Legislation Details (With Text)

File #:	Int 0967-2001	**Version:**	*	**Name:**	Impose more severe penalties for filing false statements with the Dept of Buildings
Type:	Introduction			**Status:**	Filed
				In control:	Committee on Housing and Buildings
On agenda:	8/22/2001				
Enactment date:				**Enactment #:**	
Title:	A Local Law to amend the administrative code of the city of New York, in relation to imposing more severe penalties for filing false statements with the department of buildings.				
Sponsors:					
Indexes:					
Attachments:					

Date	Ver.	Action By	Action	Result
8/22/2001	*	City Council	Introduced by Council	
8/22/2001	*	City Council	Referred to Comm by Council	
8/22/2001	*	Legislative Documents Unit	Printed Item Laid on Desk	
12/31/2001	*	City Council	Filed (End of Session)	

Int. No. 967

By Council Members Freed, Henry, Marshall, Michels, Reed, Warden, Oddo and Stabile; also Council Members Clarke, Eisland, Harrison, McCaffrey, O'Donovan, Pinkett and Quinn

A Local Law to amend the administrative code of the city of New York, in relation to imposing more severe penalties for filing false statements with the department of buildings.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 26-124 of the administrative code of the city of New York is amended to read as follows:

b. Such person shall also be liable for a civil penalty of not less than one thousand dollars nor more than five thousand dollars for the first offense, not less than two thousand dollars nor more than ten thousand dollars for the second offense, and not less than ten thousand dollars for any subsequent offenses which may be recovered in a proceeding before the environmental control board. In any such proceeding which relates to a false statement in a certification filed pursuant to section 26-126.2 of this subchapter, if an inspection made

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within six months after the filing of the certificate finds a condition constituting a violation which is the same as the condition described in the notice of violation with respect to which such certification was filed, there shall be a rebuttable presumption that the condition described in such notice of violation continued and is the same condition found in the inspection.

§2. Section 26-124 of the administrative code of the city of New York is amended by adding new subdivisions d, e and f to read as follows:

d. Any architect or engineer who has been found by a court of competent jurisdiction or the appropriate administrative tribunal to have committed two violations of subdivision a of this section within any five-year period shall have his or her applications for approval of plans submitted pursuant to article 9 of subchapter one of chapter one of title 27 of the code and all plans submitted in connection therewith, and any amendments thereto, examined by the commissioner, or his or her designee, promptly after their submission. Notwithstanding any other provision of law to the contrary, such applications shall not be subject to the limited supervisory check under section 27-143 of the code for a period of at least three years from the date the second such violation was adjudicated.

e. Where an architect or engineer has been found by a court of competent jurisdiction or the appropriate administrative tribunal to have committed a first violation of subdivision a of this section, the commissioner shall be required to examine every statement, certificate, form, signed statement, application, report or certification of correction submitted by such architect or engineer during the five-year period prior to such adjudication to determine if any of such statements, certificates, forms, signed statements, applications, reports or certificates of correction are false and if so, take such enforcement actions as are provided for in this code.

f. Any architect or engineer who has been found by a court of competent jurisdiction or the appropriate administrative tribunal to have committed three violations of subdivision a of this section within any five-year period shall not be permitted to submit a certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of this code or any rule or regulation of any

agency promulgated thereunder for a period of at least five years from the date the third such violation was adjudicated. Any certificate, form, signed statement, application, report or certification of correction of a violation submitted or attempted to be submitted by such architect or engineer during the disqualification period shall be rejected by the department and such architect or engineer shall be subject to the imposition of a civil penalty of five thousand dollars for each submission or attempted submission during the disqualification period. Such civil penalty may be recovered in a proceeding before the environmental control board and may be imposed in addition to any other fines or penalties.

§3. Section 27-143 of the administrative code of the city of New York is amended to read as follows:

§27-143 Examination of application and plans. All applications for approval of plans and all plans submitted in connection therewith, and any amendments thereto, shall be numbered, docketed and examined promptly after their submission. The examination shall be made under the direction of the commissioner for compliance with provisions of this code and other applicable laws, rules and regulations. The commissioner may at his or her discretion, when the application is submitted by an architect or an engineer, designate portions of the examination for limited supervisory check, except when the architect or engineer is subject to the restriction established in subdivision d of section 26-124 of this code. The personnel employed by the department for examination of plans shall be qualified engineers or architects experienced in building construction and design.

§4. This local law shall take effect ninety days after its enactment.

LS# 3316
TN/tn
8/17/01 1:50 pm