

## **NOTICE OF PUBLIC HEARING**

**Subject:** Opportunity to comment on the proposed rule regarding penalties for offenses adjudicated by the Environmental Control Board (ECB).

**Date / Time:** March 29, 2012 / 3:30p.m.

**Location:** ECB  
66 John Street  
10<sup>th</sup> Floor, Conference Room  
New York, N.Y. 10038

**Contact:** James Macron  
Counsel to the Board  
ECB  
66 John Street, 10<sup>th</sup> Floor  
New York, N.Y. 10038  
(212) 361-1515

### **Proposed Rule Amendment**

Pursuant to Section 1049-a of the New York City Charter, and in accordance with Section 1043(b) of the Charter and Sections 27-3021.2, 28-201.2, and 28-204.1 of the New York City Administrative Code, the Environmental Control Board proposes to amend subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, creating penalties for offenses adjudicated by the Environmental Control Board.

New matter in the following rule is underlined. This rule was not included in the Environmental Control Board's regulatory agenda because it was not anticipated at the time the agenda was created.

### **Instructions**

- Prior to the hearing, you may submit written comments about the proposed rule to Mr. Macron by mail at the address above or electronically through NYC RULES at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules) by March 29, 2012. Individuals seeking to testify at the hearing should also notify Mr. Macron by March 29, 2012
- To request a sign language interpreter or other reasonable accommodation for a disability at the hearing, please contact Mr. Macron by March 22, 2012
- After the hearing, individuals interested in receiving written comments and a transcript of oral comments on the proposed rule may request them by writing to Mr. Macron.

## Statement of Basis and Purpose

The Environmental Control Board proposes to amend its Department of Buildings (DOB) Penalty Schedule. This schedule is found in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY).

This amendment lowers default penalties on two charges in the penalty schedule. These penalties were published incorrectly when the rule was originally promulgated; this amendment corrects that error.

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

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**Section 1. The Environmental Control Board is amending the charges below, which are contained in its DOB Penalty Schedule found in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) to read as follows:**

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	\$2,500	No	[ <del>\$25,000</del> <u>\$12,500</u> ]	\$6,250	\$25,000	\$6,250	\$25,000
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	\$2,500	No	[ <del>\$25,000</del> <u>\$12,500</u> ]	\$6,250	\$25,000	\$6,250	\$25,000

**NEW YORK CITY LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-788-1087**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE: Amendment of Buildings Penalty Schedule (Correction of Default Penalties)**

**REFERENCE NUMBER: 2012 RG 012**

**RULEMAKING AGENCY: Environmental Control Board**

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: February 24, 2012

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment of Buildings Penalty Schedule (Correction of Default Penalties)**

**REFERENCE NUMBER: OATH/ECB-20**

**RULEMAKING AGENCY: Office of Administrative Trials and Hearings**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because a cure period would run counter to the proposed rule's goal of preventing risks to public health and worker safety.

/s/ Rachel Squire  
Mayor's Office of Operations

February 24, 2012  
Date