



Legislation Text

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Int. No. 1437-A

By Council Members Menchaca, Crowley, Salamanca, Gentile, Rosenthal, Rose, Reynoso, Levin, Espinal, Cornegy, Richards, Chin, Kallos and Dromm

A Local Law to amend the administrative code of the city of New York, in relation to increasing the civil penalties for construction sites with excessive violations

Be it enacted by the Council as follows:

Section 1. Article 202 of chapter 2 of title 28 of the administrative code of the city of New York is amended to add a new section 28-202.3 to read as follows:

§ 28-202.3 Increased civil penalties for construction sites with excessive violations. Subject to the limitations of section 28-202.1, for any violation of this code, the 1968 building code, the zoning resolution or other laws or rules enforced by the department issued to a person who has an existing immediately hazardous or major violation with respect to the construction site for which the violation is being issued, that occurs at a construction site with a violation ratio, at the time of the issuance of such violation, that exceeds the threshold violation ratio for such site, the civil penalty imposed shall be at least twice the civil penalty that would be imposed if such site were not subject to this section 28-202.3. This section 28-202.3 shall have no effect on additional monthly or daily penalties imposed pursuant to section 28-202.1.

Exceptions:

1. Sites that are the subject of an in rem foreclosure judgment in favor of the city and were transferred by the city to a third party pursuant to section 11-412.1 of the code.
2. Sites that are the subject of a court order appointing an administrator pursuant to article 7-a of the real property actions and proceedings law in a case brought by the department of housing preservation and development.
3. Sites that are the subject of a loan provided by or through the department of housing preservation and development or the New York city housing development corporation for the purpose of rehabilitation.

§ 28-202.3.1 Definitions. The following words and terms shall, for the purposes of section 28-202.3, have the meanings shown herein.

THRESHOLD VIOLATION RATIO. For a major building site, the ninetieth percentile of violation ratios for major building sites in the city as of December 31 of the immediately preceding calendar year. For a construction site that only involves work on a one-, two- or three-family building, the ninetieth percentile of violation ratios for construction sites that only involve work on a one-, two- or three-family building in the city as of December 31 of the immediately preceding calendar year. For a construction site that is not a major building site and that does not only involve work on a one-, two- or three-family building, the ninetieth percentile of violation ratios for construction sites that are not major building sites and that do not only involve work on a one-, two- or three-family building in the city as of December 31 of the immediately preceding calendar year.

VIOLATION RATIO. With respect to a construction site, (i) the number of immediately hazardous violations and major violations issued against such site in the preceding 12 months, excluding any violations that have been dismissed or that are currently in the appeals process, divided by the square footage of the footprint of such site or (ii) an alternative ratio established by department rule and that the department determines is appropriate for identifying construction sites with high rates of immediately hazardous violations, major violations or unsafe conditions for the purposes of this section 28-202.3, provided that such rule is promulgated on or after January 1, 2020.

§ 2. This local law takes effect on June 1, 2018, except that the commissioner of buildings may take such actions as are necessary for its implementation, including the promulgation of rules, before such effective date.

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