



## Legislation Text

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Int. No. 448-A

By Council Members Maisel, Treyger, Constantinides, Gentile, Rodriguez, Dickens, Deutsch, Koslowitz, Richards, Cohen, Levin, Vallone, Kallos and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to civil and criminal penalties for building code violations resulting from certain work done in response to a natural or man-made disaster

Be it enacted by the Council as follows:

Section 1. Section 28-202.1 of the administrative code of the city of New York, as amended by a local law of the city of New York for the year 2016, in relation to violations received after a disaster, as proposed in introduction number 1037-A, is amended by adding a new exception to read as follows:

3. The owner, lessee, occupant, manager or operator of a building shall not be subject to a civil penalty for a violation resulting from work done by a city employee, or by a third party under contract with the city, in response to a natural or man-made disaster, provided that such violation is corrected on or before 60 days after the issuance of such violation, or such greater amount of time as determined by the commissioner for such violation. If such owner, lessee, occupant, manager or operator of a building can demonstrate to the satisfaction of the department that a city employee or third party under contract with the city has committed to correcting such violation then such violation shall be rescinded, without penalty. The notice of such violation shall state that such violation is subject to this exception and shall set forth the procedure and time period for correcting such violation without incurring a civil penalty. This exception shall not apply to immediately hazardous violations or violations charged as aggravated violations.

§ 2. Section 28-203.1 of the administrative code of the city of New York, as amended by a local law of the city of New York for the year 2016, in relation to violations received after a disaster, as proposed in introduction number 1037-A, is amended by adding a new exception to read as follows:

3. The owner, lessee, manager or operator of a building shall not be subject to criminal fines or imprisonment for a violation resulting from work done by a city employee or third party under contract with the city, in response to a natural or man-made disaster. This exception shall not apply to immediately hazardous violations or violations charged as aggravated violations.

§ 3. The commissioner of buildings may refund or waive any penalties or fines paid or imposed after

October 29, 2012 and before the effective date of this local law for any violation that would have been subject to exception 3 of section 28-202.1 of the administrative code of the city of New York or exception 3 of section 28-203.1 of such code, as added by section one and section two of this local law, if such exceptions had been in effect during such period.

§ 4. This local law takes effect 90 days after it becomes law.

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