



# The State of NYC Violations 2022

A look at NYC violation data trends from 2019 – 2022, including what's on the rise and what might be next.

# Are violations on the rise again after the downturn in 2020?

After adopting significant changes during the pandemic, agency policies and procedures are starting to stabilize. Does that mean violation levels are also returning to “normal”?

Our team took a look at OATH and HPD violation data from 2019 through the first half of 2022 (January – June).

Here’s just some of what we’ll dive into:

- Have violation counts bounced back from the lows of 2020?
- Which neighborhoods have the highest agency violation counts?
- What kinds of violations are on the rise?

# Table of Contents

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OATH Overall	2
<hr/>	
<b>Agency By Agency</b>	
<hr/>	
· DOB	4
<hr/>	
· Sanitation	8
<hr/>	
· DOHMH	10
<hr/>	
· FDNY	12
<hr/>	
Bonus - HPD	14
<hr/>	
What Do These Numbers Mean For You?	16
<hr/>	

## OATH OVERALL

Starting in March 2020, OATH switched from primarily in-person hearings to virtual hearings (video and phone). And as of September 2022, “OATH is only holding in-person trials or hearings when requested and approved in advance.”

But whether they’re in person or virtual, the amount of OATH violations tied to hearings is on the rise once again:



- Overall, OATH-related violation totals are still lower than sky-high numbers from 2019
- Still, the total amount of violations issued in 2021 was a 57% increase from 2020
- Violation totals in 2022 are on pace to blow past 2020 numbers, with a prorated total of 466,288\*

Let’s break this data down and highlight key details, along with some areas of risk for owners and managers.

\*Prorated total based on average monthly violation counts issued in the first half of 2022

## DEEP DIVE: YEAR-OVER-YEAR COMPARISON

The first few months of 2020 reflected increased violation counts year over year from 2019 – before a drastic pandemic-induced decrease in March drove violation counts down for the rest of the year.

### Year Over Year Change By Agency And Month - 2019 vs 2020

AGENCY	JANUARY	FEBRUARY	MARCH	APRIL
Department of Buildings	+28% ↑	+15% ↑	-31% ↓	-73% ↓
FDNY	+31% ↑	+26% ↑	-24% ↓	-82% ↓
Sanitation	+16% ↑	+5% ↑	-28% ↓	-59% ↓

Before the pandemic, key agencies were on track to have another high-count year. But as we move forward, what does that look like for future years?

## POSSIBLE IMPACTS ON OATH VIOLATION LEVELS GOING FORWARD

While 2021 and 2022 violation counts are on the rise, they haven't quite reached the highs of 2019. There's a few reasons why that might be the case:

### 1 Internal Agency Challenges

Certain agencies aren't purposely issuing fewer violations – they're just being stretched to the limit. The Department of Buildings has a 20% vacancy rate for site inspectors<sup>1</sup>, so there are fewer folks on the streets issuing violations. And the FDNY is dealing with their own challenge – a switch to a new way of storing information, which can impact the ability to quickly process information (including new violations). Of course, that could all change and rebound next year.

### 2 Less Construction & Less People

Another big shift? Less construction is happening citywide since 2020, which may have led to a reduction in DOB penalties specifically. And with RTO numbers growing, the amount of folks out and about in NYC will increase. That could lead to more 311 calls, which generally lead to more infractions.

### 3 Efforts From The New Administration

The Adams Administration is making specific efforts to reduce fines on small businesses<sup>2</sup> – including first time warnings, universal cure periods, and eliminating some violation types. While the impact of mayoral administrations on OATH-related agencies is always cyclical, it's important to stay tuned here and see how these changes could impact your business. More on this in the DOB section.

### 4 Shifts For Select Agencies

Certain agencies may be impacting overall violation count numbers more than others. For example, average monthly violation totals for DSNY are already higher in 2022 than they were in 2021. The same goes for DOHMH, where the monthly average in 2022 is almost double that of 2021 violation counts. Those numbers are offsetting reduced counts for DOB & FDNY.

<sup>1</sup> <https://www.crainsnewyork.com/construction-property/ny-comptroller-blasts-department-buildings-audit-construction-site-safety>

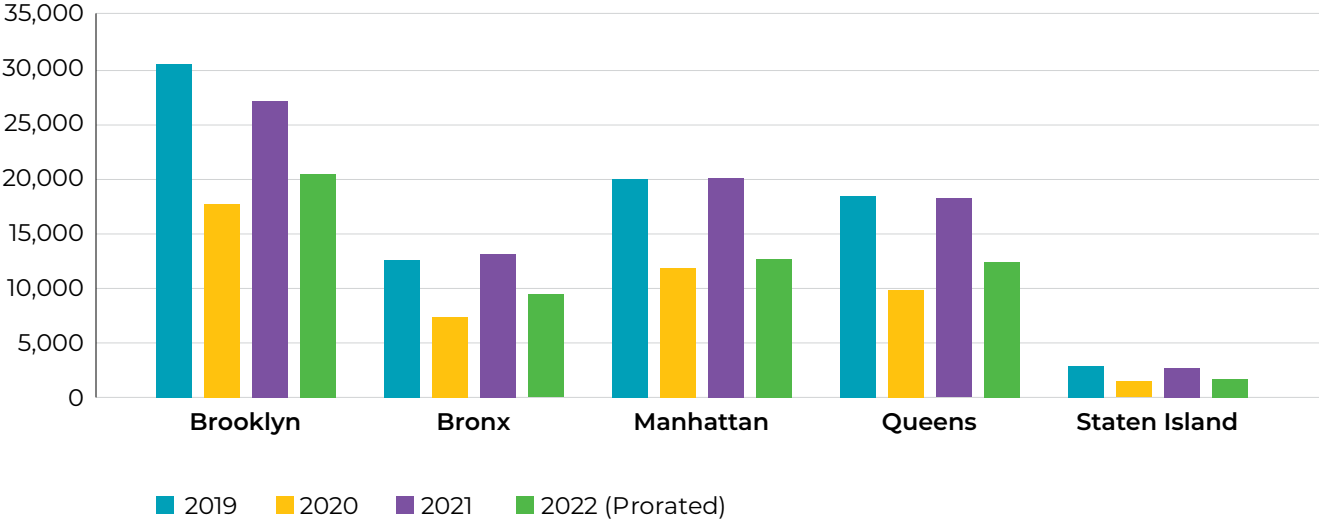
<sup>2</sup> <https://www1.nyc.gov/office-of-the-mayor/news/303-22/mayor-adams-reduces-burdens-nyc-small-businesses-jumpstarts-city-s-economic-recovery-by/#/0>



# Closeup On DOB-OATH Violations

Even though the DOB is making changes to some key violations and the way they're enforced (see page 7), they're still one of the largest violation issuers of all OATH-related agencies. On top of that, fines for DOB-related violations tend to be higher on average (compared to more frequently issued Sanitation violations).

## DOB VIOLATION COUNTS BY YEAR

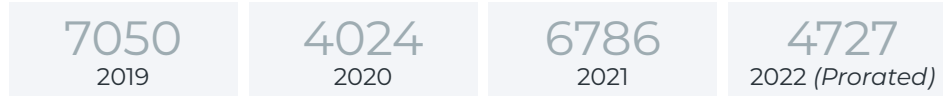


## HERE'S WHAT THE DOB DATA SAYS:

- Failure To Comply Is The Biggest Challenge**  
 In all boroughs, the Infraction code B263 (Failure to Comply with Commissioner Order to File Cert of Correction) is the most issued infraction. This is issued when an initial DOB-OATH violation lacks a Certificate of Correction – even if you’ve already attended a hearing or paid a fine. While enforcement at the DOB is evolving, we don’t anticipate this infraction going away anytime soon. Correcting issues is critical to maintaining safety throughout the five boroughs. The best way to prevent it (and the fines that come with it)? Ensure you’re able to submit Certificates of Correction for open DOB-OATH violations as soon as possible. That will also prevent additional fines for Class 1 violations in the form of AEUHAZI administrative violations.

- 2022 Monthly Numbers Are Below Average**

Compared to both 2021 and 2019 (but not 2020), monthly violation counts at the DOB are trending below average:



There's no real pattern here – violations aren't higher per month at the start or end of the year, and they're not necessarily lower in the summer or winter months. But it's important to know DOB inspectors are on the job year-round.

- Brooklyn's Big Numbers & Manhattan's Elevators**

For half of the most frequently issued violation types, Brooklyn ranks first among the boroughs. In addition to Failure to Comply mentioned above, "Miscellaneous" violation types hold several of the top spots. These infraction codes (B106 and B206) can incur penalties of up to \$25,000 – with no cures offered for B106 infractions.

While prorated totals for 2022 in Manhattan are low compared to previous years (especially compared to Brooklyn), there are key issues to note. In Manhattan, Class 1 Failure to Maintain Elevator or Conveying System were issued frequently through 2021 (with numbers for the Bronx not far behind).

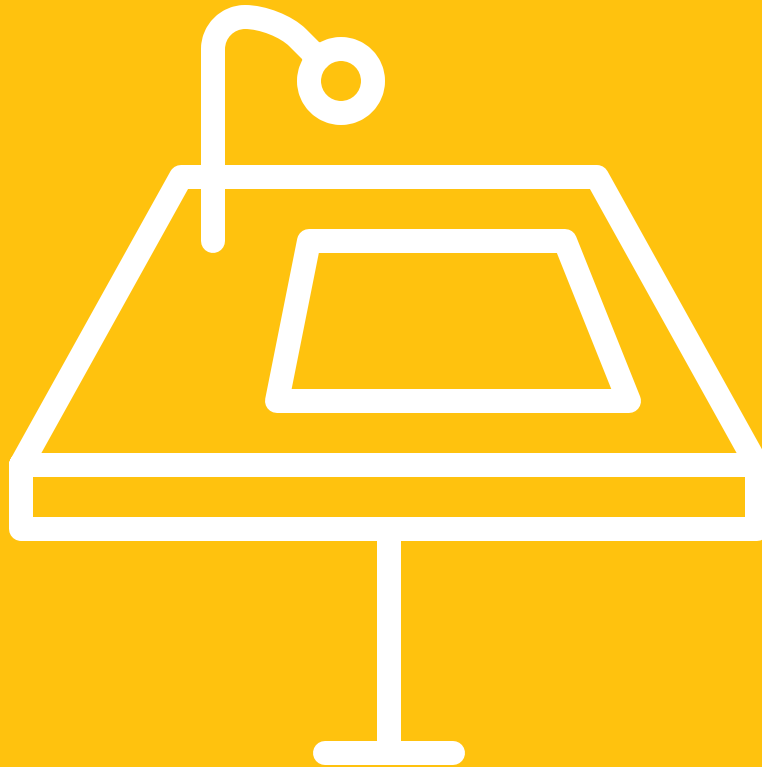
Remember – OATH related infractions are separate from violations for failure to file annual required inspections for elevator devices. And owners have even more responsibilities here with the recent addition of periodic inspections. For safety reasons and to prevent steep penalties, it's critical to ensure elevators are in compliance year-round.

RANK	ZIP CODE
1	11221
2	11211
3	11226
4	11207
5	11206

**Highest DOB Violation Count By Zip Code**

Takeaways? Brooklyn has received some of the highest counts of DOB violations over the past 3+ years.





## New Administration, New DOB Changes?

The Adams administration is looking to make some changes at the DOB – ones that could impact violations issued across the five boroughs.

In May, the Mayor announced reforms to 118 city regulations<sup>1</sup>, with an eye towards “reducing fines, introducing more cure periods and first-time warnings, and cutting red tape.” This includes a 60-day cure period across Class 2 major violations and Class 3 lesser violations related to small businesses. It also includes eliminating the violation for a failure to conspicuously post electrical work permit while work is in progress.

While these rules are still in the proposed stage, the intent is clear – reduce the burden on named respondents while keeping the city safe.

There’s also a new leadership team for DOB Enforcement Operations<sup>2</sup>. Joseph J. Esposito has

been announced as the new Deputy Commissioner for Enforcement, with previous experience from the Office of Emergency Management and much more.

Additionally, on September 14th, the Mayor’s Office announced a 90-day commission<sup>3</sup> prioritizing customer service and the creation of a report with “focus on eliminating unnecessarily complicated practices, onerous regulatory hurdles, and inefficient workflows. The report will be public once complete.”

Changes based on the report’s recommendations are expected in 2023. We’ll let you know what that looks like as soon as the report is announced.

Bottom line? Change is in the works at the DOB (and, according to reports, coming to other agencies), so stay tuned!

<sup>1</sup> <https://www1.nyc.gov/office-of-the-mayor/news/303-22/mayor-adams-reduces-burdens-nyc-small-businesses-jumpstarts-city-s-economic-recovery-by/#/0>

<sup>2</sup> <https://www1.nyc.gov/site/buildings/dob/pr-leadership-appt-for-enforcement.page>

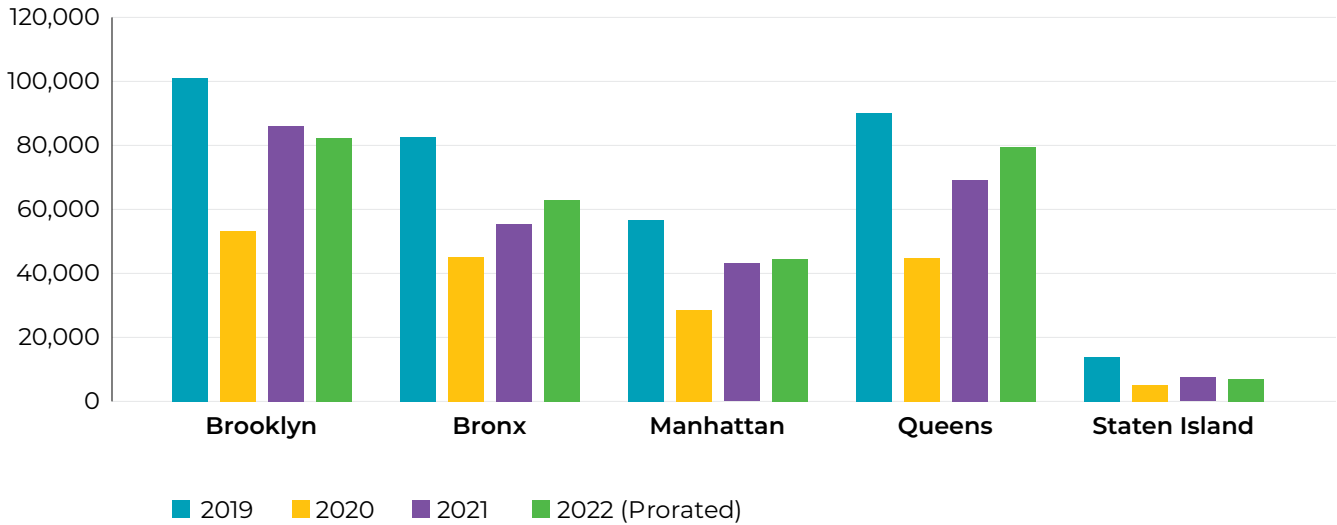
<sup>3</sup> <https://www1.nyc.gov/office-of-the-mayor/news/665-22/mayor-adams-takes-major-steps-refocus-department-buildings-improved-customer-service->



# Closeup on Sanitation Violations

Compared to other agencies, Sanitation tickets remain at generally high levels. Though fine amounts tied to these tickets tend to be lower than DOB or FDNY penalties, they are issued much more frequently. 2022 is no exception, with a monthly average that's already higher than 2021 average totals. And without the pandemic, we may have seen even higher numbers – the biggest monthly count over the past few years was January 2020, with 32,272 violations issued citywide.

## DSNY VIOLATION COUNTS BY YEAR



### Failure To Street Clean Claims Top Spot

In our last data report, we predicted the top Sanitation violation would be overtaken by a fast-climbing infraction. We were right - the top violation in all boroughs from 2019 – 2022 so far? Code AS26 – Failure to Clean 18” Into the Street. And it’s only growing – totals for this violation in Brooklyn for 2022 have already eclipsed 2019 counts, with half a year to go.

### Sanitation and Combination Violations

Sanitation Tickets frequently note several infraction types instead of just one. So in addition to things like cleaning into the street, you’ll often see dirty sidewalk, dirty area, or other code types included on a single violation.

### Smaller Buildings, Beware

Smaller buildings aren’t immune to Sanitation violations. In fact, there are several high-count violations for failure to meet recycling regulations for properties with 1 – 8 units (Code AR7G). If you’re managing smaller condos, co-ops, or rentals, make sure management knows how to properly place recyclables for collection.

RANK	ZIP CODE
1	11221
2	11207
3	10456
4	11368
5	11385

### Highest Sanitation Violation Count By Zip Code

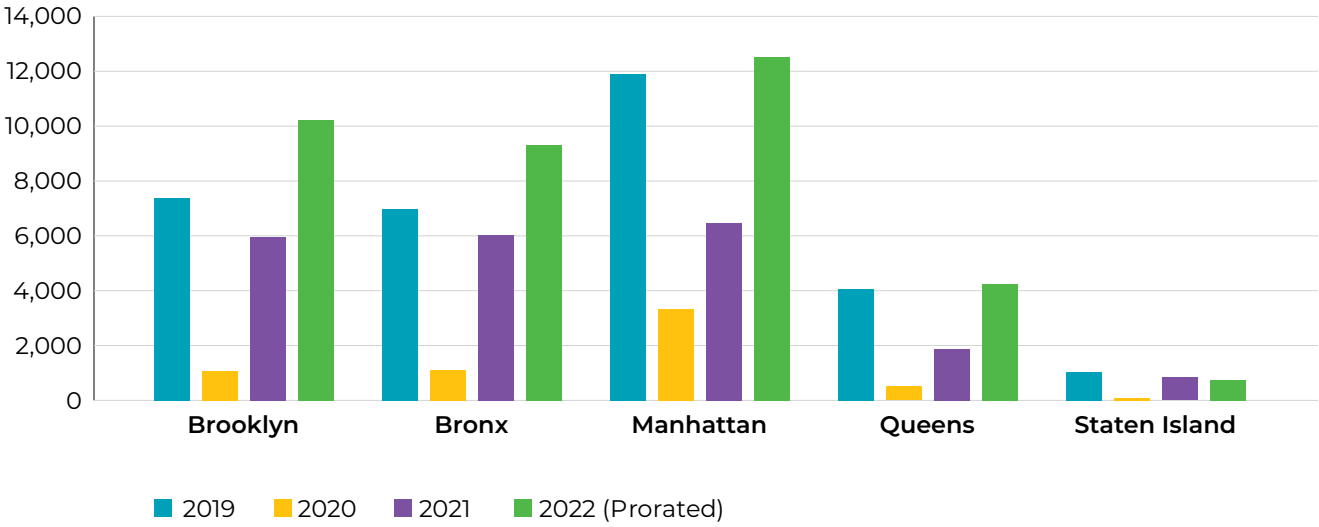
Takeaways? A mix of Brooklyn, the Bronx, and Queens hold the top spots – and there’s some overlap with DOB high count neighborhoods.



# Closeup on DOHMH Violations

The DOHMH saw the steepest decline in violation counts in 2020, with monthly counts ranging from 0 (yes, zero) to 1,415 throughout the year. Since then, counts have grown substantially:

## DOHMH VIOLATION COUNTS BY YEAR



■ **DOHMH's Significant Violation Count Increases**

After the lows of 2020, the DOHMH had an average violation count of 1,889 per month in 2021. In 2022, that average has jumped to 3,307 through June – a 43% increase from the previous year.

■ **Rodent Infestations Are Main Focus**

Every year, and in most boroughs, infraction code AH3N is on top - “Failure to Eliminate Rodent Infestation Shown By Active Rodent Signs.” While there are other rodent-related infractions, this one is consistently at the top. It’s critical to stay on top of any rodent and pest related complaints – especially since there’s crossover with HPD infractions and requirements like Local Law 55.

RANK	ZIP CODE
1	11216
2	11221
3	11237
4	10458
5	10457

**Highest DOHMH Violation Count By Zip Code**

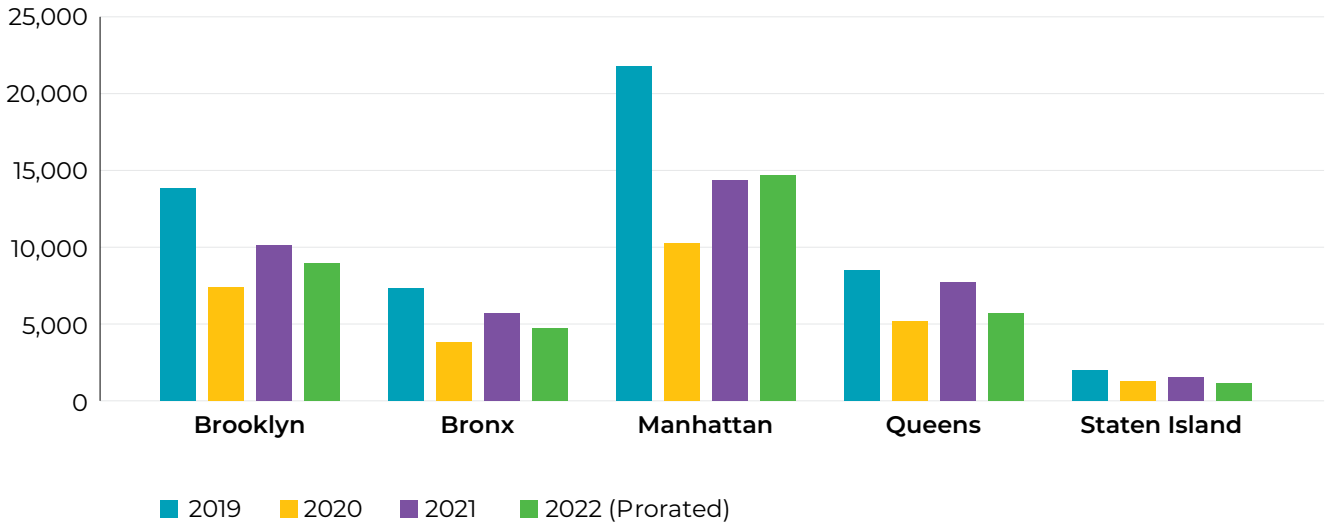
Takeaways? A mix of Brooklyn neighborhoods and the Bronx are the highest count areas for DOHMH. Note some overlap with the DOB high count list.



# Closeup on FDNY Violations

While violation counts from the FDNY are still catching up to the highs of 2019, Manhattan's totals are in line with previous years and exceed all other boroughs significantly:

## FDNY VIOLATION COUNTS BY YEAR



■ **Unwarranted Alarms A Major Challenge**

We hear this from clients a lot, and it's reflected in the numbers too. Violations for Unwarranted Alarms (BF/VC35) are one of their biggest FDNY challenges. Our biggest tip? Document EVERYTHING. Ensure you have records of every instance and your fire safety vendors are kept in the loop. This can help at OATH hearings.

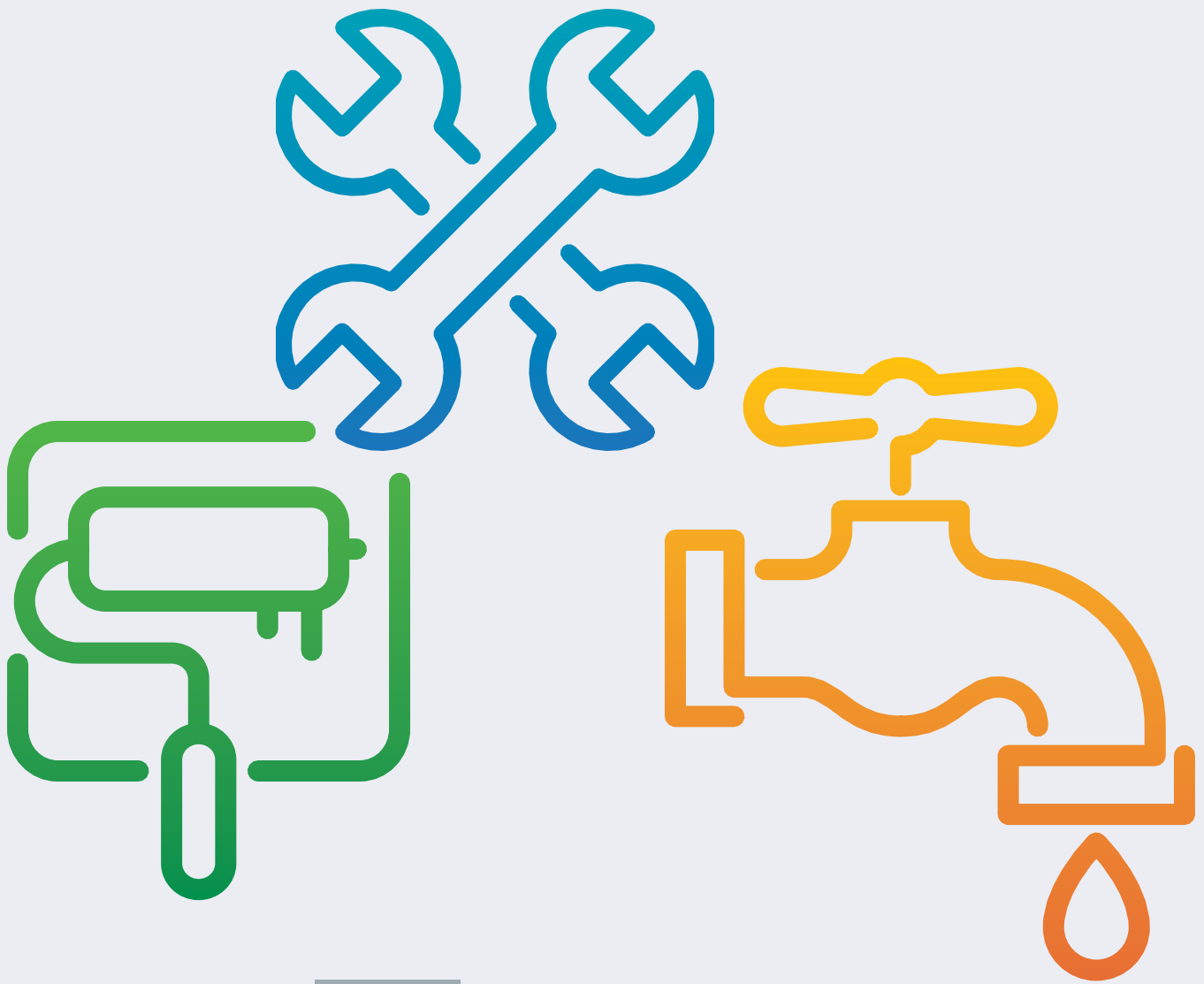
■ **Inspection and Testing A Close Second**

BF/VC20 is for inspection and testing, and it's the second highest violation type for most boroughs. Whether you're managing sprinkler/standpipes or other equipment, it's critical to keep track of previous inspections and set reminder tasks or triggers for future ones – especially if they're years out.

RANK	ZIP CODE
1	10001
2	10003
3	10019
4	10013
5	10016

Highest FDNY Violation Count By Zip Code

**Takeaways?** Manhattan gets all top 5 spots for highest FDNY violation counts.



BONUS

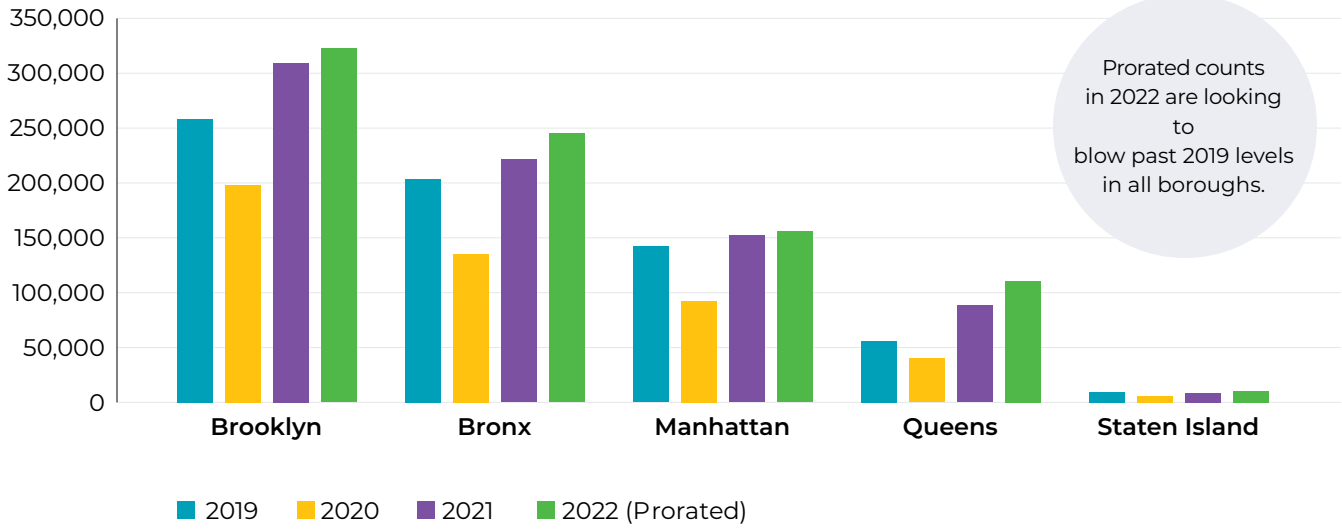
# Closeup on HPD Violations

While HPD isn't part of OATH, it's responsible for issuing a huge amount of violations citywide.

We wanted to give you a peek into what that looked like from 2019 through mid-August 2022:



## HPD VIOLATION COUNTS BY YEAR



## Top HPD Violation Types

These infraction types took the top 10 spots over the past few years – with most garnering over 100,000 individual citations:

- 1 Paint/Plaster *Consistently high each year*
- 2 Repair
- 3 Bedbugs *Newly distinct, and explosively growing violation type*
- 4 Door
- 5 Pests (General)
- 6 Replace
- 7 Mold
- 8 Carbon Monoxide Detector
- 9 Vermin
- 10 Smoke Detector

While violations for hot water and window guards are very prevalent, they're issued much less frequently than the above infractions. Additionally, failure to post signs was commonly issued each year.

### Bedbug Infractions

According to HPD's records, bedbug-specific infraction codes did not appear in 2019 or 2020, but quickly rose to the 2nd and 1st infraction spot in 2021 and 2022, respectively. Coupled with recent bedbug reporting and follow-up requirements, it's clearly a city priority.

# What Do These Numbers Mean For You?

Here's how you can use this information to help your team craft a solid compliance strategy going into 2023:

## Adapt Plans To Location & Frequency

- If possible, adjust your compliance strategy based on the numbers. If your neighborhood is seeing elevated violation counts compared to others, try to allocate resources to preventing & responding to issues at those properties.
- Note the top types of violations from different agencies, and outline a strategy for preventing and responding to those specific infractions. For example, filing Certificates of Correction on time will prevent the #1 most frequently issued DOB-ECB violation (and any accompanying fines) every time.

## Focus On Proactive Prevention

- Once you're inside a residential unit to respond to a violation/issue, perform a proactive inspection. You can prevent potential complaints and violations, and document findings & appropriate follow-up work.
- As a reminder, these violation counts do not include certain administrative infractions – for example, violations issued for failure to file required DOB inspections. Make sure your team has a plan to ensure all inspections are performed on-time, so you can avoid the end-of-year compliance crush when many filings are due.
- Work with your trusted vendors to outline your compliance strategy each year, including required inspections, filings, and industry best practices that can help you prevent the most frequently issued infractions.



Be proactive, not reactive – talk to us about how to level up your compliance strategy

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