Violation/Summonses Scheduled for Hearings at OATH/ECB

- The most common type of violation/summons the Department issues is when there is non-compliance with the NYC Building Code, the Zoning Resolution, the Electrical Code or other applicable rules and laws.
- Each violation/summons contains a Commissioner's Order to correct the condition and to certify correction with the Department.
- Those wishing to dispute a violation/summons must attend a hearing at the Office of Administrative Trials and Hearings/Environmental Control Board (OATH/ECB)



About OATH/ECB

OATH/ECB (Office of Administrative Trials and Hearings/Environmental Control Board):

- Is an administrative court that provides hearings on violations/summonses issued by City agencies.
- OATH/ECB renders judgment, imposes and collects all penalties assessed at hearings.
- OATH/ECB does not:
 - Issue violations/summonses
 - Establish enforcement policies
 - Employ inspectors or agents
 - Direct, control or otherwise influence where, when or to whom violations are issued



Violation/Summons Components

SUMMONS AND COMMISSIONER'S ORDER+CIVIL PENALTIES APPLY SUMMONS NUMBER: 35224600Y ENFORCEMENT AGENCY: NYC DEPT OF BUILDINGS AGENCY ADDRESS AND WEBSITE: 280 Broadway, New York, NY 10007 *********************************	Doopond
RESPONDENT:	Respond
MAILING A DORESS:	
DATEO FOCCURRENCE:// TIMEO BSERVED:am/pm PLACE OF OCCURRENCE: BOROUGH:	Occurrer
BLOCK: LOTBIN:	
You must appear or respond to the details of violation(s) below. For HOW TO RESPOND, see the backof this summons. HEARING DATE: AT: B30 am 1030 am 1:30 pm	Hearing
OFFICE OF A DM INISTRATIVE TRIALS AND HEARINGS: [Borough] (See reverse side for address) Phone: (\$44)628-4692 REFER TO THE SUMMORS NUMBER A BOVE ON ALL CORRESPONDENCE.	
IMA RNING: If you do not appear or respond to this Summons, the City will decide the Summons against you and impose penalties. Failure to pay a civil penalty could lead to the denia Lofa napplication for, or the suspension, termination or revocation of a City license, permit or registration. In addition, the City may enter a judgment against you in court.	Commissi
COMMISSIONER'S ORDER TO CORRECT VIOLATION CONDITION(S)	
CURE DATE (Zero Penalty Option, if available): Must Appear: Details of Violation(s) (Indisputing the charge)	Correct
Type of Construction: No. of Stories: Vio. Type: Dist. Code No. Occur paney at 7 time of time of time per time and/or records of the Department, the of the section of the writest below of the NVC Administrative Code, the NVC Zonic City of New York. Us butting Infection Code Class Provision of law Conditions Conditions Observed Observed Incomplete Aggreemed (per Conditions) Observed One-CLASS Life: 28-202 J. & Life Will (2021) additional Class Section of Story Work/Wearts Code in the 28-202 J. & Life Will (2021) additional Code	
	CURE Da
	_
Remedy:	applicable
THE COMMESSIONER OF DOES THAT YOU TIMELY COPERCY THASSE OF DOTTIONS AND PILL A CERTIFICATION SUCH COPERCYTON. SEE ASSETT IN AN ADDRESS AND	
4YC Charles Sections 1983 and 1949-a and the factor of the Gry of New York authorize the 4YC Office of Administrative I hab and dealings (OAI rif) to held hearings. For hearing options, we other side of his notion.	
Lanemp byee of the Department of Buildings, affirm under pensity of perjury that I personally observed the commission of the violation I chaged above and/or verified the irak his nex through a review of departmental records. False statements made the reliniace punk habite as a Class A Mildelman punk and to section 20.43 of the Pensillaw.	
Issuing Officer: Signature: Badge# Unit Code:	

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Date and Time

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Commissioner's Order: Correct and Certify Correction

- Unless your violation/summons has been dismissed as a result of a hearing held at OATH/ECB, you are required to certify correction with the Department.
- A violation/summons will continue to appear *Open* in DOB records, even if you paid the penalty imposed by OATH/ECB, until an acceptable Certificate of Correction has been submitted to the Department.



Certifying Correction

When to Certify Correction

DOB accepts a Certificate of Correction anytime after the violation/summons is issued, except violations/summonses issued for filing a Certificate of Correction containing material false statement(s). In such a case, you must attend your hearing before you can certify correction with the Department.

NOTE: All DOB civil penalties issued as a result of the violation must be paid in order to obtain a Certificate of Correction Approval Letter.



Resolution OPTION 1 (No Hearing Held)

CURE – Zero Penalty

- Available for certain violations/summonses (All Class 3 and most Class 2 infractions
- Respondent must correct the violating condition(s) and certify correction to the Department within 40 days of service of the violation/summons.
- If an acceptable certificate of correction is submitted to AEU before the CURE Date found on the face of the violation/summons:
 - Respondent admits violation/summons
 - No appearance at an OATH/ECB hearing is necessary
 - No hearing penalty imposed penalty must be paid

If an acceptable certificate of correction is not submitted by the CURE Date found on the face of the violation/summons the respondent must appear for a hearing as scheduled or admit and pay the violation/summons.



Resolution OPTION 2 (No Hearing Held)

Stipulations

- Available for certain violations/summonses (Class 3 and selected Class 2 infractions)
- An admission of guilt extends compliance time by an additional
 75 days from the first scheduled hearing date
- Accepted by mail or at the hearing
 - By Mail: Half the penalty must be paid if accepted before the first hearing date
 - At the Hearing: The OATH/ECB approved hearing penalty must be paid



Resolution OPTION 3 (No Hearing Held)

Admit and pay by Mail or Online

- All violations/summonses qualify for this option, regardless of severity
- The standard penalty must be paid to OATH/ECB before the scheduled hearing date
- No hearing is held after payment is received
- No reduction in penalty
- Eliminates representation costs for no defense presented during hearings
- Eliminates time spent at OATH/ECB
- Still requires certification of correction to the Department



Why Certify Correction?

- To avoid receiving additional violations/summonses for failing to comply with a Commissioner's Order and/or failing to certify correction.
- The Law requires Immediately Hazardous (Class 1) violations/summonses to be corrected forthwith.
- Immediately Hazardous (Class 1) violations/summonses that are not corrected and certified as corrected in a timely manner face additional DOB Civil Penalties of \$1,500 minimum.
- Respondents may still challenge the violation/summons at OATH/ECB, even if certification has been submitted to the Department.



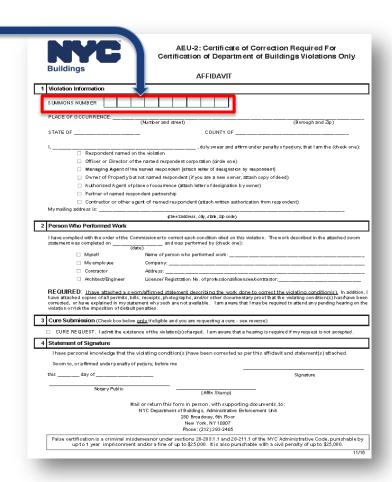
Why Certify Correction?

- Violations remain open until an acceptable certification is received.
- Banks, mortgage and title companies review BIS Web for compliance information.
- Failure to certify can affect the ability to obtain a Certificate of Occupancy or Letter of Completion.
- Failure to certify may delay the rescission of a Stop Work Order.
- Certification is required in order to be granted a stipulation, which carries a lesser penalty.
- Certification is required in order to be granted a CURE with zero penalties.



SECTION 1: Violation Information

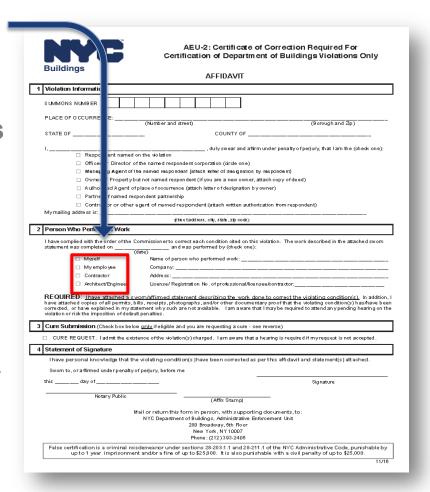
- Insert the violation/summons number, the address where the violation occurred and your name and mailing address.
- You must check one of the boxes that indicates your relationship to the Respondent.
- If you are the managing agent of the premises that is the subject of the violation/summons, you must attach a letter from the owner authorizing you to certify correction
- If you are a new Owner, you must attach a copy of a deed.





SECTION 2: Person Who Performed the Work

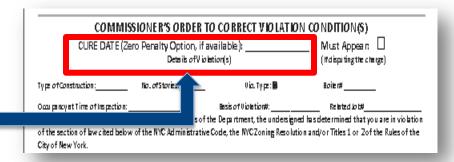
- Complete this section by inserting the date that all violating conditions were corrected.
- Check the box indicating who did the work to correct the violation(s) and provide the name of the individual, company name and license/registration information (if done by a licensee, professional or registered contractor).





CURE Eligibility

- Class 3 (lesser) violations are always curable.
- Violations that are eligible for a CURE contain a CURE Date.
- Correct all violating conditions.
- Submit an acceptable Certificate of Correction to AEU before the CURE Date listed on your NOV.





SECTION 3: CURE Submission

 You must check CURE REQUEST in Section 3 of the Certificate of Correction form.

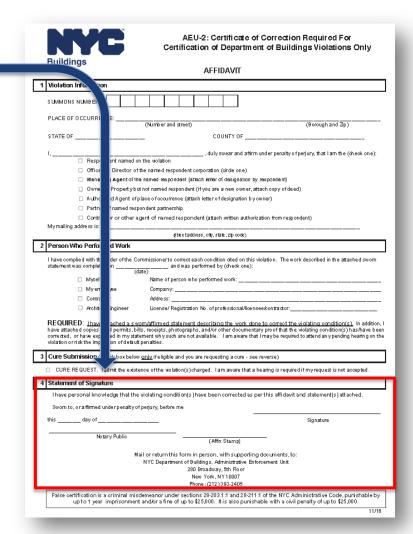
- 3 Cure Submission (Check box below only if eligible and you are requesting a cure see reverse)

 CURE REQUEST. I admit the existence of the violation(s) charged. I am aware that a hearing is required if my request is not accepted.
- CURE Requests require the same documentation as all other Certificates of Correction.
- In addition to Section 3, all other sections of the Certificate of Correction form must be completed.



SECTION 4: Statement of Signature

- Must be signed and notarized.
- Must be original.
- No photocopies, scanned copies, stamped or traced signatures will be accepted.
- The person certifying correction should sign on the rightmost line and the notary should sign on the left.





Statement in Support

- You must attach a notarized statement providing a detailed description of the work done to correct the violating condition(s).
- You must also attach copies of all permits, bills, receipts, photographs, and/or documentary proof that the violating condition(s) have been corrected.



Tips for Avoiding Violations/Summonses

- Comply with the NYC Building Code, Administrative Code, Rules, Regulations and other applicable laws
- Always obtain permits when necessary
- Work within the scope of permit
- Hire registered/licensed professionals
- Hire licensed plumbers/electricians etc.
- Hire registered contractors
- Correct outstanding violations



Tips for Avoiding Violations/Summonses

- Do regular or scheduled maintenance on buildings and appurtenances
- Comply with Local Laws Façade, Boiler, Elevator
- Maintain structures
- Stay current with new requirements
- Sign-up for the Department's newsletter, Buildings
 News (www.nyc.gov/buildings)
- Stay up-to-date with NYC Rules and Laws





For questions regarding resolving an OATH/ECB violation or summons please contact the Department's:

Administrative Enforcement Unit (AEU) (212) 393-2405

