



## **2014 CONSTRUCTION CODES UPDATE PAGES**

Attached are 2014 Construction Codes Update Pages. These pages reflect local laws enacted and ministerial administrative corrections made after December 31, 2014. Please note that the source of a particular update, the local law number, and year is indicated on each page. Please visit our [webpage](#) to ensure that your codes are complete and up to date as the City Council may periodically pass Local Laws that affect the Construction Codes.

### **Instructions:**

Please place each page, according to its page number found on the bottom right hand corner, into your Construction Codes books.

The pages contain letters after the page number and should be placed in alphabetical order following the number, i.e. 5, 6, 6a, 6b, etc.

Place Title Pages in the front of your Code books for easy reference.

# CONSTRUCTION CODES UPDATE PAGES

## UPDATE # 25

Source: Local Law 78 of 2017, effective May 10, 2017.

This update includes the following pages:

<b>GENERAL ADMINISTRATIVE PROVISIONS</b>	
<b><u>Section</u></b>	<b><u>Page Number</u></b>
28-103.21	12b-c
28-103.21.1	12c
28-201.2.1	50e-f
28-202.1	50g-h

## CONSTRUCTION CODES UPDATE PAGE

Matter in plain text is unchanged. Matter underlined is new. Matter ~~stricken through~~ is deleted.  
**Source:** Local Law 78 of 2017, effective May 10, 2017.

## GENERAL ADMINISTRATIVE PROVISIONS

*Insert between pages 12a and 13 of your bound volume of the NYC General Administrative Provisions.*

Amend section 28-103.21 and add a new section 28-103.21.1 to read as follows:

**§28-103.21 Incident lists.** The commissioner shall, by January 2018 and monthly thereafter, post on the department's website, in a machine-readable format, a list of every incident, reported to the department in accordance with section 28-103.21.1, that occurred on every construction site within the city of New York that resulted in an injury and/or a fatality, either or both of which were reported to the department or of which the department otherwise became aware. Such list shall be updated monthly, where construction work subject to permitting by the commissioner resulted in (i) a fatality to any individual, including a member of the general public or a construction worker, or (ii) an injury to any individual, including a member of the general public or a construction worker, that requires transport by emergency medical services or requires immediate emergency care at a hospital or offsite medical clinic, regardless of whether such incident involved a violation of this code or any other law or rule. Such list shall identify the identify, at a minimum, the following information for each incident that the department is required to report on pursuant to this section:

1. The owner and the general contractor of the site where the incident occurred, the occurred;
2. If the incident involved a construction worker, the name of the general contractor or the subcontractor who employed such worker at the time of the incident;
3. A detailed description of the incident, including the nature of the work being performed at the time of the incident, violations incident;
4. Violations issued by the department as a result of the incident and to whom such violations were issued, and the issued;
5. The number of persons injured and/or killed. Such list shall also set forth the total number of injuries and fatalities reported to the department or of which the department otherwise became aware that occurred on construction sites within each borough and within the entire city for each of the previous five calendar years, killed in the incident, and whether such persons were members of the public, construction workers or other persons;
6. If the incident involved an injury, a description of the type of injury;
7. Whether the incident involved a fatality;
8. The date and time of the incident;
9. The address where the incident occurred;
10. The total square footage of the site where the incident occurred;
11. The number of floors and height of the building involved where the incident occurred or, in the case of a new building, the proposed number of floors and proposed height;

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12. A list of active permits issued by the department associated with the construction site where an incident occurred, disaggregated by type;
13. If the incident involved a construction worker, the length of time the injured or deceased worker had been employed by their employer at the time of the incident;
14. If the incident involved a construction worker, the number of hours the injured or deceased worker had been working when the incident occurred;
15. If the incident involved a construction worker, whether or not the injured or deceased worker was a union member; and
16. Whether or not the construction site where the incident occurred was a union site.

**§28-103.21.1 Reporting.** Where construction work subject to permitting by the commissioner that results in a fatality or injury to any individual, including a member of the general public or a construction worker, occurs on a construction site within the city, the owner or person otherwise in control of the site at which such incident occurred, or, if the incident involved a construction worker, the general contractor or subcontractor that employed such worker, shall report to the department, within three business days after the occurrence of such incident, the information required by section 28-103.21.

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## GENERAL ADMINISTRATIVE PROVISIONS

*Insert between pages 50d and 51 of your bound volume of the NYC General Administrative Provisions.*

Amend section 28-201.2.1 to read as follows:

**§28-201.2.1 Specified immediately hazardous violations.** The commissioner shall classify the following violations as immediately hazardous:

1. With respect to violations of article 210 of this chapter:
  - 1.1. A violation of section 28-210.1 in which a building legally approved for occupancy as a one-family or two-family dwelling (as set forth in the certificate of occupancy or if no certificate of occupancy is required, as evidenced by official records) is illegally converted to or maintained as a dwelling for occupancy by four or more families; or
  - 1.2. A violation of sections 28-210.1 and 28-210.2 in any building involving the illegal conversion, maintenance or occupancy of three or more dwelling units than are legally authorized by the certificate of occupancy or if no certificate of occupancy is required as evidenced by official records.
2. Any violation of section 28-211.1 false statement;
3. Any violation of a stop work order or of a cease use order;
4. Any violation of a vacate order or order to seal, secure and close, or closure order;
5. Unlawful demolition;
6. Falsely impersonating an employee or authorized representative of the department;
7. Occupancy without a required certificate of occupancy;
8. Intentional disobedience or violation of any provision of a closure order;
9. Submittal of a materially false or misleading professional certification.
10. A violation of section 28-212.11.
11. A violation of section 28-307.1.
12. A violation by a licensed rigger or person performing the functions and duties of a licensed rigger of the provisions of sections 28-404.1 or 28-401.9 of this code or such person's failure to ensure that workers have certificates of fitness required pursuant to this code or applicable rule or any person's violation of the provisions of section 3314.4.3.1 of the New York city building code.
13. A violation of any provision of chapter 4 of this title for engaging in any business or occupation without a required license or other authorization.
  - ~~13.1. The minimum civil penalty that shall be imposed for a violation of section 28-408.1 or section 28-410.1 of this code and the minimum fine that shall be imposed~~

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~~for a violation of such sections shall be two thousand five hundred dollars for the first violation and five thousand dollars for each subsequent violation.~~

14. Any person who knowingly permits or causes a violation of paragraph 3314.4.5 or paragraph 3314.4.6 of subdivision 3314.4 of section BC 3314 of the building code.
15. A violation of sections 3303.4.5 and 3303.4.6 of the building code.
16. A violation of section 28-210.3 that involves more than one dwelling unit or a second or subsequent violation of section 28-210.3 by the same person at the same dwelling unit or multiple dwelling.
17. A violation of sections 28-119.1 or 28-119.1.1.
18. A violation of section 105.2 of the New York city fuel gas code relating to work on a gas piping system.
19. A violation of sections 406.6.2, 406.6.2.1, 406.6.2.2 or 406.6.3 of the New York city fuel gas code.

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## GENERAL ADMINISTRATIVE PROVISIONS

*Insert between pages 50f and 51 of your bound volume of the NYC General Administrative Provisions.*

Amend section 28-202.1 to read as follows:

**§28-202.1 Civil penalties.** Except as otherwise specified in this code or other law, violations of this code, the 1968 building code, the zoning resolution or other laws or rules enforced by the department shall be punishable by civil penalties within the ranges set forth below:

1. For immediately hazardous violations, a civil penalty of not less than one thousand dollars nor more than ~~twenty five thousand dollars~~ \$25,000 may be imposed for each violation. In addition to such civil penalty, a separate additional penalty may be imposed of not more than ~~one thousand dollars~~ \$1,000 for each day that the violation is not corrected. The commissioner may by rule establish such specified daily penalties.
2. For major violations, a civil penalty of not more than ~~ten thousand dollars~~ \$10,000 may be imposed for each violation. In addition to such civil penalty, a separate additional penalty may be imposed of not more than ~~two hundred fifty dollars~~ \$250 for each month that the violation is not corrected. The commissioner may by rule establish such specified monthly penalties.
3. For lesser violations, a civil penalty of not more than ~~five hundred dollars~~ \$500 may be imposed for each violation.

### Exceptions:

1. The owner, lessee, occupant, manager or operator of a building affected by a natural or man-made disaster, as determined by the commissioner, shall not be subject to a civil penalty for a violation involving such building if (i) notice of such violation is issued by the department during the 90-day period immediately after such disaster or, in the case of a major natural or man-made disaster as determined by the commissioner, during the six-month period immediately after such disaster, and (ii) such violation is corrected on or before 40 days after such disaster period or such greater amount of time as determined by the commissioner for such violation. The notice of such violation shall state that such violation is subject to this exception and shall set forth the procedure and time period for correcting such violation without incurring a civil penalty. This exception shall not apply to immediately hazardous violations, violations charged as aggravated violations or violations without connection to such disaster, as determined by the department.
2. The owner, lessee, occupant, manager or operator of a building where a violation occurs shall not be subject to a civil penalty for such violation if (i) such violation was connected to a natural or man-made disaster, as determined by the commissioner, and (ii) such building is undergoing, or scheduled or under evaluation for, work or acquisition through a city-operated disaster recovery program responding to such disaster.

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3. The owner, lessee, occupant, manager or operator of a building shall not be subject to a civil penalty for a violation resulting from work done by a city employee, or by a third party under contract with the city, in response to a natural or man-made disaster, provided that such violation is corrected on or before 60 days after the issuance of such violation, or such greater amount of time as determined by the commissioner for such violation. If such owner, lessee, occupant, manager or operator of a building can demonstrate to the satisfaction of the department that a city employee or third party under contract with the city has committed to correcting such violation then such violation shall be rescinded, without penalty. The notice of such violation shall state that such violation is subject to this exception and shall set forth the procedure and time period for correcting such violation without incurring a civil penalty. This exception shall not apply to immediately hazardous violations or violations charged as aggravated violations.
4. The minimum civil penalty for a violation of section 28-408.1 or section 28-410.1 of this code shall be \$2,500 for a first violation and \$5,000 for a second violation, in addition to any separate daily penalty imposed pursuant to item 1 of this section.
5. The minimum civil penalty for a violation of section 28-103.21.1 of this code shall be \$2,500, in addition to any separate daily or monthly penalty imposed pursuant to item 1 or 2 of this section.