

## NOTICE OF ADOPTION OF RULE

**NOTICE IS HEREBY GIVEN**, pursuant to the authority vested in the Commissioner 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 adopts the amendments to Section 102-04 of Subchapter B of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding requests for override, reduction or waiver of a civil penalty.

This rule was first published on December 7, 2020 and a public hearing thereon was held on January 7, 2021.

Dated: 1/27/2021  
New York, New York

/s/  
Melanie E. La Rocca  
Commissioner

### **Statement of Basis and Purpose of Rule**

The amendment deletes language regarding the L2 form that was used to request an override, reduction or waiver of a civil penalty for work without a permit or for violation of a stop work order. These requests are now being handled through DOB NOW and not with an L2 form.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter and Article 213 of the New York City Administrative Code.

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.

Section 1. Paragraph (1) of subdivision (f) of section 102-04 of Subchapter B of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (1) Any request for an override, reduction or waiver of a civil penalty must be in writing in a form and manner determined by the Department. [The applicant must submit a notarized “L2 Request for Overrides, Reductions or Waivers of Civil Penalties for Work without a Permit and Stop Work Order Violations” form.] In addition, the applicant must submit any supporting documentation required by the [form] Department or by paragraph (5) of this subdivision.

§ 2. Subparagraph (v) of paragraph (5) of subdivision (f) of section 102-04 of Subchapter B of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (v) Effect of inconsistent or incomplete documentation. If the information [on the L2 form] provided in the request for an override, reduction or waiver of a civil penalty or supporting documentation contradicts the description of work completed as stated on the violation, or if the [L2 form] request or supporting documentation is incomplete, the request for an override, reduction or waiver of the penalty may be denied.