



Legislation Text

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Int. No. 2449-A

By Council Members Gibson, Van Bramer, Gjonaj, Cornegy, Brannan, Yeger, Gennaro, Kallos, Louis and Rose

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

Be it enacted by the Council as follows:

Section 1. Section 28-208.1.3 of the administrative code of the city of New York is renumbered section 28-208.3.

§ 2. Article 208 of chapter 2 of title 28 of the administrative code of the city of New York is amended to add a new section 28-208.2 to read as follows:

**§ 28-208.2 Issuing requests for corrective action to one and two-family homes.** A request for corrective action, in lieu of a notice of violation, may be issued to the owners of one- and two-family homes where a notice of violation has not been issued at the property within the past five years. A waiver of department penalties, which may include department penalties for performing work without a permit or any other penalties that must be paid before a permit may be issued by the department, may be made available to owners of one- and two-family homes who seek to correct conditions identified in a request for corrective action issued by the department. Additional parameters regarding issuing requests for corrective action to the owners of one- and two-family homes may be established by the department by rule.

**Exceptions:** This section shall not apply to immediately hazardous violations for illegal conversions as described in section 28-210.1 and immediately hazardous violations that led to death or serious injury.

§ 3. 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 number 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.

**Exception:** Department penalties for failure to certify correction shall not apply to one- to four-family homes.

§ 4. 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.

**Exception:** One- to four-family homes shall not be subject to the re-inspection requirement of this section for the same condition that gave rise to the notice of violation, provided that this exception shall not be construed to limit the power of the commissioner to inspect such home for any other non-compliant condition or to issue a violation for such other non-compliant condition.

§ 5. Article 219 of title 28 of the administrative code of the city of New York is amended by adding new sections 28-219.5 and 28-219.6 to read as follows:

**§ 28-219.5 Definition.** For the purposes of this article, the term “construction site” shall mean a building or site with a permit issued by the department to perform construction work.

**§ 28-219.6 Other remedies not precluded.** Nothing in this article shall be construed to limit the power of the commissioner to take any other action authorized by this code with respect to any unlawful use or condition.

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