

Work without a Permit: Expired Permit

Background

Construction inspectors issue this violation when a permit has been issued but has expired. This violation is issued either as a result of a complaint, a scheduled inspection for an application, as part of a "sweep" of potential expired permits or as part of a review of previously issued violations. In general, permits are issued for one year and can be renewed for a fee. No work can be conducted when a permit is expired. The inspector will often include the permit or application number as part of the violation.

Provision of Law: § 27-147

When permits required. No building construction or alteration work, foundation or earthwork, demolition or removal work, or plumbing work shall be commenced, and no signs or service equipment of the types listed in articles sixteen and seventeen of this subchapter shall be erected, installed, altered, repaired, or used, nor shall any service equipment of the types listed in article eighteen of this subchapter be used or operated, unless and until a written permit therefore shall have been issued by the commissioner. The provisions of this section shall not apply, however, to minor alterations and ordinary repairs, as defined and delineated in article five of this subchapter or to work or equipment exempted from permit requirements under the provisions of sections 27-176, 27-179, 27-184, and 27-189 of this subchapter.

Certification Criteria

A Work without a Permit – expired permit violation is non-hazardous and can be cured if it is a first offense. If a violation can be cured, you are generally given 35 days to correct the violating condition and certify correction. This will result in no hearing or penalty for that violation. If no date is shown, your violation cannot be cured and you are required to attend an ECB hearing.

A Certificate of Correction must be submitted *along with* a copy of the renewed permit or the premises must be restored to the original condition. Evidence of the payment of imposed civil penalties for the renewal old the permit must also be submitted. Civil penalties can be paid at the ARA/Permit Renewal Unit at 280 Broadway, 5th Floor in Manhattan or in the Borough Office where the property is located. For additional information on correcting a violation visit the "ECB Violation Reference Guide" in the Reference Section on the Department's website at www.nyc.gov/buildings.

Certification Table

VIOLATION CONDITIONS FOR (B05) 27147 Work without a permit expired permit				
Violation Description	References	Explanation	Renew Permit	Acceptable Certification Submission
Work without a permit - expired permit	BC §27-148 Classification of Permits	The permit indicates that the application has been approved and issued by the Department. An application goes through a number of reviews before it is approved and can be permitted.	File PW 2 and obtain permit. Final Construction, Electrical, Elevator, Plumbing Signoff from respective divisions required on all NB and Alt 1 applications.	Submit copy of renewed permit referenced on violation (show evidence of payment of civil penalties).
	BC §27-149 Separate Permits Required		OR	Submit a notarized statement by owner indicating the cessation of the application and restoration to prior legal condition.
	BC §27-150 Application for Permit			
	How to file an application and get a permit		Discontinue application and restore premises.	

Renewing a Permit

New York City laws require that one or more permits be obtained before starting construction work (refer to [NYC Building Code §27-126](#) for work that requires a permit).

The Permit Renewal unit issues renewals on active and expired permits. Expired permits can only be renewed if there is activity on the application within a two year period of the expiration date.

The proper way to file a permit renewal is the following:

- Provide complete information and submit a permit application ([PW-2](#)) two weeks before its expiration (2 copies.) Applications are available on the Department's website.
- Make sure all insurance is updated on your existing tracking number or submit insurance certificates that reflect that policies are currently in effect.
- Provide complete information on permit application ([PW-2](#)).
- Submit \$100.00 renewal fee for each work type, except for work that is exempt or fee deferred.

Permits can be renewed in the Borough Office where the property is located, or at:

ARA/Permit Renewal Unit
280 Broadway, 5th Floor
New York, NY 10007
Phone: (212) 566-4579
Email: ara-pr@buildings.nyc.gov
Fax: (212) 566-5823
Hours: Monday-Friday 9:00 am - 4:00 pm

Lifting a Stop Work Order

Paying a civil penalty for a Work Without a Permit violation and obtaining a permit does not automatically lift a Stop Work Order (SWO). Please note that any work done while the premises is under a SWO may subject both the owner and contractors to additional violations and fines. To lift a SWO, the respondent must contact the Department of Buildings issuing unit listed on the posting.

After re-inspection or review of paperwork, a Department of Buildings Inspector may recommend full rescission of SWO to the unit chief or supervisor. Once the unit chief or supervisor approves rescission of the SWO, the respondent will be notified through a posting of an OP-109 form (Stop Work Order Rescind) at the premises.

Once the SWO rescission form has been approved, BISWeb will be modified and the red flag on the property signaling an open SWO will be removed.

For a violated SWO that requires a re-inspection for rescission, no appointment will be granted until all associated penalties are paid. If you receive a violation of a SWO, it can only be rescinded by paying the civil penalty at the Cashiers Unit in the respective borough.

For additional information on lifting a SWO, contact the DOB unit that issued the violation.

For more information on civil penalties, read the Department of Buildings **Civil Penalties Fact Sheet**. You can also contact your Borough Office or the ARA/Permit Renewal Unit at the phone number above.

For additional information on correcting a violation visit the "ECB Violation Reference Guide" in the Reference Section at www.nyc.gov/buildings.