



Legislation Text

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Int. No. 92

By Council Member Brannan

A Local Law to amend the administrative code of the city of New York, in relation to waiving civil penalties for housing maintenance code violations where an owner made a good faith effort to correct such violations

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 27-2004 of the administrative code of the city of New York is amended by adding new paragraphs 49 and 50 to read as follows:

49. Eligible violation. The term “eligible violation” means (i) a violation which is set forth in rule by the department as eligible for a penalty mitigation program and (ii) a non-hazardous violation of this chapter.

50. The term “penalty mitigation program” means a program that allows individuals to have civil penalties waived or reduced if such individuals comply with such programs requirements.

§ 2. Subdivision a of section 27-2115 of the administrative code of the city of New York is amended to read as follows:

(a) (1) 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 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 wilfully making a false certification of correction of a violation shall be subject to a civil penalty of not less than fifty dollars nor more than two hundred fifty dollars for each violation falsely certified, in addition to the other penalties herein provided.

(2) Notwithstanding any other provision of law, the owner shall be responsible for the correction of all violations placed pursuant to this code, but civil penalties for such violations may be waived where such violations are eligible violations and such owner certifies to the department, on a form established by the department, and submits supporting documentation, that he or she began to correct the conditions which constitute the violations prior to receiving such violations, but that full correction could not be completed expeditiously because of an inability:

(i) to obtain necessary materials despite diligent efforts;

(ii) to gain access to the dwelling unit wherein the violation occurs, or to such other portion of the building as might be necessary to make the repairs, despite multiple attempts; or

(iii) inability to obtain a permit or license necessary to correct the violation, despite diligent and prompt applications being made.

(3) An owner who has civil penalties waived pursuant to paragraph (2) of this subdivision, and who fails to certify correction of the violations for which they received such civil penalties by the date set for correction in the notice of violation shall have such civil penalties reinstated and doubled.

(4) An owner of a distressed building shall not be eligible to have civil penalties waived pursuant to paragraph (2) of this subdivision. For purposes of this subdivision the criteria used to identify distressed buildings shall be:

(i) in a multiple dwelling that contains not less than three and not more than nineteen units, a ratio of open hazardous and immediately hazardous violations which were issued by the department within the two-year period prior to such identification that equals in the aggregate five or more such violations for every dwelling unit in the multiple dwelling, and in a multiple dwelling that contains not less than twenty units, a

ratio of open hazardous and immediately hazardous violations which were issued by the department within the two-year period prior to such identification that equals in the aggregate three or more such violations for every dwelling unit in the multiple dwelling; and

(ii) paid and unpaid emergency repair charges, including liens, which were incurred within the two-year period prior to such identification, of two thousand five hundred or more dollars in a multiple dwelling that contains not less than three and not more than nineteen units, and paid and unpaid emergency repair charges, including liens, which were incurred within the two-year period prior to such identification, of five thousand or more dollars in a multiple dwelling that contains twenty or more units.

§ 2. This local law takes effect 180 days after it becomes law.

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