



Legislation Text

File #: Int 0550-2011, **Version:** *

Int. No. 550

By Council Members Halloran, Cabrera, James, Williams, Vallone, Koo, Oddo and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to imposing a fine for lesser violations of the building code for certain structures.

Be it enacted by the Council as follows:

Section 1. Section 28-204.2 of the administrative code of the city of New York 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 order shall require that violations classified as major or lesser be corrected within 30 days from the date of the order, that violations 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 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.]

§ 2. Article 204 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-204.2.1 to read as follows:

§28-204.2.1 Correction of lesser violations. In any proceeding before the environmental control board,

no civil penalty shall be imposed for a lesser violation 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.

Exception: A civil penalty shall be imposed for a second or subsequent violation of the same type in any two-year period that occurs on a property with a structure or portion of a structure classified in occupancy groups F-1, F-2 or M.

§ 3. This local law shall take effect immediately upon enactment.

jtb
LS #1544
Cr-1/18/2011
Sv-4/26/2011 3:53:00 PM