

NEW YORK CITY DEPARTMENT OF BUILDINGS

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Buildings (DOB) is proposing to amend rules, 1 RCNY 102-01, 1 RCNY 102-04, 1 RCNY 103-01 and 1 RCNY 103-05. These rule amendments were identified as part of a review of compliance costs on businesses undertaken to implement Executive Order 2 of 2022.

When and where is the hearing? DOB will hold a public hearing on the proposed rule online. The public hearing will take place at 11am on 9/19/22.

- Join through Internet – Desktop app:

To join the hearing via your browser either click on the following URL link or copy and paste it into your browser's address bar. Then follow the prompts to either continue using the browser or download/open the Teams desktop app. <https://tinyurl.com/Buildings202209Violations>

Enter your name when prompted and click the **“Join now”** button. If you don't have computer audio or prefer to phone in for audio, select **“Phone audio”** under **“Other join options”** then click the **“Join now”** button. You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins. If you are using phone audio then follow the dial-in instructions when prompted.

If you have low bandwidth or inconsistent Internet connection, we suggest you use the Phone audio option for the hearing. This will reduce the possibility of dropped audio and stutters.

- Join through Internet - Smartphone app:

To join using the Microsoft Teams app on your smartphone, click on the following URL link from your phone to automatically open the Teams app. Note that the Microsoft Teams app must already be installed on your smartphone. It is available for free both in the Apple Store and Google Play. <https://tinyurl.com/Buildings202209Violations>

When prompted select “Join meeting”. Type your name and then select “Join meeting” again. You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins.

Alternatively, open the Teams app and select “Join a meeting”. Signing in with an account is not required. Type your name, the following Meeting ID and Passcode, then select “Join meeting”.

Meeting ID: **268 755 047 938**
Passcode: **GrQfBS**

- Join via phone only:

To join the meeting only by phone, use the following information to connect:

Phone: **+1 646-893-7101**
Phone Conference ID: **483 007 365#**

You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins.

How do I comment on the proposed rule? Anyone can comment on the proposed rule by:

- **Website.** You can submit comments to DOB through the NYC rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to dobrules@buildings.nyc.gov.
- **Mail.** You can mail comments to the New York City Department of Buildings, Office of the General Counsel, 280 Broadway, 7th floor, New York, NY 10007.
- **Fax.** You can fax comments to the New York City Department of Buildings, Office of the General Counsel, at 212-566-3843.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up by emailing dobrules@buildings.nyc.gov by 9/12/22 and including your name and affiliation. While you will be given the opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign up in advance. You can speak for up to three minutes.
- **Is there a deadline to submit comments?** Yes, you must submit comments by 9/19/22.

What if I need assistance to participate in the hearing? You must tell the Office of the General Counsel if you need a reasonable accommodation of a disability at the hearing. You can tell us by email at dobrules@buildings.nyc.gov. Advance notice is requested to allow sufficient time to arrange the accommodation. You must tell us by 9/6/22.

This location has the following accessibility option(s) available: Simultaneous transcription for people who are hearing impaired, and audio only access for those who are visually impaired.

Can I review the comments made on the proposed rule? You can review the comments made online on the proposed rule by going to the website at <http://rules.cityofnewyork.us/>. Copies of all comments submitted online, copies of all written comments and a summary of oral comments concerning the proposed rule will be available to the public at the Office of the General Counsel and may be requested by email at dobrules@buildings.nyc.gov.

What authorizes DOB to make this rule? Sections 643 and 1043(a) of the New York City Charter and Articles 105, 201, 213 and 303 of Title 28 of the Administrative Code of the City of New York authorize DOB to make this proposed rule. This proposed rule was not included in DOB's regulatory agenda for this Fiscal Year because it was not contemplated when DOB published the agenda.

Where can I find DOB's rules? DOB's rules are in Title 1 of the Rules of the City of New York.

What rules govern the rulemaking process? DOB must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose

The COVID-19 global pandemic caused financial instability for many small businesses in the City of New York. On January 4, 2022, in response to this crisis, the Mayor signed Executive Order 2 “Small Business Forward: Review and Reform of Compliance Costs on Businesses” (“EO2”). One goal of the reform was ensuring that small businesses face fewer unnecessary fines. EO2 called for the reform of existing violations and penalties issued by several city agencies.

The Department of Buildings was one of seven enforcement agencies which conducted a review of its existing violations that are most frequently enforced through the issuance of notices of violations, and to the extent practicable, identified those violations most frequently issued to small businesses that could be repealed or modified to reduce regulatory burdens, increase equity, and support small businesses. A total of 26 reforms for DOB were identified which required amendments to rules.

The specific proposed rules would (by relevant section):

Rule 102-01 – Enforcement of violations:

- Extend the cure period for violations of the New York City Construction Codes, Electrical Code, Zoning Resolution and rules that are classified as Class 2 “Major” and Class 3 “Lesser” violations from 40 to 60 days from the date of service of a Notice of Violation.
- Eliminate the following violations:
 - “Approved Place of Assembly plans not available for inspection” (Class 2).
 - “Failure to conspicuously post electrical work permit while work is in progress” (Class 3).
 - “Place of Assembly contrary to Approved construction documents” (Class 2).
 - “Electrical closet not dedicated to electrical distribution equipment only” (Class 2 and 3).
 - “Failure to provide cover/faceplate/lampholder/luminaire canopy for electrical outlet” (Class 2).
- Reduce the penalties for the following violations:
 - “Electrical work without a permit” (Class 3).
 - “Work without a permit” (Class 3).
 - “Failure to post or properly post permit for work at premises” (Class 2).
 - “Change in occupancy/use of C of O as per §28-118.3.1 - §28-118.3.2 by operating a Place of Assembly as per when current C of O does not allow such occupancy” (Class 2).
 - “Luminaires and Lampholders not installed in an approved manner” (Class 2).

Rule 102-04 – Civil penalties for work without a permit:

- Amend the grounds for waiver of civil penalties for work without a permit in subdivision (d) to specify that small businesses may receive a waiver of civil penalties for work without a permit after demonstrating, in a form and manner determined that by the Department, that it is a small business.

Rule 103-01 – Low-pressure boilers:

- Add a definition for “small business” to subdivision (c).

- Amended the grounds for waiver of penalties in paragraph (6) of subdivision (f) to specify that a small business may be granted a first-time waiver of penalties for failure to file an annual boiler inspection report.

Rule 103-05 – High-pressure boilers:

- Add a definition for “small business” to subdivision (c).
- Amend the grounds for waiver of penalties in paragraph (6) of subdivision (i) to specify that a small business may be granted a first-time waiver of penalties for failure to file an annual boiler inspection report.

DOB’s authority for this rule is found in Sections 643 and 1043(a) of the New York City Charter and Articles 105, 201, 213 and 303 of Title 28 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.

Section 1. Paragraphs (2) and (9) of subdivision (c) of section 102-01 of subchapter B of chapter 100 of Title 1 of the rules of the City of New York are amended to read as follows:

(c) *Correction and certification of correction.*

- (2) Violations classified as major or lesser must be corrected within [forty] sixty days from the date of service of the NOV [, except that such violations issued to one- or two-family homes must be corrected within sixty days of service of the NOV].
- (9) For violations classified as Class 3 or for those Class 2 violations eligible for a cure, respondents may avoid a hearing by submitting a certification of correction acceptable to and received by the Department no later than [forty] sixty days from the date of service of the NOV. [For such violations issued to one- or two-family homes, a certificate of correction acceptable to the Department must be submitted and received no later than sixty days from the date of service of the NOV.] For violations classified as Class 1, a certification acceptable to the Department must be received by the Department forthwith.

§ 2. Paragraph (1) of subdivision (d) of section 102-01 of subchapter B of chapter 100 of Title 1 of the rules of the City of New York is amended to read as follows:

(d) *Mitigated and zero penalties.* Mitigated or zero penalties are available in the following circumstances under the following conditions.

(1) Cure.¹ An eligible violation may be cured by correction before the first scheduled hearing date at ECB. All violations that are designated as Class 3 violations are eligible for cure. Some, but not all, types of violations that are designated as Class 2 violations are eligible for cure. Those types of Class 2 violations that are eligible for cure will be indicated within the Buildings Penalty Schedule found below. In order to cure, a certificate of correction acceptable to the Department must be filed at the Department within [forty] sixty days from the date of service of the NOV. [For violations issued to one- or two-family homes, a certificate of correction acceptable to the Department must be submitted and received no later than sixty days from the date of service of the NOV.] A cure constitutes an admission of the violation; dispenses with the need for a hearing at ECB; constitutes a predicate violation for subsequent violations; and, consistent with the provisions of Section 28- 204.2, and with the provisions of the Buildings Penalty Schedule, results in a zero penalty. A violation that has been charged as an Aggravated I or Aggravated II violation is never eligible for a cure, even if there is a “Yes” in the “Cure” column in the Buildings Penalty Schedule for that violation description.

¹ Section 28-204.2 of the Administrative Code provides for a zero penalty for Lesser violations that are corrected within the prescribed, or cure, period. For purposes of this rule, certain Major violations will also be treated as eligible for cure to the extent that section 28-202.1 of the Administrative Code specifies no minimum penalty for such violations.

§ 3. Penalties for violations of 27-528, 27-3018(b), 28-105.1, 28-105.11, 28-105.12.2, 28-118.3, EC 110.25, EC 314.25, and EC 410.30 in subdivision (k) of section 102-01 of Subchapter B of Chapter 100 of Title 1 of the Rules of the City of New York are repealed or amended to read as follows:

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
[27-528, BC 1024.1.3 (2008 code) & BC 1028.1.3 (2014 code)]	[Class 2]	[Approved Place of Assembly plans not available for inspection.]	[Yes]	[No]	[\$500]	[Yes]	[\$2,500]	[\$1,250]	[\$5,000]	[\$2,500]	[\$10,000]
27-3018(b)	Class 3	Electrical work without a permit.	Yes	Yes	[\$400] \$200	Yes	\$500	\$500	\$500	\$500	\$500
[27-3018(b)]	[Class 3]	[Failure to conspicuously post electrical work permit while work is in progress.]	[Yes]	[Yes]	[\$400]	[Yes]	[\$500]	[\$500]	[\$500]	[\$500]	[\$500]
28-105.1	Class 3	Work without a permit.	Yes	Yes	[\$500] \$250	Yes	\$500	\$500	\$500	\$500	\$500
28-105.11	Class 2	Failure to post or properly post permit for work at premises.	Yes	Yes	[\$625] \$300	Yes	[\$3,125] \$ 1,500	[\$1,563] \$750	[\$6,250] \$ 3,750	[\$3,125] \$1, 500	[\$10,000] \$7, 500
[28-105.12.2]	[Class 2]	[Place of Assembly contrary to Approved construction documents.]	[Yes]	[Yes]	[\$500]	[Yes]	[\$2,500]	[\$1,250]	[\$5,000]	[\$2,500]	[\$10,000]

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
28-118.3	Class 2	Change in occupancy/use of C of O as per §28-118.3.1 - §28-118.3.2 by operating a Place of Assembly as per when current C of O does not allow such occupancy.	Yes	No	[\$500] \$250	Yes	[\$2,500] \$1,250	[\$1,250] \$625	[\$5,000] \$3,125	[\$2,500] \$1,250	[\$10,000] \$6,250
[EC 110.25]	[Class 2]	[Electrical closet not dedicated to electrical distribution equipment only.]	[Yes]	[Yes]	[\$600]	[Yes]	[\$3,000]	[\$1,500]	[\$6,000]	[\$3,000]	[\$10,000]
[EC 110.25]	[Class 3]	[Electrical closet not dedicated to electrical distribution equipment only.]	[Yes]	[Yes]	[\$300]	[Yes]	[\$500]	[\$500]	[\$500]	[\$500]	[\$500]
[EC 314.25]	[Class 2]	[Failure to provide cover/faceplate/lampholder/luminaire canopy for electrical outlet.]	[Yes]	[Yes]	[\$500]	[Yes]	[\$2,500]	[\$1,250]	[\$5,000]	[\$2,500]	[\$10,000]
EC 410.30	Class 2	Luminaires and Lampholders not installed in an approved manner.	Yes	Yes	[\$500] \$250	Yes	[\$2,500] \$1,250	[\$1,250] \$625	[\$5,000] \$3,125	[\$2,500] \$1,250	[\$10,000] \$6,250

§ 4. Subdivision (d) 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:

- (d) Waiver of civil penalty for work without a permit. Notwithstanding any penalty waiver, a permit must be obtained for the unpermitted work. The Department may waive a civil penalty for work without a permit in the following instances:
 - (1) Where an owner is a subsequent bona fide purchaser and the previous owner performed the unpermitted work, whether or not the subsequent bona fide purchaser received notice of the violation. The Department requires the following supporting documentation:
 - (i) Copy of the deed;
 - (ii) Notarized affidavit stating that there is no relationship between the previous owner and the subsequent bona fide purchaser. If the subsequent bona fide purchaser is an entity, the affidavit must be on the entity's letterhead and signed by the owner or an officer of the entity. The affidavit must include:
 - (A) The name of the subsequent bona fide purchaser;
 - (B) The location of the property;
 - (C) A statement that the subsequent bona fide purchaser did not receive the property as a gift;
 - (D) A statement that the subsequent bona fide purchaser had no interest or relationship with the prior owner at the time of purchase; and
 - (E) A statement that the subsequent bona fide purchaser is not acting in any way for the benefit of the prior owner.
 - (2) Where a violation for working without a permit has been dismissed.
 - (3) Where the Department of Housing Preservation and Development (HPD) or another agency performed emergency work as directed by the Commissioner pursuant to § 28-215.1 of the Administrative Code or where HPD or another agency performed work on unsafe buildings in accordance with § 28-216.8 of the Administrative Code.
 - (4) Where emergency work is performed without a permit, except for emergency work described in paragraph (3) of this subdivision, and an application for the work is filed with the Department within two business days after commencement of the work.
 - (5) Where a fence, shed or scaffold (or other temporary construction equipment) was installed with a valid permit and the permit has expired.
 - (6) Where a permit (other than for temporary construction equipment) expired and no work was performed after the permit's expiration.
 - (7) Where the city, state, or federal government or other government entity or public authority owns the property where the unpermitted work occurred.
 - (8) Where HPD third-party transfers occur after a court issues a foreclosure judgment allowing the City to transfer title of the foreclosed property to a new owner. The new owner must provide a letter from HPD stating that a third-party transfer occurred and that the Department must waive any penalties accrued before the closing date of the transfer.

(9) Multiple violations. Upon payment of the civil penalty and acceptance of a Certificate of Correction for unpermitted work for which multiple notices of violation have been issued, any outstanding civil penalties for the same unpermitted work at the same location will be waived.

(10) Where an owner of a business that employs fewer than one hundred employees has been issued a violation for unpermitted work and such owner has demonstrated, in a form and manner determined by the Department, that they are the owner of the business.

§ 5. Subdivision (c) of section 103-01 of subchapter C of chapter 100 of Title 1 of the rules of the City of New York is amended to read as follows:

(c) Definitions. For the purposes of this section, the following terms shall have the following meanings:

(1) Filing deadline. For the low pressure boiler annual inspection report or any part of that report, fourteen (14) days from the inspection date.

(2) First test. An inspection of a newly installed or replaced boiler required for the department to approve its use and operation.

(3) Inspection cycle. January 1st through December 31st of the calendar year for which the report is being submitted. Annual inspections must be at least six (6) months apart.

(4) Late filing. An inspection report or any part of that report filed after the fourteen (14) day filing deadline but in no event later than January 14th of the calendar year immediately following the inspection cycle.

(5) Owner. Any person, agent, firm, partnership, corporation or other legal entity having a legal or equitable interest in, or control of, the premises and/or boiler.

(6) Qualified boiler inspector. A qualified boiler inspector as defined in Section 101-07 of these rules.

(7) Removal or disconnection. Removal or discontinuance, pursuant to Section 28-303.8 of the Administrative Code.

(8) Small business. A business that employs fewer than one hundred persons.

[8](9) Waiver. Removal of the obligation to pay a penalty associated with a violation. A waiver does not result in dismissal of the violation.

§ 6. Paragraph 6 of subdivision (f) of section 103-01 of subchapter C of chapter 100 of Title 1 of the rules of the City of New York is amended to read as follows:

(f) Civil penalties, low pressure boiler annual inspection report and affirmation of correction.

(6) Waiver of penalties. An owner may request a waiver of penalties assessed for violation of Article 303 of Title 28 of the Administrative Code and/or related rules enforced by the department. Requests shall be made in writing and submitted with the filing fee.

(i) Owner status.

(A) New owner. A new owner may be granted a waiver of penalties contingent upon the department's acceptance of the owner's proof that

transfer of ownership to the new owner occurred after penalties were incurred. Proof includes a recorded deed evidencing transfer of ownership to the current owner after penalties were incurred, as well as any other documentation requested by the Department.

- (B) Government ownership. An owner may be granted a waiver of penalties upon submission of official documentation from a government entity affirming that the premises was owned in its entirety by the entity during the period for which a waiver is requested.
 - (C) Bankruptcy. An owner may be granted a waiver of penalties upon submission of a copy of a bankruptcy petition and a decision from the bankruptcy court.
 - (D) Small business. An owner of a small business may be granted a first-time waiver of penalties where the owner has demonstrated, in a form and manner determined by the Department, that they are the owner of the business.
- (ii) Device status. An owner may be granted a waiver of penalties contingent upon the department's acceptance of proof of the following:
- (A) Removed or disconnected. That the low pressure boiler was removed from the building or disconnected prior to the inspection cycle for which the report was due. In the event that proof of removal or disconnection has not yet been entered into the department's database at the time of the request for a waiver, the owner shall submit to the department a copy of the submission for removal or disconnection of the boiler.
 - (B) New or replaced. That the first test was performed during the inspection cycle for which the report was due.
 - (C) Work in progress. That there is work in progress for the replacement or installation of a new boiler or burner or a major renovation requiring that the boiler or burner be deactivated during the work. For the purposes of this subparagraph, "proof" means the filing of a boiler application including a projected date of completion of work. Upon completion of such work, a new inspection and test report must be filed in accordance with this section.
- (iii) Building status. An owner may be granted a waiver of penalties contingent upon the department's confirmation of the following:
- (A) Demolished. That the full demolition of the building occurred prior to the inspection cycle for which the report was due and that such demolition was signed off by the department or that a new building permit has been issued for the property.
 - (B) Sealed or vacated. That the building was ordered to be sealed or vacated by a government agency (e.g. Department of Buildings, Department of Housing Preservation and Development, Fire Department of New York or Office of Emergency Management) or by court order prior to the expiration of the inspection cycle for which the report was due.

§ 7. Subdivision (c) of section 103-05 of subchapter C of chapter 100 of Title 1 of the rules of the City of New York is amended to read as follows:

(c) Definitions. For the purposes of this section, the following terms shall have the following meanings:

- (1) Department. The department of buildings.
- (2) External high-pressure boiler annual inspection. An inspection made while the boiler is in operation.
- (3) Filing deadline. For the high-pressure boiler annual inspection report or any part thereof, fourteen (14) days from the date of the inspection.
- (4) First test. An inspection of a newly installed or replaced boiler required for the department to approve its use and operation.
- (5) Inspection cycle. January 1st through December 31st of the calendar year for which an owner submits the report.
- (6) Inspection type. An external high-pressure boiler annual inspection or an internal high-pressure boiler annual inspection.
- (7) Internal high-pressure boiler annual inspection. An inspection made when the boiler is shut down and handholes and manholes or other inspection openings are opened or removed for inspection of the interior.
- (8) Late filing. An inspection report or any part of that report filed after the fourteen (14) day filing deadline but in no event later than January 14th of the calendar year immediately following the inspection cycle.
- (9) Owner. Any person, agent, firm, partnership, corporation or other legal entity having a legal or equitable interest in, or control of, the premises and/or boiler.
- (10) Qualified boiler inspector. A qualified boiler inspector as defined in Section 101-07 of these rules.
- (11) Removal or disconnection. Removal or disconnection shall have the same meaning as the term "removal or discontinuance" as used in Section 28-303.9 of the Administrative Code.
- (12) Small business. A business that employs fewer than one hundred persons.

[12] (13) Waiver. Removal of the obligation to pay a penalty associated with a violation. A waiver does not result in dismissal of the violation.

§ 8. Paragraph 6 of subdivision (i) of section 103-05 of subchapter C of chapter 100 of Title 1 of the rules of the City of New York is amended to read as follows:

- (i) Civil penalties, high-pressure boiler annual inspection report and affirmation of correction.
 - (6) Waiver of penalties. An owner may request a waiver of penalties assessed for violation of Article 303 of Title 28 of the Administrative Code and/or related rules enforced by the department. Requests shall be made in writing and submitted with the filing fee.
 - (i) Owner status.
 - (A) New owner. A new owner may be granted a waiver of penalties contingent upon the department's acceptance of the owner's proof that transfer of ownership to the new owner occurred after penalties were

incurred. Proof includes a recorded deed evidencing transfer of ownership to the current owner after penalties were incurred, as well as any other documentation requested by the Department.

- (B) Government ownership. An owner may be granted a waiver of penalties upon submission of official documentation from a government entity affirming that the premises was owned in its entirety by the entity during the period for which a waiver is requested.
 - (C) Bankruptcy. An owner may be granted a waiver of penalties upon submission of a copy of a bankruptcy petition and a decision from the bankruptcy court.
 - (D) Small business. An owner of a small business may be granted a first-time waiver of penalties where the owner has demonstrated, in a form and manner determined by the Department, that they are the owner of the business.
- (ii) Device status. An owner may be granted a waiver of penalties contingent upon the department's acceptance of proof of the following:
- (A) Removed or disconnected. That the high-pressure boiler was removed from the building or disconnected prior to the inspection cycle for which the report was due. In the event that proof of removal or disconnection has not yet been entered into the department's database at the time of the request for a waiver, the owner shall submit to the department a copy of the submission for removal or disconnection of the boiler.
 - (B) New or replaced. That the first test was performed during the inspection cycle for which the report was due.
 - (C) Work in progress. That there is work in progress for the replacement or installation of a new boiler or burner or a major renovation requiring that the boiler or burner be deactivated during the work. For the purposes of this clause, "proof" shall mean the filing of a boiler application including a projected date of completion of work. Upon completion of such work, a new inspection and test report shall be filed in accordance with this section.
- (iii) Building status. An owner may be granted a waiver of penalties contingent upon the department's confirmation of the following:
- (A) Demolished. That the full demolition of the building occurred prior to the inspection cycle for which the report was due and that such demolition was signed off by the department and/or that a new building permit has been issued for the property.
 - (B) Sealed or vacated. That the building was ordered to be sealed or vacated by a government agency (e.g. Department of Buildings, Department of Housing Preservation and Development, Fire Department of New York or Office of Emergency Management) or by court order prior to the expiration of the inspection cycle for which the report was due.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Certain Violations and Penalties (Small Business Forward)

REFERENCE NUMBER: 2022 RG 057

RULEMAKING AGENCY: Department of Buildings

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: August 5, 2022

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of Certain Violations and Penalties (Small Business Forward)

REFERENCE NUMBER: DOB-153

RULEMAKING AGENCY: Department of Buildings

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Increases cure period times for certain violations.

/s/ Francisco X. Navarro
Mayor's Office of Operations

August 5, 2022
Date