

1 RCNY §102-06

CHAPTER 100

Subchapter B Enforcement

§102-06 Homeowner resolution program. Owners of one- and two-family homes who have not received any prior violations at the property will have an opportunity to correct certain violating conditions prior to receiving a notice of violation and associated penalties.

- (a) **Applicability.** The homeowner resolution program applies to owners of existing one- and two-family homes, whether or not they occupy those homes, where prior Department notices of violations returnable to the Environmental Control Board/Office of Administrative Trials and Hearings (ECB/OATH) have not been issued at the property within the past five years, whether or not the current owner owned the property during those five years.
- (b) **Eligible violations.** This program covers violations classified as Class 1, Class 2 or Class 3 in subdivision (k) of section 102-01 of these rules. Multiple violating conditions observed on the same date are considered as one request for corrective action. Any repeated instance of the same violating condition is ineligible for this program and will result in the issuance of a notice of violation.

Exceptions. This section does not apply to Class 1 violations for illegal conversions as described in section 28-210.1 of the Administrative Code, Class 1 violations that result in the issuance of a Stop Work Order or a Vacate Order and Class 1 violations that lead to death or serious injury.

- (c) **Request for corrective action.** Where a violating condition is observed at a property that is part of this program, the commissioner will issue a request for corrective action, giving the owner 60 days to correct the condition. In order to resolve a request for corrective action, the owner must correct the condition and submit acceptable proof of correction to the Department within such 60 days. The Department may perform an inspection upon receiving such proof of correction in order to verify that such conditions have been corrected.
- (d) **Failure to correct condition.** At the expiration of the 60-day correction grace period, a notice of violation returnable to ECB/OATH based on the conditions observed and documented on the request for corrective action will be issued to the owner for each condition for which correction has not been verified as described in subdivision (c).
- (e) **Fee.** The owner will be charged a fee for any reinspection made necessary by a failure to respond to a request for corrective action, as provided in section 101-03 of these rules.
- (f) **Removal from program.** An owner who receives a notice of violation returnable to ECB/OATH after failing to correct the violating condition within the provided timeframe in the request for corrective action is no longer eligible for this program. The violating condition must still be corrected and any applicable penalty associated with any such notice of violation issued must be paid.