

SERVICE NOTICE

2022 Construction Codes: Civil Penalty for Failure to Obey a Vacate Order

Beginning December 15, 2023, the Department of Buildings will impose an additional civil penalty when a violation for a failure to obey a Vacate Order is issued. In addition to correcting the condition that resulted in the Vacate Order, the civil penalty must be paid before the Vacate Order is lifted. See [NYC Administrative Code §28-207.4.3](#).

Civil Penalty Amount

The civil penalty for failure to obey a vacate order is \$6,000 for the initial violation and \$12,000 for every subsequent violation. When DOB issues a violation for failure to obey a Full or Partial Vacate Order to a property, the Vacate Order banner on the property's DOB NOW Property Profile will include the civil penalty amount due.

The screenshot shows a 'Property Profile' page for '395 SMITH STREET | BROOKLYN 11231 | BIN# 3007961'. It features a navigation bar with 'Back' and 'Home' buttons. Below the address is a row of tabs: 'Building Schedule of Occupancy', 'Certificate of Occupancy', 'Certificate of Compliance', 'Active Tenant Protection Plans', 'After Hour Variance', 'Energy Submission', and 'Notifications'. There is also an 'Energy Efficiency Rating (Local Law 33 of 2018)' section with a 'View' button. Three violation banners are displayed: a pink banner for 'STOP WORK ORDER EXISTS ON THIS PROPERTY', a yellow banner for 'PARTIAL VACATE EXISTS ON THIS PROPERTY - DOB Civil Penalties of \$6,000.00 for Failure to Obey a Vacate Order violation must be paid to lift the Vacate Order.', and a pink banner for 'VIOLATION FOR FAILURE TO CERTIFY CORRECTION OF CLASS 1 VIOLATION EXISTS ON THIS PROPERTY - DOB CIVIL PENALTIES DUE'.

Payment of Civil Penalty

The civil penalty for failure to obey a vacate order is paid at the borough office where the property is located.