

SERVICE NOTICE

Local Law 104 of 2019: Denial of Permits for Multiple Dwellings with Excessive Open Violations

Beginning March 4, 2021, the Department will deny applications for initial work permits in the Buildings Information System (BIS) for multiple dwellings with the following ratios of open hazardous or immediately hazardous Housing Maintenance Code violations and/or open immediately hazardous or major Construction Code violations to dwelling units:

- **Buildings with 35 or more dwelling units: two (2) or more violations for every unit;**
- **Buildings with fewer than 35 dwelling units: three (3) or more violations for every unit.**

The permit restriction will apply if the violations were issued on or after January 4, 2020 – the effective date of Local Law 104 of 2019.

Open Hazardous or Immediately Hazardous Housing Maintenance Code Violations

Class B and Class C violations issued by the NYC Department of Housing Preservation and Development (HPD) that have not been cleared. To search for a building's open violations, enter the building's address at [HPDONLINE](#) and click 'All Open Violations' on the leftmost column.

For more information on open violations and how to clear them, visit [HPD's website](#).

Open Immediately Hazardous or Major Construction Code Violations

Class 1 and Class 2 OATH summonses issued by DOB that have not been certified as corrected. To search for a building's open violations, enter the building's address in [BIS](#) and click 'Violations-OATH/ECB' at the bottom. For more information on open DOB issued summonses and information related to certifying correction, visit www.nyc.gov/aeu.

Buildings subject to this permit restriction will be flagged in the **Property Profile** in the Buildings Information System (BIS) as **LL 104/19 Permit Restriction**. The flag will change to 'N/A' when the building's ratio of open violations to dwelling units falls below those described above. The flag does not apply to permit renewals.

Exception Requests

A new 'LL104/19 Request for Exception to Permit Denial' Required Item will be added to any job filing in BIS on a flagged property. To obtain a permit in BIS on a flagged building, the applicant must satisfy the Required Item by submitting a [Local Law 104 of 2019 Request for Exception to Permit Restriction form](#) indicating that one or more of the below exceptions applies, with the required documentation. Both the applicant and the owner must sign this form.

- The permit is for a dwelling unit that is owned as a condominium or held by a shareholder of a cooperative corporation under a proprietary lease.

- The issuance of the permit is necessary to correct an outstanding violation of the Construction Code, the Housing Maintenance Code or any other applicable provisions of law or rule.
- The issuance of the permit is necessary to perform work to protect public health and safety. *(Documentation, including dated color photographs must be submitted)*
- The permit is for a portion of the property occupied by a tenant who is not an owner of the property or responsible for any existing violations on the property.
- The property was the subject of an in rem foreclosure judgment in favor of the City and was transferred by the City to a third party pursuant to Section 11-412.1 of the Administrative Code. *(Documentation must be submitted)*
- The property is the subject of a court order appointing an administrator pursuant to article 7-a of the Real Property Actions and Proceedings Law in a case brought by the Department of Housing Preservation and Development (HPD). *(HPD documentation must be submitted)*
- The property is the subject of a loan provided by or through HPD or the NYC Housing Development Corporation (HDC) for the purpose of rehabilitation that has closed within the preceding five years. *(HPD or HDC documentation must be submitted)*
- The permit is required in connection with the implementation of an HPD or HDC program. *(HPD or HDC documentation must be submitted)*

Please notify HPD if the number of dwelling units that was used to determine the violation ratio on a building is incorrect. Email codevios@hpd.nyc.gov and include the address, borough, block and lot of your building and a scan of the Certificate of Occupancy, if available.