



Legislation Text

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Int. No. 750

By Council Members Gutiérrez, Schulman, Marte, Krishnan, Restler, Cabán, Won, Hudson, Rivera, Nurse and Ayala (in conjunction with the Brooklyn Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to the timeframe to correct department of buildings violations, requiring additional documentation when an owner seeks to demolish a building, and expanding the certification of no harassment program

Be it enacted by the Council as follows:

Section 1. Section 28-204.2 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

§ 28-204.2. Order to certify correction. Each such notice of violation shall contain an order of the commissioner directing the respondent to correct the condition constituting the violation and to file with the department electronically or in such other manner as the department may authorize by rule a certification that the condition has been corrected. [Unless otherwise provided by rule, such] Such order shall require that violations classified as major or lesser be corrected within 30 days from the date of the order, that violation classified as immediately hazardous be corrected forthwith. Such order shall also require that certification of the correction of the violation shall be filed with the department in a manner and form and within such period of time as shall be established by the department. In any proceeding before the environmental control board, no civil penalty shall be imposed for a lesser violation or for a first-time violation of the major violations listed in items 1.1 through 1.7 of this section if the respondent complies with the commissioner's order to correct and to certify correction of the violation within the applicable time period. However, such violation may serve as a predicate for purposes of assessing aggravating factors attributable to multiple offenses.

1. As described in this section, no civil penalty shall be imposed upon correction of the following first-time major violations:

1.1. Failure to post, or post in accordance with the restrictions and prohibitions set forth in section 28-105.11, a building permit or a copy thereof for work at a work site in violation of section 28-105.11, or violation of a corresponding rule promulgated by the department;

1.2. Failure to maintain a sign in accordance with the requirements of title 27, title 28, the zoning resolution of the city of New York, or the rules of the city of New York in violation of section 28-301.1, or violation of a corresponding rule promulgated by the department;

1.3. Failure by an owner of a boiler to file a complete boiler inspection report in violation of section 28-303.7, or violation of a corresponding rule promulgated by the department;

1.4. A sign in a commercial, or C, district exceeds surface area restrictions in violation of section 32-64

of the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department;

1.5. A sign in a specified commercial, or C, district projects across the street line limitation in violation of section 32-652 of the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department;

1.6. A sign displayed on an awning, canopy or marquee in a commercial, or C, district in violation of the restrictions set forth in section 32-653 of the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department; and

1.7. Miscellaneous sign violation under the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department.

§ 2. Article 201 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-201.5 as follows:

§ 28-201.5 Correction of violations report. No later than July 15 of each year, the department shall submit to the mayor and the speaker of the council, and shall post conspicuously on the department’s website, a report on the time elapsed to correct violations in certain residential buildings. For each building classified as occupancy group R-2 or R-3 for which a notice of violation issued in the prior calendar year contained an order to certify correction, such report shall include, but not be limited to, for each such violation:

1. The address of the property;
2. The class of violation issued;
3. The date the notice of violation was issued;
4. The date the owner submitted a notice of correction;
5. Whether the correction was accepted by the department;
6. The number of days from the issuance of the notice of violation to when the correction was accepted by the department;
7. Whether the violation remained uncorrected for more than 6 months; and
8. Any enforcement actions taken by the department.

§ 3. Article 104 of Chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-104.8.4 as follows:

§ 28-104.8.4 Application after vacate order. When an applicant seeks to demolish a building after the issuance of an order pursuant to 27-2139 but before such order has been lifted, the applicant shall submit documentation in support of the application to demolish such building showing any steps taken to correct any violations outstanding as of the date of such application for demolition. Such documentation may include, but is not limited to, permits, financial statements, estimates, plans, and invoices. Failure to disclose such information on construction documents shall be a violation of this code.

§ 4. Paragraph (5) of subdivision d of section 27-2093.1 of the administrative code of the city of New York, as added by local law number 1 for the year 2018, the effective date of such local law having been

amended by local law number 140 for the year 2021, is amended to read as follows:

(5) Upon the completion of any such survey and further investigation, the department may:

(A) determine that no harassment has occurred within the stated period of time and forthwith grant such certification of no harassment.

(B) deny a certification of no harassment without a hearing if there has been a finding by the New York state homes and community renewal or any court having jurisdiction that there has been harassment, unlawful eviction, [or] arson by or on behalf of the owner, or an order of correction of a housing maintenance code violation has been issued, during the stated period of time; or

(C) where there has been no prior determination of harassment, unlawful eviction, [or] arson by or on behalf of the owner, or an order of correction of a housing maintenance code violation has been issued, provide that a hearing be held at the office of administrative trials and hearings if the department has reasonable cause to believe that harassment has occurred within such stated period of time. The owner of the pilot program building for which a certification of no harassment is sought shall have the opportunity to be heard at such hearing prior to the granting or denial of such certification. The department may receive testimony from tenants, community groups and any other interested parties. Notice of such hearing shall be given to the applicant in the manner prescribed by the office of administrative trials and hearings. Within 45 days after the office of administrative trials and hearings issues a report and recommendation, the department shall either grant or deny such certification of no harassment.

§ 5. (i) This local law takes effect 120 days after becoming law.

(ii) The amendments to section 27-2093.1 of the administrative code of the city of New York, as amended by section four of this local law, shall not effect the repeal of such sections pursuant to section 9 of local law number 140 of the year 2021.

4/4/24