

Violation Removal – Overdue Violations

**NYC Department of Housing Preservation & Development
Office of Enforcement & Neighborhood Services – 2023**



Property Registration

To apply for any violation removal process your property must be validly registered.

Property owners of residential buildings are required by law to register annually with HPD if that residential property is a multiple dwelling (3+ residential units) or a private dwelling (1-2 residential units) where neither the owner nor the owner's immediate family resides. The annual registration deadline is September 1.

1) Obtain the form:

- Property Registration Online System (PROS) at www.nyc.gov/hpd
- email HPD at register@hpd.nyc.gov
- call the Registration Assistance Unit at 212-863-7000

2) Complete the form Complete the online form and print it, or complete the form that is mailed to you.

3) Sign and date the form Both the owner and the agent must properly sign and date the form.

4) Mail the form to:

Department of Housing Preservation and Development
Church Street Station
PO Box 3888
New York, NY 10008-3888

3) Pay the \$13 fee

- Pay online at nyc.gov/payonline
- Mail the payment to:
Department of Finance
P.O. Box 680
Newark, NJ 07101-0680

More information about property registration is available at <https://www.nyc.gov/site/hpd/services-and-information/register-your-property.page>

Violations

Violation – is a citation issued for failure to comply with the law and is the responsibility of the property owner of the building.



How are owners notified of violations?

1. Notices of Violation (NOV) are generated by mail and mailed to registered owner or managing agent. If there is no owner registration on record, then the violation is mailed directly to the building where the violation was issued.
2. Heat and hot water NOV's are posted in the building near the mailbox to let landlord know of the condition.
3. Owners can visit HPDONLINE or the Borough Service Center to obtain a list of all open violations associated with a property. To view a complete list of violations, please visit www.nyc.gov/hpd and click on Find Building Data. Enter your address and select the ALL OPEN VIOLATIONS option.

There are two important dates listed on the NOV:

- The **correction date** is the date by which the owner must correct the condition.
- The **certification date** is the date by which the owner must certify with HPD that the condition was corrected. The certification form is included in the NOV.

Once the certification date passes without the submission of a valid certification, the violation is **OVERDUE** and the building is subject to civil penalties for not correcting the condition timely.

Removing Overdue Violations

There are three ways owners can have overdue violations removed.

1) Dismissal Request provides the owner/agent the opportunity to have their property inspected for the purpose of having corrected violations dismissed and removed from HPD records. The fees range between \$250-\$500 and depends on the type of building and number of violations.

2) Violation Reissuance Program is only for buildings that do not have any open violations issued in the 12 months prior to the request.

3) Violations in Defect allows owner/agent to submit required documentation in cases where HPD confirms through an inspection the physical condition has been corrected but has not received the required documentation.

OHO/DCE FORM- DR-1
(Rev. January 2022)

Docket No.: DR _____

THE CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT
DIVISION OF CODE ENFORCEMENT
DISMISSAL REQUEST FORM

1. BUILDING TO BE INSPECTED

Building Address: _____ Borough: _____
Number of Dwelling Units: _____ Property Registration Number: _____
Violation Numbers to Be Inspected:
☐ ALL ☐ ONLY _____

2. REQUESTOR INFORMATION

Name (Print): _____ Requestor* is: ☐ Owner ☐ Managing Agent
(Check applicable box)
Address: _____
City: _____ State: _____ Zip Code: _____
Telephone Number: () _____ Email: _____

*The requestor must be a person designated on the Property Registration as the owner or managing agent. See instructions if this property is a condominium unit, cooperative unit or one- or two-family home that is not required to register.

I am requesting a reinspection of the violations pending at this property I understand that my property should be in compliance with all requirements of the Housing Maintenance Code (HMC) and Multiple Dwelling Law (MDL). I have reviewed the attached list of common violations and understand that HPD Code Enforcement Inspectors may issue violations for these or any conditions which violate the HMC or MDL. I understand that by submitting this application, I am confirming that the building is ready for inspection at the earliest time that HPD can schedule the inspection.

Name (Printed): _____
Signature: _____ Date: _____

3. CONTACT INFORMATION (TO SCHEDULE INSPECTION)

NAME _____
PHONE () _____ EMAIL _____

CODE ENFORCEMENT BOROUGH OFFICES

Manhattan: 94 Old Broadway, 7th Floor, New York, N.Y. 10027
Bronx: 1932 Arthur Avenue, 3rd Floor, Bronx, N.Y. 10457
Brooklyn: 701 Euclid Avenue, Brooklyn, N.Y. 11208
Queens: 120-55 Queens Boulevard, 1st Floor, Kew Gardens N.Y. 11424
Staten Island: Borough Hall, 10 Richmond Terrace, 2nd Floor, St. George, N.Y. 10301

THIS SECTION IS FOR CODE ENFORCEMENT USE ONLY

Date received: _____ Number of violations pending: _____ Inspection Report Due Date: _____
Mail _____ Walk-In _____ Accepted _____ Rejected _____
Note: _____ This form was processed by: _____

Dismissal Request: Violations Requiring Documentation

Other important information:

- When you submit a Dismissal Request for outstanding violations, there may be violations that require the submission of documents prior to dismissal. Read the Dismissal Request application for more details on these types of violations.
 - ❖ If the documentation is an HPD affidavit or form, the Dismissal Request instructions will provide more information on how you can obtain sample documents.
- The following violations will not be added to the Dismissal Request inspection because there is no physical condition to inspect. You must submit the required documents in order to have the violations removed.
 - ❖ Violation order # 780 (failure to register)
 - ❑ You can complete this form online at www.nyc.gov/hpd, but the property owner and managing agent must sign and date the form appropriately and submit a signed copy to HPD. There is a \$13 fee associated with this form which can be paid to the Department of Finance. See HPD's website at www.nyc.gov/hpd for more information about Property Registration.
 - ❖ Violation order # 1507 (bedbug annual filing)
 - ❑ Comply by going online to www.nyc.gov/hpd and searching Bedbugs. On the Bedbugs page will be a link to the filing portal under the Bed Bug Annual Report Requirement section. The webpage will also provide information about what other actions must be taken for compliance, including posting and distributing information to tenants post-filing.

Fee Schedule for Dismissal Request

Each Dismissal Request must be accompanied by a fee for a scheduled amount based on the dwelling classification and number of open violations at the time the Dismissal Request form is submitted to the Code Enforcement Borough Office, as follows:

Dwelling Classification	Fee Schedule
Private Dwelling (1-2 units).....	\$250
Multiple Dwelling (3+ residential units) with 1 - 300 open violations.....	\$300
Multiple Dwelling with 301 – 500 open violations.....	\$400
Multiple Dwelling with 501 or more open violations.....	\$500
Multiple Dwelling Active in the Alternative Enforcement Program (AEP)**.....	\$1000

**** Buildings in the Alternative Enforcement Program should not submit this form.** AEP Dismissal Requests require a different application and must be submitted (with the certified check or money order made payable to the NYC Department of Finance) to the Alternative Enforcement Program at 100 Gold Street, 5th Floor, New York, NY 10038. If you need that application, please contact AEP directly at 212-863-8262.

Mail or deliver a completed Dismissal Request form with a certified check or money order, made out to the NYC Commissioner of Finance, to the Code Enforcement Office in the borough where the subject building is located. Please indicate the building's property registration number on the check or money order.

Dismissal Request - Inspection

If the building qualifies, HPD will contact the requestor to schedule the dates for inspection.

- HPD will attempt to conduct an inspection within 45 days of the request during the summer (between June 1st and September 30th) and within 90 days of the request during the winter (between October 1st and May 31st).
- The owner/agent can request to be notified of the inspection date. This will ensure access for the inspector.
- A maximum of two attempts will be made for inspection.
- HPD will provide a report of the inspection results to the requestor.

You must make all efforts to assist HPD in obtaining access. Violations that are not inspected will not be dismissed and will remain as open violations in HPD's records, unless you use the CV-1 process. See the following slide.

A Dismissal Request may be rejected when:

1. There is no current or valid Property Registration for the building which is the subject of the request.
2. There is an unpaid emergency repair charge for repairs performed by or on behalf of HPD.
3. The owner/agent or subject building is the subject of pending HPD-related litigation.
4. The owner/agent or subject building is the subject of an uncollected judgment arising from HPD-related litigation.

Post-Dismissal Request Inspection: Self-Certification Process

During a Dismissal Request inspection, if HPD inspectors gain access to at least 50% of the violations **AND** 75% of those violations are observed corrected after two (2) attempted visits, pending violations that were not inspected may be dismissed through a self-certification ("CV-1") process. All submissions of the CV-1 must be completed within 45 business days of the final date of Dismissal Request Inspection.

- CV-1 Certificate of Violation Correction – No Access to Inspector form is self-certification from the owner/agent that the condition is corrected.
- A separate CV-1 must be completed for each apartment. The registered owner/agent must sign and date Certification A and make two copies of the form.
- Send the original CV-1 to the tenant by Certified Mail/Return Receipt requested.
- Owner/agent must complete Certification B and send a copy to the Chief Inspector, Borough Code Enforcement Office within ten (10) days of mailing to tenant and keep a copy for your records. A copy of proof of mailing to the tenant must be included.
- HPD may review your request, including attempting to contact the tenant in the apartment where the violation exists, and may audit your submission.
- Certain violation orders are excluded from the CV-1 process, including violations for lead-based paint and alterations. See the Dismissal Request instructions for detailed information.

DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT DIVISION OF CODE ENFORCEMENT CERTIFICATE OF VIOLATION CORRECTION – NO ACCESS TO INSPECTOR

PREMISES _____ Borough _____ Reg ID _____

TENANT'S NAME _____ Apartment _____

I, _____, am the Registered Owner or Registered
(Print Name)

Managing Agent of the above premises and certify that all the work necessary to remove the violations listed below in the above apartment has been completed.

DESCRIBE CONDITION	VIOLATION #	WORK DONE BY	DATE WORK COMPLETED

DATED: _____ (A) _____
Signature of Registered Individual Owner or Registered Managing Agent

NOTICE TO TENANT

If the occupant or tenant for any reason is in disagreement with the owner's certification, the occupant or tenant may make an objection by promptly notifying the office of the Chief Housing Inspector of the Borough in which the premises are located of the objection and by agreeing to a time for a re-inspection of the apartment. If you want to see all open violations in your apartment, go on-line to www.nyc.gov/hpd.

MANHATTAN	THE BRONX	BROOKLYN	QUEENS	STATEN ISLAND
94 Old Broadway 7 th Floor New York, NY 10027 (212) 863-5030	1932 Arthur Avenue Room 301 Bronx, NY 10457 (212) 863-7050	701 Euclid Avenue 1 st Floor Brooklyn, NY 11208 (212) 863-6620	Borough Hall 120-55 Queens Blvd Kew Gardens, NY 11424 (212) 863-5990	Borough Hall Room 224 Staten Island, NY 10301 (212) 863-8100

CERTIFICATION OF MAILING

I certify that a copy of this Certification of Violation Correction and Notice to Tenant was mailed to the above named tenant on _____ (date). Attached is proof of certified mailing (the post-marked certified mail receipt).

DATED: _____ (B) _____
Signature of Registered Owner or Registered Managing Agent

ANY FALSE STATEMENTS IN THIS CERTIFICATION ARE PUNISHABLE BY IMPRISONMENT OF UP TO ONE YEAR AND/OR A FINE OF UP TO \$1,000 AND OTHER PENALTIES PROVIDED BY HOUSING MAINTENANCE CODE SECTIONS 27-2096, 27-2118, AND 27-2115.

2) Violation Reissuance Program

For a building to be considered for the Violation Reissuance Program, it must:

- Not have open violations issued in the 12 months prior to the request
- Not have falsely certified violations in the 12 months prior to the request
- Have a current valid registration
- Not have unpaid emergency repair program charges (you can check this at www.nyc.gov/dof)
- Not have pending litigation with HPD
- Not be active in the AEP
- Not be vacant

Information concerning open violations, property registration, and pending litigation can be found at www.nyc.gov/hpd.

Violations that were written as order numbers 496, 499, 550, 555, 567, 568, 569, 610, 611, 612, 614, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 630, 631, 632, 729, 730, 741, 759, 760, 761, 762, 764, 765, 766, 767, 768, 780, 1067, 1068, 1499, 1507 and INFO "I" order violations will NOT be considered for the Violation Reissuance Program.

Violation Re-issuance Process

- Owner or agent submits a [Violation Reissuance Request Form](https://www.nyc.gov/assets/hpd/downloads/pdfs/services/violation-reissuance.pdf) by mail. Violation Reissuance Request Forms are available at <https://www.nyc.gov/assets/hpd/downloads/pdfs/services/violation-reissuance.pdf>
- If the request is accepted, new correction and certification dates will be established for outstanding violations.
- Violations for lead-based paint, mold, and vermin are not eligible for the violation re-issuance process.
- NOV's will be issued. These NOV's must be completed the same way as new NOV's are completed and must be returned by the certification date.
- An inspection may or may not be conducted, as with regular certifications.
- If no inspection is completed, the violations are deemed complied and closed 70 business days after the certification is received.

DCE Form RV-12/1/2022

The City of New York
DEPARTMENT OF PRESERVATION AND DEVELOPMENT
Division of Code Enforcement
VIOLATION REISSUANCE REQUEST FORM

To be considered for violation reissuance, the building must have no open violations issued in the 12 months prior to your request; no falsely certified violations in the 12 months prior to your request; a current valid registration; no unpaid emergency repair program charges (you can check this with the Department of Finance); and no pending litigation with HPD. Information concerning open violations, property registration, and pending litigation can be found at nyc.gov/hpd.

Properties that are active in the Alternative Enforcement Program (AEP) or properties that are vacant will NOT be considered for the Violation Reissuance Program. Violations that were written as order numbers 496, 499, 550, 555, 567, 568, 569, 610, 611, 612, 614, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 630, 631, 632, 729, 730, 741, 759, 760, 761, 762, 764, 765, 766, 767, 780, 1067, 1068, 1499, 1507 and INFO "I" order violations will NOT be considered for the Violation Reissuance Program.

Property Information

House No. Street Name Borough
Block Lot Multiple Dwelling Registration no. Units Date Requested
Property vacant (unoccupied)? ☐ Yes ☐ No

Requestor Information – The information provided below may be used to contact you about your request. Any Notice of Violation (NOV) reissued by the Department will be mailed to the owner/agent and address listed on the last valid Property Registration on file. Owner/agents can confirm that they are registered or find out how to register by visiting nyc.gov/hpd, calling (212) 863-7000, or sending an email to register@hpd.nyc.gov.

Company Name Contact Last Name Contact First Name
House No. Street Name City
State Zip Code Telephone Number Ext. E-mail Address
Requestor is ☐ Managing Agent ☐ Individual Owner ☐ Joint Owner ☐ Receiver
☐ Officer ☐ General Partner ☐ Executor ☐ Trustee

Signature Date

Please mail the completed form to "Division of Code Enforcement, 100 Gold Street 5-21c, New York, NY 10038."
Please call 212-863-8811 or email codevior@hpd.nyc.gov if you have questions about violation reissuance. You may also view Frequently Asked Questions (FAQs) concerning violation reissuance at nyc.gov/hpd

Code Enforcement Use Only

Date Received Reissuance Granted? ☐ Yes ☐ No If No, Reason? ☐ Falsely Certified viol. ☐ Other
No. Of Viols. Reissued ☐ Pending Litigation ☐ Open Viols. Previous Year
☐ Unpaid ERP ☐ Registration Expired
A B C Total Date Viols. Reissued Form Processed By:

Violation Reissuance Program

Although you may believe that the conditions were corrected years ago, you should check to make sure that all conditions are still corrected prior to certifying.

False certification penalties will apply if the conditions are not properly corrected! Your certification will be invalidated if HPD finds a condition still existing. Penalties can be imposed by the Housing Court for false certification. Filing a false statement is also a misdemeanor.

OTHER NOTES:

- ▶ There are no postponements granted for re-issued violations.
- ▶ You can use eCertification to certify reissued violations. For more information on eCertification, click the eCertification link on HPD's homepage.

3) Violation in Defect

Lead-based paint hazard violations (order #s 616, 617 and 624) and mold (order #550) require HPD to both:

- Conduct an inspection to confirm that the physical condition has been corrected **AND**
- Obtain documentation from the property owner to confirm that the work was performed according to the requirements in the law.

A violation is put into Defect status if HPD confirms through an inspection the physical condition has been corrected BUT HPD has NOT received the required documentation.

You can confirm that a violation is in Defect status if you:

- Receive a letter from HPD notifying you that the violation is in Defect
- Check HPDONLINE for the status of the violation on the Violations page.
- For lead-based paint violations, you can further check on the Overdue lead-based paint violations page.

If a violation is in defect, you only have to submit the appropriate documentation to have the violations dismissed at no additional cost.

Lead-Based Paint Violations in Defect

For lead-based paint hazard violations in defect, you must provide the following documents.

Work Completed After August 1, 2004

- Form AF-5 (an affidavit certifying that work was performed correctly)
- A copy of the State-certified laboratory analysis of all surface dust samples taken (www.hud.gov provides a list of certified laboratories)
- A copy of the Certificate of Training of the individual who took surface dust samples
- A sworn statement made by the agent or employee who performed the work to correct the lead-based paint hazard violation(s) stating that the work was performed in accordance with §27-2056.11 of Article 14 of the Housing Maintenance Code and §11-06 of Title 28 of the Rules of the City of New York
- A copy of the EPA certification for the firm that performed the work to correct the lead-based paint hazard violation(s)
- A copy of the EPA certification for the Worker(s) that performed the work to correct the lead-based paint hazard violation(s)

Samples of the documents above and more information can be found at <https://www.nyc.gov/site/hpd/services-and-information/lead-based-paint.page>

Mold Violations in Defect

For mold violations in defect, you must provide the following documents.

- [Mold Affidavit of Compliance \(AF-9\)](#) (Mold violations issued to any residential building with three or more units between March 31, 2018 and January 18, 2019)
- [Mold Affidavit of Compliance \(AF-8\)](#) (Mold violations issued to any residential building with 10 or more units (class "B" or "C") on or after January 19, 2019)
- [Mold Affidavit of Compliance \(AF-7\)](#) (Mold violations issued to any residential building with 10 or more units (class "A" only) or 10 or fewer units on or after January 19, 2019)

Samples of the documents above and more information can be found at <https://www.nyc.gov/site/hpd/services-and-information/indoor-allergen-hazards-mold-and-pests.page>

For More Information

- ✓ Go online at www.nyc.gov/hpd to search for any of the topics covered in this presentation.
- ✓ Visit a borough office at any of these locations:
 - 94 Old Broadway, MN (212) 863-5030
 - 1932 Arthur Avenue, BX (212) 863-7050
 - 701 Euclid Avenue, BKLYN (212) 863-6620
 - 345 Adams Street, BKLYN (212) 863-8060
 - 120-55 Queens Boulevard, QNS (212) 863-5990
 - Staten Island Borough Hall, SI (212) 863-8100

This guide is intended for informational purposes only, and is not a complete or final statement of all of the duties of owners with regard to Certification of Correction of violations of the Housing Maintenance Code.

PROCESS OVERVIEW FOR REMOVING OVERDUE VIOLATIONS

