

**NEW YORK CITY DEPARTMENT OF BUILDINGS**

**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 102-01 of Subchapter B of Chapter 100 of Title 1 of the Rules of the City of New York regarding civil penalties This rule was first published on November 15, 2024, and a public hearing thereon was held on December 16, 2024.

Dated: 1/8/25

New York, New York

  
James S. Oddo  
Commissioner

## STATEMENT OF BASIS AND PURPOSE OF RULE

Local law 70 of 2024, which went into effect on December 19, 2024, amends section 28-202.1 of the Administrative Code by adding a number of civil penalties for violations involving parking structures. The Department is amending its rule regarding civil penalties to add these penalties and to amend the amounts of other, similar penalties to match the amounts of the new parking structure ones.

The rule is also amended to add penalties for failure to provide required information for a site safety plan or a tenant protection plan and for occupancy of a building or vacant lot that has been sealed or padlocked. In addition, outdated citations are deleted and the language regarding certificates of correction is clarified.

DOB's authority for this rule is found in Sections 643 and 1043(a) of the New York City Charter and Section 28-202.1 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (\*\*\*) indicate unamended text.

Section 1. Paragraphs (4), (5) and (8) of subdivision (c) of section 102-01 of Title 1 of the Rules of the City of New York are amended to read as follows:

(c) Correction and certification of correction.

\*\*\*

(4) The required certification forms shall be [completed on the form issued with the NOV or] obtained from the Department in accordance with the instructions contained [therein] in the NOV.

(5) The respondent must appear at the ECB hearing for all violating conditions unless those charges are cured or a pre-hearing stipulation is offered, timely accepted by the respondent, and approved in writing by ECB. Where more than one violation of law is listed on the same NOV, the respondent [may] must submit a single certification covering [one or] all of the violating conditions.

\*\*\*

(8) The completed certification must be [returned] submitted to the Department [at the address] in a form and manner provided on the [City's] Department's website[, NYC.gov] at [nyc.gov/buildings](http://nyc.gov/buildings).

§2. The following rows of the table set forth in subdivision (k) of section 102-01 of Title 1 of the Rules of the City of New York are amended or deleted, and new rows are added in accordance with the table's existing organizational structure, 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
1 RCNY 103-04 [(b)(5)(iii)] (c)(5)(iv)	Class 2	Removal of public protection from unsafe façade without approval from the department.	No	No	\$1,250	Yes	\$6,250	\$3,125	\$10,000	\$6,250	\$10,000
27-921(a), PC 107.3 (2008 code) [&], PC 107.4 (2014 code) & PC 108.4 (2022 code)	Class 1	Failure to have new or altered plumbing system tested.	No	No	\$2,500	No	\$12,500	\$6,250	\$25,000	\$12,500	\$25,000
27-921(a), PC 107.3 (2008 code) [&], PC 107.4 (2014 code) & PC 108.4 (2022 code)	Class 2	Failure to have new or altered plumbing system tested.	Yes	No	\$1,250	Yes	\$6,250	\$3,125	\$10,000	\$6,250	\$10,000

<u>27-929.1</u>	<u>Class 2</u>	<u>Failure to file report - automatic sprinkler</u>	<u>No</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>
[28-104.2.2]	[Class 2]	[Failure to provide approved/accepted construction documents at job site at time of inspection.]	[Yes]	[No]	[\$625]	[Yes]	[\$3,125]	[\$1,563]	[\$6,250]	[\$3,125]	[\$10,000]
<u>28-110.1</u>	<u>Class 2</u>	<u>Failed to provide the required information for a site safety plan</u>	<u>No</u>	<u>Yes</u>	<u>\$2,500</u>	<u>Yes</u>	<u>\$10,000</u>	<u>\$3,750</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>
<u>28-120.1</u>	<u>Class 2</u>	<u>Failed to provide the required information for a tenant protection plan</u>	<u>No</u>	<u>Yes</u>	<u>\$2,500</u>	<u>Yes</u>	<u>\$10,000</u>	<u>\$3,750</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>
<u>28-204.4</u>	<u>Class 2</u>	<u>Failure to comply with the Commissioner's order to file a certificate of correction with the Department of Buildings. - Parking Structures</u>	<u>No</u>	<u>No</u>	<u>\$2,500</u>	<u>Yes</u>	<u>\$12,500</u>	<u>\$6,250</u>	<u>\$25,000</u>	<u>\$12,500</u>	<u>\$25,000</u>
<u>28-207.2.2</u>	<u>Class 1</u>	<u>Unlawfully continued work while on notice of a Stop Work Order</u>	<u>No</u>	<u>No</u>	<u>[\$5,000]</u> <u>\$10,000</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>\$25,000</u>
<u>28-207.2.5</u>	<u>Class 1</u>	<u>Tampered with, removed or defaced a written posted Stop Work Order.</u>	<u>No</u>	<u>No</u>	<u>[\$2,500]</u> <u>\$5,000</u>	<u>No</u>	<u>[\$12,500]</u> <u>\$25,000</u>	<u>[\$6,250]</u> <u>\$12,500</u>	<u>\$25,000</u>	<u>[\$12,500]</u> <u>\$25,000</u>	<u>\$25,000</u>

[28-201.1:] 28- 207.4 (2014 Code) & 28-207.4.6 (2022 Code)	Class 1	Failure to obey a Vacate Order from the Commissioner [per 28-207.4]	No	No	[\$4,800] \$10,000	No	[\$24,000] \$25,000	[\$12,000] \$25,000	\$25,000	[\$24,000] \$25,000	\$25,000
28-207.4.4 (2014 Code) & 28-207.4.5 (2022 Code)	Class 1	Removed or defaced a written posted Vacate Order	No	No	[\$2,500] \$5,000	No	[\$12,500] \$25,000	[\$6,250] \$12,500	\$25,000	[\$12,500] \$25,000	\$25,000
28-211.1	Class 1	Filed a certificate, form, application etc., containing a material false statement(s). - Parking Structure	No	No	\$20,000	No	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
28-212.11	Class 1	Occupancy of a building or vacant land that has been sealed, padlocked, or otherwise closed	No	No	\$10,000	No	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
28-217.1.1	Class 2	Failure to submit required report of inspection of potentially compromised buildings and structures.	Yes	Yes	[\$800] \$1,600	Yes	[\$4,000] \$8,000	[\$2,000] \$4,000	[\$8,000] \$10,000	[\$4,000] \$10,000	\$10,000
28-217.1.1	Class 2	Failure to submit required report of inspection of potentially compromised buildings. - Parking Structure	Yes	Yes	\$1,600	Yes	\$8,000	\$4,000	\$10,000	\$10,000	\$10,000

28-217.1.4	Class 2	Failure to conduct annual inspection of potentially compromised building or structure.	No	No	<u>\$1,250</u>	Yes	<u>\$6,250</u>	<u>\$3,125</u>	<u>\$10,000</u>	<u>\$6,250</u>	<u>\$10,000</u>
28-217.1.6	Class 1	Failure to immediately notify Department that building or structure has become potentially compromised. - Parking Structure	No	No	<u>\$5,000</u>	No	<u>\$25,000</u>	<u>\$12,500</u>	<u>\$25,000</u>	<u>\$25,000</u>	<u>\$25,000</u>
28-301.1	Class 1	Failure to maintain building in code-compliant manner.	No	No	<u>[\$1,250]</u> <u>\$2,500</u>	No	<u>[\$6,250]</u> <u>\$12,500</u>	<u>[\$3,125]</u> <u>\$5,000</u>	<u>[\$12,500]</u> <u>\$25,000</u>	<u>[\$6,250]</u> <u>\$12,500</u>	\$25,000
28-301.1	Class 2	Failure to maintain building in code-compliant manner.	Yes	Yes	<u>[\$625]</u> <u>\$1,250</u>	Yes	<u>[\$3,125]</u> <u>\$6,250</u>	<u>[\$1,563]</u> <u>\$3,125</u>	<u>[\$6,250]</u> <u>\$10,000</u>	<u>[\$3,125]</u> <u>\$6,250</u>	\$10,000
28-301.1	Class 1	Failure to maintain building in code-compliant manner: service equipment – boiler.	No	No	<u>[\$1,250]</u> <u>\$2,500</u>	No	<u>[\$6,250]</u> <u>\$12,500</u>	<u>[\$3,125]</u> <u>\$5,000</u>	<u>[\$12,500]</u> <u>\$25,000</u>	<u>[\$6,250]</u> <u>\$12,500</u>	\$25,000
28-301.1	Class 2	Failure to maintain building in code-compliant manner: service equipment – boiler.	Yes	Yes	<u>[\$625]</u> <u>\$1,250</u>	Yes	<u>[\$3,125]</u> <u>\$6,250</u>	<u>[\$1,563]</u> <u>\$3,125</u>	<u>[\$6,250]</u> <u>\$10,000</u>	<u>[\$3,125]</u> <u>\$6,250</u>	\$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 (2014 code); 27-371; BC 1008.1.9 (2014 code); BC 1010.1.8 (2022 code); BC 1010.1.9 (2022 code)	No	No	<u>[\$1,250]</u> <u>\$2,500</u>	No	<u>[\$6,250]</u> <u>\$12,500</u>	<u>[\$3,125]</u> <u>\$5,000</u>	<u>[\$12,500]</u> <u>\$25,000</u>	<u>[\$6,250]</u> <u>\$12,500</u>	\$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 (2014 code); 27-371; BC 1008.1.9 (2014 code); BC 1010.1.8 (2022 code); BC 1010.1.9 (2022 code).	Yes	No	<u>[\$625]</u> <u>\$1,250</u>	Yes	<u>[\$3,125]</u> <u>\$6,250</u>	<u>[\$1,563]</u> <u>\$3,125</u>	<u>[\$6,250]</u> <u>\$10,000</u>	<u>[\$3,125]</u> <u>\$6,250</u>	\$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	<u>[\$1,250]</u> <u>\$2,500</u>	No	<u>[\$6,250]</u> <u>\$12,500</u>	<u>[\$3,125]</u> <u>\$5,000</u>	<u>[\$12,500]</u> <u>\$25,000</u>	<u>[\$6,250]</u> <u>\$12,500</u>	\$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	<u>[\$625]</u> <u>\$1,250</u>	Yes	<u>[\$3,125]</u> <u>\$6,250</u>	<u>[\$1,563]</u> <u>\$3,125</u>	<u>[\$6,250]</u> <u>\$10,000</u>	<u>[\$3,125]</u> <u>\$6,250</u>	\$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); BC 1023.9 (2022 code).	No	No	<u>[\$1,250]</u> <u>\$2,500</u>	No	<u>[\$6,250]</u> <u>\$12,500</u>	<u>[\$3,125]</u> <u>\$5,000</u>	<u>[\$12,500]</u> <u>\$25,000</u>	<u>[\$6,250]</u> <u>\$12,500</u>	\$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); BC 1023.9 (2022 code).	Yes	Yes	<u>[\$625]</u> <u>\$1,250</u>	Yes	<u>[\$3,125]</u> <u>\$6,250</u>	<u>[\$1,563]</u> <u>\$3,125</u>	<u>[\$6,250]</u> <u>\$10,000</u>	<u>[\$3,125]</u> <u>\$6,250</u>	\$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); BC 1016.1 (2022 code).	No	No	<u>[\$1,250]</u> <u>\$2,500</u>	No	<u>[\$6,250]</u> <u>\$12,500</u>	<u>[\$3,125]</u> <u>\$5,000</u>	<u>[\$12,500]</u> <u>\$25,000</u>	<u>[\$6,250]</u> <u>\$12,500</u>	\$25,000
<u>28-301.1</u>	<u>Class 1</u>	<u>Failure to maintain building in a code compliant manner: lack of fire alarm system where required by BC 907.2</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>\$25,000</u>	<u>\$25,000</u>
<u>28-301.1</u>	<u>Class 2</u>	<u>Failure to maintain building in a code compliant manner: lack of fire alarm system where required by BC 907.2</u>	<u>No</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>28-301.1.1 &amp; 28-301.2</u>	<u>Class 2</u>	<u>Failure to provide required annual parapet observation report on request</u>	<u>No</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>
28-302.1	Class 1	Failure to maintain building wall(s) or appurtenances.	No	No	<u>[\$2,500]</u> <u>\$5,000</u>	No	<u>[\$12,500]</u> <u>\$25,000</u>	<u>[\$6,250]</u> <u>\$7,500</u>	\$25,000	<u>[\$12,500]</u> <u>\$18,750</u>	\$25,000

28-302.1	Class 2	Failure to maintain building wall(s) or appurtenances.	Yes	Yes	<u>[\$1,250]</u> <u>\$2,500</u>	Yes	<u>[\$6,250]</u> <u>\$10,000</u>	<u>[\$3,125]</u> <u>\$6,250</u>	\$10,000	<u>[\$6,250]</u> <u>\$10,000</u>	\$10,000
28-302.3	Class 1	Failure of registered design professional to immediately notify the department of unsafe façade condition(s).	No	No	<u>[\$2,500]</u> <u>\$5,000</u>	No	<u>[\$12,500]</u> <u>\$25,000</u>	<u>[\$6,250]</u> <u>\$12,500</u>	\$25,000	<u>[\$12,500]</u> <u>\$25,000</u>	\$25,000
28-302.4	Class 2	Failure to submit a required report of critical examination documenting condition of exterior wall and appurtenances.	Yes	No	<u>[\$1,250]</u> <u>\$2,500</u>	Yes	<u>[\$6,250]</u> <u>\$10,000</u>	<u>[\$3,125]</u> <u>\$6,250</u>	\$10,000	<u>[\$6,250]</u> <u>\$10,000</u>	\$10,000
<u>28-323.1</u>	<u>Class 1</u>	<u>Failure to maintain building in code-compliant manner. - Parking Structure</u>	<u>No</u>	<u>No</u>	<u>\$2,500</u>	<u>No</u>	<u>\$12,500</u>	<u>\$5,000</u>	<u>\$25,000</u>	<u>\$12,500</u>	<u>\$25,000</u>
<u>28-323.1</u>	<u>Class 2</u>	<u>Failure to maintain building in code-compliant manner. - Parking Structure</u>	<u>Yes</u>	<u>Yes</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>28-323.5</u>	<u>Class 2</u>	<u>Failure to submit a condition assessment report - Parking Structure</u>	<u>No</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>28-323.7</u>	<u>Class 1</u>	<u>Failure to timely notify the Department of an unsafe condition - Parking Structure</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>\$15,625</u>	<u>\$25,000</u>
<u>28-323.8</u>	<u>Class 1</u>	<u>Failure to take required measures to ensure public safety - unsafe Parking Structure</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>28-323.8</u>	<u>Class 2</u>	Failure to take <u>required measures to ensure public safety - unsafe Parking Structure</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>28-323.8</u>	<u>Class 2</u>	Failure to submit <u>required amended report of parking structure assessment certifying that unsafe conditions have been corrected.</u>	<u>No</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>28-323.9.1</u>	<u>Class 2</u>	Failure to submit <u>required amended report of parking structure assessment no more than 2 years after initial SREM report - Parking Structures</u>	<u>Yes</u>	<u>Yes</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>BC 105.8.2 (2014 code) &amp; BC 106.8.2 (2022 code)</u>	<u>Class 2</u>	<u>Temporary Construction Equipment or Installation on Site – Expired Permit (Shed).</u>	<u>Yes</u>	<u>Yes</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>BC 3301.2 [&amp; 27-1009(a)]</u>	<u>Class 1</u>	Failure to safeguard [all persons] <u>the public</u> and property affected by construction operations.	<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 3301.2 [&amp; 27-1009(a)]</u>	<u>Class 2</u>	Failure to safeguard [all persons] <u>the public</u> and property affected by construction operations.	<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>\$1,000</u>

EC 230.72 (A)	Class 1	Failure to properly group/label disconnects	[Yes] <u>No</u>	No	\$1,000	Yes	\$5,000	\$2,500	\$10,000	\$5,000	\$25,000
ZR 42- [52] <u>62</u>	Class 1	Outdoor Advertising sign not permitted in M District.	No	No	\$10,000	Yes	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
ZR 42- [53] <u>63</u>	Class 1	Outdoor Advertising sign in M District exceeds surface area limits.	No	No	\$10,000	Yes	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
ZR 42- [543] <u>643</u>	Class 1	Outdoor Advertising Company sign in M District exceeds height limit.	No	No	\$10,000	Yes	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000