

CHAPTER 36

§36-01 Definitions.

For purposes of this chapter:

(a) **Alternative Enforcement Program.** "Alternative Enforcement Program" shall mean the program established by Local Law 29 of 2007.

(b) **Department.** "Department" shall mean the New York City Department of Housing Preservation and Development or its successor.

(c) **Emergency Repair Charge.** "Emergency Repair Charge" shall mean a charge or lien incurred as the result of repair work ordered by the Department pursuant to §§27-2125 or 27-2127 of the Housing Maintenance Code.

(d) **Housing Maintenance Code.** "Housing Maintenance Code" shall mean chapter two of title 27 of the administrative code of the city of New York.

(e) **Multiple Dwelling Law.** "Multiple Dwelling Law" shall mean the New York State Multiple Dwelling Law.

§36-02 Request for Reinspection and Dismissal of Violations.

(a)(1) An owner or managing agent of a building that has been identified for participation in the Alternative Enforcement Program may submit an application for reinspection of such building for the purpose of dismissing corrected violations of the Housing Maintenance Code or Multiple Dwelling Law from the Department's records in order for the building to be discharged from such Program.

(2) Such application shall be submitted to the Department on the form approved by the Department for such purpose, and shall be accompanied by a certified check or money order, made payable to the New York City Commissioner of Finance in the amount specified in §36-03 of these rules. Such application shall be submitted either in person or by mail to the Alternative Enforcement Program Office.

(3) Such application shall be submitted to the Department within four months of notification to the owner that such building has been identified for participation in the Alternative Enforcement Program, provided, however, that the Department may deny such application if it has already implemented the provisions of subdivision k of §27-2153 of the Housing Maintenance Code within such four-month period.

(4) Such application will not be processed by the Department unless such building is registered with the Department in accordance with the provisions of §§27-2097 through 27-2099 of the Housing Maintenance Code.

§36-03 Alternative Enforcement Program Fees.

(a) An owner of a building who has been notified of participation in the Alternative Enforcement Program shall be subject to fees for any inspection, reinspection or any other action undertaken by the Department during the time period that such building is in such Program. The schedule of fees is as follows:

(1) For each reinspection performed upon application by an owner for dismissal of violations within the first four months after notification of participation in the Alternative Enforcement Program: \$1,000 per building.

(2) For a building-wide inspection, monitoring of repair work and reassessment of a building pursuant to subdivisions k and m of §27-2153 of the Housing Maintenance Code: \$500 per dwelling unit every six months, beginning on the date of the building-wide inspection, with a maximum total fee of \$1,000 per dwelling unit during participation in the Alternative Enforcement Program.

(3) For each inspection based upon a complaint that results in issuance of a class B or class C violation: \$200 per inspection.

(4) For each reinspection pursuant to a certification of correction of violation(s) submitted to the Department, where the Department finds that one or more violations have not been corrected: \$100 per reinspection per building.

(b) All fees imposed pursuant to this section that remain unpaid by the owner shall constitute a debt recoverable from the owner and a lien upon the building and lot, and upon the rents and other income thereof. The provisions of article eight of subchapter five of the Housing Maintenance Code shall govern the effect and enforcement of such debt and lien.

§36-04 Education Course.

An owner or managing agent or other designated representative of a building which is the subject of an order by the Department pursuant to subdivision k of §27-2153 of the Housing Maintenance Code, may be required to complete a course of training relating to building operation and maintenance, approved by the Department, prior to discharge of the building from the Alternative Enforcement Program. The charge for participation in such course shall be \$300 for each participant. Such charge shall be paid prior to commencement of participation in such course.

§36-05 Criteria for Identification of Buildings for Participation in the Alternative Enforcement Program.

(a) Beginning in the sixth year of the Alternative Enforcement Program, the Department will use the following criteria to identify distressed buildings for participation in the program:

(1) A multiple dwelling that contains at least three but not more than nineteen dwelling units must have:

(i) A ratio of open hazardous and immediately hazardous violations that were issued by the Department within the three-year period prior to such identification that equals in the aggregate five or more such violations for every dwelling unit in the multiple dwelling; and

(ii) Paid or unpaid Emergency Repair Charges of five thousand dollars (\$5,000.00) or more, which were incurred within the three-year period prior to such identification.

(2) A multiple dwelling that contains twenty or more dwelling units must have:

(i) A ratio of open hazardous and immediately hazardous violations that were issued by the Department within the three-year period prior to such identification that equals in the aggregate three or more such violations for every dwelling unit in the multiple dwelling; and

(ii) Paid or unpaid Emergency Repair Charges of two thousand five hundred dollars (\$2,500.00) or more, which were incurred within the three-year period prior to such identification.

(b) Beginning in the eighth year of the Alternative Enforcement Program, the Department will use the following criteria to identify distressed buildings for participation in the program:

(1) A multiple dwelling that contains at least three but not more than nineteen dwelling units must have:

(i) A ratio of open hazardous and immediately hazardous violations that were issued by the Department within the five-year period prior to such identification that equals in the aggregate five or more such violations for every dwelling unit in the multiple dwelling; and

(ii) Paid or unpaid Emergency Repair Charges of five thousand dollars (\$5,000.00) or more, which were incurred within the five-year period prior to such identification.

(2) A multiple dwelling that contains twenty or more dwelling units must have:

(i) A ratio of open hazardous and immediately hazardous violations that were issued by the Department within the five-year period prior to such identification that equals in the aggregate three or more such violations for every dwelling unit in the multiple dwelling; and

(ii) Paid or unpaid Emergency Repair Charges of two thousand five hundred dollars (\$2,500.00) or more, which were incurred within the five-year period prior to such identification.

(c) Beginning in the ninth year of the Alternative Enforcement Program, and in each succeeding year, the Department will use the following criteria to identify distressed buildings for participation in the program:

(1) The Department will identify no more than twenty-five multiple dwellings that contain less than six units for participation in the program. Such multiple dwellings must have:

(i) A ratio of open hazardous and immediately hazardous violations that were issued by the Department within the five-year period prior to such identification that equals in the aggregate five or more such violations for every dwelling unit in the multiple dwelling; and

(ii) Paid or unpaid Emergency Repair Charges of five thousand dollars (\$5,000.00) or more, which were incurred within the five-year period prior to such identification;

(2) A multiple dwelling that contains at least six but not more than fourteen dwelling units must have:

(i) A ratio of open hazardous and immediately hazardous violations that were issued by the Department within the five-year period prior to such identification that equals in the aggregate five or more such violations for every dwelling unit in the multiple dwelling; and

(ii) Paid or unpaid Emergency Repair Charges of five thousand dollars (\$5,000.00) or more, which were incurred within the five-year period prior to such identification.

(3) A multiple dwelling that contains fifteen or more dwelling units must have:

(i) A ratio of open hazardous and immediately hazardous violations that were issued by the Department within the five-year period prior to such identification that equals in the aggregate three or more such violations for every dwelling unit in the multiple dwelling; and

(ii) Paid or unpaid Emergency Repair Charges of two thousand five hundred dollars (\$2,500.00) or more, which were incurred within the five-year period prior to such identification.

(d) Beginning in the ninth year of the Alternative Enforcement Program, and in each succeeding year, for purposes of identifying buildings for participation in the Alternative Enforcement Program, those buildings having the highest amount of paid and unpaid Emergency Repair Charges incurred within the five-year period prior to such identification shall be selected first.

(e) Beginning in the ninth year of the Alternative Enforcement Program, and in each succeeding year, under the circumstances where the criteria set forth in subdivision (c) do not yield 250 buildings for participation in the program, the Department may apply the following criteria to select additional buildings for participation:

(1) A multiple dwelling that contains six or more dwelling units must have:

(i) A ratio of open hazardous and immediately hazardous violations that were issued by the Department within the five-year period prior to such identification that equals in the aggregate four or more such violations for every dwelling unit in the multiple dwelling; and

(ii) For purposes of identifying additional buildings for participation in the Alternative Enforcement Program pursuant to this paragraph, those buildings having the highest number of open hazardous and immediately hazardous violations within the five-year period prior to such identification shall be selected first.

§36-06

(a) For the purpose of excluding a building from the Alternative Enforcement Program pursuant to administrative code §27-2153(e)(2) on the basis that the building is the subject of a loan provided by or through the department or the New York City Housing Development Corporation for the purpose of rehabilitation, the term "rehabilitation" shall mean that the scope of work for the building under the loan includes a building-wide replacement of a major component of the building.

(b) The Department may exclude from the Alternative Enforcement Program any building that previously participated in the program and was discharged within the prior three years as a result of work completed by the Department.