

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2008**

No. 34

Introduced by Council Members Palma, Gentile, James, Gerson, Jackson, Sears, Gonzalez, Garodnick, Liu, Weprin and the Public Advocate (Ms. Gotbaum).

A LOCAL LAW

To amend the administrative code of the city of New York in relation to classifying housekeeping violations as immediately hazardous, certifying correction of immediately hazardous housekeeping violations, adding civil penalties for violations of stop work orders.

Be it enacted by the Council as follows:

Section 1. Section 28-201.2.1 of the administrative code of the city of New York, as amended by local law number 8 for the year 2008, is further amended by adding a new item 15 to read as follows:

15. A violation of sections 3303.4.5 and 3303.4.6 of the building code .

§2. Section 28-204.2 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§28-204.2 Order to certify correction. Each such notice of violation shall contain an order of the commissioner directing the respondent to correct the condition constituting the violation and to file [a certification] with the department *electronically or in such other manner as the department may authorize by rule a certification* that the condition has been corrected. Unless otherwise provided by rule, such order shall require that violations classified as major or lesser be corrected within 30 days from the date of the order [and], that violations classified as immediately hazardous be corrected forthwith. Such order shall also require that certification of the correction of the violation shall be filed with the department in a manner and form and within such [additional] period of time as shall be established by [rule of] the department. In any proceeding before the environmental control board, no civil penalty shall be imposed

for a lesser violation if the respondent complies with the commissioner's order to correct and to certify correction of the violation within the applicable time period. However, such violation may serve as a predicate for purposes of assessing aggravating factors attributable to multiple offenses.

§3. The administrative code of the city of New York is amended by adding a new section 28-207.2.5 to read as follows:

§28-207.2.5 Penalties. In addition to the penalties provided for in this chapter, any person who fails to comply with a stop work order shall be liable for a civil penalty in the amount of five thousand dollars for the initial violation and ten thousand dollars for every subsequent violation, to be paid to the department prior to the rescission of the stop work order; provided, however, this shall not apply to any work performed to remedy an unsafe or hazardous condition as authorized by order of the commissioner.

§4. This local law shall take effect immediately upon enactment.

The City of New York, Office of the City Clerk, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on July 23, 2008 and approved by the Mayor on August 12, 2008.

Michael McSweeney, First Deputy City Clerk.
Acting Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed Local Law (Local Law 034 of 2008, Council Int. No. 763-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on July 23, 2008:
45 For, 0 Against, 0 Not Voting
Was signed by the Mayor on August 12, 2008
Was returned to the City Clerk on August 12, 2008.

Jeffrey D. Friedlander, Acting Corporation Counsel.