

2023 NEW YORK CITY

VIOLETIONS & BUILDING OPERATIONS GUIDE



**EMPOWER YOUR TEAM & PREVENT VIOLATIONS IN
THE WORLD'S MOST COMPLEX ENVIRONMENT**

TABLE OF CONTENTS

Introduction.....	2
Must-Dos: Required Inspections.....	3
■ <i>Gas Piping Systems.....</i>	<i>4</i>
■ <i>What's New With Elevators.....</i>	<i>6</i>
■ <i>Parking Structures.....</i>	<i>8</i>
■ <i>Breaking Boilers.....</i>	<i>9</i>
■ <i>Façade Inspection Reports.....</i>	<i>12</i>
■ <i>Cooling Towers.....</i>	<i>14</i>
Sustainability Requirements.....	16
■ <i>Local Law 84.....</i>	<i>17</i>
■ <i>Local Law 87.....</i>	<i>18</i>
■ <i>Local Law 97.....</i>	<i>19</i>
Strengthening Your Compliance Team.....	20
OATH Fines & Hearings.....	23
FDNY Regulations & Violations.....	26
■ <i>Violations.....</i>	<i>27</i>
■ <i>Back-of-Door Fire Safety Notices.....</i>	<i>28</i>
Residential Requirements.....	29
Improving Your Inspection Processes.....	33
2023 Compliance Checklist.....	36

Building management has changed drastically in New York City, and the changes are everywhere. There's the increasing number of regulations, the growing needs of tenants (residential, retail, corporate and institutional), and the new advent of technology as a means of sharing information.

A reactive approach to compliance just doesn't cut it anymore. In order to stay ahead and protect your portfolio, teams need to think strategically about compliance operations. Welcome to the 2023 NYC Violations & Building Operations Guide, your go-to resource for the latest compliance changes and best practices for ongoing building operations.



Get Even More Details

We'll let you know where you can find even more information and resources on the topics in this guide.

To get the latest compliance updates and news directly in your Inbox, subscribe to our blog page:

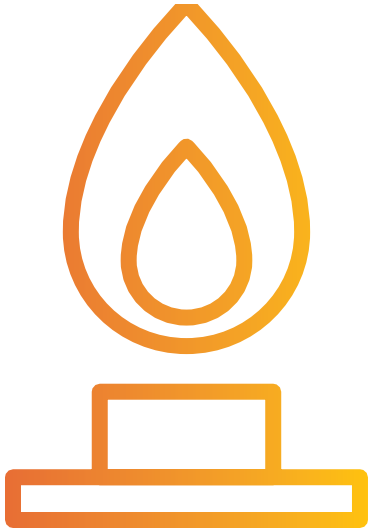
<https://sitecompli.com/blog#subscribenow>

Here are some of the biggest trends we cover in the 2023 Guide:

- New Periodic Elevator Inspection rules
- Cooling Tower updates and reminders
- The latest on Local Law 97 Rules and how they impact your buildings
- Best practices to strengthen your compliance team
- Breakdown of OATH changes and how they impact your organization



**MUST-DO'S:
REQUIRED
INSPECTIONS**



GAS PIPING SYSTEMS



To see all the steps of Local Law 152, visit:

<https://www.nyc.gov/site/buildings/property-or-business-owner/gas-piping-inspections.page>



Do you know your community district?

Discover what community district you fall in so you can stay ahead of compliance deadlines.

<https://communityprofiles.planning.nyc.gov/>

Local Law 152 made gas piping systems the latest building component to have mandated regular inspections in order to prevent gas leaks and emergencies. Inspections must be conducted by a qualified inspector (a licensed master plumber) and submitted to the DOB.

No later than 60 days following a building's inspection date, the building owner must submit the inspection report to the DOB.

If there are problems with the gas piping system and the inspection needs corrections, another Certification indicating corrections were done must be submitted within 120 days of the original inspection.

If the filed Certification indicated that additional time was needed to make any corrections, you must inform the DOB that corrections were made within 180 days of the initial inspection date.

Failure to submit a certified inspection will result in a \$10,000 fine.

INSPECTION SUBMISSION DEADLINES:	
January 1, 2022 – December 31, 2022	Community Districts 4, 6, 8, 9, and 16 in all boroughs
January 1, 2023 – December 31, 2023	Community Districts 11, 12, 14, 15, and 17 in all boroughs
January 1, 2024 – December 31, 2024*	Community Districts 1, 3, and 10 in all boroughs
January 1, 2025 – December 31, 2025*	Community Districts 2, 5, 7, 13, and 18 in all boroughs

EVEN IF YOU DON'T HAVE GAS PIPING, YOU STILL HAVE ACTION ITEMS TO COMPLETE:

If a property has no gas piping system, licensed master plumbers or registered design professionals must certify that the building contains no gas piping. These certifications must also be submitted to the DOB within the above timeframes.

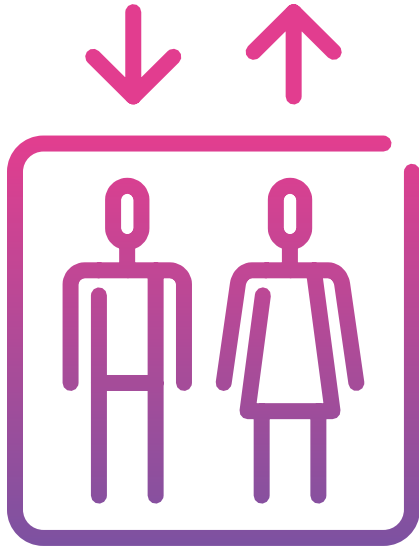
Buildings that have gas piping systems but are not currently supplied with gas or connected to any equipment must submit documentation to the DOB via their online portal containing signed statements from the utility company that would be responsible for providing gas service to the building and the owner of the building.



To learn more about gas piping rules, read the blog here:

<https://sitecompli.com/blog/new-gas-piping-inspections-update-for-2019/>

*Anticipated dates for the coming years following the first cycle; subsequent filings must be made no later than December 31st within every fourth calendar year



WHAT'S NEW WITH ELEVATORS



For more information on elevator compliance, visit the NYC Buildings Elevator FAQ page:

<https://www.nyc.gov/site/buildings/safety/elevator-frequently-asked-questions.page>



To see the official DOB Service Update on Periodic Inspections, follow this link:

https://www1.nyc.gov/assets/buildings/pdf/periodic_elevator_inspections_sn.pdf

PERIODIC INSPECTIONS

Periodic inspections are no longer performed by private directors or inspectors on behalf of the DOB.

Instead, building owners must hire an authorized agency to perform annual periodic inspections on their behalf. This is in addition to required Category 1 inspections (more details below).

Here are the new periodic inspection rules:

- Periodic inspections must take place between January 1 and December 31 of each year, with a minimum of 90 days from the date of any Category 1 testing or past periodic inspection
- Initial periodic inspections on new installations must be performed in the calendar year following the final acceptance test
- Periodic inspections must be performed by an approved elevator agency and cannot be affiliated with the agency performing the maintenance
- Witnessing agencies are not required to witness the periodic inspections

PERIODIC ELEVATOR INSPECTIONS FILING DEADLINES:	
Periodic elevator inspection report submission deadline to the DOB	Within 14 days of the date of the inspection
Deadline for correcting defects identified in the periodic elevator inspection report	Within 90 days of the date of the inspection
Deadline for submitting affirmation of correction to the DOB	Within 14 days of the date the corrections were made

KNOW THE DIFFERENCE: PERIODIC INSPECTIONS V. CATEGORY 1 TESTING

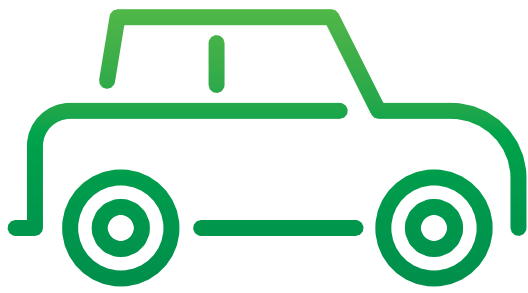
Periodic inspections and Category 1 tests are different. Category 1 inspections are required annual elevator inspections performed by an approved elevator inspection agency and witnessed by an approved agency not affiliated with the agency performing the inspection.



Check out SiteCompli's blog on Periodic Elevator Inspection updates:

<https://sitecompli.com/blog/dob-reminders-changes-to-periodic-elevator-and-boiler-inspections>

UPDATED CATEGORY 1 INSPECTION FILING DEADLINES:	
Deadline for submitting category test report to the DOB	Within 21 days after the test
Deadline for correcting defects identified in the periodic elevator inspection report	Within 90 days after the date of the category test, but owners may request a maximum of two 45-day extensions
Deadline for submitting affirmation of correction to the DOB	Within 14 days after the date the corrections were made



PARKING STRUCTURES

Beginning January 1, 2022, Local Law 126 of 2021 required owners of parking structures to hire a NYS licensed professional engineer who is designated by the Department as a Qualified Parking Structure Inspector (QPSI) to inspect the structure at least once every six years and file a report with the Department of Buildings.

DATE RANGE FOR INSPECTION CYCLE 1:

January 1, 2022- December 31, 2023	Manhattan Community Districts 1-7
January 1, 2024- December 31, 2025	Manhattan Community Districts 8-12 and all Brooklyn Community Districts
January 1, 2026- December 31, 2027	All Bronx, Queens, and Staten Island Community Districts



To submit a report prior to the 2023 deadline, follow the instructions on the latest service notice:

https://www.nyc.gov/assets/buildings/pdf/parking_structures_followup1_sn.pdf

A Service Notice will be posted in early 2023 with updated details about how to file the report in DOB NOW: Safety.

BREAKING BOILERS



DOB REQUIREMENTS FOR BOILER INSPECTIONS

Inspection cycle: January 1- December 31

Annual inspections must be performed in this timeframe and are required for both high and low pressure boilers. All inspection reports are due within 14 days from the date of performing the inspection.

LOW PRESSURE BOILERS

Property owners must hire a licensed professional to conduct inspections. This can be a qualified installer licensed by the DOB or an authorized insurance company. Inspection reports for these inspections must be filed for H-stamped and E-stamped boilers (not HLW-stamped hot water heaters) located in the following property types:

- Residential buildings with six or more families
- Commercial and mixed-use buildings (1-5 residential units and commercial space), regardless of boiler BTU capacity
- Residential buildings classified as Single Room Occupancy dwellings

The following **registered** low-pressure boilers **DO NOT** require an annual inspection:

- Boilers in residential buildings with 5 families or fewer
- Single boiler located within a single dwelling unit and supplying heat only to that unit



DON'T FORGET: Low-pressure boilers with a heating input of 100,000 BTUs or less are subject to inspection when located anywhere outside a single apartment within a 6 or more residential occupancy, commercial or mixed-use property.



For boiler filing FAQs, visit the DOB website:

<https://www.nyc.gov/site/buildings/safety/boiler-frequently-asked-questions.page>

HIGH PRESSURE BOILERS

High pressure boilers have slightly different requirements from low pressure boilers:

- Two inspections required: internal and external
- Inspections must be conducted in the same cycle (year)
- Inspections must be conducted by an authorized insurance company

Electric high-pressure boilers must be annually inspected as high-pressure boilers in accordance with Article 303 of Title 28 of the NYC Administrative Code.

FILING PROCESS / FILING REQUIREMENTS

Annual Boiler Inspections are required to be submitted to the DOB NOW: Safety 14 days after the inspection date. Late filings will result in a \$50 fee for every month past the initial due date, up to a maximum of \$600 per boiler.

Reports submitted after the late filing period (no later than January 14 of the calendar year immediately following the inspection cycle) will receive the full civil penalty of \$1,000 per boiler.

DEFECTS FOUND	DANGEROUS CONDITIONS
<p>A 90-day period from the initial inspection date is given to correct any defects, and another inspection report must follow 14 days after the defect is corrected.</p> <p>If the subsequent inspection report is filed after the correction due date, a failure-to-file Affirmation of Correction civil penalty of \$1,000 per boiler will be imposed.</p>	<p>The boiler will be immediately shut down if it is a threat to the life and safety of inhabitants of the building. The inspector who deemed the boiler dangerous has 24 hours to notify the DOB's Boiler Unit by email.</p>



DEP Boiler work permit application resource link:

<https://www1.nyc.gov/assets/dep/downloads/pdf/air/cats/cats-boiler-work-permit-application.pdf>

BOILER REMOVALS

An OP49 must be filed (offline) 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.

Filing an OP49 is critical - if you don't officially remove a boiler with the DOB, they may still issue annual administrative penalties for failure to file annual inspections - even if the building itself is demolished.

DEP REQUIREMENTS: TRIENNIALS



In addition to DOB regulations, certain boilers also must comply with requirements from the Department of Environmental Protection. DEP registrations for specific boilers are typically renewable every three years and can be accessed through the online Clean Air Tracking Systems (CATS).



Get more information on registration and work permits on our website.

<https://sitecompli.com/knowledge-center/agencies/dob/boilers-facades/requirements-dep-boiler-registration/>

REGISTRATIONS:

BOILER REGISTRATION I	BOILER REGISTRATION II	BOILER WORK PERMIT/ CERTIFICATE OF OPERATION
350,000 BTU/hr to less than 2.8 million BTU/hr heat input	2.8 million BTU/hr to less than 4.2 million BTU/hr	4.2 million BTU/hr and above
<p>The owner, owner's representative or any licensed professional could submit an application form. It must contain the boiler make/model, max heat input and gross output (Btu/hr), and fuel type.</p> <p>Registration will be issued for three years from the date of approval.</p>	<p>The owner, their representative, or any licensed professional could submit an application form. It must contain the boiler make/model, max heat input and gross output (Btu/hr), and fuel type of Boiler Room Plan.</p> <p>Professional Engineer Certification is required for boiler design and Boiler Room Plan.</p> <p>Licensed Oil Burner Installer (LOBI) and/or Licensed Master Plumber (LMP) must be identified before submitting the online form.</p> <p>Final Registration II will be issued for three years from the date of approval of initial Registration II.</p>	<p>Only a professional engineer/registered architect is allowed to file for a Work Permit.</p> <p>Drawings/Plans (in PDF format) with a Plot Plan, Boiler Room Layout and Boiler Plan, equipment compliance certification, draft calculations, heat load calculations for a new building, Workman's Compensation Insurance document are all required.</p> <p>A work permit is issued for one year from the date of approval. Original Inspection request needs to be submitted by PE, LOBI/LMP along with performance test data and combustion test printouts.</p> <p>Certificate of Operation will be issued for three years from the date of the original inspection.</p>



FACADE INSPECTION REPORTS

To keep properties and New Yorkers safe, owners of properties seven stories and higher must have exterior walls and appurtenances inspected every five years under Local Law 11. Façade Inspection Reports are then submitted to DOB NOW: Safety.

NEW CHANGES TO LL11:

- **EXPANDING NEW HIRES:** The DOB is hiring 12 new staff positions for the facade inspection team – doubling the previous staff count and aiming for more frequent and thorough proactive inspections for properties taller than six stories.
- **RANDOM AUDITS:** 25% of all buildings taller than six stories will be selected at random to receive safety compliance reviews.
- **INCREASED ENFORCEMENT:** Buildings where the facade's condition is deemed unsafe or defective will face enforcement actions and receive additional proactive re-inspections within 60 days to ensure proper pedestrian safety.

CYCLE 9 DATES

With the end of Cycle 9 in sight, it's important to be aware of the upcoming dates and prepare for the next cycle, so your team doesn't miss a deadline.

SUB-CYCLE	LAST DIGIT OF BLOCK #	SUB-CYCLE START DATE	FILING DEADLINE
A	4, 5, 6, 9	February 21st, 2020	February 21st, 2022
B	0, 7, 8	February 21st, 2021	February 21st, 2023
C	1, 2, 3	February 21st, 2022	February 21st, 2024

PENALTIES AND FINES

FILING FEES	PENALTIES
<ul style="list-style-type: none"> ▪ Initial report filing fee – \$425 ▪ Amend/Subsequent report – \$425 ▪ Extension report – \$305 ▪ Failure to correct SWARMP conditions – \$2000 	<ul style="list-style-type: none"> ▪ Late filing (initial report) – \$1000/month ▪ Failure to File (initial report) – \$5000/year ▪ Failure to correct unsafe conditions – See the DOB site link*

RESULTS REMINDERS

After a façade inspection, your QEWI will issue a result, which will determine if any correction work and follow up inspections are necessary:

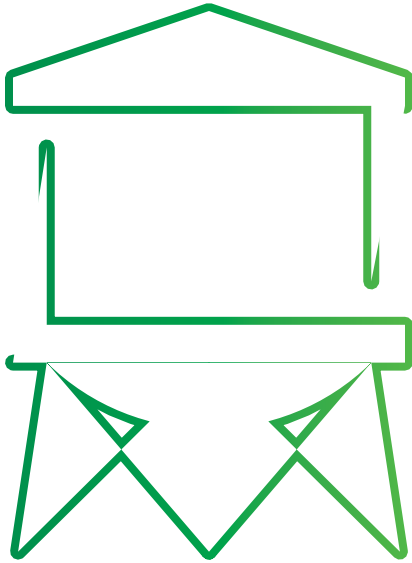
SAFE- No problems, in good condition, and no correction work is needed.

SWARMP (Safe With a Repair and Maintenance Program)- No unsafe conditions; if all repairs aren't completed before next cycle, that report must be filed as unsafe.

UNSAFE- Problems or defects that threaten public safety. The owners must immediately install protection to prevent public harm, must repair dangerous conditions within 90 days of filing the report, and an amended report must be filed within 2 weeks of the completion of the repair work.

- Owner must immediately install protection on building, such as a sidewalk shed, construction fence, etc.
- Dangerous conditions must be repaired within 30 days of filing a technical report. Owners must file an amended report within 14 days after the repairs are completed.
- Owners may request an extension if the repairs cannot be completed, and the report cannot be filed within 104 days from the initial filing date.

*Unsafe conditions corrections resource: https://www.nyc.gov/assets/buildings/rules/1_RCN_103-04.pdf



COOLING TOWERS



More questions on Cooling Towers?

Visit the NYC Cooling Tower Registration and Maintenance page here:

<https://www.nyc.gov/site/doh/business/permits-and-licenses/cooling-towers.page>



Check out the Department of Health's Cooling Tower Maintenance Program and Plan to ensure your teams is meeting every requirement:

<https://www.nyc.gov/site/doh/business/permits-and-licenses/cooling-towers-mpp.page>

REFRESHER: WHAT TO KNOW

INITIAL REGISTRATION: All cooling towers must be registered with the DOB prior to operation.

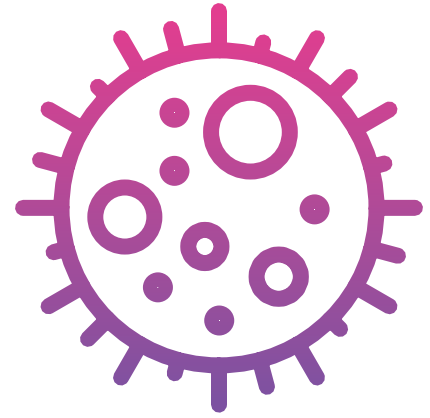
ANNUAL CERTIFICATION: All owners/managers of properties with cooling towers are required to submit annual certification with the DOB, verifying that the cooling tower has been inspected, tested, cleaned, and disinfected. The annual due date is November 1st.

MAINTENANCE PLAN: Mandatory regular inspections, testing, cleaning, and disinfection of cooling towers is required in accordance with City Local Law 77.

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.

SUMMER HYPER-HALOGENATION



WHAT IS IT:

The summertime hyper-halogenation is a maintenance requirement implemented to mitigate the risk of Legionella growth in cooling tower systems throughout the summer. Between July 1 and August 31 of every year there are higher level doses of chlorine done by a 7g certified pesticide applicator. Building owners must take a sample of Legionella between 3-45 days after completing the procedure. Samples may be collected after the 31st if the owners comply with the sampling time frame, and a general bacteria test must be taken every 90 days.

The qualified person must submit the Legionella culture test date in the NYC registration portal within 5 days of collection, and the State requires that you include Legionella culture testing in your Maintenance Plan.

WHAT TO KNOW:

Hot temperatures may impact CT operation via higher water temps, faster depletion of disinfectants, and increased drift loss. Monitor water quality more frequently to prevent Legionella growth, because diseases caused by Legionella occur when people ingest water droplets or drink water containing bacteria.



The rules for summertime hyper-halogenation can get technical.

Read here for more details:

<https://www1.nyc.gov/assets/doh/downloads/pdf/cd/summertime-disinfectant-faq.pdf>



SUSTAINABILITY REQUIREMENTS



BENCHMARKING



Required properties are updated annually on the Covered Buildings List – Confirm whether your properties are on this list directly in your SiteCompli account:

<https://clients.sitecompli.com>

Owners of buildings 25,000 square feet and up 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 2022 in 2023), with additional quarterly deadlines for those who missed the initial due date.

DEADLINES:

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

Each deadline carries a violation and a \$500 penalty, which can total \$2,000 for the year. These are typically seen as BENCH- BENCHMARKING violations issued by the DOB.



LOCAL LAW 87

ENERGY AUDITS AND RETRO COMMISSIONING

Local Law 87 mandates that buildings over 50,000 gross square feet undergo a periodic energy audit and retro-commissioning measures. They must submit an Energy Efficiency Report every 10 years.

The intent of this law is to inform building owners of their energy consumption through energy audits, which are surveys and analyses of energy use, and retro-commissioning, the process of ensuring correct equipment installation and performance.

PROCESS:

- Determine if a building needs to comply and what year it's due
- Conduct an energy audit and retro-commissioning of base building systems and complete an Energy Efficiency Report electronically once every ten years and submitted to the city by December 31st

As of January 1, 2022, an Energy Efficiency Report (EER) must be submitted to the Department of Buildings by a registered design professional.

DUE DATES CORRESPOND WITH THE LAST DIGIT OF YOUR TAX BLOCK NUMBER:

2	3	4	5	6	7	8	9	0	1
2022	2023	2024	2025	2026	2027	2028	2029	2030	2031

ENFORCEMENT & PENALTIES:

- \$3000 in the first year
- \$5000 for each additional year until the EER is submitted to the department

The Department will not accept any outstanding EER submission unless the penalties are paid in full. If left unpaid, these fees can easily stack up and become a steep charge for your business.



LOCAL LAW 97



Watch our recent webinar on recent LL97 rules:

<https://sitecompli.com/knowledgecenter/resources/starting-the-race-what-the-new-local-law-97-rules-mean-for-you/>



To read more on LL97 and what the new rules mean, read our blog post:

<https://sitecompli.com/blog/local-law-97-rules>



Resource page on LL97 Rules from HPD:

<https://www.nyc.gov/site/hpd/services-and-information/ll97-guidance-for-affordable-housing.page>

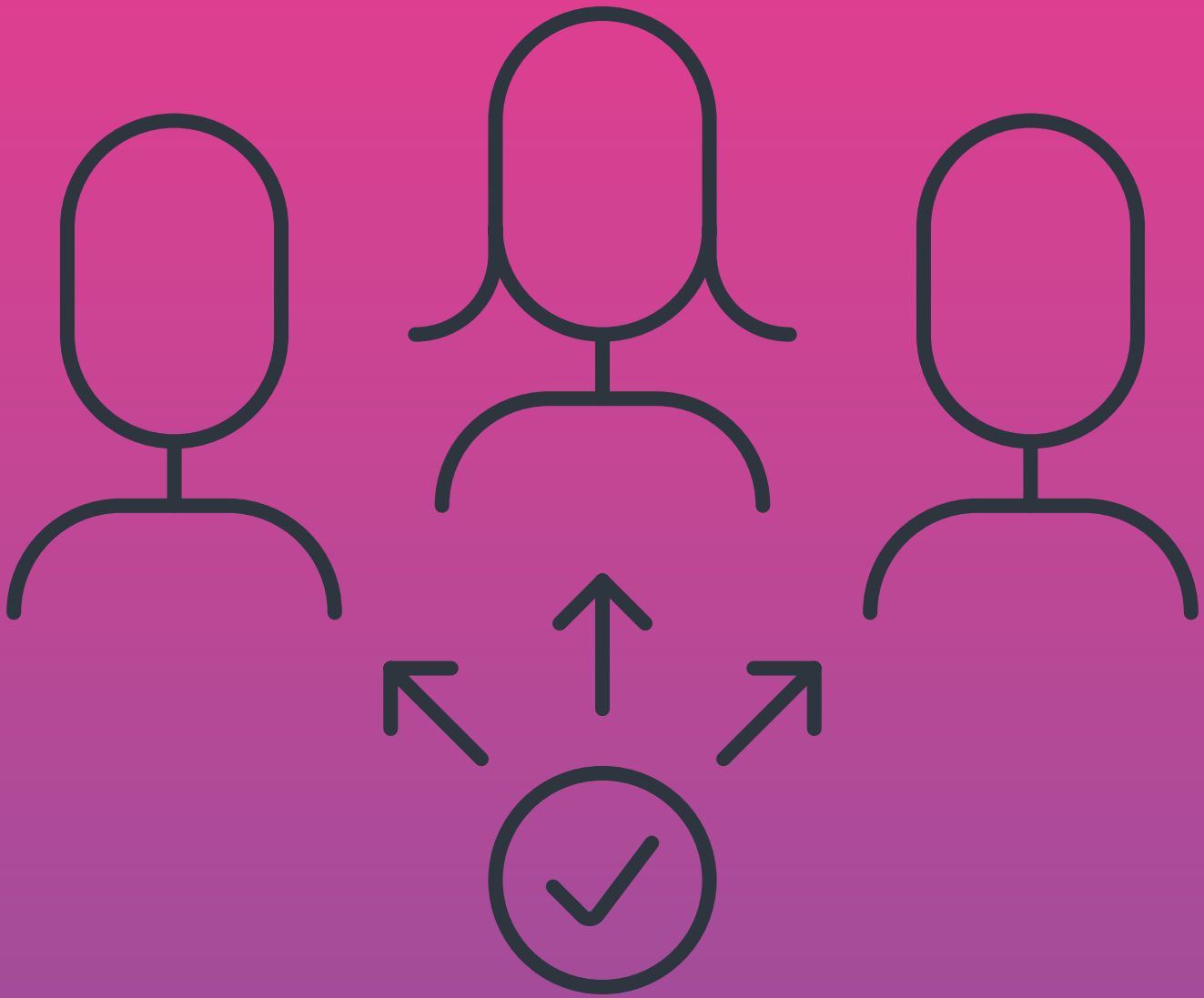
Local Law 97 is an initiative to reduce greenhouse gas emissions in New York City. Under the new rules, most buildings over 25,000 square feet must meet new energy efficiency standards and comply with greenhouse gas emission limits by 2024, with stricter enforcements coming by 2030. The purpose of the new rules is to push towards a 40% decrease in city emissions by 2030 and 80% by 2050.

Local Law 97 is complicated – how you comply depends on the size, makeup, and type of each property. Some affordable housing buildings are required to follow a prescriptive list, while other properties may have to take advantage of other programs and initiatives.



Today's data predicts that if no changes are made, in 2024 roughly 1/4 of buildings will be over their emissions cap, and roughly 3/4 buildings will exceed their cap in 2030.

Getting ahead of these fines is crucial. Depending on your portfolio makeup, it may take time to strategize, schedule, and execute Local Law 97-related projects. With many buildings having to meet deadlines by 2024, contractors will quickly book up. Be proactive – talk to experts, figure out your options are for compliance, which regulations your buildings must comply with, and what deadlines you're facing to avoid major penalties.



STRENGTHENING YOUR COMPLIANCE TEAMS

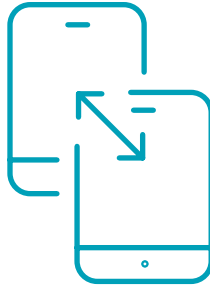


BRING YOUR TEAMWORK ONLINE



CREATE CLEAR, STEP-BY-STEP INSTRUCTIONS

- Before you think about transitioning work online, it's best to gather your SOPs – the way you want work to be done, every time
- Include your team members in creating these SOPs and guidelines so they feel ownership in the process
- For example, build out processes for responding to resident requests, specific types of work, or differences between properties



BUILD ELECTRONIC WORK TRAILS

- Let everyone on your team track work progress and share details with centralized, electronic records
- Access to job-critical information on-demand, in the palm of your hand, is invaluable to the quality and quantity of work your team can perform
- Visualize the history of a property and its operations and gain perspective you've never had instant access to before



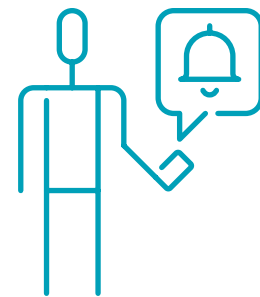
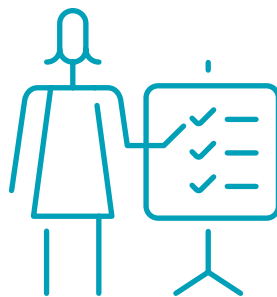
CENTRALIZE TASK LISTS

- Eliminate the risk of a task slipping through the cracks and ensure everyone knows what they're supposed to be doing and when to step in
- Authorize staff to see other work that's scheduled for specific properties, equipment, or units, and keep track of completion
- Increase flexibility by replacing paper records with electronic lists so you can change steps or information at any time without having to do a tedious document update



IMPROVE YOUR TEAM'S ONBOARDING PROCESS AND BOOST EMPLOYEE RETENTION

Did you know a thorough onboarding program boosts employee retention rates by 82%?* Make having an efficient onboarding experience that will set employees up for long and successful careers your company's reality. Bringing technology into the onboarding process and going fully digital is the key, and here's why:



POINTS OF REFERENCE

- Training, information, and other key resources are stored in the cloud and immediately accessible to those who need them
- Employees can immediately verify they completed work thoroughly and to your company standards without having to carry around old manuals

VISUAL ONBOARDING PLAN

- Digital project management platforms provide an efficient, laid out onboarding and training plan that clearly displays projects and timelines for a new hire
- Managers can track new hires' progress, catch gaps in their learning, and have their work on file

OPEN COMMUNICATION

- Digital processes decrease administrative time and open communication between those onsite and in the office, so any issues or questions be taken care of immediately
- If someone's onsite for the first time and feels unsure of how to approach a problem, they can easily communicate with an experienced teammate. This decreases the instances of lengthy or ongoing disruptions, and quickly shows new hires how to correctly do the job

*Statistic from <https://www.kallidus.com/resources/blog/10-employee-onboarding-statistics-you-must-know-in-2022/#:~:text=1%20GREAT%20EMPLOYEE%20ONBOARDING%20CAN,productivity%20by%20over%2070%20percent>



OATH FINES & HEARINGS

OATH/ECB 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.



BREAKDOWN OF SUMMONSES & HEARINGS

NAMED RESPONDENT	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.
ISSUING AGENCY	Over 13 agencies issue violations through OATH. The issuing agency will determine if compliance is required beyond the standard fine and hearing.
HEARING DATE	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.
CURE DATE	For certain DOB and FDNY violations, a cure date will be offered. If a Certificate of Correction is submitted and accepted by the issuing agency before this date, you won't need to attend the hearing/pay any fines.
STIPULATION	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 and must be accepted pre-hearing.
MITIGATION	Admission of guilt coupled with proof of correction at the hearing may result in a mitigated (reduced) penalty.
JUDGMENT	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).
DEFAULT JUDGMENT	Failing to attend the hearing will result in a significantly increased penalty and an automatic admission of guilt. Default judgments can be vacated within 75 days of the hearing date.



WAYS TO HANDLE AN OATH HEARING

- 1 **Hearing by Phone**
(212) 436-0777
- 2 **One-click (online) hearing**
www.nyc.gov/oath
- 3 **Hearing by Mail**
66 John St., 10th Floor



See the full steps for the different types of hearings here:

<https://www.nyc.gov/site/oath/hearings/hearings-faq.page>



Make sure you don't miss the new OATH hearing process changes, especially if you're working with external vendors and experts to resolve hearings:

<https://sitecompli.com/blog/oath-hearing-process-clarified-by-new-adopted-rules/>



DON'T FORGET: OATH hearings, trials, conferences, and help center sessions will be remote. In-person appearances are only available upon request.



DOB & FDNY COMPLIANCE

When it comes to DOB and FDNY violations via OATH, it's not enough to attend the hearing and pay any issued fines.

CORRECTIONS:

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 obtaining new work permits or a Certificate of Occupancy, or issues during a transaction/refinance.

And on the DOB's side, uncorrected Class 1 violations will result in a \$3000 fine (AEUHAZ1) issued directly to the building - not the named respondent. This means owners may be responsible for onsite violations initially incurred by tenants or vendors.

SHOULD I PAY THE FINE TO AVOID A HEARING?

For violations where submitted compliance isn't required (Sanitation, for example), 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 few 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.

UNDERGOING CONSTRUCTION? BEWARE:

The DOB is now monitoring unpaid arrears (including OATH/ECB fines) when issuing permits. They will issue twice the amount of standard civil penalties if your construction site has an "excessive violation" ratio compared to the rest of NYC.



FDNY REGULATIONS & VIOLATIONS



VIOLATIONS

NOTICES OF VIOLATION (NOVS) NOVs are associated with a fine and hearing through OATH and are sometimes labeled as “Summons,” but should not be confused with Criminal Summonses.	VIOLATION ORDERS (VOS) VOs require correction via FDNY re-inspection/ document submission.
Commonly Issued For: <ul style="list-style-type: none"> Expired permits Markings and lack of signage Expired/lack of Certificate of Fitness Missed inspections 	Commonly Issued For: <ul style="list-style-type: none"> Blocked egress Occupancy over limit Fire safety plan issues Emergency action plan issues
How to Correct: <ul style="list-style-type: none"> If a cure date is offered (first offense), submit a Certificate of Correction to the FDNY in advance of the cure date If accepted, you can avoid a hearing and any potential fines (unless the hearing is required, as noted on the violation) If there is no cure date, you will need to attend the OATH hearing, pay any subsequent fines, and still submit the Certificate of Correction to the FDNY 	How to Correct: <ul style="list-style-type: none"> Comply with the Order within the given timeframe (forthwith/immediately - 90 days) File required paperwork or contact issuing inspector for re-inspection If the infractions are corrected, the inspector will dismiss the VO
Penalties: OATH Related fines for FDNY infractions can range from \$300 for mitigated penalties to \$5,000 for default penalties (and aggravated penalties are even higher). Note that there can be multiple infractions on a single NOV.	Penalties: 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.
Additional Info: It’s a common misconception that showing proof at an OATH 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.	Additional Info: VOs are not associated with the OATH whatsoever - as a result, VO information is provided only by the FDNY, and can be complex, cumbersome, and time consuming to obtain.

FINDING NOV/VO INFORMATION IN YOUR ACCOUNT:

- 1 Go to the FDNY tab
- 2 Click on the type of data you’d like to view and look for paperclips on the right side of each list view page for Violations and Violation Orders
- 3 A paperclip icon indicates that there is documentation, which could be documents posted by your colleagues or files provided from the FDNY and automatically attached by SiteCompli



FDNY supplemental pages and VO copies are available in your SiteCompli account!

Check out the blog to find where you can access these documents:

<https://sitecompli.com/blog/fdny-compliance-information-in-sitecompli-beyond/>



BACK-OF-DOOR FIRE SAFETY NOTICES

The Fire Safety Notice is a small (no larger than 6" x 9") sign that outlines safety instructions in case of a fire emergency. There are two city-approved versions – one for combustibile buildings, and one for noncombustible buildings. These must be posted on the back of the front door of every unit in your properties.



Need to get BOD stickers for your building?

We've got you covered – order stickers here at this link:

<https://shop.sitecompli.com>



Keeping track of all the FDNY signage?

Check out our post where we cover what's required:

<https://sitecompli.com/blog/fdny-update-new-signage-requirement-breakdown>

WHY IS THIS IMPORTANT?

Notices have always been required, but for the first time the FDNY is requiring owners and managers to confirm the placement of notices, whether by certification or by an inspection program.

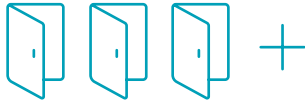
- The certification option allows you to mail a notice to residents that asks them to indicate if the Fire Safety Notice is present
- Inspection program establishes a unit check from your staff every three years to confirm that the Fire Safety Notice is present
- Either way you choose to comply is acceptable, but you must have some program in place as violations are being issued



RESIDENTIAL REQUIREMENTS



REGISTRATION



3+

Residential Units

rentals, condos, and co-ops included

OR



1 or 2

Residential Units

and neither the owner nor a family member occupies one of the units

OR



Hotels

Hotels, which are considered transient multifamily drawings



PENALTIES FOR FAILING TO REGISTER



For more information on required signage, check out this list from the HPD:

<https://www.nyc.gov/site/hpd/services-and-information/required-signage.page>

PENALTIES FOR FAILING TO REGISTER

- The issuance of a notice of information order
- Civil penalties for failure to register, which can be imposed by the Housing Court, range from \$250 to \$500
- If the property has three or more units, you will not be allowed to bring an action for nonpayment against a tenant in Housing Court
- You will not be allowed to certify correction of HPD violations or file for a dismissal request or violation reissuance



DON'T FORGET: Failure to register will result in infractions, fines, and the inability to correct open HPD violations.



TOP THINGS HPD INSPECTORS LOOK FOR

- 1 Non-functioning smoke detectors
- 2 Missing smoke detectors
- 3 No electricity
- 4 No gas
- 5 Double cylinder lock on exit doors
- 6 Non-functioning carbon monoxide detectors
- 7 Illegal gates or bars on the windows
- 8 Debris that blocks access to exit doors or fire escape windows
- 9 Kitchen grease that constitutes a fire hazard
- 10 Damage caused by tenants or their guests
- 11 Window guards in unit with a child under the age of 11
- 12 Signs of lead paint in unit with a child under the age of 6



CLASS A RESIDENTIAL SMOKING POLICY

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

October 1- May 31 of each year, HPD’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



DON'T FORGET: Failure to meet temperature rules results in Class C HPD Violations, which can lead to penalties of \$250-\$1000 per day.



ALLERGEN HAZARD INSPECTIONS AND REMEDIATION

- Local Law 55 requires owners to check for indoor allergen hazards (mice, cockroaches, rats, and mold) annually
- Owners must provide a notice and DOHMH brochure informing tenants of this inspection requirement
- Owners must remediate found conditions using integrated pest management procedures and specific processes to treat underlying defects (in the case of mold)
- Certifications for any violations issued for these conditions must include affidavits stating that work practices were appropriately followed



Need help performing and tracking LL55 inspections and related work?

Here's how InCheck tool's will help your team comply with this requirement:

<https://sitecompli.com/solutions/local-law-55>



BEDBUG REPORTING

Owners are now required to submit bedbug infestation and treatment records with HPD annually.

OWNERS MUST GATHER THESE REPORTS:

- The number of dwelling units
- The number of dwelling units, as reported or otherwise known to the owner, that had a bedbug infestation during the previous year
- The number of dwelling units, as reported or otherwise known to the owner, in which eradication measures were employed during the previous year for a bedbug infestation
- The number of dwelling units reported in number 3 that had a bedbug infestation after such eradication measures were employed in such units

In addition to submitting reports, owners are also responsible for distributing a copy of the electronic report form to each tenant during lease renewal/new lease commencement OR posting the report form in a prominent location in the building within 60 days of filing. Finally, owners must distribute or post a notice providing information about the prevention, detection, and removal of bedbugs.



Bed bug violations have drastically risen over the past two years.

For more information on bedbug reporting, check out the HPD bedbugs webpage:

<https://www.nyc.gov/site/hpd/services-and-information/bedbugs.page>



IMPROVING YOUR INSPECTION PROCESSES

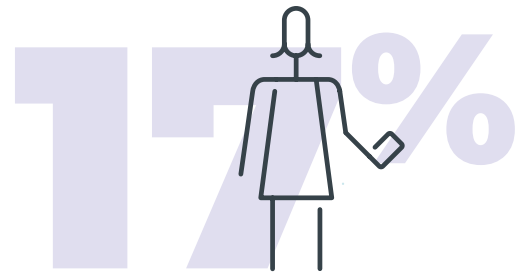


THE STATE OF INSPECTIONS

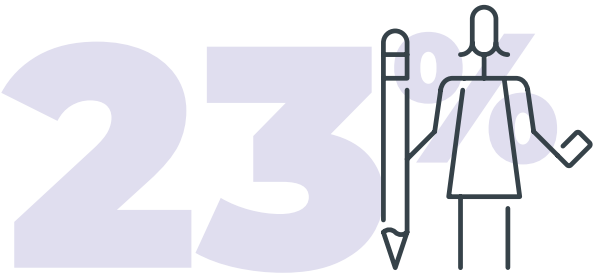
Last year, we took a poll and found that more than half of respondents still used pen and paper to record inspection information. With a large portfolio, it's easy for details and follow-up work to slip through the cracks when data isn't digitized. Here is more on the recent state of property inspections:



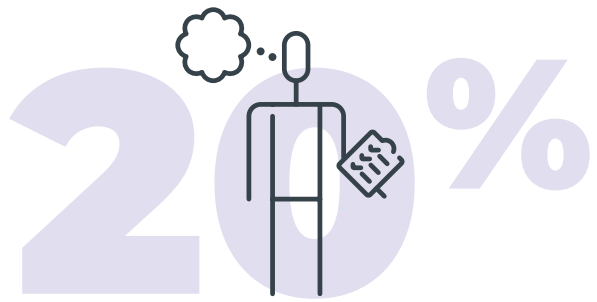
64% of respondents still use pen and paper in some form to record details



17% of respondents use a mobile app to record inspections



23% of respondents use a combination of mobile apps and pen and paper

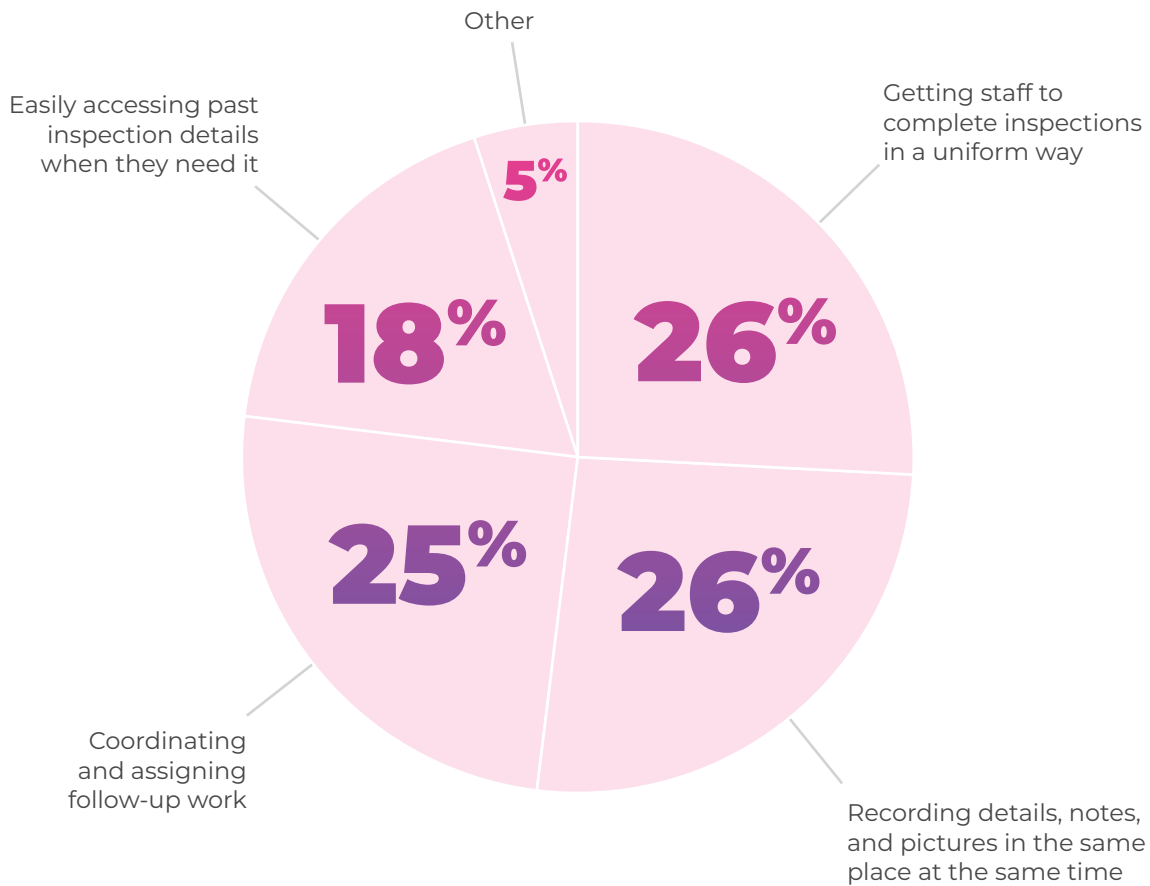


20% of respondents rely on taking notes post-inspection from memory



GETTING PAST THE PAIN POINTS

MANAGERS SAY THEIR BIGGEST INSPECTIONS CHALLENGE IS:



A smooth inspection process is critical to compliance. Managing your portfolio and tracking various onsite inspections can be a daunting task with just the help of pen and paper. Implementing technology makes keeping track of onsite conditions and follow-up work easy.

If you're evaluating your current compliance & inspection strategy, consider how your team can get ahead of the game by switching up your tools and thinking about technology as a boost to productivity & safety.

When your team is equipped with the right tools and technology, they can overcome inspection challenges and ensure your residents are safe and your business is protected.

NYC Compliance Checklist 2023

2023 Key Dates

JAN	15 TH	<ul style="list-style-type: none"> Last day to distribute annual lead paint/window guard notices to residential tenants First deadline in 2023 to distribute Fire Safety Information to residential tenants (Bulletin/Guide, Checklist, etc.) 	DOHMH/HPD FDNY
	31 ST	<ul style="list-style-type: none"> Deadline to submit annual water tank inspection for 2022 calendar year Deadline for applying for the Multiunit Building Collection Program BEST PRACTICE - Provide annual stove knob cover notices. This is a suggested date based on the start of the law & the timing of annual safety notice mailings 	DOHMH/HPD DSNY HPD
FEB	15 TH	<ul style="list-style-type: none"> Legal deadline for new, renewal, and change requests for the 2023 – 24 Co-op/Condo abatement 	DOF
	16 TH	<ul style="list-style-type: none"> Landlords must begin to make reasonable attempts to acquire lead paint/window guard information for non-responsive tenants as part of the annual safety notice mailings process 	DOHMH/HPD
	21 ST	<ul style="list-style-type: none"> FISP Sub-Cycle 9B ends (Blocks 0, 7, 8) 	DOB
MAR	1 ST	<ul style="list-style-type: none"> Notify DOHMH of all non-responsive tenants and attempts to acquire information as part of annual safety notice mailings process Deadline to appeal Assessment to Tax Commission for Class 2, 3, and 4 properties 	DOHMH/HPD DOF
	15 TH	<ul style="list-style-type: none"> Deadline for property owner personal exemptions (STAR, DHE, DRIE, Veterans, Clergy, SCHE, SCRIE) Deadline to appeal Assessment to Tax Commission for Class 1 properties 	DOF DOF
	1 ST	<ul style="list-style-type: none"> First day updated trash take out and pickup times will be enforced DHCR Registration begins in ARRO system (ends Jul 31) 	DSNY DHCR
MAY	1 ST	<ul style="list-style-type: none"> Local Law 84 Benchmarking Report due for 2022 data (all covered buildings 25K square feet and up) 	DOB
	31 ST	<ul style="list-style-type: none"> Last day of Heat Season for 2022 - 23 	HPD
SEP	1 ST	<ul style="list-style-type: none"> Deadline for annual HPD registration. Required for multifamily residences (3+ units), designated residences, and hotels 	HPD
OCT	1 ST	<ul style="list-style-type: none"> 2023 - 2024 Heat Season begins New Building Energy Efficiency label available - replace existing label with latest score before Oct 31st 	HPD DOB
	1 ST	<ul style="list-style-type: none"> Deadline for annual cooling tower certification 	DOB
DEC	31 ST	<ul style="list-style-type: none"> Final day to electronically file annual bedbug report for 11/1/22 - 10/31/23 Last day to file annual elevator and boiler inspections for 2023 cycle via DOB NOW: Safety Last day for annual lead paint inspections (LL 1) and allergen hazard inspections (LL 55) Last day to submit Local Law 87 EER for buildings due in 2023 (covered buildings list – 50K sq. Ft – with a last digit of "3" as the building's tax block number) Last day to perform gas piping system inspections or submit certifications for Community Districts 11, 12, 14, 15, and 17 in all boroughs 	HPD DOB HPD DOB DOB

Did You...

- Schedule annual boiler & elevator inspections with your vendors? DOB
- Schedule any required Category 5 (5 year) inspection tests? DOB
- Post Benchmarking grades and Facade certificates as required? DOB
- Contact a contractor about getting ready for the new LL97 rules that come into effect for 2024? DOB
- If in Community Districts 11, 12, 14, 15, and 17: Schedule your gas piping inspection or submit your certification for no piping system? DOB
- Prepare for Cycle 9 filings with your facade vendor? DOB
- Submit annual bedbug reporting for residential units? HPD
- Perform annual LL 55 inspections for residential units? HPD
- File tax estimates, declarations, returns, and extensions? DOF
- Renew Certificates of Fitness? FDNY
- Prepare and file LL 84 annual Benchmarking report? DOB
- Prepare and file LL 87 EER, if required for your building this year? DOB
- Review permit expiration dates (including DOB and FDNY), and renew as appropriate? DOB/
FDNY
- Perform regular daily, weekly, and monthly Cooling Tower maintenance tasks in advance of annual certification? DOHMH
- Lock down a vendor for the 2023 – 24 safety notice mailings, fire safety document, and stove knob cover processes? DOHMH/
HPD/
FDNY

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 boroughs, 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.sitecompli.com/terms. Copyright ©2023 SiteCompli, LLC.

NYC Compliance Checklist 2023

Two Things You Need To Know In 2023

1 LOCAL LAW 97 IS ALMOST HERE

New energy efficiency standards were recently established by the city to reduce greenhouse gas emissions. Under the new rules, many buildings over 25,000 square feet must meet new energy efficiency standards and comply with greenhouse gas emission limits by 2024. Different sized buildings have different requirements and deadlines to comply, but with the first quickly approaching, getting ahead is crucial to avoid steep fines.

LEARN MORE ON THE BLOG:

<https://sitecompli.com/blog/local-law-97-rules/>

GET MORE INFORMATION FROM THE HPD:

<https://www.nyc.gov/site/hpd/services-and-information/1197-guidance-for-affordable-housing-page>

2 NEW DSNY TRASH RULES

The city recently passed new legislation that establishes rat mitigation zones and new rules that set times for residential and commercial buildings to place trash out, so trash sits on the curb for less time. These new rules are aimed at combating the city's rodent problem and will be enforced 4/1/2023.

LEARN MORE ON THE BLOG:

<https://sitecompli.com/blog/dsny-regulations-updates/>

NYC AGENCY CONTACTS

Sustainability Help Center
Help@NYCSustainability.org
(212) 566-5584

DHCR Office of Rent Administration
1 (833) 499-0343

DOB Boiler Division Customer Service
(212) 393-2661
Technical Unit - (212) 393-2784

DOB Administrative Enforcement Unit
(212) 393-2405

DOB Elevator Division Customer Service
(212) 393-2144
elevatordivision@buildings.nyc.gov

DOF Tax Commission
(212) 669-4410

FDNY District Office Headquarters
(718) 403-4000

FDNY District Office 37 (Place of Assembly)
(718) 999-2404 / 2403 / 1007

FDNY District Offices 93, 94, 95 - Sprinkler Standpipe
(718) 999-2478 / 2499

FDNY Violation/Business Information
Curedesk@fdny.nyc.gov
FDNY.BusinessSupport@fdny.nyc.gov

HPD Registration Hotline
(212) 863-7000
register@hpd.nyc.gov

HPD Bronx Code Enforcement
(212) 863-7050

HPD Brooklyn Code Enforcement
Euclid Ave - (212) 863-6620
Joralemon Street - (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

Local Law 11 - Facades Unit
(212) 393-2551
facades@buildings.nyc.gov

OATH ECB Remote Hearing Scheduling BROOKLYN:
RemoteBKLYN@oath.nyc.gov

BRONX: RemoteBronx@oath.nyc.gov

MANHATTAN:
RemoteManhattan@oath.nyc.gov

QUEENS: RemoteLIC@oath.nyc.gov

STATEN ISLAND:
RemoteSI@oath.nyc.gov

OATH ECB Customer Service
844-OATH-NYC (844- 628-4692)

GET COMPLIANCE INSIGHTS YEAR-ROUND

Stay up-to-date on the latest compliance changes. Access compliance expertise on-demand using SiteCompli's ongoing resources:

THE SITECOMPLI BLOG:

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

THE SITECOMPLI KNOWLEDGE CENTER:

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

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