1 RCNY §103-04

CHAPTER 100

Subchapter C Maintenance of Buildings

§103-04 Periodic Inspection of Exterior Walls and Appurtenances of Buildings.
(a) ***Definitions.*** For the purposes of this section, the following terms have the following meanings.

Acceptable report. A technical examination report filed by a Qualified Exterior Wall Inspector that meets the requirements of the Administrative Code and this rule as determined by the Department.
Amended report. A technical examination report filed by a Qualified Exterior Wall Inspector who certifies that the unsafe conditions reported in the initial report have been repaired and that no unsafe conditions exist at the building.
Appurtenance. An exterior wall element including, but not limited to, fire escapes, exterior fixtures, ladders to rooftops, flagpoles, signs, parapets, railings, copings, guard rails, window frames (including hardware and lites), balcony and terrace enclosures, including greenhouses or solariums, window guards, window air conditioners, flower boxes, satellite dishes, antennae, cell phone towers, and any equipment attached to or protruding from the facade.
Cavity wall construction. An exterior wall system consisting of an exterior veneer with a backup wall whereby the exterior veneer relies on a grid of metal ties to the backup wall for lateral stability. The two layers of wall are separated by an air cavity which may or may not be filled with insulation.
Critical examination. An examination conducted to review the exterior of a building and all parts thereof to determine whether the exterior walls (facades) and the appurtenances are either safe, unsafe, or safe with a repair and maintenance program (SWARMP) and whether, in the judgment of a Qualified Exterior Wall Inspector, they require remedial work.
Filed report. A report shall be deemed filed with the Department when it has been received by the Department. The filed report must be completed in accordance with the provisions of paragraph (3) of subdivision (c) of this section.
Filing window. The two-year period during which a report for a particular building may be filed without penalty.
Public right-of-way. A public street, avenue, sidewalk, roadway or any other public place or public way.
Qualified Exterior Wall Inspector (hereinafter "QEWI"). A qualified exterior wall inspector as defined in section 101-07 of the rules of the Department.
Report filing cycle. The five-year time interval established by the Commissioner for the filing of each successive report for each successive critical examination of every building subject to the requirements of Article 302 of Title 28 of the Administrative Code.
Safe condition. A condition of a building wall, any appurtenances thereto or any part thereof not requiring repair or maintenance to sustain the structural integrity of the exterior of the building and that will not become unsafe during the next five years.
Safe with a repair and maintenance program (hereinafter "SWARMP"). A condition of a building wall, any appurtenances thereto or any part thereof that is safe at the time of inspection, but requires repairs or maintenance during the next five years, but not less than one year, in order to prevent its deterioration into an unsafe condition during that five-year period.
Staggered inspection cycle. The separate time intervals for filing reports of critical examinations as determined by the last digit of the building's block number, beginning February 21, 2010, and continuing thereafter for each subsequent report filing cycle.
Subsequent report. A technical examination report that is filed by a QEWI after an acceptable report in order to change the status of the building for that report filing cycle to reflect changed conditions or the recommended time frame for repairs of SWARMP or unsafe conditions .
Unsafe condition. A condition of a building wall, any appurtenances thereto, or any part thereof that is hazardous to persons or property and requires repair within one (1) year of completion of critical examinations. In addition, any condition that was reported as SWARMP in a previous report and that is not corrected at the time of the current inspection must be reported as an unsafe condition.

(b) ***Responsibilities of qualified exterior wall inspectors.***

(1) A QEWI must conduct critical examinations and file reports in accordance with this section and Article 302 of Title 28 of the Administrative Code.

(2) A QEWI must maintain records of inspections and tests for at least six years and must make such records available to the Department upon request.

(3) A QEWI must maintain insurance coverage as set forth in paragraph (7) of subdivision (b) of section 101-07 of these rules. Copies of such insurance policies must be made available to the Department upon request.

(c) ***Critical examinations.***

(1) *Periodic inspection requirements.* In order to maintain a building's exterior walls and appurtenances in a safe condition, and in accordance with Article 302 of Title 28 of the Administrative Code, a critical examination of all parts of all exterior walls and any appurtenances of all existing buildings greater than six stories in height or buildings hereafter erected that are greater than six stories in height, except for those parts of any exterior wall that are less than twelve inches (305 millimeters) from the exterior wall of an adjacent building, must be conducted at periodic intervals.

(2) *Inspection procedures.*

(i) Before any exterior wall for any building is critically examined, the QEWI retained by or on behalf of the owner of the building must carefully review the most recent report and any available previous reports. The Department will maintain a file of such reports submitted in conformance with Article 302 of Title 28 of the New York City Administrative Code, and furnish copies upon payment of fees set forth in the rules of the Department.

(ii) Examination of a building's exterior walls and appurtenances thereof pursuant to section 28-302.2 of the Administrative Code must be performed by or under the direct supervision of a QEWI retained by the owner of the building or his or her representative.

(iii) The QEWI must design an inspection program for the specific building to be inspected, which must include, but not be limited to, the methods to be employed in the examination. The inspection program shall be based on the considerations of the type of construction of the building's envelope, age of the material components, the façade's specific exposure to environmental conditions and the presence of specific details and appurtenances. Consideration shall be given to the façade's history of maintenance and repairs as described in previous reports and submittals to the Department. Architects, engineers, individuals with a bachelor's degree in architecture or engineering and three (3) years of relevant FISP inspection experience, or individuals with five (5) years of relevant FISP inspection experience working under the QEWI's direct supervision, may be delegated to perform selected inspection tasks.

(iv) The methods used to examine the building must permit a complete inspection of same. Except as herein required, the use of a scaffold or other observation platform is preferred, but the QEWI may use other methods of inspection as he/she deems appropriate. Physical examinations from scaffolding or other observation platform ("close-up inspections") must be performed at intervals of not more than 60'-0", with the minimum number of physical examinations per total length of facade elevation noted in the table below. If the building does not front a public right-of-way, physical examinations are to be performed at a representative sample of the façade elevations with a minimum of one examination per building. All physical examinations shall occur along a path from grade to top of an exterior wall fronting each public right-of-way, using at least one scaffold drop or other observation platform configuration, including all exterior wall setbacks. The QEWI shall determine the most deleterious locations and perform physical examinations at those locations. The use of drones, high resolution photography, non-destructive testing, or other similar methods does not eliminate the requirements for close-up inspections.

Length of Facade Elevation Fronting Public Right of Way (L)	Minimum # of Physical Examinations
L <60'-0"	1
60'-0"≤ L <120'-0"	2
120'-0"≤ L <180'-0"	3
180'-0"≤ L <240'-0"	4
240'-0"≤ L <300'-0"	5
300'-0"≤ L <360'-0"	6
For every additional 60'-0" of length of facade, one additional close-up inspection is required.	

(v) The known history of the building, the nature of the materials used and the conditions observed will dictate the extent of the critical examination. The QEWI must apply a professional standard of care to assess the building's condition and the individual building systems that comprise the facades, including splitting or fracturing of terra cotta on buildings, cracking of masonry and brick work in brick faced buildings, mortar and other joint materials, loosening or corrosion of metal anchors and supports, water entry or flow within cavities, mineral build-up, coping materials, movement of lintel/shelf angles, and must ascertain the cause of these and such other conditions detected. The QEWI must order any special or additional inspections and/or tests, including sounding procedures, that may be required to support investigations and to determine the causes of any defects. Starting with the ninth cycle,

probes must be performed on all cavity wall construction, and, at a minimum, during every subsequent odd-numbered cycle. The QEWI shall determine the location of the probes, which shall be in areas not previously renovated. At a minimum, a single probe must be completed along each required close-up inspection interval. The QEWI must ensure that the number and size of the probes are sufficient to report the presence, condition, and spacing of wall ties. The removal of portions of the façade in order to facilitate the performance of tests may require a permit from the Landmarks Preservation Commission.

Exceptions:

The requirement for probes may be waived in the following cases:

1. When a repair campaign addressing cavity wall ties has been completed within ten (10) years of the filing deadline and the owner or QEWI provides proof of such repair including, but not limited to, photographs, special inspection reports, and construction documents, which must be submitted and found acceptable by the Department.
2. When the first Temporary Certificate of Occupancy or Certificate of Occupancy for a new building was issued within ten (10) years of the filing deadline and the owner or QEWI provides evidence of tie installation including, but not limited to, photographs, special inspection reports, and construction documents, which must be submitted and found acceptable by the Department.
3. Where a QEWI proposes an alternate method of determining tie condition and spacing, which must be submitted and found acceptable by the Department.

(vi) Photographs must be taken and/or sketches made during the course of the Critical Examination to properly document the location of all conditions observed that are either unsafe or SWARMP.

(vii) Upon discovery of any unsafe condition, the QEWI must immediately notify the Department and the owner of the building. The QEWI must identify the location of any unsafe condition, advise the owner on the appropriate protective measures to be taken, and include the recommended type and location of public protection in the notification to the Department.

(viii) Completion of a critical examination means that the QEWI has conducted a final physical inspection to determine that the building conditions as described in the report are consistent with the actual conditions. Such final inspection must, at a minimum, include an actual visual examination and a walk around with binoculars or other inspectorial equipment. A drive-by inspection is not acceptable.

(3) *Report requirements.*

(i) The QEWI must file with the Department a written report describing the result of the critical examination, clearly documenting all conditions noted during the inspection and stating that the inspection was performed and completed in accordance with the Administrative Code and this rule. A separate acceptable report must be prepared and filed for each building with a control number, as provided by the Department, even if it shares a Block and Lot number with other structures. The QEWI must also submit a copy of the report to the owner of the building.

(ii) Technical information in the report must adhere to and follow the sequence and the labeling of the report requirements as listed in subparagraph (iii) of this paragraph, and must be provided on such forms and in such format as the Department requires. Additional information may be provided. If a requirement is not applicable, this must be indicated on the report.

(iii) The report must include an executive overview that consists of a summary of findings and recommendations, a concise statement of the scope of the inspection and findings, the conclusions and recommendations and a determination as to whether the building is categorized as "safe," "SWARMP," or "unsafe." The report must also include, but not be limited to:

(A) The address, any a.k.a. addresses, Block and Lot number, the Building Identification Number ("BIN"), the landmark status of the building, and the location from the nearest cross street;

(B) The name, mailing address and telephone number of the owner of the building, or, if the owner is not an individual, the name, mailing address, telephone number, position/title of a principal of the owner;

(C) A description of the building, including the number of stories, height, plan dimensions, Certificate of Occupancy number if available, usage, and age and type of exterior wall construction, specifying all materials present in the exterior wall;

(D) A detailed description of any distress, settlements, repairs, or revisions to exterior enclosures since the previous report, including, but not limited to, settlement, splitting or fracturing, displacement, bulging, cracking of any exterior wall elements, loosening of metal anchors and supports, water entry, movement of lintel or shelf angles, or other defects or changes;

(E) A detailed description of the procedures used in making the critical examination;

(F) The following information:

1. The extent and location of all physical examinations performed, including odd-numbered cycle cavity wall probes;
2. The names, addresses, telephone numbers, and license or registration numbers for riggers, contractors, and consultants involved in the critical examination;
3. A location diagram of a discernable scale and with a north arrow, indicating the main entrance, dimensions of the length of each façade elevation, including all setbacks and returns, and nearest cross street and locations and dates of close-up inspections;
4. Dates of the start and completion of the critical examination; and
5. Dated photo documentation of the QEWI and/or his or her employees performing physical ("close-up") inspections.

(G) A description, classification, and mapping of each significant condition observed including deterioration and any movement detected and the apparent water-tightness of the exterior surfaces. The description must also include a list of all the exterior appurtenances and their condition. Each condition must be classified as safe, unsafe or SWARMP. If the building is classified as unsafe or SWARMP, the report must include the locations and descriptions of all unsafe or SWARMP conditions. If unsafe conditions are noted, the report must recommend the type and location of public protection. Photographs must be labeled and the report must include key plans, key elevations and locator drawings documenting these conditions. Guards and railings, including, but not limited to, balconies, must be inspected to ensure that their components (balusters, intermediate railings and panel fillers) are positively secured against movement (e.g. by welds, bolts or screws). If any guard or railing, balcony enclosure, or greenhouse structure is found not to be positively secured, the condition is classified as unsafe and must be made safe pursuant to the requirements of paragraph (5) of subdivision (c) of this section.

(H) An analysis of the causes of the conditions reported as unsafe or SWARMP.

(I) A detailed status report of maintenance work performed up to the date of submission of the report and the maintenance plan implemented for building facades;

(J) A comparison of currently observed conditions with conditions observed during the previous report filing cycle examinations, including the status of the repairs or maintenance performed with respect to the prior conditions. The following must be included and discussed:

1. Work permit numbers relating to façade repairs, including permits for sheds;
2. Job numbers, status and sign-off dates for any façade related jobs, where applicable; and
3. Violation numbers of any open Environmental Control Board ("ECB") façade violations and the status of the repairs of the conditions cited in the ECB violations;

(K) Recommendations for repairs or maintenance of SWARMP and unsafe conditions, including:

1. If a building is categorized as SWARMP:
   A. The recommended time frame for such repairs or maintenance to be performed, which must indicate the date by which the work must be performed (MM/DD/YYYY) to prevent the conditions from becoming unsafe and not the date on which work is planned or scheduled;
   B. Time frames of less than one (1) year, "ASAP," or "immediately," shall not be accepted.

2. If a building is categorized as unsafe:
   A. The QEWI must provide a recommended time frame for repairs to be performed to bring the building to SWARMP or safe status, and must indicate the date by which the work will be completed (MM/DD/YYYY);
   B. Time frames of more than five (5) years will not be accepted.

(L) A list and description of the work permits required to accomplish the necessary work. If no work permits will be required, the reason must be indicated;

(M) All photographs must be color, clearly legible, dated, and high resolution. Digital photos must be a minimum of 800 x 600 pixels. Photographs must be arranged into PDF uploads of no larger than 11" x 17". The following photos must be submitted:

1. Elevation photos. Color photographs of the primary house number and at least one view of the entire street front elevation for all reports regardless of the building's filing condition.

2. Detailed condition photos. Color photographs of specific conditions must be clearly labeled and indicate the status designation. Detailed conditions must be located on the mapping of the building's facade required by item G of this subparagraph (iii).

   A. All SWARMP and unsafe must be catalogued.
   B. If building status is safe, submit a minimum of three typical conditions.

3. Cavity wall probe photos. Color photographs of the following items:

   A. each probe opening showing the location and size of the probes;
   B. the interior of the probe showing the cross section of the wall;
   C. the measurement of the spacing of the wall ties;
   D. a close-up of the wall tie type and installation;
   E. any other condition that indicates the soundness of the wall ties and cavity wall;
   F. condition of relieving angle, including flashing and connection; and
   G. condition of substrate.

(N) The classification of the building for the current report filing cycle, as determined by the following guidelines:

1. If there are no unsafe conditions and no conditions that are SWARMP, then the building shall be classified as safe;
2. If there is at least one unsafe condition, then the building shall be classified as unsafe.
3. If there is at least one condition that is SWARMP and there are no unsafe conditions, then the building shall be classified as SWARMP. A report may not be filed describing the same condition at the same location as SWARMP for two consecutive report filing cycles. The QEWI must certify that all of the conditions identified in the previous report as requiring repair have been corrected or the building shall be classified as unsafe;

(O) The seal and signature of the QEWI under whose direct supervision the critical examination was performed.

(4) *Report filing requirements*.

(i) The requirements of this rule apply to all buildings with exterior walls or parts thereof that are greater than six stories, regardless of the information in the Certificate of Occupancy. For buildings that contain six (6) stories above grade plane plus a cellar, where more than half the height of that cellar as measured at any individual exterior wall is above the adjacent ground level, including but not limited to areaways, yards, and ramps, all walls of such building shall be subject to façade inspection. Conditions requiring façade inspections may also include other structures that add to the height of the building as per section BC 504. The Commissioner shall determine which additional buildings and/or parts thereof are required to file in accordance with this rule.

(ii) Buildings required to file a report must do so at least once during each five-year report filing cycle established by the Department.

(iii) An acceptable report must be filed within the applicable two-year filing window to avoid a late filing penalty.

(iv) The report must be submitted to the Department along with a filing fee as specified in the rules of the Department.

(v) Staggered inspection cycle. For every five-year report filing cycle an acceptable report is due in accordance with the following filing windows:

(A) For buildings located within a block ending with the number four (4), five (5), six (6), or nine (9), an acceptable report must be filed within the two-year filing window starting February 21 of years ending in zero (0) and five (5) and ending February 21 of years ending in two (2) and seven (7).
(B) For buildings located within a block ending with the number zero (0), seven (7), or eight (8), an acceptable

report must be filed within the two- year filing window starting February 21 of years ending in one (1) and six (6) and ending February 21 of years ending in three (3) and eight (8).

(C) For buildings located within a block ending with the number one (1), two (2), or three (3), an acceptable report must be filed within the two-year filing window starting February 21 of years ending in two (2) and seven (7) and ending February 21 of years ending in four (4) and nine (9).

Exception: Starting in Cycle 10, owners whose buildings have their most recent status as "No Report Filed" may file a report prior to the start of their designated filing window provided that all applicable civil penalties set out in subdivision (d) of this section are paid at the time of filing.

(vi) Initial reports for new buildings greater than six stories in height must be filed as follows:

(A) The report must be filed five years from the date the first Temporary Certificate of Occupancy or Certificate of Occupancy was issued, if that five year date falls within the applicable filing window according to the last digit of the building's block number as provided in subparagraph (v) of this paragraph; or

(B) If five years from the date the first Temporary Certificate of Occupancy or Certificate of Occupancy was issued falls outside the applicable filing window according to the last digit of the building's block number as provided in subparagraph (v) of this paragraph, then the initial report must be filed within the applicable two-year filing window for the next five-year cycle.

(vii) If contiguous zoning lots under single ownership or management contain multiple buildings that are considered one complex where at least two buildings of more than six stories in height fall into different filing windows as described above in items (A), (B) and (C) of subparagraph (v) of this paragraph, the owner or management must choose one of the following report filing options:

(A) An acceptable report for each building to which this rule applies may be filed separately according to the filing window corresponding to the last digit of that individual building's block number; or

(B) The owner or his or her representative may choose one of the applicable filing windows and file a report for all of the buildings within that filing window, regardless of that building's individual filing window. The owner or his or her representative must inform the Department 180 days prior to the end of the assigned filing window if this option is chosen. If an owner or representative chooses this option, the owner or representative must continue to file under this same filing window for the duration of the owner's ownership of the property.

(viii) A report must be filed within sixty (60) days of the date on which the QEWI completed the critical examination (final inspection date), as defined in subparagraph (viii) of paragraph (2) of subdivision (c) of this section. Failure to file a report within sixty (60) days of the completed critical examination requires a new critical examination.

(ix) A report may not be filed more than one (1) year after completion of the close-up inspection.

(x) If the report is not acceptable and is rejected by the Department, a revised report must be filed within forty-five (45) days of the date of the Department's rejection, after which the original file date will no longer be valid. If the report is not acceptable after two (2) rejections, a new initial filing fee as specified in the rules of the Department is required. Failure to submit a revised report addressing the Department's objections within one (1) year of the initial filing requires a new critical examination, including a new close-up inspection.

(xi) A subsequent report indicating revised conditions may be filed within a five-year report filing cycle to change a building's filing status or the recommended time frame for repairs of SWARMP or unsafe conditions for that cycle.

(5) *Unsafe conditions.*

(i) Upon filing a report of an unsafe condition with the Department, the owner of the building, his or her agent, or the person in charge of the building must immediately commence such repairs or reinforcements and any other appropriate measures such as erecting sidewalk sheds, fences, and safety netting as may be required to secure the safety of the public and to make the building's walls and appurtenances conform to the provisions of the Administrative Code.

(ii) All unsafe conditions must be corrected within ninety (90) days from the submission of the critical examination report.

(iii) If, due to the scope of the repairs, the unsafe conditions cannot be corrected within the required 90 days, the QEWI must recommend a timeframe for repairs as noted in item (K) of subparagraph (iii) of paragraph (3) of subdivision (c). The owner of the building is responsible for ensuring that the conditions described in the critical examination report as unsafe are corrected and all actions recommended by the QEWI are completed within this timeframe. The owner must notify the Department of any deviation from the timeframe to make corrections as specified in QEWI's report. The subsequent report must include supporting documents from the QEWI justifying the request for a new time frame.

(iv) Within two weeks after repairs to correct the unsafe condition have been completed, the QEWI must inspect the premises. The QEWI must promptly file with the Department a detailed amended report stating the revised report status of the building, along with a filing fee as specified in the rules of the Department and the owner must obtain permit sign-offs as appropriate. If the report is not acceptable and is rejected by the Department, a revised report must be filed within forty-five (45) days of the date of the Department's rejection. If the report is not acceptable after two (2) rejections, a new amended filing fee as specified in the rules of the Department is required. Sheds or other protective measures must remain in place until an amended report is accepted; however, the QEWI may request permission for the removal of the shed upon submission of a signed and sealed statement certifying that an inspection was conducted, the conditions were corrected and the shed is no longer required. Permission to remove the shed may be granted in the Commissioner's sole discretion.

(v) The Commissioner may grant an extension of up to ninety (90) days to complete the repairs required to remove an unsafe condition upon receipt and review of an initial extension application submitted by the QEWI, together with:

(A) Notice that the premises have been secured for public safety by means of a shed, fence, or other appropriate measures as may be required;
(B) A copy of the contract indicating scope of work to remedy unsafe conditions;
(C) The QEWI's estimate of length of time required for repairs;
(D) A statement of all applicable permit requirements;
(E) A notarized affidavit by the owner of the building that work will be completed within the time of the QEWI's stated estimate; and
(F) A fee as specified in the rules of the Department.

Note: Financial considerations shall not be accepted as a reason for granting an extension.

(vi) A further extension will be considered only upon receipt and review of a further extension application, together with notice of:
(A) An unforeseen delay (e.g., weather, labor strike) affecting the substantially completed work; or
(B) Unforeseen circumstances (e.g., fire, building collapse); or
(C) The nature of the hazard that requires more than ninety (90) days to remedy (e.g., new wall to be built): or
(D) Progress photos showing current façade repairs.

Note: Financial considerations shall not be accepted as a reason for granting an extension.

(6) *Conditions that are safe with a repair and maintenance program (SWARMP).*

(i) The owner of the building is responsible for ensuring that the conditions described in the critical examination report as SWARMP are corrected and all actions recommended by the QEWI are completed within the time frame recommended by the QEWI, and are not left to deteriorate into unsafe conditions. It is the owner's responsibility to notify the Department of any deviation from the timeframe to make corrections as specified in QEWI's report. The subsequent report must include supporting documents from the QEWI justifying the request for a new time frame.

(ii) A report may not be filed describing the same condition and pertaining to the same location on the building as SWARMP for two consecutive report filing cycles.

(iii) The QEWI must certify the correction of each condition reported as requiring repair in the previous report filing cycle, report conditions that were reported as SWARMP in the previous report filing cycle as unsafe if not corrected at the time of the current inspection, or report corrections that were made in the previous cycle as unsafe if they need further or repeated repair at the time of the current cycle.

(d) ***Civil Penalties.***

(1) *Failure to file.* An owner who fails to file the required acceptable inspection report shall be liable for a civil penalty of five thousand dollars ($5,000) per year immediately after the end of the applicable filing window.

(2) *Late filing.* In addition to the penalty for failure to file, an owner who submits a late filing shall be liable for a civil penalty of one thousand dollars ($1,000.00) per month, commencing on the day following the filing deadline of the assigned filing window period and ending on the filing date of an acceptable initial report.

(3) In addition to the penalties provided in this section, an owner who fails to correct an unsafe condition shall be liable for a civil penalty as detailed in the table below, until the unsafe condition is corrected. Unless the Commissioner grants an extension of time to complete repairs pursuant to this section, the penalties will be incurred as detailed in the table below. This penalty shall be imposed until receipt of an acceptable amended report by the Department indicating the unsafe conditions were corrected, the sidewalk shed has been removed and the associated permits are signed off with the Department, including shed permits, or an extension of time is granted by the Commissioner.

	Base penalty	Plus
Year 1	$1000/month	NA
Year 2	$1000/month	$10/linear foot (l.f.)of shed/month
Year 3	$1000/month	$20/l.f. shed/month
Year 4	$1000/month	$30/l.f. shed/month
Year 5	$1000/month	$40/l.f. shed/month

(4) *Failure to correct SWARMP conditions.* An owner who fails to correct a SWARMP condition reported as requiring repair in the previous report filing cycle and subsequently files the condition as unsafe shall be liable for a civil penalty of two thousand dollars ($2,000).

(5) *Challenge of civil penalty.*

(i) An owner may challenge the imposition of any civil penalty authorized to be imposed pursuant to this subdivision by providing proof of compliance. Examples of such proof must include, but are not limited to, a copy of an acceptable initial report, a copy of the acceptable amended report, copies of approved extension of time requests while work was/is in progress or written proof from a QEWI that the unsafe conditions observed at the building were corrected and the violation was dismissed.

(ii) Challenges must be made in writing within thirty (30) days from the date of service of the violation by the Department and send to the office/unit of the Department that issued the violation. The decision to dismiss or uphold the penalty shall be at the sole discretion of the Department.

(e) ***Full or partial penalty waivers; eligibility and evidentiary requirements.*** Owners may request a full or partial waiver of penalties assessed for violation of Article 302 of Title 28 of the Administrative Code, the New York City Building Code and/or rules enforced by the Department. Requests must be made through the Department's website, submitted with the filing fee, and must meet eligibility and evidentiary requirements as follows:

(1) *Owner status.*

(i) A new owner requesting a waiver due to change in ownership must submit proof of a recorded deed evidencing transfer of ownership to the current owner after penalties were incurred, as well as any other documentation requested by the Department, and only in one of the following circumstances:

(A) A new owner of a property previously owned by a government entity requesting a waiver due to change in ownership must submit official documentation from the government entity affirming that the premises was entirely owned by the government entity during the period for which a waiver is requested.

(B) A new owner who receives a notice of violation for failure to comply with the requirements of this section or Article 302 of Title 28 of the Administrative Code that was issued to the property after the transfer of ownership must submit a recorded deed showing the date that the property was acquired or transferred. The waiver period shall be from the date of the deed to the date of the violation issuance.

(ii) An owner may be granted a waiver of penalties upon submission of a copy of an order signed by a bankruptcy court judge.

(iii) If a state of emergency is declared that prevents an owner from conducting an inspection, filing a report or correcting unsafe conditions, an owner may be granted a waiver of penalties.

(2) *Building status.* An owner may be granted a waiver if the full demolition of the building occurred prior to the inspection cycle for which the report was due, and such demolition was signed off by the Department.

(f) ***Posting of Conditions Certificate.*** A conditions certificate issued by the Commissioner must be posted in a frame with a transparent cover in the lobby or vestibule of the subject building within thirty (30) days of issuance. The certificate must indicate the most recent condition of the building's exterior walls and appurtenances.