

## 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 1 RCNY 102-01 of Subchapter B of Chapter 100 of Title 1 of the Rules of the City of New York to conform with Local Law 126 of 2021 and to align with DOB's methodology for classifying violations and calculating penalty amounts.

**When and where is the hearing?** DOB will hold a public hearing on the proposed rule online. The public hearing will take place from 12pm to 1pm on 6/8/23.

- 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/Buildings202306Penalty>

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/Buildings202306Penalty>

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: 211 502 587 424

Passcode: xqQs7F

- Join via phone only:

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

Phone: 646-893-7101

Phone Conference ID: 644 335 012#

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](mailto: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](mailto:dobrules@buildings.nyc.gov) by 6/1/23 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 6/8/23.

**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](mailto:dobrules@buildings.nyc.gov). Advance notice is requested to allow sufficient time to arrange the accommodation. You must tell us by 5/25/23.

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](mailto:dobrules@buildings.nyc.gov).

**What authorizes DOB to make this rule?** Sections 643 and 1043(a) of the New York City Charter, Local Law 126 of 2021 and Section 28-201.2 of the Administrative Code of the City of New York authorize DOB to make this proposed rule. Local Law 126 of 2021 amends the Administrative Code of the City of New York, the New York City Plumbing Code, the New York City Building Code, the New York City Mechanical Code and the New York City Fuel Gas Code and went into effect on November 7, 2022. This rule is being proposed in coordination with Local Law 126 of 2021. This proposed rule was included in DOB's regulatory agenda for this Fiscal Year.

**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**

New York City Council's Local Law 126 of 2021 (LL 126) was enacted on November 7, 2021, and went into effect on November 7, 2022. LL 126 updates the Administrative Code of the City of New York, the New York City Plumbing Code, the New York City Building Code, the New York City Mechanical Code and the New York City Fuel Gas Code (hereinafter referred to as "the Construction Codes") to conform with the 2015 editions of the International Building, Mechanical, Fuel Gas and Plumbing Codes.

The proposed rule amends 1 RCNY 102-01 in Subchapter B of Chapter 100 of Title 1 of the Rules of the City of New York to conform to amendments in the Construction Codes, DOB's existing methodology for classifying violations of the Codes and calculating penalty amounts for such violations.

Specifically, the proposed rule amends section 102-01 of Title 1 of the Rules of the City of New York to:

- Specify that references to the 2022 code relate to amendments and additions to the New York City Construction Codes that took effect on November 7, 2022;
- Amend the reduction of default penalty language to clarify that the penalty amount shall not be reduced to less than the standard penalty;
- Amend existing violations and penalties related to several provisions of the Construction Codes and applicable rules to conform to LL 126;
- Amend certain violations for consistency with DOB's existing framework for

- classifying violations and determining penalty amounts;
- Add or amend certain violations related to construction and demolition safety; and
- Add or remove the option to cure for certain violations.

DOB's authority for this rule is found in Sections 643 and 1043(a) of the New York City Charter, Local Law 126 of 2021 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.

Section 1. Subdivision (i) 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:

(i) *Legal References*. The legal references referred to in the table below, which reflect the classification of violations and the Penalty Schedule, include the following:

(1) Title 28 of the New York City (NYC) Administrative Code. References to Title 28 of the NYC Administrative Code begin with “28-” (for example, “28-201.1”). The citation “28-Misc.” refers to provisions of Title 28 that are not specifically designated elsewhere in the table.

(2) Chapter 1 of Title 27 of the NYC Administrative Code (also known as the “1968 Building Code”) and Chapter 3 of the same (also known as the “Electrical Code”). References to these chapters of Title 27 of the NYC Administrative Code begin with “27-” (for example, “27-371”). The citation “27-Misc.” refers to provisions of Title 27 that are not specifically designated elsewhere in the table.

(3) The “New York City Construction Codes,” which consist of:

- The New York City Plumbing Code (PC)
- The New York City Building Code (BC)
- The New York City Mechanical Code (MC)
- The New York City Fuel Gas Code (FGC)
- The New York City Energy Conservation Code (ECC)

References to these New York City Construction Codes are designated by the various abbreviations set out above (for example, “BC3010.1”). The

citations “BC-Misc.”, “PC-Misc.”, “MC-Misc.”, “FGC-Misc.”, “ECC-R Misc.” and “ECC-C Misc.” refer to provisions of the New York City Building, Plumbing, Mechanical, Fuel Gas, or Energy Conservation codes that are not specifically designated elsewhere in the table.

(4) Appendices to the New York City Construction Codes. The New York City Construction Codes include all enacted appendices. Administrative Code §28-102.6. References to Appendices are cited by using the abbreviation for the particular Construction Code followed by the applicable Appendix letter (for example, “H”) followed by the applicable section number (for example, “BC H103.1”).

(5) The NYC Zoning Resolution (ZR) and the Rules of the City of New York (RCNY). References to the Zoning Resolution and to the Rules of the City of New York are designated by the abbreviations “ZR” and “RCNY” (for example, “ZR25-41”; “1 RCNY9-01”). The citations “1 RCNY-Misc.” and “ZR-Misc.” refer to provisions of 1 RCNY or the Zoning Resolution that are not specifically designated elsewhere in the table.

(6) Reference Standards that pertain to Title 27 of the NYC Administrative Code (RS). References to the Reference Standards are designated by the abbreviation set out above (for example, “RS-16”). The citation “RS-Misc.” refers to Reference Standards that are not specifically designated elsewhere in the table.

(7) Citations to the New York City Construction Codes. Whenever a section or subdivision of the New York City Construction Codes is cited or referred to, subordinate consecutively numbered subdivisions or paragraphs of the cited provision are deemed to be included in such reference unless the context or subject matter requires otherwise.

(8) Electrical Code Technical Standards. References to sections of the National Fire Protection Association NFPA 70 National Electrical Code as adopted and/or amended by New York City begin with “EC” (for example, “EC 250.14”). The citation “EC-Misc” refers to provisions of the Electrical Code Technical Standards that are not specifically designated elsewhere in the table.

(9) 2008 code. References to the 2008 code pertain to the New York City Construction Codes effective on July 1, 2008 and any applicable subsequent amendments prior to December 31, 2014.

(10) 2014 code. References to the 2014 code pertain to the amendments and additions to the New York City Construction Codes effective on December 31, 2014 and any applicable subsequent amendments.

(11) 2022 code. References to the 2022 code pertain to the amendments and additions to the New York City Construction Codes effective on November 7, 2022 and any applicable subsequent amendments.

§ 2. Subdivision (j) 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:

(j) *Reduction of default penalties upon proof of compliance.* With the exception of daily penalties charged under section 28-202.1 of the Administrative Code for continued Class 1 violations of sections 28-210.1 or 28-210.3 of the Administrative Code, any imposed Default Penalty, Aggravated I Default Penalty or Aggravated II Default Penalty will be reduced by one-half (1/2) or to the standard penalty amount, whichever is greater, after:

- (1) Respondent files an acceptable certificate of correction with the Department;
- and
- (2) ECB receives notification from the Department of its acceptance of such certificate of correction.

§ 3. The following rows of the table in subsection (k) 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:

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
BC 3301.13.7 through BC 3301.13.13	Class 2	Construction Superintendent failed to perform duties per code.	No	No	\$5,000	[Yes] <u>No</u>	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
[1 RCNY 3319-02(j)(3)] <u>1 RCNY 3319-02(j)</u>	Class 1	Lift director failed to conduct/record meeting (pre-shift or subsequent).	No	[Yes] <u>No</u>	\$5,000	[Yes] <u>No</u>	\$25,000	\$12,500	\$25,000	\$25,000	\$25,000
27-369, BC 1020.2 (2008 code), [&] BC 1023.2 (2014 code), & BC 1024.2 (2022 code)	Class 1	Failure to provide unobstructed exit passageway.	No	No	\$1,250	No	\$6,250	\$3,125	\$12,500	\$6,250	\$25,000
27-371, BC 715.3.7 (2008 code) [&] BC 715.4.8 (2014 code), & BC 716.5.9 (2022 code)	Class 2	Exit door not self-closing.	Yes	No	\$625	Yes	\$3,125	\$1,563	\$6,250	\$3,125	\$10,000
27-382 [&] BC 1006.3 (2014 code), & BC 1008.3 (2022 code)	Class 2	Failure to provide power foremergency exit lighting.	Yes	No	\$1250	Yes	\$6,250	\$3,125	\$10,000	\$6,250	\$10,000

27-393, BC 1019.1.7 (2008 code) [&], BC 1022.8 (2014 code), & BC 1023.9 (2022 code)	Class 2	Stair and/or floor identificationsigns missing and/or defective.	Yes	Yes	\$625	Yes	\$3,125	\$1,563	\$6,250	\$3,125	\$10,000
27-901(z)(1) & PC 301.6	Class 2	[Piping] Plumbing systems and/or piping shall not be installed in elevator/counterweight hoistway and/or shaft or equipment rooms as per 27-901(z)(1); PC 301.6.	Yes	No	\$625	Yes	\$3,125	\$1,563	\$6,250	\$3,125	\$10,000
28-103.21.1	Class 1	Failed to notify the department of an incident that resulted in a fatality or injury	No	No	[\$5,000] \$10,000	No	\$25,000	[\$12,500] \$25,000	\$25,000	\$25,000	\$25,000
28-103.21.1	Class 2	Failure to notify the department of an incident that resulted in a fatality or injury in a timely fashion	No	No	[\$2,500] \$5,000	No	\$10,000	[\$5,000] \$10,000	\$10,000	\$10,000	\$10,000
28-103.21.1	Class 1	Failure to include the information required by 28-103.21 when notifying the department of an incident that resulted in a fatality or injury	No	No	[\$2,500] \$5,000	No	[\$12,500] \$25,000	[\$5,000] \$12,500	\$25,000	\$25,000	\$25,000

28-103.21.1	Class 2	Failure to include the information required by 28-103.21 when notifying the department of an incident that resulted in a fatality or injury.	[Yes] <u>No</u>	[Yes] <u>No</u>	[\$1,250] \$2,500	No	[\$6,250] \$10,000	[\$3,125] \$6,250	\$10,000	[\$6,250] \$10,000	\$10,000
[28-103.27.2] <u>28-103.30.2</u>	Class 2	[Fail] <u>Failure</u> to notify department prior to the commencement of alteration or addition.	No	No	\$1,250	No	\$6,250	\$3,125	\$10,000	\$6,250	\$10,000
28-110.1(20) (2014 code) & <u>28-110.1(17) (2022 code)</u>	Class 1	Failure to provide evidence of workers attending construction & safety course.	No	No	\$5,000	No	\$25,000	\$12,500	\$25,000	\$25,000	\$25,000
<u>28-207.4.4 (2014 code) &amp; 28-207.4.5 (2022 code)</u>	Class 1	Removed or defaced a written posted Vacate Order.	No	No	\$2,500	No	\$12,500	\$6,250	\$25,000	\$12,500	\$25,000
28-301.1	Class 1	Failure to maintain building in code compliant manner: Lack of required number of means of egress for every floor per BC 1018.1 (2008 code); 27-366; BC 1021.1 (2014 code); <u>BC 1006.3 (2022 code)</u> .	No	No	\$2,500	No	\$12,500	\$6,250	\$25,000	\$12,500	\$25,000

28-301.1	Class 2	Failure to maintain building in code compliant manner. Exhaust discharge must be no closer than 10 feet from building openings as per MC 501.2 (2014 code); MC 501.3 (2022 code) and RS 13-1 Sec. 2-2.1.4.	Yes	No	\$1,250	Yes	\$6,250	\$3,125	\$10,000	\$6,250	\$10,000
28-301.1	Class 1	Failure to maintain building in code-compliant manner: Use of prohibited door and/or hardware per BC [1008.1.8] 1008.1 (2014 code); 27-371; BC 1008.1.9 (2014 code); BC 1010.1.8 (2022 code); BC 1010.1.9 (2022 code).	No	No	\$1,250	No	\$6,250	\$3,125	\$12,500	\$6,250	\$25,000
28-301.1	Class 2	Failure to maintain building in code-compliant manner: Use of prohibited door and/or hardware per BC [1008.1.8] 1008.1. (2014 code); 27-371; BC 1008.1.9 (2014 code); BC 1010.1.8 (2022 code) BC 1010.1.9 (2022 code).	Yes	No	\$625	Yes	\$3,125	\$1,563	\$6,250	\$3,125	\$10,000
28-301.1	Class 1	Failure to maintain building in code-compliant manner: illumination for exits, exit discharges and public corridors per BC 1006.1 (2014 code); 27-381 BC 1008.1 (2022 code).	No	No	\$1,250	No	\$6,250	\$3,125	\$12,500	\$6,250	\$25,000
28-301.1	Class 2	Failure to maintain building in code-compliant manner: illumination for exits, exit discharges and public corridors per BC 1006.1 (2014 code); 27-381; BC 1008.1 (2022 code).	Yes	No	\$625	Yes	\$3,125	\$1,563	\$6,250	\$3,125	\$10,000

28-301.1	Class 1	Failure to maintain building in code-compliant manner: floor numbering signs missing and/or defective per BC 1019.1.7 (2008 code); 27-392; BC 1022.8 (2014 code); <u>BC 1023.9 (2022 code)</u> .	No	No	\$1,250	No	\$6,250	\$3,125	\$12,500	\$6,250	\$25,000
28-301.1	Class 2	Failure to maintain building in code-compliant manner: floor numbering signs missing and/or defective per BC 1019.1.7 (2008 code); 27-392; BC 1022.8 (2014 code); <u>BC 1023.9 (2022 code)</u> .	Yes	Yes	\$625	Yes	\$3,125	\$1,563	\$6,250	\$3,125	\$10,000
28-301.1	Class 1	Failure to maintain building in code-compliant manner: high-rise to provide exit sign requirement(s) within exits per BC 1011.1.1 (2014 code); [27-383.1] 27-383; BC 1013.1.1 (2022 code); BC 403.4.8.1 (2014 code); <u>BC 403.4.8.4.1 (2022 code)</u> .	No	No	\$2,500	[No] <u>Yes</u>	\$12,500	\$6,250	\$25,000	\$12,500	\$25,000
28-301.1	Class 2	Failure to maintain building in code-compliant manner: high-rise to provide exit sign requirement(s) within exits per BC 1011.1.1 (2014 code); [27-383.1] 27-383; BC 1013.1.1 (2022 code); BC 403.4.8.1 (2014 code); <u>BC 403.4.8.4.1 (2022 code)</u> .	Yes	No	\$1,250	Yes	\$6,250	\$3,125	\$10,000	\$6,250	\$10,000

28-301.1	Class 1	Failure to maintain building in code-compliant manner: lack of emergency power or storage battery connection to exit signs per BC 1011.5.3 (2014 code); 27-384(c); BC 1013.6.3 (2022 code).	No	No	\$5,000	Yes	\$25,000	\$12,500	\$25,000	\$25,000	\$25,000
28-301.1	Class 2	Failure to maintain building in code-compliant manner: high-rise to provide exit sign requirement(s) within exits per BC 1011.1.1 (2014 code); [27-383.1] 27-383; BC 1013.1.1 (2022 code); BC 403.4.8.1 (2014 code); BC 403.4.8.4.1 (2022 code).	Yes	No	\$1,250	Yes	\$6,250	\$3,125	\$10,000	\$6,250	\$10,000
28-301.1	Class 1	Failure to maintain building in code-compliant manner: lack of emergency power or storage battery connection to exit signs per BC 1011.5.3 (2014 code); 27-384(c); BC 1013.6.3 (2022 code).	No	No	\$5,000	Yes	\$25,000	\$12,500	\$25,000	\$25,000	\$25,000
28-301.1	Class 2	Failure to maintain building in code-compliant manner: high-rise to provide exit sign requirement(s) within exits per BC 1011.1.1 (2014 code); [27-383.1] 27-383; BC 1013.1.1 (2022 code); BC 403.4.8.1 (2014 code); BC 403.4.8.4.1 (2022 code).	Yes	No	\$1,250	Yes	\$6,250	\$3,125	\$10,000	\$6,250	\$10,000
28-301.1	Class 1	Failure to maintain building in code-compliant manner: lack of emergency power or storage battery connection to exit signs per BC 1011.5.3 (2014 code); 27-384(c); BC 1013.6.3 (2022 code).	No	No	\$5,000	Yes	\$25,000	\$12,500	\$25,000	\$25,000	\$25,000

28-301.1	Class 1	Failure to maintain building in code-compliant manner: lack of emergency lighting for exits, exit discharges and public corridors per BC 1006.1 (2014 code); 27-542; BC 1008.2 (2022).	No	No	\$2,500	No	\$12,500	\$6,250	\$25,000	\$12,500	\$25,000
28-301.1	Class 2	Failure to maintain building in code-compliant manner: lack of emergency lighting for exits, exit discharges and public corridors per BC 1006.1 (2014 code); 27-542; BC 1008.2 (2022).	Yes	No	\$1,250	Yes	\$6,250	\$3,125	\$10,000	\$6,250	\$10,000
28-301.1	Class 2	Failure to maintain building in code-compliant manner: failure to provide non-combustible proscenium curtain or stage water curtain per BC 410.3.5; 27-546; 27-546 F-1a.	Yes	Yes	\$625	Yes	\$3,125	\$1,563	\$6,250	\$3,125	\$10,000
28-301.1	Class 1	Failure to maintain building in code-compliant manner: no fire stopping per BC 712.3 (2014 code); 27-345; BC 711.2.4 (2022 code).	No	No	\$2,500	No	\$12,500	\$6,250	\$25,000	\$12,500	\$25,000
28-301.1	Class 2	Failure to maintain building in code-compliant manner: no fire stopping per BC 712.3 (2014 code); 27-345; BC 711.2.4 (2022 code).	Yes	No	\$1,250	Yes	\$6,250	\$3,125	\$10,000	\$6,250	\$10,000

28-301.1	Class 1	Failure to maintain building in code-compliant manner: Improper exit/exit access doorway arrangement per BC 1014.2 (2008 code); 27-361; BC 1015.2 (2014 code); <u>BC 1016.1 (2022 code)</u> .	No	No	\$1,250	No	\$6,250	\$3,125	\$12,500	\$6,250	\$25,000
28-301.1	Class 2	Failure to maintain building in code-compliant manner: Gas vent reduced or undersized as per FGC 504.2; 27-887.	No	No	\$625	[Yes] <u>No</u>	\$3,125	\$1,563	\$6,250	\$3,125	\$10,000
28-301.1	Class 2	Failure to maintain building in code-compliant manner: failure to comply with law for water supply system per PC 602.3; 27-908(c).	No	No	\$625	[Yes] <u>No</u>	\$3,125	\$1,563	\$6,250	\$3,125	\$10,000
28-303.7	Class 2	Failure to file a complete boiler inspection report.	Yes	No	\$625	[No] <u>Yes</u>	\$3,125	\$1,563	\$6,250	\$3,125	\$10,000
<u>BC 105.8.2 (2014 code) &amp; BC 106.8.2 (2022 code)</u>	Class 2	Temporary Construction Equipment or Installation on Site –Expired Permit.	Yes	Yes	\$1,250	Yes	\$6,250	\$3,125	\$10,000	\$6,250	\$10,000

BC 903.6	Class 2	Failure to paint dedicated sprinkler piping/valves in accordance with section.	[No] <u>Yes</u>	No	\$2,500	Yes	\$10,000	\$6,250	\$10,000	\$10,000	\$10,000
BC 905.11	Class 2	Failure to paint dedicated standpipe/valves in accordance with section.	[No] <u>Yes</u>	No	\$2,500	Yes	\$10,000	\$6,250	\$10,000	\$10,000	\$10,000
BC [1016.2] 1018.2 (2014 code) & 1020.2 (2022 code)	Class2	Failure to maintain building in code-compliant manner: provide required corridor width per BC [1016.2] 1018.2 (2014 code); BC 1020.2 (2022 code); 27-369.	Yes	No	\$625	Yes	\$3,125	\$1,563	\$6,250	\$3,125	\$10,000
BC 1704.4 (2014 code) & 1705.3 (2022 code)	Class2	Failure to perform special inspections and verifications for concrete construction as required by section and Table 1704.4 (2014 code) and Table 1705.3 (2022 code).	No	No	\$2,500	No	\$10,000	\$6,250	\$10,000	\$10,000	\$10,000
BC 1704.21.1 (2008 code) & BC 1704.23.1 (2014 code) & BC 1705.29.1 (2022 code)	Class1	Failure to perform successful hydrostatic pressure test of sprinkler system.	No	No	\$5,000	No	\$25,000	\$12,500	\$25,000	\$25,000	\$25,000

BC 1704.22.1 (2008 code) & BC 1704.24.1 (2014 code) & BC 1705.30.1 (2022 code)	Class1	Failure to perform successful hydrostatic pressure test of standpipe system.	No	No	\$2,400	No	\$25,000	\$12,500	\$25,000	\$25,000	\$25,000
BC 3301.1.3 (2014 code)	Class2	Failure to comply with manufacturer specifications.	[Yes] <u>No</u>	No	\$1,250	[Yes] <u>No</u>	\$6,250	\$3,125	\$10,000	\$6,250	\$10,000
BC 3301.2 & 27-1009(a)	Class1	Failure to institute/maintain safety equipment measures or temporary construction – Noguard rails.	No	No	\$5,000	[Yes] <u>No</u>	\$25,000	\$12,500	\$25,000	\$25,000	\$25,000
BC 3301.7 (2014 code)	Class 1	Failure to maintain/display onsite documents required by BC Chapter 33.	No	No	\$2,500	[Yes] <u>No</u>	\$12,500	\$6,250	\$25,000	\$12,500	\$25,000
BC 3301.7 (2014 code)	Class2	Failure to maintain/display onsite documents required by BC Chapter 33.	[Yes] <u>No</u>	No	\$1,250	[Yes] <u>No</u>	\$6,250	\$3,125	\$10,000	\$6,250	\$10,000

BC 3301.8	Class 1	Failure to promptly notify the Department of an accident, incident, or damage to adjoining property at construction/demolition site.	No	No	\$5,000	No	\$25,000	\$12,500	\$25,000	\$25,000	\$25,000
BC 3301.9	Class 2	Project Information Panel/Sidewalk Shed Parapet Panel/Construction Sign not provided or not in compliance with section.	[Yes] <u>No</u>	No	\$1,250	[Yes] <u>No</u>	\$6,250	\$3,125	\$10,000	\$6,250	\$10,000
BC 3301.11.5	Class 1	Failure to maintain a record of orientations performed at worksite.	No	No	\$5,000	[Yes] <u>No</u>	\$25,000	\$12,500	\$25,000	\$25,000	\$25,000
BC 3301.12.3	Class 1	Failure to maintain record of pre-shift safety meeting for each worker.	No	No	\$5,000	[Yes] <u>No</u>	\$25,000	\$12,500	\$25,000	\$25,000	\$25,000
BC 3303.4 & 27-1018	Class 2	Failure to maintain adequate housekeeping per section requirements.	Yes	No	\$1,250	[Yes] <u>No</u>	\$6,250	\$3,125	\$10,000	\$6,250	\$10,000

BC 3303.7.3	Class 2	Failure to post No Smoking signs at construction/demolition sites per Fire Code.	[Yes] <u>No</u>	No	\$1,250	[Yes] <u>No</u>	\$6,250	\$3,125	\$10,000	\$6,250	\$10,000
BC [3303.8.1] <u>3303.8</u>	Class 1	Failure to provide standpipe or air pressurized alarm system for standpipe system during construction or demolition operation.	No	No	\$5,000	No	\$25,000	\$12,500	\$25,000	\$25,000	\$25,000
BC 3304.3 & 1 RCNY 52-01(b)	Class 2	Failure to notify the Department prior to the cancellation of earthwork.	No	No	\$1,250	[Yes] <u>No</u>	\$6,250	\$3,125	\$10,000	\$6,250	\$10,000
BC [3306] <u>3306.1</u> & 27-1039	Class 1	Failure to carry out demolition operations as required by [section] <u>BC 3306.1; 27-1039.</u>	No	No	\$5,000	[Yes] <u>No</u>	\$25,000	\$12,500	\$25,000	\$25,000	\$25,000
BC 3306.2.1 (2014 code) & BC <u>3306.2.2 (2022 code)</u>	Class 1	Failure to provide safety zone for demolition operations.	No	No	\$2,500	No	\$12,500	\$6,250	\$25,000	\$12,500	\$25,000

BC 3307.1.1 (2008 code) [ <u>&amp;</u> ], BC 3307.4.6 (2014 code), & BC 3301.9 (2022 code)	Class 1	Prohibited Outdoor Advertising Company sign on sidewalk shed or construction fence.	No	No	\$10,000	[Yes] <u>No</u>	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
BC 3307.1.1 (2008 code) [ <u>&amp;</u> ], BC 3307.4.6 (2014 code), & BC 3301.9 (2022 code)	Class 2	Posting of unlawful signs, information, pictorial representation, business or advertising messages on protective structures.	[Yes] <u>No</u>	No	\$2,500	[Yes] <u>No</u>	\$10,000	\$6,250	\$10,000	\$10,000	\$10,000
BC 3307.6.4 (2008 code) & BC 3307.6.4.11 (2014 code)	Class 2	Sidewalk shed does not meet color specification.	[Yes] <u>No</u>	No	\$1,250	[Yes] <u>No</u>	\$6,250	\$3,125	\$10,000	\$6,250	\$10,000
BC 3307.7	Class 2	Job site fence not constructed or maintained pursuant to section.	[Yes] <u>No</u>	No	\$1000	[Yes] <u>No</u>	\$5,000	\$2,500	\$10,000	\$5,000	\$10,000
BC 3310.9.1	Class 1	No Concrete Safety Manager present at site as required.	No	No	\$5,000	[Yes] <u>No</u>	\$25,000	\$12,500	\$25,000	\$25,000	\$25,000

BC 3314.1.1 (2008 code) & 27-1050.1 & BC 3314.4.1.5 (2014 code)	Class 2	Failed to notify Department prior to installation or removal of Suspended Scaffold.	No	No	\$2,500	[Yes] <u>No</u>	\$10,000	\$6,250	\$10,000	\$10,000	\$10,000
BC 3314.4.6 (2008 code) & BC 3314.4.5.8 (2014 code)	Class 2	Scaffold training certificate card not readily available for inspection.	[Yes] <u>No</u>	No	\$1,250	[Yes] <u>No</u>	\$6,250	\$3,125	\$10,000	\$6,250	\$10,000
BC 3314.6.3 [& 27-1009]	Class 1	Failure to provide/use lifeline while working on scaffold.	No	No	\$5,000	No	\$25,000	\$12,500	\$25,000	\$25,000	\$25,000
BC 3314.6.3 [& 27-1009]	Class 2	Failure to provide/use lifeline while working on scaffold.	No	No	\$2,500	[Yes] <u>No</u>	\$10,000	\$6,250	\$10,000	\$10,000	\$10,000
BC 3319.8	Class 1	Failure to provide erection, jumping, climbing, dismantling plan for tower [/ climber] crane.	No	No	\$5,000	No	\$25,000	\$12,500	\$25,000	\$25,000	\$25,000

BC 3319.8.4.2 (2014 code) & BC 3319.8.4 (1) (2022 code)	Class 1	Failure to provide time schedule indicating erection, jumping, climbing or dismantling of crane.	No	No	\$2,000	No	\$10,000	\$5,000	\$25,000	\$10,000	\$25,000
BC 3319.8.7	Class 1	Failure to file a complete and acceptable tower [/] climber] Installation Report per BC 3319.8.7.	No	No	\$2,500	No	\$12,500	\$6,250	\$25,000	\$12,500	\$25,000
BC 3319.8.8	Class 1	Erection, jumping, climbing, dismantling operations of a tower [or climber] crane not in accordance with <u>BC</u> 3319.8.8.	No	No	\$10,000	No	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
BC 3321.1	Class 2	Failed to ensure each worker has successfully completed the required training.	No	No	\$2,500	[Yes] <u>No</u>	\$10,000	\$5,000	\$10,000	\$10,000	\$10,000
BC [3321.2.1] <u>3321.2.(1)</u>	Class 1	Failed to ensure each worker is in compliance with BC 3321.1	No	No	\$10,000	No	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000

BC [3321.2.3] <u>3321.2.(3)</u>	Class 1	Failed to have or maintain the required daily log.	No	No	\$5,000	No	\$25,000	\$12,500	\$25,000	\$25,000	\$25,000
BC [3321.2.4] <u>3321.2.(4)</u>	Class 1	Failed to produce daily log for inspection.	No	No	\$ 2,500	No	\$12,500	\$6,250	\$25,000	\$12,500	\$25,000
EC 230.72(A)	Class 1	Failure to properly group/label disconnects.	[No] <u>Yes</u>	No	\$1,000	Yes	\$5,000	\$2,500	\$10,000	\$5,000	\$25,000
Misc. – ZR Misc. – Title 28	Class 2	Misc. outdoor sign violation of ZR and/or Building Code.	Yes	No	\$2,500	[No] <u>Yes</u>	\$10,000	\$6,250	\$10,000	\$10,000	\$10,000

§ 4. The table in subsection (k) of section 102-01 of Subchapter B of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding the following new rows, in accordance with the table's existing organizational scheme, 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
<u>28-104.7</u>	<u>Class 2</u>	<u>Failure to submit construction documents as required.</u>	<u>Yes</u>	<u>No</u>	<u>\$625</u>	<u>Yes</u>	<u>\$3,125</u>	<u>\$1,563</u>	<u>\$6,250</u>	<u>\$3,125</u>	<u>\$10,000</u>
<u>28-105.1</u>	<u>Class 2</u>	<u>Failure to obtain a permit prior to installation/use of sidewalk shed</u>	<u>Yes</u>	<u>No</u>	<u>\$1,250</u>	<u>Yes</u>	<u>\$6,250</u>	<u>\$3,125</u>	<u>\$10,000</u>	<u>\$6,250</u>	<u>\$10,000</u>
<u>Misc. BC–Chapter 33</u>	<u>Class 1</u>	<u>Miscellaneous violations.</u>	<u>No</u>	<u>No</u>	<u>\$5,000</u>	<u>No</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>
<u>Misc. BC–Chapter 33</u>	<u>Class 2</u>	<u>Miscellaneous violations.</u>	<u>No</u>	<u>No</u>	<u>\$2,500</u>	<u>No</u>	<u>\$10,000</u>	<u>\$6,250</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>

<u>BC 3301.1.2</u>	<u>Class 1</u>	<u>Failure to carry out demolition operations as per Fire Code.</u>	<u>No</u>	<u>No</u>	<u>\$1,250</u>	<u>No</u>	<u>\$6,250</u>	<u>\$3,125</u>	<u>\$10,000</u>	<u>\$6,250</u>	<u>\$10,000</u>
<u>BC 3301.1.2</u>	<u>Class 2</u>	<u>Failure to carry out demolition operations as per Fire Code.</u>	<u>No</u>	<u>No</u>	<u>\$625</u>	<u>No</u>	<u>\$3,125</u>	<u>\$1,563</u>	<u>\$6,250</u>	<u>\$3,125</u>	<u>\$10,000</u>
<u>BC 3301.6</u>	<u>Class 1</u>	<u>Failure to comply with manufacturer specifications.</u>	<u>No</u>	<u>No</u>	<u>\$2,500</u>	<u>No</u>	<u>\$12,500</u>	<u>\$6,250</u>	<u>\$25,000</u>	<u>\$12,500</u>	<u>\$25,000</u>
<u>BC 3303.14</u>	<u>Class 1</u>	<u>Failure to maintain adequate housekeeping per section requirements.</u>	<u>No</u>	<u>No</u>	<u>\$2,500</u>	<u>No</u>	<u>\$12,500</u>	<u>\$6,250</u>	<u>\$25,000</u>	<u>\$12,500</u>	<u>\$25,000</u>
<u>BC 3303.14</u>	<u>Class 2</u>	<u>Failure to maintain adequate housekeeping per section requirements.</u>	<u>No</u>	<u>No</u>	<u>\$1,250</u>	<u>No</u>	<u>\$6,250</u>	<u>\$3,125</u>	<u>\$10,000</u>	<u>\$6,250</u>	<u>\$10,000</u>

<u>BC 3303.7.2</u>	<u>Class 1</u>	<u>Failure to provide fire extinguishers per Fire Code.</u>	<u>No</u>	<u>No</u>	<u>\$1,250</u>	<u>No</u>	<u>\$6,250</u>	<u>\$3,125</u>	<u>\$10,000</u>	<u>\$6,250</u>	<u>\$10,000</u>
<u>BC 3303.7.2</u>	<u>Class 2</u>	<u>Failure to provide fire extinguishers per Fire Code.</u>	<u>No</u>	<u>No</u>	<u>\$625</u>	<u>No</u>	<u>\$3,125</u>	<u>\$1,563</u>	<u>\$6,250</u>	<u>\$3,125</u>	<u>\$10,000</u>
<u>BC 3303.10</u>	<u>Class 1</u>	<u>Failure to provide protection for tenants during demolition or construction activity in an occupied building.</u>	<u>No</u>	<u>No</u>	<u>\$10,000</u>	<u>No</u>	<u>\$25,000</u>	<u>\$25,000</u>	<u>\$25,000</u>	<u>\$25,000</u>	<u>\$25,000</u>
<u>BC 3303.10</u>	<u>Class 2</u>	<u>Failure to provide protection for tenants during demolition or construction activity in an occupied building.</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>
<u>BC 3303.10</u>	<u>Class 3</u>	<u>Failure to provide protection for tenants during demolition or construction activity in an occupied building.</u>	<u>No</u>	<u>No</u>	<u>\$500</u>	<u>No</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>

<u>BC 3307.2</u>	<u>Class 1</u>	<u>Failure to provide pedestrian protection for sidewalks and walkways as required.</u>	<u>No</u>	<u>No</u>	<u>\$1,250</u>	<u>No</u>	<u>\$6,250</u>	<u>\$3,125</u>	<u>\$10,000</u>	<u>\$6,250</u>	<u>\$10,000</u>
<u>BC 3307.2</u>	<u>Class 2</u>	<u>Failure to provide pedestrian protection for sidewalks and walkways as required by DOT.</u>	<u>No</u>	<u>No</u>	<u>\$625</u>	<u>No</u>	<u>\$3,125</u>	<u>\$1,563</u>	<u>\$6,250</u>	<u>\$3,125</u>	<u>\$10,000</u>
<u>BC 3307.4</u>	<u>Class 1</u>	<u>Failure to provide required warning signs, personnel, or barriers to protect the public.</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>
<u>BC 3314.1</u>	<u>Class 1</u>	<u>Failure to maintain pedestrian protection for sidewalks and walkways.</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>
<u>BC 3308.5</u>	<u>Class 1</u>	<u>Failure to institute/maintain safety equipment measures or temporary construction – No vertical safety netting.</u>	<u>No</u>	<u>No</u>	<u>\$10,000</u>	<u>No</u>	<u>\$25,000</u>	<u>\$25,000</u>	<u>\$25,000</u>	<u>\$25,000</u>	<u>\$25,000</u>

<u>BC 3308.5</u>	<u>Class 2</u>	<u>Failure to institute/maintain safety equipment measures or temporary construction – Novertical safety netting</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>
<u>BC 3309.1</u>	<u>Class 1</u>	<u>Failure to provide protection of adjoining property during construction or demolition as required.</u>	<u>No</u>	<u>No</u>	<u>\$10,000</u>	<u>No</u>	<u>\$25,000</u>	<u>\$25,000</u>	<u>\$25,000</u>	<u>\$25,000</u>	<u>\$25,000</u>
<u>BC 3309.1</u>	<u>Class 2</u>	<u>Failure to provide protection of adjoining property during construction or demolition as required.</u>	<u>No</u>	<u>No</u>	<u>\$5,000</u>	<u>No</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>
<u>BC 3309.10</u>	<u>Class 1</u>	<u>Failure to provide protection of adjoining property during construction or demolition as required- No roof protection.</u>	<u>No</u>	<u>No</u>	<u>\$5,000</u>	<u>No</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>
<u>BC 3309.10</u>	<u>Class 2</u>	<u>Failure to provide protection of adjoining property during construction or demolition as required- No roof protection.</u>	<u>No</u>	<u>No</u>	<u>\$2,500</u>	<u>No</u>	<u>\$12,500</u>	<u>\$6,250</u>	<u>\$25,000</u>	<u>\$12,500</u>	<u>\$25,000</u>

<u>BC 3309.14</u>	<u>Class 1</u>	<u>Failure to provide protection of adjoining property during construction or demolition as required- No window protection.</u>	<u>No</u>	<u>No</u>	<u>\$5,000</u>	<u>No</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>
<u>BC 3309.14</u>	<u>Class 2</u>	<u>Failure to provide protection of adjoining property during construction or demolition as required- No window protection.</u>	<u>No</u>	<u>No</u>	<u>\$2,500</u>	<u>No</u>	<u>\$12,500</u>	<u>\$6,250</u>	<u>\$25,000</u>	<u>\$12,500</u>	<u>\$25,000</u>
<u>BC 3314.5</u>	<u>Class 1</u>	<u>Failure to institute/maintain safety equipment measures or temporary construction – No planking or decking.</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>
<u>BC 3314.5</u>	<u>Class 2</u>	<u>Failure to institute/maintain safety equipment measures or temporary construction – No planking or decking.</u>	<u>No</u>	<u>No</u>	<u>\$2,500</u>	<u>No</u>	<u>\$12,500</u>	<u>\$6,250</u>	<u>\$25,000</u>	<u>\$12,500</u>	<u>\$25,000</u>

**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 Penalty Provisions

**REFERENCE NUMBER:** 2022 RG 085

**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  
Senior Counsel

Date: April 20, 2023

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

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

**RULE TITLE: Amendment of Penalty Provisions**

**REFERENCE NUMBER: DOB-157**

**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) Adds or removes the option to cure for certain violations.

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

April 20, 2023  
Date