Int. No. 2449

By Council Members Gibson, Van Bramer, Gjonaj, Cornegy, Brannan and Yeger

..Title

A Local Law to amend the administrative code of the city of New York, in relation to penalties for failing to certify correction of immediately hazardous conditions and the reinspection of immediately hazardous conditions at construction sites, and penalties for one to four family homes

..Body

Be it enacted by the Council as follows:

Section 1. Section 28-219.1 of the administrative code of the city of New York, as added by chapter 250 of the laws of 2009 and renumbered by local law 51 for the year 2014, is amended to read as follows:

**§ 28-219.1 Department penalty for failure to certify correction.** In addition to any penalties otherwise authorized by law pursuant to article 202 and the rules of the department, whenever any person fails to submit certification of correction of an immediately hazardous violation issued with respect to an immediately hazardous condition at a construction site that poses a threat of imminent danger to public safety or property, as required by an order issued pursuant to section 28-204.2, a penalty shall be paid to the department in the amount of [not less than one thousand five hundred dollars or more than five thousand dollars] no more than $5,000. No permit or certificate of occupancy shall be issued and no stop work order may be rescinded at the property named in the order until such penalty is paid to the department.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 this chapter.

§ 2. Section 28-219.2 of the administrative code of the city of New York, as added by chapter 250 of the laws of 2009 and renumbered by local law 51 for the year 2014, is amended to read as follows:

**§ 28-219.2 Reinspection.** Where an immediately hazardous condition at a construction site has been identified as posing a threat of imminent danger to public safety or property and a violation has been issued, the commissioner shall re-inspect the condition that gave rise to the violation within 60 days of the date of the notice of a violation, unless:

1. A certification of the correction of the condition has been filed in the manner and form prescribed by the department;

2. The person to whom the violation has been directed has obtained an extension of time for filing the certificate of correction of the violation from the commissioner in accordance with section 28-204.4 and with any applicable rules of the department, and said extension of time to file has not yet expired; or

3. The condition has been corrected in the presence of the commissioner.

§ 3. Article 202 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-202.5 to read as follows:

**§ 28-202.5 One to four family homes.** The commissioner shall promulgate rules for the enforcement of the provisions of title 28 against any owner of a dwelling with one to four units. Such rules shall, at a minimum:

1. Reduce any penalties associated with the second or any subsequent notice of violation issued for the same violating condition;

2. Establish a maximum total dollar amount in penalties that may be issued to any such property owner for the same violating condition that gave rise to the first notice of violation;

3. Extend the deadline to correct the violating condition for which a class 2 or class 3 notice of violation has been issued until after the first hearing date set for such notice of violation;

4. Create a tiered penalty scheme for notices of violation that considers aggravating and mitigating factors; and

5. Establish a schedule for re-inspection of dwellings with one to four units that have been issued a first notice of violation.

§ 4. This local law takes effect 120 days after it becomes law.

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LS #8329/12245/12267/12282/18027

10/21/2021