

**NEW YORK CITY DEPARTMENT OF BUILDINGS**

**NOTICE OF ADOPTION OF RULE**

**NOTICE IS HEREBY GIVEN**, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby amends Section 102-01 of Subchapter B of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding Violation Classification and Certification of Correction.

This rule was first published on July 23, 2019 and a public hearing thereon was held on August 26, 2019.

Dated: 09/12/19  
New York, New York

  
Melanie E. La Rocca  
Commissioner

**Statement of Basis and Purpose**

The rule updates the DOB Penalty Schedule in order to reflect amendments to Administrative Code § 28-203.1 made in Local Law 203 of 2017, which enacted minimum penalties for immediately hazardous violations and major violations of Article 110 of Chapter 28 of the Administrative Code or Chapter 33 of the New York City Building Code. The rule also corrects typographical errors relating to citations to Administrative Code § 28-217.1.6 and Building Code § 3012.1. Finally, the rule adds one immediately hazardous violation relating to Administrative Code § 28-401.16, which sets forth restrictions on the use of licenses issued by DOB.

DOB’s authority for this rule is found in Sections 643 and 1043(a) of the New York City Charter and Section 28-201.2 of the Administrative Code of the City of New York.

New material is underlined.

[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

The table in subdivision (k) of section 102-01 of Title 1 of the Rules of the City of New York is amended by amending existing violations relating to section 28-217.1.6 of the New York City Administrative Code and sections 3012.1, 3307.7, 3319.8.4.2, and 3319.8.6 of the New York City Building Code, and adding a violation relating to section 28-401.16 of the New York City Administrative Code.

Section of Law	Classification	Violation Description	Cure	Stipulation	Standard Penalty	Mitigated Penalty	Default Penalty	Aggravated I Penalty	Aggravated I Default Penalty	Aggravated II Penalty	Aggravated II Default – Max Penalty
<del>[28-217.16]</del> <u>28-217.1.6</u>	Class 1	Failure to immediately notify Department that building or structure has become potentially compromised.	No	No	\$2,500	No	\$12,500	\$6,250	\$25,000	\$12,500	\$25,000
<u>28-401.16</u>	<u>Class 1</u>	<u>License holder authorized, consented to, or permitted the use of his or her license by or on behalf of another person.</u>	<u>No</u>	<u>No</u>	<u>\$5,000</u>	<u>No</u>	<u>\$25,000</u>	<u>\$12,500</u>	<u>\$25,000</u>	<u>\$25,000</u>	<u>\$25,000</u>

BC [3010.1] <u>3012.1</u> & 27- 1006	Class 1	Failure to promptly report an elevator accident involving personal injury requiring the services of a physician or damage to property.	No	No	\$2,500	No	\$12,500	\$6,250	\$25,000	\$12,500	\$25,000
BC 3307.7	Class 2	Job site fence not constructed or maintained pursuant to [sub]section.	Yes	No	<del>[\$800]</del> <u>\$1,000</u>	Yes	\$4,000	\$2,000	\$8,000	\$4,000	\$10,000
BC 3319.8.4.2	Class 1	Failure to provide time schedule indicating erection, jumping, climbing or dismantling of crane.	No	No	<del>[\$1,250]</del> <u>\$2,000</u>	No	\$6,500	\$3,125	\$12,500	\$6,250	\$25,000
BC 3319.8.6	Class 1	No meeting log available.	No	No	<del>[\$1,250]</del> <u>\$2,000</u>	No	\$6,250	\$3,125	\$12,500	\$6,250	\$25,000