

## NOTICE OF ADOPTION OF RULE

**NOTICE IS HEREBY GIVEN**, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the addition of a new section 102-05 to Subchapter B of Chapter 100 of Title 1 of the Rules of the City of New York regarding penalties for failure to certify correction of certain immediately hazardous violations

This rule was published in the City Record on June 30, 2020 and a virtual public hearing was held on July 30, 2020.

Dated: August 27, 2020  
New York, New York

A handwritten signature in black ink, appearing to read "Melanie E. La Rocca", written over a horizontal line.

Melanie E. La Rocca  
Commissioner

### **Statement of Basis and Purpose of Rule**

This rule adds a new Section 102-05 to Subchapter B of Chapter 100 of Title 1 of the Rules of the City of New York relating to penalties for failure to certify correction of certain immediately hazardous violations. Section 28-219.1 of the Administrative Code sets out a range for these penalties. This rule establishes specific amounts within that range and separates 1- and 2-family dwellings from other kinds of buildings, as is done in many other provisions of the Administrative Code and Rules of the City of New York.

The authority of the Department of Buildings for this rule is found in sections 643 and 1043 of the New York City Charter and section 28-219.1 of the New York City Administrative Code.

New material is underlined.

Subchapter B of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new section 102-05 to read as follows:

#### **§102-05 Penalties for failure to certify correction of certain immediately hazardous violations.**

**(a) Penalty amounts.** Pursuant to §28-219.1 of the Administrative Code, and in addition to any penalties otherwise authorized by article 202 of chapter 2 of title 28 the Administrative Code and the rules of the department, whenever any person fails to submit certification of correction of an immediately hazardous violation that poses a threat of imminent danger to public safety or property, a penalty shall be paid to the department as follows:

- (1) For one-family or two-family dwellings, the penalty shall be \$1,500.
- (2) For a building other than a one-family or two-family dwelling, the penalty shall be not less than \$3,000 nor more than \$5,000.

**(b) Issuance of permits or certificates of occupancy; rescission of stop work order.** No permit or certificate of occupancy shall be issued and no stop work order may be rescinded at the property until such penalty is paid to the department. Failure to pay such penalty shall not prevent the issuance of a permit for work to be performed pursuant to articles 215 or 216 of chapter 2 of title 28 of the Administrative Code.