


## NOTICE OF ADOPTION OF RULE

**NOTICE IS HEREBY GIVEN**, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to Section 102-01 of Subchapter B of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding classification of violations for illegal conversion of dwelling units from permanent residences.

This rule was first published on January 2, 2013 and a public hearing thereon was held on February 1, 2013.

Dated: 2/20/13  
New York, New York

  
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Robert D. LiMandri  
Commissioner

## STATEMENT OF BASIS AND PURPOSE

These rule amendments are pursuant to the authority of the Commissioner of Buildings under sections 643 and 1043(a) of the New York City Charter and sections 28-201.2, 28-201.2.1, and 28-202.1 of the New York City Administrative Code, and in accordance with section 28-210.3 of the Administrative Code.

Local Law 45 of 2012 makes it illegal to use, occupy, convert, or offer or permit the use of a permanent residential apartment space for other than permanent residence purposes. Such illegal uses include but are not limited to converting a permanent residence into a short-stay hotel room. Local Law 45 also directs that illegal conversions that involve more than one residential unit or a second or subsequent violation by the same person at the same unit or multiple dwelling are to be classified as immediately hazardous (Class 1) violations.

The amendments:

- Add two new entries for violations of section 28-210.3: the first classifies a violation involving more than one unit or a second or subsequent violation as an immediately hazardous (Class 1) violation; the second classifies a first violation involving one dwelling unit as a major (Class 2) violation.
- Add a new, additional daily penalty for Class 1 violations of section 28-210.3.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

New matter is underlined.

Subdivision (j) of section 102-01 of title 1 of the Rules of the City of New York is amended by adding, in numerical order, new entries relating to sections 28-202.1 and 28-210.3 of the New York City Administrative Code as follows:

<b>Section of Law</b>	<b>Classification</b>	<b>Violation Description</b>
<u>28-202.1</u>	<u>Class 1</u>	<u>Additional daily penalty for Class 1 violation of 28-210.3 - permanent dwelling offered/used/converted for other than permanent-residential purposes</u>
<u>28-210.3</u>	<u>Class 1</u>	<u>Permanent dwelling offered/used/converted for other than permanent-residential purposes</u>
<u>28-210.3</u>	<u>Class 2</u>	<u>Permanent dwelling offered/used/converted for other than permanent-residential purposes</u>

