



**2018 NYC**

**VIOLATIONS  
COMPANION  
GUIDE**

The Most Common Violations  
and How to Close Them

siteCOMPLI<sup>®</sup>

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# INTRODUCTION

The **NYC Violations Companion Guide** was first introduced in 2015 to explain basic types of violations and how to clear them. Since its inception, the Guide has evolved into a critical annual resource, designed to help you prevent some of the most prevalent and costly city infractions.

The **NYC Violations Companion Guide - 2018 Edition** takes compliance basics alongside key agency updates and streamlines information into brief, handy reference pages. Each section includes links to even more detailed resources and best practices, perfect for digging into your toughest compliance challenges.

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## What You'll Find in This Year's Guide:

- Quick and easy resources for each of the industry's biggest topics
- Links to additional, in-depth resources and best practices
- New sections on construction regulations, ECB changes, and compliance facts most people get wrong
- The 2018 Compliance Checklist

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Whether you're just starting out in NYC property operations or you want to brush up on the basics, the NYC Violations Companion Guide is your primary resource for compliance information in the five boroughs.

## NEED MORE INFORMATION?

Look for these icons to get even more details on key compliance facts:



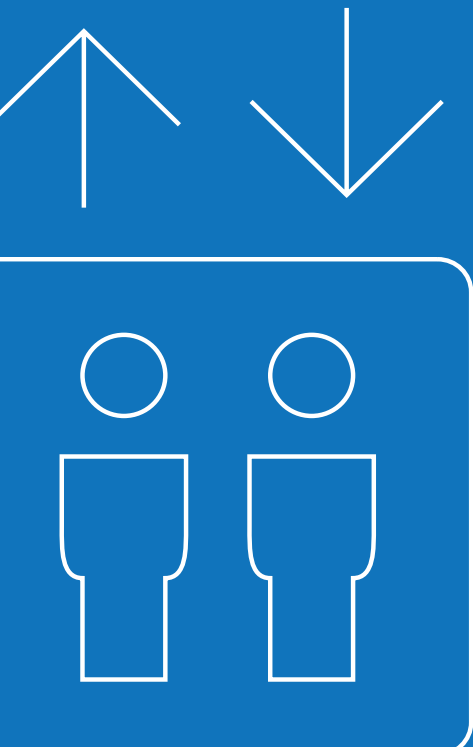
### Pro Tip

Learn how the experts handle compliance.



### Read More

Discover in-depth information.



# THE UPS & DOWNS OF ELEVATORS



### What is vertical transport, anyway?

Vertical transport devices include elevators, escalators, dumbwaiters, wheelchair lifts, freight, and even some amusement rides.



When Category 1 and Category 5 tests line up for a device, owners may choose to perform both types of inspections at the same time and file the results on the same ELV3 form.



As of March 2018, Category 1 & 5 inspections can still be submitted via paper reports, directly to the Department. Stay tuned - soon they'll make a digital transition to DOB NOW: Safety.

## Required Inspections for Vertical Transport Devices in NYC

### Category 1 Inspection

The DOB requires all vertical transport devices to undergo an annual inspection, called a Category 1 test. Owners and managers are responsible for hiring an approved elevator inspection vendor to perform the test, as well as an unaffiliated, approved third-party consultant to witness the inspection.

<b>How Often</b>	Once per year per device
<b>Due Date</b>	Performed and filed before December 31 <sup>st</sup> (filed within 60 days of inspection date)
<b>Forms</b>	ELV3 Elevator Inspection/Test Report
<b>Filing Fees</b>	\$30/device
<b>Late Fees</b>	\$150.00/month, full penalty if 12 months late

### Affirmation of Correction for “Accepted - Unsatisfactory” Inspections

If a test is marked “Accepted - Unsatisfactory” for any defects found during the inspection, an Affirmation of Correction (ELV29 form) must be filed. All defects must be corrected within 120 days of the initial test date, and the Affirmation of Correction must be filed within 60 days of the date repairs are made.

## Category 5 Inspection

Depending on the type of device (for example, roped non-hydraulic elevators), some also require a Category 5 full load inspection test every 5 years. Category 5 tests are due at the end of the month in which they were last performed - if a Category 5 test was last filed in March 2013, it would be due again at the end of March 2018.

<b>How Often</b>	Once every five years per required device
<b>Due Date</b>	Five years after the last test, in the same month (filed within 60 days of inspection date)
<b>Forms</b>	ELV3 Elevator Inspection/Test Report
<b>Filing Fees</b>	\$40/device
<b>Late Fees</b>	\$250.00/month, full penalty if 12 months late

## Routine Private Inspections

Private inspections are performed by third-party inspectors hired by the DOB, usually on an annual basis. These third-party led inspections are separate and in addition to the required filings listed above.

## Elevator Violations

Name	Description	Penalty	How to Correct
<b>PVT (E-ELEVATOR)</b>	Failure to maintain elevator device - hazardous (H - requires reinspection) or nonhazardous	No penalty, \$40 filing fee to correct	<ul style="list-style-type: none"> <li>Submit an Affirmation of Correction with \$40 fee; -OR-</li> <li>Wait until the DOB automatically removes after a subsequent, satisfactory Category 1 inspection (may take months)</li> </ul>
<b>LL 10/81</b>	Issued for failure to file Category 1 inspection 2008 Cycle & earlier	\$1030	Pay the full penalty
<b>VCAT1</b>	Issued for failure to file Category 1 inspection 2009 Cycle & earlier	\$1030	Pay the full penalty
<b>EVCAT1</b>	Issued for failure to file Category 1 inspection Beginning w/ 2010 cycle	\$3000	Pay the full penalty
<b>ACC1</b>	Issued for failure to file Affirmation of Correction Beginning w/ 2009 Cycle	\$3000	Pay the full penalty and submit Affirmation of Correction
<b>EVCAT5</b>	Issued for failure to file Category 5 inspection First issued in 2016	\$5000	Pay the full penalty or provide proof of compliance (accepted, timely inspection)



## UPS & DOWNS OF ELEVATORS



Category 5 Tests must be submitted as "Satisfactory"



Administrative elevator violations issued before 2014 were issued once per building. In order to determine the number of noncompliant devices and the full fine, you must request a penalty sheet from the DOB.

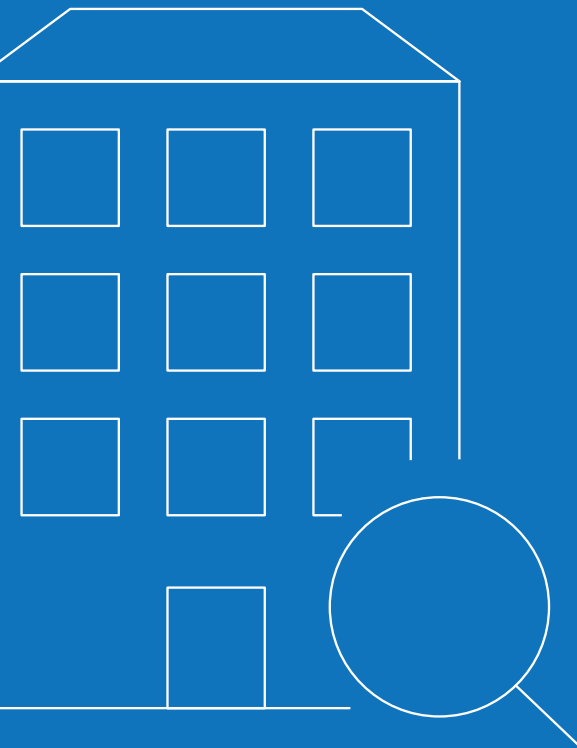


The standard penalty for failure to maintain elevator devices increased from \$1,000 to \$12,000 per infraction. Avoid steep fines (and surprises if you're trying to get a final CO) and make sure your devices are up to date.



**The ACC1 was issued in late 2016 & early 2017 after a two-year hiatus.**

Find out why, and learn which year's violations carry no penalties <https://sitecompli.com/blog/acc1-violation-back-prevent-costly-infraction/>



# BEHIND THE FACADES



Facade penalties for failure to file may be issued in the form of a FISP/NRF violation, or a DOB-ECB violation. They were formerly issued as LL 11/98 violations.

## Inspection & Report Deadlines

Owners of properties **seven stories and higher** must have exterior walls and appurtenances (balconies, etc.) examined every 5 years, during their respective cycle. These examinations are performed by a Qualified Exterior Wall Inspector (QEWI) hired by the building.

Filing times are determined by the final digit of the building's block. For example, a property on Block 18 would file during Cycle 8B:

### 5 Year Cycle Period: February 21, 2015 to February 20, 2020

Sub-Cycle: Block	Filing Period Begin	Filing Deadline
<b>8A</b> 4, 5, 6, and 9	Feb. 21, 2015	Feb. 21, 2017
<b>8B</b> 0, 7, and 8	Feb. 21, 2016	Feb. 21, 2018
<b>8C</b> 1, 2, and 3	Feb. 21, 2017	Feb. 21, 2019



## Filing Cost

- **Initial Report:** \$265
- **Amended or Subsequent Request:** \$100
- **Extension Request:** \$135

## Penalties

- **Late Initial Filing:** \$250/month
- **Failure to File:** \$1,000/year
- **Failure to Correct Unsafe Conditions:** \$1,000/month

## The Facade Filing Process

Technical reports are submitted online via DOB NOW: Safety. Your QEWI will have access to the system (once they're registered) & can file on your behalf.

That said, building owners & representatives are required to log into the system and consent to the QEWI's reports - you can register for DOB NOW here:  
<https://www1.nyc.gov/site/buildings/industry/dob-now-registration-tips.page>

### Things to Look Out For in Your Filing, According to the DOB

- Lack of photographs and/or sketch for SWARMP or unsafe conditions
- Time frame for recommended repairs
- Scaffold drop and location of same
- Report findings inconsistent with photographs
- Current and clear color photographs
- Not filing within 60 days after the completion of the inspection

## Your QEWI will issue one of three results in their filing:

- **Safe:** No problems and in good condition
- **SWARMP:** Safe with a repair and maintenance program
  - No unsafe conditions - if all repairs aren't completed before the next cycle, that next report must be filed as Unsafe
- **Unsafe:** Problems/defects threaten public safety
  - Owners must immediately install protection (sidewalk shed, construction fence, etc.) to prevent public harm
  - Owners must repair dangerous conditions within 90 days of filing a technical report
  - Owners must file an amended report within two weeks of completing the repair work

# BREAKING BOILERS



Like facade inspections, boiler inspections must also be filed online via DOB NOW: Safety.



Penalties for failure to file annual boiler inspections are \$1,000 per noncompliant device, and typically take the form of an HBLVIO or LBLVIO violation. Violations issued before 2010 carry a per building fine dependent on the building's size.

## Department of Buildings Requirements

### 2018 Inspection Cycle: January 1st through December 31st

Annual inspections are required for both high pressure boilers & low pressure boilers, filed with the Department of Buildings.

### High Pressure Boilers

- Two inspections are required: internal and external
- These inspections must be conducted within the same cycle (year), but should be performed six months apart
- Inspections can only be performed by an authorized insurance company
- Inspectors must notify the DOB at least 10 days before performing the internal inspection via e-mail ([hpboilers@buildings.nyc.gov](mailto:hpboilers@buildings.nyc.gov))

### Low Pressure Boilers

- Inspections can only be performed by authorized boiler inspectors licensed by the Department of Buildings or an authorized insurance company

Must Inspect Annually	No Inspection Required
<ul style="list-style-type: none"><li>■ Residential buildings with 6+ families</li><li>■ Residential buildings classified as Single Room Occupancy (SRO) dwellings</li><li>■ Mixed use buildings</li><li>■ Commercial buildings</li><li>■ H-stamp domestic hot water heaters with over 350,000 BTUs in residential, mixed use, and commercial buildings</li></ul>	<ul style="list-style-type: none"><li>■ Low-pressure boilers in residential buildings with 5 families or fewer</li><li>■ H-stamp domestic hot water heaters in residential buildings with 5 families or less</li><li>■ Individual boilers heating individual residential units (including residential portions of mixed-use buildings)</li><li>■ Low-pressure Boilers with an input of 100,000 BTUs or less</li></ul>



# Inspection Filing Process

1. The BO-9 inspection form must be filed within 45 days of performing inspection (One form per each inspection type for High Pressure Boilers).
2. If defects are found during an inspection, they must be corrected and an Affirmation of Correction (BO-13) must be filed within 180 days from the calendar inspection date.
3. Reports submitted more than 180 calendar days from the BO-9 inspection date will incur a late penalty of \$50/boiler/month.
4. Reports submitted 12 months after the inspection date will be deemed expired and incur the full penalty.

## First Test

Newly installed boilers and boilers that have undergone replacement of more than half of their principal components/sections (or whose fuelburners have been replaced) must undergo a First Test conducted by the DOB before use. A satisfactory First Test counts as a boiler's annual inspection for that cycle.

## Boiler Removals

An OP-49 must be filed with the DOB as confirmation of a boiler removal or disconnection. This form must be submitted within 30 days of removal/disconnection, or it may be subject to late penalties.

## Department of Environmental Protection Requirements – Triennials

In addition to DOB regulations, certain boilers also have to comply with requirements from the DEP:

### ■ Registrations

- **Boiler Registration I:** Required for devices 350,000 BTU/hr to less than 2.8 million BTU/hr
- **Boiler Registration II:** Required for devices 2.8 million BTU/hr to less than 4.2 million BTU/hr

### ■ Certificates to Operate/Work Permit Application

- Required for boilers 4.2 million BTU/hr or greater input
- Only Professional Engineers can file for Boiler Work Permits

Paperwork for all types of DEP Triennials (renewed every 3 years) can be accessed through the online Clean Air Tracking System (CATS).

Any boilers requiring Certificates of Operation or Registration II (from 2.8 to 4.2 million BTU/hr) must perform annual tune-ups and combustion tests in addition to the 3-year triennial filing. Dates, processes, and results must be kept by the owner for a minimum of five years and must be submitted within 5 business days if requested by the DEP.



## BREAKING BOILERS



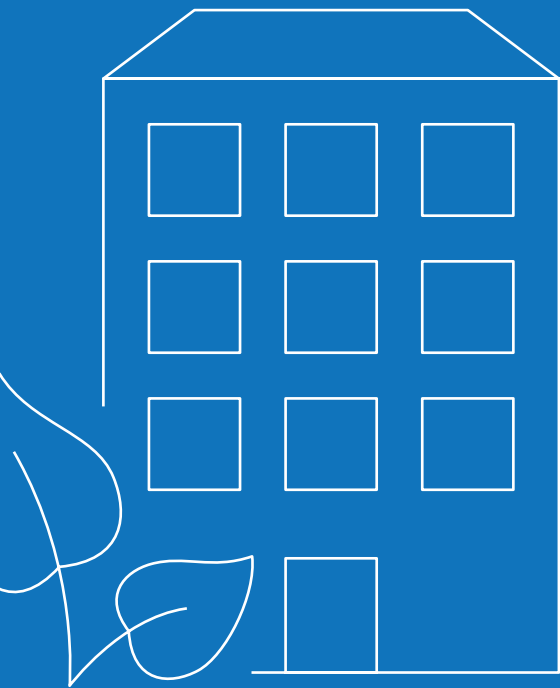
If you received a violation for failure to file an annual inspection during the year you replaced your boiler (& subsequently passed a First Test), you may be eligible for a penalty waiver. Submit a Boiler Waiver of Penalties form to the DOB.



Failure to submit an OP-49 may also result in continued administrative penalties for missing annual boiler inspections, even if the building itself is demolished – it's critical to make sure this paperwork is on file with the DOB.



Get more details on Boiler Registrations and requirements for larger outputs here: <https://sitecompli.com/blog/big-changes-coming-boiler-triennials/>



# SUSTAINABILITY LOCAL LAWS 84 & 87



Access the most recent covered buildings list:  
<http://www.nyc.gov/html/gbee/downloads/excel/2018%20CBL%20Final.xlsx>



Find out about the new requirement for smaller sized buildings:  
<https://sitecompli.com/blog/update-confirm-property-required-submit-l184-reports-year/>

## Overview

Buildings that meet any of the following characteristics are on the Covered Buildings List and must submit Local Law 84 and Local Law 87 Benchmarking reports:

- Buildings greater than 50,000 gross square feet; or
- A tax lot that contains two or more buildings that, together, exceed 100,000 gross square feet; or
- Two or more buildings held in a condominium form of ownership that, together, are larger than 100,000 gross square feet.

### UPDATE FOR 2018

Buildings greater than 25,000 gross square feet will soon have to file Local Law 84 Annual Benchmarking Reports. While the DOB has said that mandatory filing for these mid-size properties is not required by May 1st, 2018, buildings meeting this threshold have been added to the 2018 Covered Buildings List and may have to file 2017 data by February 1, 2019. Stay tuned to the SiteCompli Blog ([sitecompli.com/blog](https://sitecompli.com/blog)) for an updated due date on mid-sized buildings.

## What if My Building Shouldn't Be on the Covered Buildings List?

If you believe you received a benchmarking notification from the DOF in error, or that your property shouldn't be eligible for Benchmarking, send an e-mail with supporting information about your building (borough, block/lot, square footage, etc.) to [Benchmarking@finance.nyc.gov](mailto:Benchmarking@finance.nyc.gov)

# Local Law 84 Benchmarking

## What is it?

Owners are required to file information about energy usage annually through the online Energy Star Portfolio Manager tool. Reports are due by May 1st for the previous year (e.g., file 2015 in 2016), with additional quarterly deadlines for those who missed the initial due date.

## Local Law 84 Deadlines

- **1st Deadline:** May 1st
- **2nd Deadline:** August 1st
- **3rd Deadline:** November 1st
- **4th Deadline:** February 1st

# Local Law 87: Energy Audits & Retro-Commissioning

## What is it?

Owners are required to undergo an energy audit and retro-commissioning every 10 years and submit an Energy Efficiency Report (EER) electronically. The year the EER is due corresponds with the last digit of your tax block number. For example, reports for buildings with “8” as the last digit of their block number are due by December 31, 2018.

## Deadline

December 31st of the year the report is due.

Year First EER is Due	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Last Digit of Tax Block Number	3	4	5	6	7	8	9	0	1	2

# Violations

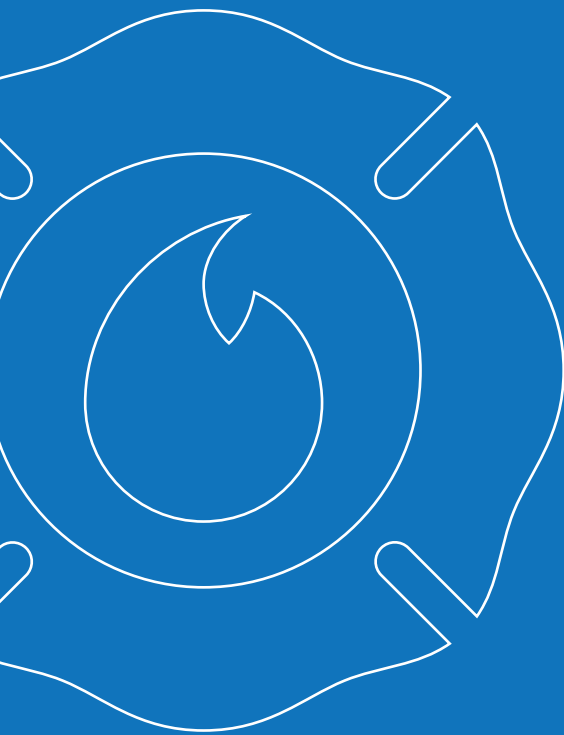
Name	Description	Penalty	How to Correct
<b>Bench - Failure To File Benchmarking</b>	Failure to submit annual LL84 benchmarking report	\$500 per quarterly violation (Maximum of \$2000/year)	Pay the full penalty and submit a benchmarking report to avoid additional quarterly penalties
<b>EARCX</b>	Failure to submit Energy Efficiency Report	\$3000 - 1st year \$5000 - Each additional year until submission	Pay the full penalty and submit an EER to avoid additional annual penalties



# SUSTAINABILITY LAWS 84 + 87



Important! Note that mid-sized buildings (25,000 - 49,999 sq. ft.) will have to file LL 84 Benchmarking reports at some point, but as of now, DO NOT have to comply with Local Law 87. This may change going forward.



# FDNY REGULATIONS & VIOLATIONS



Do you have a Fire and Life Safety Director in place?  
<https://sitecompli.com/blog/does-your-property-require-new-fdny-certificate-of-fitness/>

## Equipment & Documentation

### Permit Accounts

The FDNY issues and monitors permit accounts (sometimes known as equipment use permits) for the use, operation, & maintenance of equipment and space, as well as regulated fire safety and prevention systems.

<b>Permit Account Number</b>	Main identifying component of a permit account - necessary when contacting the FDNY about the account.
<b>Account Owner</b>	Entity responsible for maintaining the account with the FDNY. May be building owner or tenant.
<b>Expiration Date</b>	May denote required inspection or annual payment date.

### Common Permit Account Types

- Sprinkler/Standpipe Systems
- A/C Refrigeration Units
- Range Hoods
- Fuel Oil
- Fire Alarms
- Place of Assembly Permits



## Certificates of Fitness

- FDNY Certificates of Fitness are issued to individuals who have been tested to perform specific safety-related tasks or manage specific pieces of FDNY-related equipment.
- Certificates of Fitness can be **building specific** (example - Fire and Life Safety Director) or **citywide** (example - Fire Guard for Impairment). Most COFs must be renewed periodically, and Notices of Violation are issued for failure to have a valid COF or a COF holder onsite.

## FDNY Violations and Penalties

Notices of Violation (NOVs)	Violation Orders (VOs)
<b>Are associated with a fine and a hearing through the ECB (Format 012345678L)</b>	<b>Require correction via FDNY re-inspection/document submission (Format E123456)</b>
<b>Commonly Issued for</b> <ul style="list-style-type: none"> <li>■ Expired permits</li> <li>■ Markings and lack of signage</li> <li>■ Expired/lack of Certificate of Fitness</li> <li>■ Missed inspections</li> </ul>	<b>Commonly Issued for</b> <ul style="list-style-type: none"> <li>■ Blocked egress</li> <li>■ Occupancy over limit</li> <li>■ Fire safety plan issues</li> <li>■ Emergency action plan issues</li> </ul>
<b>How to Correct</b> <ul style="list-style-type: none"> <li>■ If a cure date is offered (first offense), submit a Certificate of Correction to the FDNY in advance of the cure date</li> <li>■ If accepted, you can avoid a hearing and any potential fines (unless the hearing is required, as noted on the violation)</li> <li>■ If there is no cure date, you will need to attend the ECB hearing, pay any subsequent fines, and still submit the Certificate of Correction to the FDNY</li> </ul>	<b>How to Correct</b> <ul style="list-style-type: none"> <li>■ Comply with the Order within the given timeframe (forthwith/ immediately - 90 days)</li> <li>■ File required paperwork or contact issuing inspector for re-inspection</li> <li>■ If the infractions are corrected, the inspector will dismiss the VO</li> </ul>
<b>Penalties</b> ECB Related fines for FDNY infractions can range from \$300 for mitigated penalties to \$5,000 for default penalties - note that there can be multiple infractions on a single NOV.	<b>Penalties</b> While there are no immediate financial penalties or hearings scheduled, failure to comply with a VO in the given timeframe will result in a Criminal Summons, requiring an appearance in criminal court, plus initial fines of \$5,000 - 10,000.
<b>Additional Notes</b> It's a common misconception that showing proof at an ECB hearing will satisfy the compliance portion of an NOV - it will not. In order to fully close a NOV, a Certificate of Correction must be on file with the FDNY.	<b>Additional Notes</b> VOs are not associated with the ECB whatsoever - as a result, VO information is provided only by the FDNY, and can be complex, cumbersome, and time consuming to obtain.



FDNY Notices of Violation can also have the title "Summons" - do not mistake these for Criminal Summonses, an issuance for failing to comply with a Violation Order.



Brush up on FDNY requirements for directional markings in your building: <https://sitecompli.com/blog/compliance-reminder-fdny-directional-emergency-markings/>

# FINES AND HEARINGS: OATH AND ECB



Failure to submit timely correction on a Class 1 DOB violation can result in an AEUHAZ1 - an additional \$1,500 penalty issued to the building, not the named respondent. This means owners can take a financial hit for uncorrected tenant or vendor infractions.

## What is OATH/the ECB?

OATH is NYC's Office of Administrative Trials and Hearings. In addition to adjudicating city matters, OATH also hosts hearings for summonses issued by several different agencies. These summonses are what property owners, managers, and even tenants frequently deal with (FDNY, DOB, Sanitation, Health, and more).

The ECB (Environmental Control Board) was the sole former host for these hearings, and is still frequently referenced when referring to various agency summonses.

## Breaking Down OATH/ECB Summonses & Hearings

<b>Named Respondent</b>	The party (person, company, or entity) responsible for attending the hearing, making corrections, and paying fines. May be a building owner, manager, tenant, vendor, or other related party.
<b>Issuing Agency</b>	Over 13 agencies issue violations through OATH. The issuing agency will determine if compliance is required beyond the standard fine and hearing.
<b>Hearing Date</b>	The day when the hearing is scheduled. If the summons is not resolved by then (via a cure, alternate hearing, or stipulation), you must attend or submit a request to reschedule.
<b>Cure Date</b>	For certain DOB and FDNY violations, a cure date will be offered. If a Certificate of Correction is submitted to and accepted by the issuing agency before this date, you won't need to attend the hearing/pay any fines.

<b>Stipulation</b>	Admission of guilt in exchange for 75 additional days to correct the violation and a reduced penalty (usually half of the standard amount). Will be mailed if offered, & must be accepted pre-hearing.
<b>Mitigation</b>	Admission of guilt coupled with proof of correction at the hearing may result in a mitigated (reduced) penalty.
<b>Judgment</b>	Judgment results post-hearing can include Dismissal (no penalties, though the issuing agency can appeal) and In Violation (standard penalty imposed, though you may appeal).
<b>Default Judgment</b>	Failing to attend the hearing will result in a significantly increased penalty and an automatic admission of guilt. Default judgments can be vacated within 60 days of the hearing date.

### Three alternate ways to handle an OATH/ECB hearing (besides in-person):

- **Hearing by Phone:** (212) 436-0777
- **One-click (online) Hearing:** [www.nyc.gov/oath](http://www.nyc.gov/oath)
- **Hearing by Mail:** 66 John St., 10th Floor

## DOB & FDNY Compliance

When it comes to DOB and FDNY violations, it's not enough to attend the hearing and pay any issued fines. A Certificate of Correction must be submitted to the issuing agency, otherwise the violation will remain open. Failure to submit a Certificate of Correction can result in additional fines, trouble getting new work permits or a Certificate of Occupancy, or issues during a transaction/refinance.

## Should I Just Pay the Fine to Avoid a Hearing?

This is a frequently asked question - in the case of violations where submitted compliance isn't required (Sanitation, Health, etc.), it's possible to avoid the hearings process by paying the fine. That said, paying an OATH/ECB fine is an admission of guilt. Having a number of guilty violations at a single property can impact future violations through increased fines and decreased chances of getting a dismissal. While it seems like a time-saving fix, paying the fine can oftentimes lead to bigger headaches going forward.

### UPDATE FOR 2018:

### Increased Civil Penalties for Construction Sites with "Excessive Violations"

Starting June 1, 2018, the top 10% of construction sites with the highest violation ratios (Class 1 and 2 DOB-ECB infractions issued within the past year divided by site square footage) will see twice the amount of civil penalties that would have otherwise been imposed for new violations. Violation ratios will be split into major building sites, 1-, 2-, or 3-family buildings, and all other sites.



Pro Tip: Major buildings qualify as one of the following: 10 or more stories; 125 feet in height; 100,000 sq. ft. + footprint; or a building so designated by the commissioner.



Take a look at the text of the law and a deeper analysis from the SiteCompli Blog: <https://sitecompli.com/blog/additional-increases-in-construction-related-violations-coming-soon/>



# CONSTRUCTION REGULATIONS FOR OWNERS & MANAGERS

## Overview

In 2017, a number of new rules were enacted to combat construction fatalities and tenant harassment. We've outlined a few of the big changes, but expect more rules to come over the next few years.

## People Requirements

### Safety Training Requirements for Workers and Supervisors

- Being phased in starting March 1, 2018 and going through 2020
- Requirements include 10 or 30 hour OSHA classes, or 100 hour department-approved training programs
- Training must be either in person or “actively proctored” online training
- Permit holders must keep a log of all workers and proof of their training completion. Permit applicants will soon have to certify proper training on a PW2

### Contractor Watchlist for Repeat Actors

- The DOB will compile a “watchlist” of contractors who received a Work Without a Permit Violation in the previous two years
- The DOB shall perform one or more inspections of any sites where watchlist contractors are working. The DOB may also issue additional rules that watchlist contractors must comply with
- Contractors will remain on this watchlist for two years. If new Work Without a Permit violations are issued during this time, the two year clock restarts from the most recent issue date





## CONSTRUCTION REGULATIONS

### Permitting Permissions

- The DOB will not issue permits for new buildings, demolitions, place of assembly permits, or ALT-1 applications if \$25,000 or more in covered arrears (outstanding ECB fines) is owed to the city
- Permit applications must include a certification by the owner of the property stating whether or not more than \$25,000 in covered arrears is owed for that property or in total across the owner's NYC portfolio. 25% of applications will be audited by the DOB & DOF
- Professionally certified applications will not be accepted at buildings where Work Without a Permit violations were issued for one year after the issuance

### Tenant Considerations

- Tenant Protection Plans are required for alterations of buildings that will be occupied during construction
- Owners must provide a copy of the TPP to tenants upon request. A copy will also be made available on the DOB's website
- Owners must notify the DOB in writing at least 72 hours before commencing work that requires a TPP. The DOB will inspect at least 5% of these worksites



Dive deep into the new construction regulations:  
<https://sitecompli.com/blog/how-18-new-tenant-based-regulations-will-impact-your-buildings/>

### Fine Increases

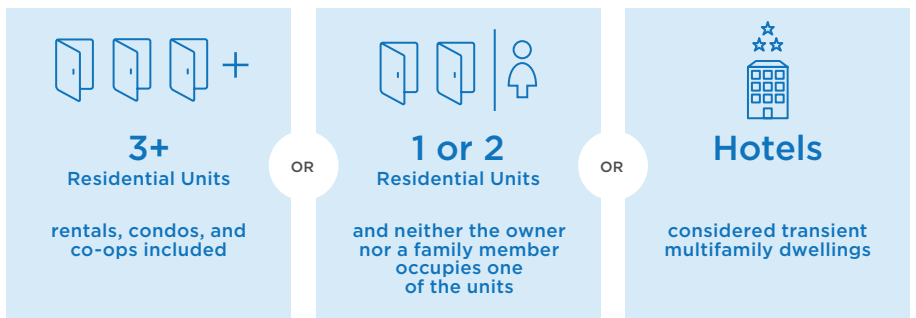
- Work Without a Permit civil penalties issued within one year of previous Work Without a Permit violations will be two times the amount of what otherwise would have been imposed
- Civil penalties for Work Without a Permit violations and violations of a Stop Work Order have increased to \$6,000 minimums, or 21x the permit cost (if greater than \$6,000) for Work Without a Permit infractions
- The DOB may impose complaint-based inspection fees for buildings with Work Without a Permit violations
- Owners must distribute a Safe Construction Bill of Rights to each occupied unit or post in lobbies, floors, and stairwells for any work performed other than minor alterations or ordinary repairs



# RESIDENTIAL REQUIREMENTS

## Registration

Residential properties are required by law to register annually with HPD if they meet one of the following criteria:



Failure to register each year will result in infractions, fines, and the inability to correct open HPD violations.

## Annual Safety Notice Mailings

Residential properties are required to send a mailing to residents annually, between 1/1 - 1/15. The mailing includes:

- **Fire Safety Guide Part I** - Building-Specific Information
- **Fire Safety Guide Part II** - Emergency Information
- **Lead Paint Notice**
- **Window Guard Notice**



Failure to send mailings, attempt to collect missing information, or follow-up on responses may result in violations, penalties, or loss of insurance during a related emergency.



## RESIDENTIAL REQUIREMENTS

### What are the Top Six Things HPD Inspectors Look For?

1. Operational Smoke Detectors
2. Operational Carbon Monoxide Detectors
3. Illegal gates or bars on the windows
4. Illegal double cylinder locks (locks that require a key to exit)
5. Window guards in unit with a child under the age of 11
6. Signs of lead paint in unit with a child under the age of 6

AND specific signage/postings near public areas, as required by law.



Want more details on the annual safety notice mailings process? Read up on best practices over at the SiteCompli Blog: <https://sitecompli.com/blog/youre-not-using-safety-mailings-strategies-youre-working-hard/>

### Class A Residential Smoking Policy

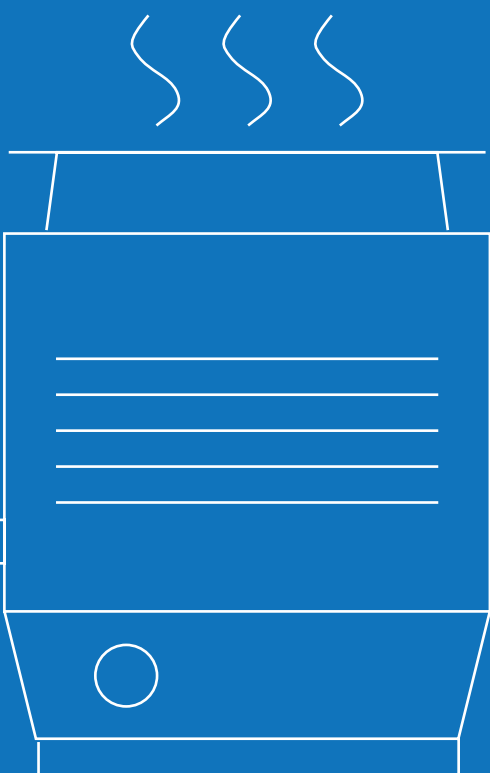
Starting in September 2018, Class A multiple dwellings must draft and enact a written smoking policy “that states in a clear and conspicuous fashion where smoking is permitted or prohibited on the premises.” The policy must include common areas, dwelling units, courtyards, rooftops, balconies, patios, and outdoor areas connected to dwelling units. All applicable smoking laws are still in place, and any written policy must abide by them.

### Heat Season

From October 1 - May 31 of each year, NYC’s Heat Season rules are in effect.

- Between 6 AM and 10 PM, if the outside temperature falls below 55 degrees, the inside temperature must be at least 68 degrees
- Between 10 PM and 6 AM, the inside temperature must be at least 62 degrees regardless of the temperature outside

Failing to meet these temperature levels will result in Class C HPD violations, leading to daily fines from **\$250 - \$1,000 per day**.



# ADDITIONAL REQUIREMENTS



Read the city and state specifics for maintaining cooling towers here: <https://sitecompli.com/blog/prevent-cooling-tower-violations-heres-a-roundup-of-what-you-need-to-know/>

## Cooling Towers

### What to Know

#### ■ Initial Registration

All cooling towers must be registered with the DOB. Cooling towers that existed as of August 18, 2015 were required to register within 30 days of that date. New cooling towers are required to complete registration prior to operation.

#### ■ Annual Certification

All owners/managers of properties with cooling towers are required to submit annual certification with the DOB, verifying that the cooling tower has been inspected, tested, cleaned, and disinfected in compliance with Local Law 77. The due date for Annual Certification is November 1st.

#### ■ Maintenance Plan

Mandatory regular inspections, testing, cleaning, and disinfection of cooling towers is required in accordance with City Local Law 77, ASHRAE 188-2015, SSC Part 4 (New York State), and RCNY Chapter 8 - Title 24.

#### ■ Discontinued Use

Owners/managers must notify the DOB within 30 days after removing or permanently discontinuing use of a cooling tower. The tower must be drained and sanitized according to current DOHMH requirements.

#### ■ Extended Shut-Down

Cooling towers shut down for more than five days must be cleaned and disinfected. Cleaning must occur within 15 days before resumed use.

## Water Tanks

Owners of buildings with pressurized tanks for drinking water must hold annual inspections, and submit them by January 15th for the preceding year (January 15th, 2018 for the 2017 year, and so on).

*Reports can be submitted online or via mail.*

## Gas Safety Regulations

Several Local Laws were passed in Late 2016 regulating gas piping systems. Here are some key points from the new laws:

<b>Local Law 151</b>	Starting 1/1/18, the DOB will perform a final inspection on all gas piping system work.
<b>Local Law 152</b>	Starting 1/1/19, gas piping systems (except those in R-3 buildings) will be periodically inspected at least once every five years (and conducted as set forth by the commissioner).
<b>Local Law 153</b>	Starting June 2017, owners must provide notice to their tenants outlining procedures in the event of a gas leak.
<b>Local Law 154</b>	Starting late winter 2017, utility companies/building owners must each notify the DOB if gas is shut off due to safety concerns and not restored within 24 hours.
<b>Local Law 155</b>	A designated agency will create a report every three years relating to gas risk identification and enforcement.
<b>Local Law 156</b>	Gas plants/corporations are required to submit annual asset reports before July 1st, beginning in 2017.
<b>Local Law 157</b>	Reviews natural gas detecting device requirement alongside carbon monoxide/smoke detector requirements, in place after the DOB promulgates rules standardizing the same.
<b>Local Law 158</b>	Establishes a temporary fuel gas violation resolution program - penalties will be waived for certain owners who promptly resolve infractions.
<b>Local Law 159</b>	Specific violations related to gas piping law will be deemed immediately hazardous (Class 1) and subject to additional penalties if uncorrected.



## ADDITIONAL REQUIREMENTS



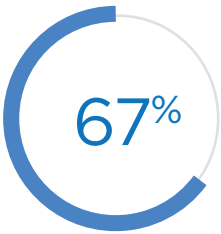
Access the city's online submission/mail-in inspection forms here: <https://www1.nyc.gov/site/doh/business/permits-and-licenses/drinking-water-tank-inspection-reporting.page>



Need to post a gas leak procedure notice? Find out how to make sure you're compliant with your signage: <https://sitecompli.com/blog/update-hpds-new-gas-leak-notice-youre-required/>



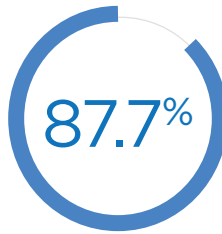
# COMPLIANCE FACTS MOST PEOPLE GET WRONG



Of NYC Managers  
Got This Wrong

**The fine for an EVCAT1 violation is the same as the fine for an ACC1 violation.**

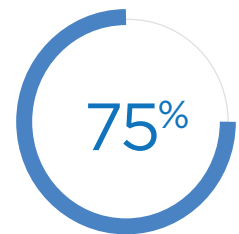
Whether you don't submit a required annual Category 1 inspection, or you just forget to submit an Affirmation of Correction on an Unsatisfactory inspection, the penalty is the same: \$3,000 per non-compliant device.



Of NYC Managers  
Got This Wrong

**Buildings 25,000 - 49,999 square ft. have to comply with Local Law 84, NOT Local Law 87.**

As of now, owners of mid-sized properties will only need to submit annual Benchmarking reports - not 10-year Energy Efficiency Reports. Of course, that's subject to change.



Of NYC Managers  
Got This Wrong

**The new minimum penalty for violating a Stop Work Order (for the first time) is \$6,000.**

An increase of \$1,000, first-time SWO violators will have to pay \$6,000 in civil penalties. Subsequent SWO violations will see a \$12,000 civil penalty.

# 2018 Checklist Key Dates

JAN	15 <sup>TH</sup>	• Last day to distribute annual lead paint/window guard notices to residential tenants	DOHMH/HPD
		• First deadline to distribute Fire Safety Guides to residential tenants	FDNY
		• Deadline to submit annual water tank inspection for 2017 calendar year	DOHMH
FEB	15 <sup>TH</sup>	• Landlords must begin to make reasonable attempts to acquire lead paint/window guard information for non-responsive tenants, as part of annual safety notice mailings process	DOHMH/HPD
		• Legal deadline for new, renewal, and change requests for the 2018 - 19 Co-op/Condo Abatement	DOF
	21 <sup>ST</sup>	• Facade Inspection Safety Program Cycle 8B Filings Due in DOB NOW - Safety (Blocks ending in 0, 7, or 8)	DOB
MAR	1 <sup>ST</sup>	• Notify DOHMH of all non-responsive tenants and attempts to acquire information in writing, as part of annual safety notice mailings process	DOHMH
		• Deadline to appeal Assessment to Tax Commission for Class 2, 3, and 4 properties	DOF
	15 <sup>TH</sup>	• Deadline to appeal Assessment to Tax Commission for Class 1 properties	DOF
		• Deadline for property owner personal exemptions (STAR, DHE, DRIE, Veterans', Clergy, SCHE, SCRIE)	DOF
APR	1 <sup>ST</sup>	• DHCR Registration begins in ARRO system	DHCR
MAY	1 <sup>ST</sup>	• Local Law 84 Annual Benchmarking Report Due	DOB
	21 <sup>ST</sup>	• Annual HPD Registration for 2018 - 19 begins	HPD
	31 <sup>ST</sup>	• Last day of HPD Heat Season for 2017 - 18	HPD
JUN	1 <sup>ST</sup>	• Violation Threshold Ratio & increased civil penalties go into effect (Local Law 205 of 2017)	DOB/ECB
JUL	31 <sup>ST</sup>	• Final day to submit DHCR registration	DHCR
AUG	28 <sup>TH</sup>	• Class A multiple dwellings must adopt a smoking policy and provide to tenants or post (Local Law 147)	HPD
SEP	1 <sup>ST</sup>	• Deadline for annual HPD registration. Required for multifamily residences (3+ units), designated residences, and hotels	HPD
OCT	1 <sup>ST</sup>	• HPD Heat Season begins for 2018 - 19	HPD
		• Last day to submit an extension request for Local Law 87: Energy Audits & Retro-commissioning	DOB
NOV	1 <sup>ST</sup>	• Deadline for Annual Cooling Tower Certification	DOB
DEC	1 <sup>ST</sup>	• Owners required to report bedbug information for each dwelling unit electronically to HPD; due Jan 1, 2019	HPD
		• Last day to file annual elevator & boiler inspections for 2018 cycle	DOB
		• Last day to perform annual lead paint inspections in required units per Local Law 1	HPD/DOHMH
	31 <sup>ST</sup>	• Last day to submit Local Law 87 EER Reports for buildings due in 2018 (covered buildings list - 50,000 sq. ft - with a last digit of "8" as the building's tax block number)	DOM

# Did You...

<input type="checkbox"/>	Schedule annual elevator & boiler inspections with your vendors?	DOB
<input type="checkbox"/>	Schedule any required Category 5 (5 year) inspection tests?	DOB
<input type="checkbox"/>	File Cycle 8B facade report if eligible (block numbers 0, 7, and 8)?	DOB
<input type="checkbox"/>	Schedule facade inspections for Cycle 8C?	DOB
<input type="checkbox"/>	Prepare & file LL87 Energy Auditing & Retro-commissioning if eligible (properties on covered buildings list with block ending in "8")?	DOB
<input type="checkbox"/>	Prepare and file LL84 annual benchmarking report?	DOB
<input type="checkbox"/>	Renew TCOs every 90 days if necessary?	DOB
<input type="checkbox"/>	Review permit expiration dates and renew if necessary to avoid Work Without Permit Violations?	DOB
<input type="checkbox"/>	Perform regular daily, weekly & monthly Cooling Tower maintenance tasks in advance of Annual Certification?	DOB
<input type="checkbox"/>	Lock down a vendor for the 2018-19 annual safety notice mailings process?	DOHMH/HPD
<input type="checkbox"/>	Renew and inspect sprinkler/standpipe units?	FDNY
<input type="checkbox"/>	Renew and inspect A/C system permits?	FDNY
<input type="checkbox"/>	Renew Place of Assembly permits?	FDNY
<input type="checkbox"/>	Renew Certificates of Fitness, and review new COF requirements?	FDNY
<input type="checkbox"/>	Renew DEC petroleum bulk storage permits?	DEC
<input type="checkbox"/>	Renew DEP boiler triennials (Certificates to Operate/Registrations)?	DEP
<input type="checkbox"/>	File yearly tax exemptions?	DOF
<input type="checkbox"/>	File tax estimates, declarations, returns, and extensions?	DOF
<input type="checkbox"/>	Complete quarterly or semiannual property tax payments?	DOF
<input type="checkbox"/>	Post and share new required gas leak and construction notices?	DOF/DOB

Dates and compliance information is reported from NYC agencies and is subject to change. Each building in NYC has specific requirements and deadlines that can differ across borough, building type, etc. SiteCompli's Services are provided for informational purposes only, on an "as is" and "as available" basis. SiteCompli, its licensors and other suppliers disclaim all warranties, whether express or implied, including, but not limited to, any promises of accuracy or correctness of information provided or omitted. The full list of Terms of Use that govern SiteCompli's Services and website can be found at [www.sitecomplli.com/terms](http://www.sitecomplli.com/terms). Copyright ©2018 SiteCompli, LLC.

# 2018 NYC VIOLATIONS COMPANION GUIDE

Contact us today to learn more about how SiteCompli can help your company.

✉ [sales@sitecompli.com](mailto:sales@sitecompli.com)

📞 800-564-1152

💻 [www.sitecompli.com/contact-us/](http://www.sitecompli.com/contact-us/)

## Helpful NYC Agency Contacts

AGENCY	PHONE NUMBER
Benchmarking Help Center	212-566-5584 <a href="mailto:questions@benchmarkinghelpcenter.org">questions@benchmarkinghelpcenter.org</a>
DHCR Rent Info Line	718-739-6400
DOB Boiler Division Customer Service	212-393-2661
DOB Elevator Division Customer Service	212-393-2144
DOF Tax Commission	212-669-4410; Fax: 212-669-8636
ECB - Respond to your Ticket -Including Reschedule a Missed (Default) Hearing	<a href="http://www.nyc.gov/html/oath/html/ecb/respond-ticket.shtml">http://www.nyc.gov/html/oath/html/ecb/respond-ticket.shtml</a>
ECB Customer Service	1-844-OATH-NYC (1-844-628-4692)
FDNY District Office Headquarters	718-999-2457 / 2458
FDNY District Office 37: LPPA (Public Assembly)	718-999-2405 / 2404 / 2403 / 2436
FDNY District Offices 93 & 94: Sprinkler & Standpipe Inspection Scheduling	718-999-2512 / 2514 / 2478 / 2479
HPD Bronx Code Enforcement	212-863-7050
HPD Brooklyn Code Enforcement Euclid Ave.	212-863-6620
HPD Brooklyn Code Enforcement Joralemon Ave.	212-863-8060
HPD Manhattan Code Enforcement	212-863-5030
HPD Queens Code Enforcement	212-863-5990
HPD Staten Island Code Enforcement	212-863-8100

## Need More Compliance Resources?

### The SiteCompli Blog

<https://sitecompli.com/blog/#subscribenow/>

### The SiteCompli Knowledge Center

<https://sitecompli.com/knowledge-center/>



SiteCompli is NYC's leading compliance-monitoring solution, automatically & continuously compiling data from NYC government agencies, including DOB, ECB, HPD, DEP, FDNY and more, while tracking required inspections on elevators, boilers, & façades. Every day, SiteCompli helps thousands of owners and managers keep their properties in compliance and avoid unnecessary risks & fines.

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