NYC
Buildings

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 # 59

Source: Local Law 70 of 2018, effective July 18, 2018.

This update includes the following pages:

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Matter in plain text is unchanged. Matter <u>underlined</u> is new. Matter ~~stricken-through~~ is deleted.
Source: Local Law 70 of 2018, effective July 18, 2018.

GENERAL ADMINISTRATIVE PROVISIONS

Insert between pages 50z(1) and 51 of your bound volume of the NYC General Administrative Provisions.

Amend exceptions 5 and 6 of section 28-202.1 to read as follows:

~~5.~~ <u>9.</u>   For a violation of section 28-210.1:

> ~~5.1.~~ <u>9.1.</u>   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.~~ <u>9.2.</u>   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.~~ <u>9.2.1.</u>   Such violation was the first such violation issued for such building or was issued within 30 days after such first violation;

> > ~~5.2.2.~~ <u>9.2.2.</u>   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.~~ <u>9.2.3.</u>   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 maintenance thereof or occupancy thereof and takes lawful immediate and diligent steps to cure said violation.

~~6.~~   <u>10.</u> For violations of article 110 of this chapter or chapter 33 of the New York city building code:

> ~~6.1.~~ <u>10.1.</u>   The minimum civil penalty for an immediately hazardous violation of such article or chapter shall be $2,000, in addition to any separate daily penalty imposed pursuant to item 1 of this section; and

> ~~6.2.~~ <u>10.2.</u>   The minimum civil penalty for a major violation of such article or chapter shall be $1,000, in addition to any separate monthly penalty imposed pursuant to item 2 of this section.

<div align="center">CONSTRUCTION CODES UPDATE PAGE</div>

Matter in plain text is unchanged. Matter <u>underlined</u> is new. Matter ~~stricken-through~~ is deleted.
Source: Local Law 70 of 2018, effective July 18, 2018.

GENERAL ADMINISTRATIVE PROVISIONS

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

Add new sections 28-202.4 and 28-202.4.1 to read as follows:

§28-202.4 Maximum civil penalty for immediately hazardous violation of chapter 33 of the New York city building code that results in death or serious physical injury. Notwithstanding any inconsistent provision of this article an immediately hazardous violation of a provision of chapter 33 of the New York city building code that results in death or serious physical injury, as such term is defined in article 10 of the New York state penal law, shall be punishable by a civil penalty of not more than $500,000, or not more than $150,000 if such violation is issued to an individual, which may be recovered in a civil action brought by the corporation counsel in the name of the city in any court of competent jurisdiction where:

1. There was a substantial probability that the violating condition would cause death or serious physical injury, as such term is defined in article 10 of the New York state penal law;

2. The defendant knew, or with reasonable diligence should have known, (i) of the existence of such violation and (ii) was in a position to remedy such violation or lessen the danger posed thereby; and

3. Such violation resulted in the death or serious physical injury, as such term is defined in article 10 of the New York state penal law, of a person.

§28-202.4.1 Determining the amount of the civil penalty to be imposed. In determining the amount of the civil penalty to be imposed the court shall consider:

1. The extent and severity of injury to persons and property;

2. The history of violations by the defendant of laws or rules enforced by the department;

3. The degree of willfulness, recklessness or negligence displayed by the defendant in committing the violation; and

4. The defendant's financial resources.