

NEW YORK CITY DEPARTMENT OF BUILDINGS

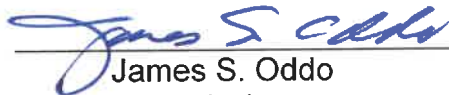
NOTICE OF ADOPTION OF RULE

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 sections 101-03 and 102-06 of Chapter 100 of Title 1 of the Rules of the City of New York regarding the Homeowner Resolution Program that gives owners of one- and two-family homes who have not received any prior violations at the property within the past five years an opportunity to correct certain violating conditions prior to receiving a notice of violation and associated penalties. This rule was first published on September 25, 2024, and a public hearing thereon was held on October 30, 2024.

K.V.

Dated: 11/4/24

New York, New York



James S. Oddo
Commissioner

STATEMENT OF BASIS AND PURPOSE OF RULE

Section 102-06 of Chapter 100 of Title 1 of the Rules of the City of New York is amended to clarify the provisions of the Homeowner Resolution Program that gives owners of one- and two-family homes who have not received any prior violations at the property within the past five years an opportunity to correct certain violating conditions prior to receiving a notice of violation and associated penalties.

Specifically, the amendments:

- limit applicability of the program to existing buildings, excluding new construction, which must abide by strict construction safety standards;
- remove the eligibility of violating conditions that result in a Stop Work Order or a Vacate Order;
- allow for owners of properties to be assessed a re-inspection fee and issued a violation for conditions that still exist after the 60-day no-penalty grace period has passed and acceptable proof of correction has not been provided to the Department.

The reinspection fee in section 101-03 is amended to align with proposed changes to section 102-06.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter and Article 208 of Chapter 2 of Title 28 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

Section 1. Section 101-03 of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

Reinspection made necessary by a failure to correct a condition or respond to a request [to correct that results in issuance of a violation or other order] <u>for corrective action.</u>	\$225 each inspection
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§2. Section 102-06 of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

§102-06 Homeowner resolution program. Owners of one- and two-family homes who have not received any prior violations at the property will have an opportunity to correct certain

violating conditions prior to receiving a notice of violation and associated penalties.

(a) **Applicability.** The homeowner resolution program applies to owners of existing one- and two-family homes, whether or not they occupy those homes, [to whom] where prior Department notices of violations returnable to the Environmental Control Board/Office of Administrative Trials and Hearings (ECB/OATH) have not been issued at the property within the past five years, whether or not the current owner owned the property during those five years. [The program shall also apply to new owners, where the violations on the property were issued within the past five years to a prior owner.]

(b) **Eligible violations.** This program covers violations classified as Class 1, Class 2 or Class 3 in subdivision (k) of section 102-01 of these rules. Multiple violating conditions observed on the same date are considered as one [violation for the purposes of this program] request for corrective action. Any repeated instance of the same violating condition is ineligible for this program and will result in the issuance of a notice of violation.

Exceptions. This section does not apply to Class 1 violations for illegal conversions as described in section 28-210.1 of the Administrative Code, Class 1 violations that result in the issuance of a Stop Work Order or a Vacate Order and Class 1 violations that lead to death or serious injury.

(c) **Request for corrective action.** Where a violating condition is observed at a property that is part of this program, the commissioner will issue a request for corrective action, giving the owner 60 days to correct the condition. In order to resolve a request for corrective action, the owner must correct the condition and submit acceptable proof of correction to the Department within such 60 days. The Department may perform an inspection upon receiving such proof of correction in order to verify that such conditions have been corrected.

(d) **Failure to correct condition.** [If, upon reinspection at] At the expiration of the 60-day correction grace period, [an inspection finds that the violating condition has not been corrected,] a notice of violation returnable to ECB/OATH based on the conditions observed and documented on the request for corrective action will be issued to the owner for each condition for which correction has not been verified as described in subdivision (c).

(e) **Fee.** [In addition to receiving a notice of violation, for Class 1 violations as described in subdivision (b), the] The owner will be charged a fee for [the inspection that results in the issuance of such notice of violation] any reinspection made necessary by a failure to respond to a request for corrective action, as provided in section 101-03 of these rules.

(f) **Removal from program.** An owner who receives a notice of violation returnable to ECB/OATH after [either] failing to correct the violating condition within the provided timeframe [or failing to provide access to an inspector to determine if the violating condition has been corrected] in the request for corrective action is no longer eligible for this program [and must comply with the requirements in section 102-01 of these rules]. The violating condition must still be corrected and any applicable penalty associated with any such notice of violation issued must be paid.