

Notice of Promulgation of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Environmental Control Board by Section 1049-a of the New York City Charter, and in accordance with Section 1043(b) of the Charter, that the Environmental Control Board hereby promulgates the following rule. The rule was published in The City Record on August 13, 2010 and a Public Hearing was held on September 14, 2010.

Section 1. Buildings Penalty Schedule II, found in Section 3-103 of Subchapter G of Chapter 3 of

Title 48 of the Rules of the City of New York, is amended to revise the existing charge for section 28-408.1, "Performing unlicensed plumbing work without a master plumber license," to read as follows:

New material is underlined.
Deleted material is in [brackets].

Section of Law	Classification	Violation Description	Cure	Stipulation	Standard Penalty	Mitigated Penalty	Default Penalty	Aggravated I Penalty	Aggravated I Default Penalty	Aggravated II Penalty	Aggravated II Default - Maximum Penalty
28-408.1	Class 1	Performing unlicensed plumbing work without a master plumber license	No	No	[\$1,000] <u>\$2,500</u>	No	[\$5,000] <u>\$25,000</u>	[\$2,500] <u>\$6,250</u>	[\$10,000] <u>\$25,000</u>	[\$5,000] <u>\$6,250</u>	\$25,000

Section 2. Buildings Penalty Schedule II, found in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, is amended to revise the existing charge for "Misc. Chapter 4 of title 28—Unlicensed Activity" to read as follows:

New material is underlined.
Deleted material is in [brackets].

Section of Law	Classification	Violation Description	Cure	Stipulation	Standard Penalty	Mitigated Penalty	Default Penalty	Aggravated I Penalty	Aggravated I Default Penalty	Aggravated II Penalty	Aggravated II Default - Maximum Penalty
Misc. Chapter 4 of title 28—Unlicensed Activity B191	Class 1	Illegally engaging in any business or occupation without a required license or other authorization	No	No	[\$1,000] <u>\$2,500</u>	No	[\$5,000] <u>\$25,000</u>	[\$2,500] <u>\$6,250</u>	[\$10,000] <u>\$25,000</u>	[\$5,000] <u>\$6,250</u>	\$25,000

Statement of Basis and Purpose of Final Rule

The Environmental Control Board (ECB) held a Public Hearing on September 14, 2010 on amendments to ECB's Buildings Penalty Schedule II, found in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York. One member of the public attended the Public Hearing held on September 14, 2010. The individual gave brief testimony unrelated to the rule. No written comments were received.

The Environmental Control Board has revised two charges to ECB's Buildings Penalty Schedule II, found in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York. One charge is for a violation of New York City Administrative Code section 28-408.1, "Performing unlicensed plumbing work without a master plumber license." The other charge is for a violation of "Misc. Chapter 4 of Title 28- Unlicensed Activity." The amendments are necessary to comply with Local Law 17 of 2010. The law amended section 28-201.2.1 of the Administrative Code in relation to civil penalties for unlicensed plumbing and fire suppression work. The law established minimum civil penalties for working without a master plumber's or master fire suppression contractor's license. The minimum fine under the law for a first violation must be at least \$2,500. The minimum fine under the law for each subsequent violation must be at least \$5,000.

These infractions are already categorized as Class 1 (immediately hazardous) violations. To ensure fairness and consistency, the penalties for the miscellaneous charge for unspecified unlicensed work have also been amended.