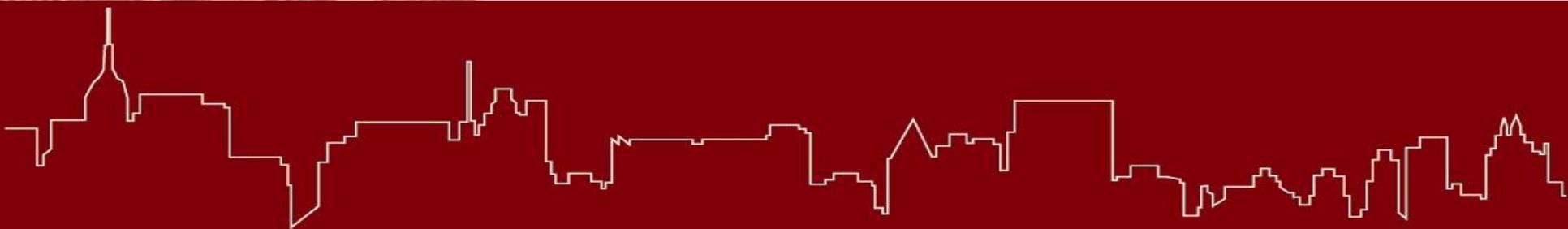


Violation Removal – Overdue Violations

**New York City Department of Housing Preservation & Development
September, 2015**

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.



PROPERTY REGISTRATION

- ✓ You cannot apply for any violation removal processes if your property is not validly registered.
- ✓ Registration is required annually for:
 - ✓ All multiple dwellings (buildings with three or more residential units). This includes condominium buildings (not units), cooperatives, and hotels.
 - ✓ One and two family homes **only if** neither the owner nor any family member lives there.
- ✓ There is a \$13 annual fee, payable to the Department of Finance as billed.
- ✓ The form must be signed and dated by the owner and managing agent.
- ✓ If you receive a notice indicating that some information is missing or incorrect on the registration form, respond quickly because the building registration may not be valid.
- ✓ The registration form is available through the Property Registration Online System at www.nyc.gov/hpd, by emailing HPD at register@hpd.nyc.gov, by calling the Registration Assistance Unit at 212-863-7000, or at any borough office.

VIOLATIONS

You can find out whether there are HPD violations pending on your property by viewing open violations using **HPDONLINE** at www.nyc.gov/hpd. Enter your address and select the **ALL OPEN VIOLATIONS** option.



HOW CAN I HAVE VIOLATIONS REMOVED FROM HPD'S RECORDS WHEN THE CONDITIONS HAVE BEEN CORRECTED?

Options depend upon the issue dates of the violations. This presentation will focus on addressing violations which are overdue, which means that the violations remain on the record past the certification date with no valid certification submitted. Your options include:

- Dismissal Request
- Violation Reissuance

For information on removing new violations (violations which are still within the certification period), see the presentation called **Violation Removal – Certification.**

DISMISSAL REQUEST

If the property has violations issued within the past 12 months that were not timely certified, filing for a Dismissal Request is the **only** process for violation removal.

- If you file a Dismissal Request, an inspection will be conducted.
- There is a fee, which depends on the number of violations to be inspected and whether the property is a multiple dwelling or 1-2 family house.
- Dismissal Request applications are available online at <http://www1.nyc.gov/site/hpd/owners/compliance-clear-violations.page> and at all of HPD's borough offices.
- Only a **registered** owner/agent or authorized representative can file a Dismissal Request.
- You can request to be notified of the inspection date. This is important because you want to maximize access for the inspector!
- Instructions for completing the application are provided on the back side of the form.

DISMISSAL REQUEST PROCESS

- Property owner/agent submits request to HPD with the appropriate signatures and fee.
- HPD verifies that building qualifies for a Dismissal Request. (See slide 7 for reasons a request might be rejected.)
- HPD contacts the requestor to schedule the dates for inspection. HPD will attempt to conduct an inspection within 45 days of the request during the summer and within 90 days of the request during the winter.
- HPD will provide a report of the inspection results to the requestor.

DISMISSAL REQUEST

An application will be rejected if:

- The building is not validly registered
- The owner, managing agent, or subject building is the subject of pending HPD-related litigation
- The owner, managing agent, or subject building is the subject of an uncollected judgment arising from HPD-related litigation. You can check this on HPDONLINE (access from www.nyc.gov/hpd).
- There is an unpaid emergency repair (ERP or AEP) charge for repairs performed by or on behalf of the Department. You can check this through www.nyc.gov/dof; ERP charges appear on a property tax statement.
- The signature is not from someone listed on the valid registration form.
- The appropriate fee is not submitted.

OHO/DCE FORM-DR-1
(Rev. 6/2013)

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: _____

Item Numbers to Be Inspected:

ALL

ONLY _____

Do you want to be contacted to schedule the inspection? YES NO

2. REQUESTOR INFORMATION

Name (Print): _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: (____) _____

Email: _____

Requestor is: (Check applicable box) Owner Managing Agent

3. REQUESTOR SIGNATURE

Signature: _____ Date: _____

The requestor must be a person designated on the Property Registration as the owner or responsible party. If this form is for a private dwelling that is occupied by the owner or his/her family, condominium or cooperative apartment, you are also required to submit the Dismissal Request Affidavit of Ownership.

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
210 Joralemon Street, Room # 809, Brooklyn, N.Y. 11201
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: _____

_____ Mail _____ Walk-In, _____ Accepted _____ Rejected

Inspection Report Due Date: _____

Note: _____

This form was processed by: _____

DISMISSAL REQUEST

Certain violations require the submission of documentation in addition to the Dismissal Request Form:

- Any violations which indicate in the wording that a document is required to be submitted. For example, file a "Carbon Monoxide - Certificate of Installation."
- Illegal Conversion violations (order #s **491/494/495/741**) where you have legalized the conditions.
- Lead-based paint violations (details can be found later in this presentation).

If the only violations pending on your property fall into the above categories, you may not be required to file a Dismissal Request form, so speak with our Public Interviewers in our borough offices. For full information on what documents may be required, read the Dismissal Request form instructions carefully.

FEE SCHEDULE FOR DISMISSAL REQUEST

- Private Dwelling (1-2 family)\$250
- Multiple Dwelling with 1- 300 open violations\$300
- Multiple Dwelling with 301-500 open violations\$400
- Multiple Dwelling with 500 or more open violations..\$500

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 number on the check or money order.

DISMISSAL REQUEST CV-1

- If HPD gets access to at least 50% of the violations during the Dismissal Request inspection, and 80% of those are corrected, you may file CV-1 forms for those violations which were corrected in apartments that HPD did not access. **You must complete this process within 45 days of the last inspection.**
- A CV-1 form is a Certificate of Violation – No Access to Inspector form. The CV-1 states that the condition is corrected.
- Certain violation orders are excluded from the CV-1 process, including violations for lead-based paint and alterations.
- You must request CV-1 forms at the Borough Office.
- The process requires to you to send the form via certified mail to the tenant and include a copy of the proof of mailing when submitting the form to HPD.

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

CERTIFICATE OF VIOLATION CORRECTION – NO ACCESS TO INSPECTOR

PREMISES _____ BOROUGH _____

PROPERTY REGISTRATION NO. _____

TENANT'S NAME _____ APARTMENT _____

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

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 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 reinspection of the apartment. If you want to see all open violations in your apartment, go on-line to www.nyc.gov/hpd.

MANHATTAN 94 Old Broadway 7 th Floor New York, NY 10027 (212) 234-7764	THE BRONX 1932 Arthur Avenue Room 301 Bronx, NY 10057 (718) 579-6790	BROOKLYN 701 Euclid Avenue 1 st Floor Brooklyn, NY 11208 (718) 827-1954 (718) 827-1955	QUEENS Borough Hall 120-55 Queens Blvd New Gardens, NY 11424 (718) 268-0800	STATEN ISLAND Borough Hall Room 224 Staten Island, NY (718) 916-2340
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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 30 DAYS AND/OR \$500 FINE AND OTHER PENALTIES PROVIDED BY LAW. SECTIONS 27-2096, 27-2118.

INSTRUCTIONS
(To Registered Owner or Registered Managing Agent)

During a Dismissal Request inspection, if Code Enforcement inspectors gain access to at least 50% of the violations AND 75% of those violations are observed corrected after 2 attempted visits, pending violations that were not inspected may be dismissed through a self-certification ("CV-1") process. To have violation(s) removed from the department's record where the above condition is true:

1. Complete a separate Certification of Violation Correction Form (CV-1) in triplicate for each apartment where work has been done. Violations that were written as order numbers 80, 81, 81-b, 491, 495, 503, 521, 522, 526, 530, 555, 567, 610, 611, 612, 616, 617, 618, 701, 702, 703, 741, 746, 750, 761, 762, 790, 791, 803, 821, 822, 826, 830, 867, 1001, 1002, 1003, 1041, 1061, 1062, 1492, 1493, 1501, 1502, 1503, 1504, or 1505 or that exist in a public area will NOT be dismissed through the self-certification process.
2. Send a copy of Certificate of Violation Correction Form (Part 1) to each tenant by Certified Mail/Return Receipt Requested.
3. Forward one copy (Part 2) to Chief Inspector, Borough Code Enforcement Office within ten (10) days of mailing to tenant. Be sure to sign both certifications (A & B) on the form.

WHITE – TENANT COPY CANARY – BOROUGH COPY PINK – LANDLORD COPY

LEAD VIOLATIONS – DISMISSAL REQUEST OR DOCUMENTATION SUBMISSION

LEAD-BASED PAINT HAZARD VIOLATIONS can be dismissed *ONLY IF*

- 1) The appropriate additional documentation regarding the work methods and cleanup process is provided. BY LAW, even if the lead paint condition appears to be repaired, the violation cannot be dismissed without this documentation.**
- 2) An inspection determines that the condition has been corrected.**

If you have open lead-based paint violations, check HPDONLINE to see how to comply. In cases where HPD has already completed an inspection and the condition was observed to be corrected, you only have to submit the appropriate documentation to have the violations dismissed at no additional cost. In cases where an inspection is required, you must file for a Dismissal Request.

- After entering your address into the **HPDONLINE** application on HPD's homepage, select Overdue Lead-Based Paint Violations from the left hand toolbar.
- Follow the instructions provided on that page.

Submission of Documents: Lead-based paint violations

- A detailed description of the work practices that must be used to correct current lead paint hazard violations is included in an HPD pamphlet – GUIDE TO LOCAL LAW #1 OF 2004 WORK PRACTICES - available at the Borough Offices and on the HPD website (nyc.gov/hpd).
- If you have any questions, you may call the Lead Hotline at (212) 863-6458.
- The next slide summarizes the required documentation. You can find samples of this document at <http://www1.nyc.gov/site/hpd/owners/Lead-Based-Paint.page>

Date work was completed – SUBMITTED PAPERWORK MUST VERIFY THIS DATE!	In order to have lead-based paint violations dismissed, you must submit:
Prior to August 1, 2004	<ul style="list-style-type: none"> • 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 • Form AF-3/4 (an affidavit certifying that work was performed correctly) – available on HPD’s website
After August 1, 2004	<ul style="list-style-type: none"> • 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 firm that performed the work to correct the lead-based paint hazard violation(s)

VIOLATION RE-ISSUANCE

If there are no violations on record (pending) that were issued within the last 12 months, you may apply to have the violations re-issued.

A re-issuance request will be denied if:

- The building is not validly registered.
- There are false certifications within the past 1 year.
- The owner, managing agent, or subject building is the subject of pending HPD-related litigation.
- There is an unpaid emergency repair charge for repairs performed by or on behalf of the Department. You can check this through www.nyc.gov/dof; ERP charges appear on a property tax statement.
- The building is in the Alternative Enforcement Program. 14

VIOLATION RE-ISSUANCE PROCESS

- Owner or agent submits a Request re-issuance by mail using the Violation Reissuance Request Form (<http://www1.nyc.gov/site/hpd/owners/compliance-clear-violations.page>)
- If the request is accepted (see slide 14 for rejection reasons), new correction and certification dates will be established for outstanding violations.
 - Lead violations are not re-issued.
- Notices of Violation (NOV) will be issued. These NOVs must be completed the same way as new NOVs are completed and must be returned by the certification date. (Please see the presentation labeled “**Violation removal – Certification**” for more information on the certification process.)
- An inspection may or may not be conducted, as with regular certifications. If not, the violations are deemed complied and closed 70 days after the certification is received.

VIOLATION RE-ISSUANCE

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.

RE-ISSUANCE NOV

CIV 194 REISSUANCE
(REV. 6/2014)

OWNER COPY

INSTRUCTIONS

I. PENALTIES You will be subject to the penalties described below unless you correct and certify the correction of violations by the dates indicated on the front of this Notice of Violation(s). **If the violations are for Heat, Hot Water, or Illegal Devices, you will be subject to penalties if you do not correct them by the date indicated on the Notice of Violation posted at your building.**

CLASS A violations (non-hazardous) \$10-\$50 each
 CLASS B violations (hazardous) \$25-\$100 each, plus \$10 per violation per day
 CLASS C violations (immediately hazardous)

- Heat and hot water violations:
 - \$250-\$500 dollars per day for each violation from and including the date the notice is posted at the building until the date the violation is corrected
 - \$500-\$1000 per day for each subsequent violation at the same building during the same and/or the next calendar year from the initial violation or, in the case of HMC § 27-2029(a) (hot water), during the same and/or the next period of October first through May thirty-first from the initial violation.
 - Illegal Device on a central heating system: \$25 per day (from the date that the violation was posted on the building until the illegal device is removed) or \$1000, whichever is more;
- All other class C violations for buildings with 5 or fewer units: \$50 per violation per day;
- All other class C violations for buildings with more than 5 units: \$50-150 per violation plus \$125 per violation per day

II. HOW TO CERTIFY Only an Owner, Managing Agent, Officer or Director of the corporation that owns the property or party otherwise responsible for the property listed on a valid Property Registration filed with the Department may certify the correction of a violation.

- a. **Electronic Submission (Non-Lead Violations only):** Login to nyc.gov/hpd and click on the eCertification link. You will be required to enroll once for each building for which you wish to use electronic certification. After your valid enrollment is received you will be able to immediately begin certifying violations electronically.
- b. **Manual Submission:** The AGENCY Copy must be hand delivered or postmarked on or before the Certification Date provided on the Notice of Violation(s) and be properly completed in order for your certification to be valid. You can obtain additional copies of the CERTIFICATION OF CORRECTION OF VIOLATION(S) on HPD's website nyc.gov/hpd if you wish to only certify some of the violations at this time and certify the remainder at a later date.
 1. Complete and sign the Certification of Correction form on the back of the AGENCY Copy and have your signature notarized.
 2. Return the AGENCY Copy to the office of the Division of Code Enforcement in the borough in which the building is located by registered or certified mail, return receipt requested, or in person.

FALSE CERTIFICATION IS A CRIME! THE HOUSING MAINTENANCE CODE PROVIDES FOR A FINE OF UP TO \$1000, IMPRISONMENT FOR UP TO A YEAR, OR BOTH, FOR WILLFULLY SUBMITTING A FALSE STATEMENT.

III. POSTPONEMENTS ARE NOT GRANTED FOR REISSUANCE NOTICES OF VIOLATION

IV. DISMISSAL REQUEST An owner may also file for a Dismissal Request Inspection in order to remove pending HPD violations. To do so, you may obtain a Dismissal Request application on line at nyc.gov/hpd or at our Borough Offices. There is a fee for this inspection.

V. IF A VIOLATION IS MARKED "Surface May Contain Lead-Based Paint" the area affected by a non-lead violation includes a painted surface. Unless XRF testing establishes that the paint on that surface does not contain lead, the law presumes that the paint is lead-based paint. HPD may issue a separate violation for a lead-based paint hazard. You should read HPD's "Guide to Local Law 1 of 2004 Work Practices," which describes the work practices and worker training required to make repairs safely, before correcting the non-lead violation. If you do not use mandated work practices, the law may prevent you from certifying correction of the lead-based paint hazard violation. If the non-lead violation is a Class "C" violation, you must use mandated work practices to the extent practicable to address any immediate danger. Call 311 or go to HPD's website, nyc.gov/hpd for additional information about lead-based paint hazards.

CIV 194 REISSUANCE (REV. 6/2014)

AGENCY COPY

CERTIFICATION OF CORRECTION OF VIOLATION(S)

Complete entire form and sign below.

State of New York

)SS:

County of _____

I, _____ (PRINT NAME), swear or affirm under penalty of perjury as follows:

1. That I am the registered: (check applicable box)

- Owner of the property
 Officer or Director of the Corporation that owns the property
 Managing Agent of the property
 Otherwise registered as responsible for the property

2. If the building is a multiple dwelling, or I am the owner of a one- or two-family house and neither I nor any family member occupies the dwelling, that I am currently registered with the Division of Code Enforcement for the subject property.

3. That I have examined the area(s) containing the violation(s) on the reverse side of this form and, to my knowledge such violation(s) whose number(s) I have listed below was (were) corrected on the date(s) I have indicated.

4. That, if any of the violations require that bed bugs be remediated, I have complied with the Department of Health and Mental Hygiene Commissioner's Order by inspecting the apartment(s) cited by the Order for bed bugs; that if there is a bed bug infestation in the apartment(s) cited, I have inspected all units adjacent to, above and below the infested units, and all common areas; that I have retained the services of a pest management professional certified and registered by the New York State Department of Environmental Conservation as necessary to remove bed bug infestations; and that I have kept records of all actions taken to comply with the Order and the violation(s).

5. That the following are the names and addresses of my agents /employees, including certified pest management professional(s) who performed the work to correct the violation(s) that I have certified as corrected (additional sheets may be attached if more space is needed):

Violation/Item Number	Date Corrected	Name of Agent or Employee who Performed the Work	Address of Agent or Employee who Performed the Work

6. My signature below indicates that I am submitting a separate and distinct certification for each violation listed above by Violation/Item Number and I am aware that I am subject to penalties for false certification for each violation certified on this form.

Sworn to me this

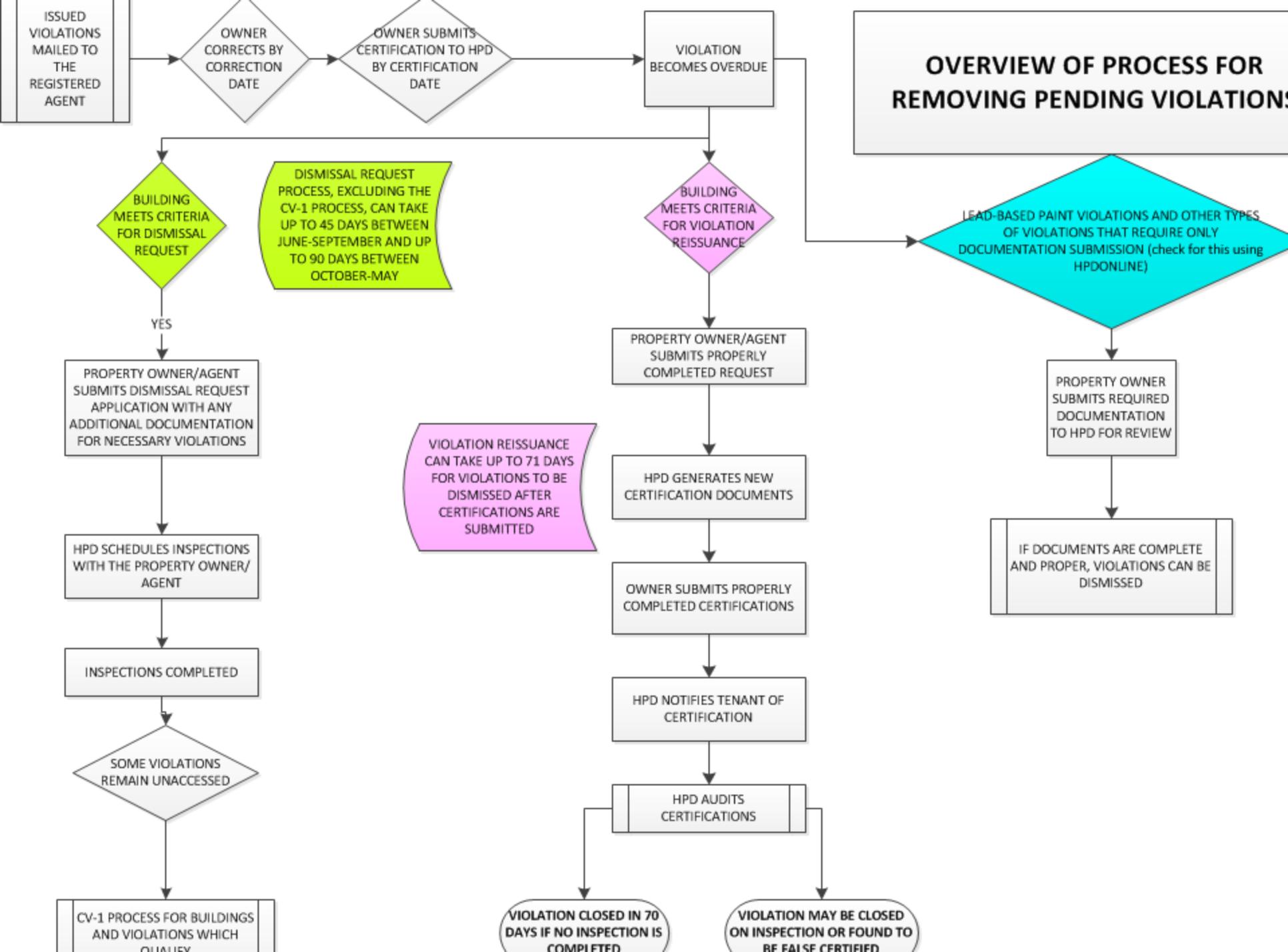
_____ day of _____

Signature

Notary Public

Phone Number

THE MAKING OF A FALSE CERTIFICATION IS A CRIME
PUNISHABLE BY A FINE AND/OR IMPRISONMENT



FOR MORE INFORMATION

- ✓ Go online at www.nyc.gov/hpd for Registration, eCertification, Dismissal Request forms and an audio podcast which covers the topic of violation removal.
- ✓ Visit a borough office at any of these locations:
 - 94 Old Broadway, MN (212) 234-2541
 - 1932 Arthur Avenue, BX (718) 579-6790
 - 701 Euclid Avenue, BKLYN (718) 827-1942
 - 210 Joralemon Street, BKLYN (718) 802-3662
 - 120-55 Queens Boulevard, QNS (718) 286-0800
 - Staten Island Borough Hall, SI (718) 816-2340

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