted in the issuance of a hazardous or immediately hazardous violation (except heat or hot water), and (3) not all such violations have been certified as corrected pursuant to this section, the department may impose an inspection fee of \$200 for the third and for each subsequent complaint-based inspection that it performs in such dwelling unit within the same twelve-month period that results in the issuance of a hazardous or immediately hazardous violation, provided that the department may by rule increase the fee for inspections performed during the period of October first through May thirty-first.

### Alternative Enforcement Program

Buildings not discharged from the Alternative Enforcement Program within the first four months of the initial notice of selection for the program are subject to fees:

- Initial inspection fee: \$500 per dwelling unit every six months, beginning on the date of the building wide inspection, with a maximum total fee of \$1,000 per dwelling unit during participation in AEP.
- Complaint Inspection fee: \$200 for any complaint inspection performed in the subject property that results in the issuance of a class "B" (hazardous) or "C" (immediately hazardous) violation.
- False Certification Inspection fee: \$100 for each re-inspection pursuant to a certification of correction of violation(s) submitted to HPD where HPD finds one or more violations have not been corrected.