Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York in relation to increasing the fines for false self-certifications of housing code violations, to requiring that occupants are notified when a violation has been self-certified, and to extending the length of time in which the Department of Housing Preservation and Development may reinspect self-certified violations before such violations are "deemed corrected."

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Int. No. 82

By Council Members Liu, Comrie, DeBlasio, Gennaro, Jackson, Katz, Lopez, Nelson, Quinn, Reyna, Sanders Jr., Seabrook, Vallone Jr., Brewer, Clarke, Gentile, Gerson, Martinez, Reed, Foster, Gonzalez, Moskowitz, Perkins, Recchia Jr., Barron, Yassky, Palma, McMahon, James, Avella and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York in relation to increasing the fines for false self-certifications of housing code violations, to requiring that occupants are notified when a violation has been self-certified, and to extending the length of time in which the Department of Housing Preservation and Development may reinspect self-certified violations before such violations are "deemed corrected."

Be it enacted by the Council as follows:

Section 1. Subsection a of section 27-2115 of the administrative code of the city of New York as last amended by local law 65 of 1987, is amended to read as follows:

(a) A person who violates any law relating to housing standards shall be subject to a civil penalty of not less than ten dollars nor more than fifty dollars for each non[-]hazardous violation, not less than twenty-five dollars nor more than one

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hundred dollars and ten dollars per day for each hazardous violation, fifty dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing five or fewer dwelling units, from the date set for correction in the notice of violation until the violation is corrected, and not less than fifty dollars nor more than one hundred fifty dollars and, in addition, one hundred twenty-five dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing more than five dwelling units, from the date set for correction in the notice of violation until the violation is corrected. A person [willfully] making a false certification of correction of a violation shall be subject to a civil penalty of not less than [fifty] two hundred fifty dollars nor more than [two hundred fifty] five hundred dollars for each violation falsely certified [in addition, to the other penalties provided]. In addition, a person willfully making a false certification of correction of a violation shall be subject to a civil penalty of one hundred dollars per day from the date the department received the certification until the violation is corrected, for each and every violation falsely certified, but not less than one thousand dollars per violation. This section shall not be construed to limit other penalties herein provided.

§2. Paragraphs two and three of subdivision f of section 27-2115 of such code are amended to read as follows:

(2) A copy of such certification shall then be mailed [not more than twelve calendar days from the date of receipt of notification to any complainant by the department] by the registered owner, a registered officer or director of a corporate owner, or by the registered managing agent, to all occupants of the apartment or multiple dwelling affected by the violation. This copy shall be mailed not more than twelve calendar days from the date the original self-certification was delivered to the department; proof of mailing must be filed with the department within seven additional calendar days. Anyone who violates this paragraph shall be subject to a civil penalty of not less than two hundred-fifty dollars nor more than five hundred dollars.

(3) [Such violation shall be deemed corrected seventy days from the date of receipt of such certification by the department unless the department has determined by a reinspection made within such period that the violation still has not been corrected and has recorded such determination upon its records and has notified the person who executed the certification by registered or certified mail of the address stated in the certification that it has been set aside and the reasons therefor; a copy of such notice shall be sent to the complainant.]

(i) Violations that have been certified in accordance with paragraph two of this subdivision shall be deemed corrected unless within 150 days of receipt of the certification by the department, an inspection by the department shows that the violation certified is not corrected. Such findings upon an inspection shall be prima facie evidence that the violation has been falsely certified. The department shall maintain a record of all violations issued by the department, including violations that are deemed corrected in accordance with this paragraph.

(ii) The department shall send to the person certifying the violation or the owner, managing agent, or any other

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person listed on the department's records as being in control of the subject premises, a notification of invalidated certification within ninety days of the inspection showing an uncorrected violation for which the department has received a certification. This notice shall be sent by registered or certified mail to the address listed on the certification or any other department record as well as to the occupants and/or complainant. If the department fails to mail the notification in accordance with this provision, the department shall be prohibited from proceeding for penalties based on a falsely certified violation.

(iii) This section shall not be construed to limit the rights herein to institute proceedings for civil penalties for contempt, or any other provision based on a violation that has been falsely certified for which the department has failed to mail a notice of invalidated certification in accordance with this paragraph.

§3. This local law shall take effect immediately and shall apply to all violations that have not been certified as corrected on such effective date.

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