



## **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 # 35

Source: Local Law 250 of 2017, effective December 17, 2017.

This update includes the following pages:

<b>GENERAL ADMINISTRATIVE PROVISIONS</b>	
<b><u>Section</u></b>	<b><u>Page Number</u></b>
28-201.2.2	50r
28-202.1	50s – u

## CONSTRUCTION CODES UPDATE PAGE

Matter in plain text is unchanged. Matter underlined is new. Matter ~~stricken through~~ is deleted.

**Source:** Local Law 250 of 2017, effective December 17, 2017.

## GENERAL ADMINISTRATIVE PROVISIONS

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

Amend section 28-201.2.2 to read as follows:

**§28-201.2.2 Specified major violations.** The commissioner shall classify the following violations as major violations:

1. A violation of section 28-210.1 or 28-210.2 other than a violation that is directed to be classified as immediately hazardous.
2. Failure to perform required façade, retaining wall, elevator and boiler inspections, or tests, structural inspections of buildings and structures that are potentially compromised as defined in section 28-217.1, and to file required reports within the applicable time period.
3. Failure to provide the notice required by section 3314.1.1 of the New York city building code.
4. A violation of the zoning resolution by any person for causing damage to or removing a tree within a Special Natural Area District, as defined in the zoning resolution.
  - 4.1. The fine or civil penalty for a violation described in item 4 shall be not less than seven hundred fifty dollars for each tree damaged or removed.
5. Notwithstanding the provisions of section 28-204.2 of this code, a violation of item 3 or item 4 of section 1008.1.3.5 of the New York city building code except that no penalty for such violation shall be imposed if the respondent corrects the condition constituting the violation and files a certificate with the department that the condition has been corrected within ninety days from the date set forth in the notice of violation. It shall be an affirmative defense that the nonconforming security grille was installed prior to July 1, 2011.
  - 5.1. The fine or civil penalty for a violation described in item 5 shall be not less than two hundred fifty dollars for the first offense and not less than one thousand dollars for each subsequent offense.
6. A violation of a condition, restriction or requirement established pursuant to the zoning resolution, section 197-d of the charter or section 25-114, related to a privately owned public space as such term is defined in section 25-114.

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## GENERAL ADMINISTRATIVE PROVISIONS

*Insert between pages 50q 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 \$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 \$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 \$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 \$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 \$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.
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

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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 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.
5. For a violation of section 28-210.1:
  - 5.1. Unless exception 5.2 applies, the minimum civil penalty for a violation of section 28-210.1 in any building involving the illegal conversion, maintenance or occupancy of three or more dwelling units above the number of dwelling units that is legally authorized by the certificate of occupancy or if no certificate of occupancy is required as evidenced by official records shall be \$15,000. Each dwelling unit above the number that is legally authorized by the certificate of occupancy or if no certificate of occupancy is required as evidenced by official records shall constitute a separate offense that shall be charged separately and shall be punishable by a separate civil penalty. Provided, however, that the penalties for multiple violations of this exception may be based on the same evidence; and
  - 5.2. The owner of a building shall not be subject to a civil penalty for a violation of section 28-210.1 in such building if such owner can show the following:
    - 5.2.1. Such violation was the first such violation issued for such building or was issued within 30 days after such first violation;
    - 5.2.2. At the time such violation was issued or, if such violation was issued within 30 days after such first violation was issued, the time such first violation was issued, a registration for such building has been properly filed with the department of housing preservation and development in accordance with article two of subchapter 4 of the housing maintenance code; and
    - 5.2.3. At the time such violation was issued or, if such violation was issued within 30 days after such first violation was issued, the time such first violation was issued, such owner reasonably did not know of, or could not reasonably have known of such illegal conversion, the

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maintenance thereof or occupancy thereof and takes lawful immediate and diligent steps to cure said violation.

6. The minimum civil penalty for a violation of section 3321.1 of the New York city building code shall be \$5,000. The department may by rule provide that, for a first violation of such section or a first set of such violations that occur substantially at the same time, the minimum penalty may be reduced to \$2,500.
7. The minimum civil penalty for a violation of section 3321.2 of the New York city building code shall be \$2,500.
8. A violation of a condition, restriction or requirement established pursuant to the zoning resolution, section 197-d of the charter or section 25-114, related to a privately owned public space as such term is defined in section 25-114, shall be subject to a civil penalty of not less than \$4,000 for the first offense and not less than \$10,000 for each subsequent offense, in addition to any separate monthly penalty imposed pursuant to item 2 of this section.