Department of Housing Preservation & Development

Violation Removal – Certification

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 certify violations if you are not registered with HPD.
- 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.

WHAT IS CERTIFICATION?

A certification is a paper or electronic document filed with HPD by property owners or managing agents to affirm that the violation conditions cited on a Notice of Violation (NOV) have been **corrected** within the legally required timeframe.

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****Certification is FREE and will result in the dismissal of the violation if the condition was properly corrected.****

WHAT DO I DO IF I RECEIVE A NOTICE OF VIOLATION (NOV) FROM HPD?

- Identify the correction date and the certification date. These dates are calculated by HPD based on the legal timeframes described in the Housing Maintenance Code. If you fail to correct and certify in a timely manner, you may be subject to Civil Penalties.
- Also note the Order #, which identifies the general category of the type of violation and carefully review the description of the violation condition(s).
- An NOV may contain one or more violations of the same class or type.
- You can contact any of our borough offices, listed at the end of this presentation, for an explanation of the violation if it is not clear to you.

Sample Class C Notice of Violation (NOV)

OHP Form 194 CIV
(Rev. 6/2013)

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

NOV ID:

NYC Department of Housing Preservation & Development nyc.gov/hpd

DCE/ BROOKLYN BORO OFFICE
701 EUCLID AVENUE
BROOKLYN, NY 11208

LOCATION	BORO	AREA	BLDG TYPE	REG. NO.	DATE REPORTED	CYCLE #	PAGE
	BK	668	NL		05/14/2015	196699	1 of 1

NOTICE OF VIOLATION

CERTIFIED MAIL:

All violations listed below are CLASS: C
All violations listed below must be CORRECTED by 05/30/2015
and CERTIFIED as corrected by 06/04/2015

VIOLATION NO.	ORDER	VIOLATION DESCRIPTION
	501	§ 27-2005 ADM CODE PROPERLY REPAIR THE BROKEN OR DEFECTIVE APT ENTRY DOOR LOCKSET IN THE ENTRANCE LOCATED AT APT 3L, 3rd STORY, 1st APARTMENT FROM WEST AT NORTH
	506	§ 27-2005 ADM CODE REPLACE WITH NEW THE MISSING DOOR KNOB AND LOCKSET AT DOOR LEADING TO HALLWAY IN THE 6th ROOM FROM NORTH LOCATED AT APT 3L, 3rd STORY, 1st APARTMENT FROM WEST AT NORTH

Instructions Page

CIV 194 NON-HEAT
(REV. 5/2015)

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).

CLASS A violations (non-hazardous)

- Failure to post a notice regarding the housing information guide: $250 each
- All other class A violations: $10-$50 each

CLASS B violations (hazardous): $25-$100 each, plus $10 per violation per day

CLASS C violations (immediately hazardous) not related to heat, hot water or illegal devices

- Buildings with 5 or fewer units: $50 per violation per day
- Buildings with more than 5 units: $50-150 per violation plus $125 per violation per day

II. HOW TO CORRECT If you request, the Department will confer with you concerning the nature and extent of the work required for compliance with the law and methods of financing the required work. Contact information for HPD can be obtained at nyc.gov/hpd or through 311.

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. HOW TO REQUEST A POSTPONEMENT You may request that the Department extend the date to correct violations if there are valid reasons why you cannot complete the work within the time frame. These requests may be sent to the Postponement Unit, Division of Code Enforcement, 100 Gold Street, 5th floor, New York, NY 10038. Such requests must be received before the required correction date and include: the building address, a copy of the Notice of Violation(s), the reason for making the request for a postponement, and documentation supporting your claim that you have taken all necessary steps to complete the work on time. You will be advised in writing regarding the approval or denial of your postponement request.

IV. 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.

V. WINDOW GUARD VARIANCE CONTESTATION If the violation is for missing window guards and your building has a variance approved by the Department of Health and Mental Hygiene (DOHMH), submit the Variance Approval letter that you have received from DOHMH with this NOV to the HPD borough office by the certification date. If you wish to apply to DOHMH for a variance, you should review the DOHMH website at nyc.gov/doh for more information.

An NOV package has two copies of the same violation(s) in it, and may have multiple sets of 2 pages. One copy has instructions on the back.

Different NOVs may have different civil penalties listed and different instructions for completing the form. Read these documents carefully.

Certification Page

The second copy in the NOV has the Certification document that should be completed and returned to HPD.

You must provide information about the date of correction and the company or person who corrected EACH condition. The document must be properly signed by the current and valid **registered owner or agent** and notarized for the certification to be **valid**. Again, it must be submitted by the certification date on the front of the NOV to be **timely**.

If you are eCertifying (see the next couple of slides), you do not need to return this form.

CIV 194 NON-HEAT (REV. 6/2013) 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 _____

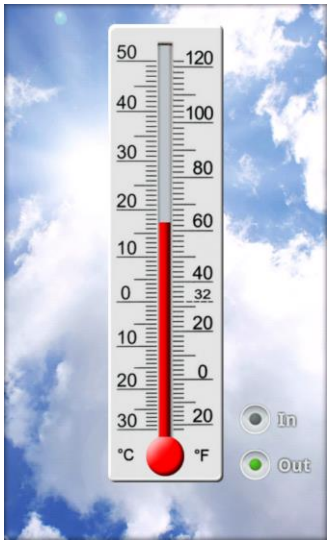
_____
Signature

_____
Notary Public

_____
Phone Number

THE MAKING OF A FALSE CERTIFICATION IS A CRIME

WHAT DO I DO IF I RECEIVE A REPORT OF VIOLATIONS FROM HPD?



- For heat and hot water violations, the owner will receive a Report of Violations (ROV), not a Notice of Violation. The Notice of Violation for heat and hot water violations is posted on the building the day the violation is issued and civil penalties begin to accrue immediately.
- HPD seeks civil penalties in Housing Court on all heat and hot water violations. However, if this is the first heat or hot water violation the property has received within a certain timeframe (consult the ROV for specifics) AND you correct the condition within 24 hours of the posted notice, you have the opportunity to pay the Civil Penalty without going to Housing Court. Review your ROV instructions carefully!

LEAD-BASED PAINT NOTICES OF VIOLATION

- *For presumed lead-based paint (Order #616) and tested lead-based paint violations (Order #617), in addition to the certification document, the following must be submitted:*
  - ✓ Sworn statement from the individual who did the work
  - ✓ EPA Certification for the firm that did the work
  - ✓ Copy of dust wipe results
  - ✓ Copy of certificate of training for person who conducted dust wipe
- If a violation with Order Number 616 (presumed lead-based paint violation) is issued, you also have the opportunity to contest the violation by having tests done of the painted surfaces in question. Review the Contestation form enclosed with your Notice of Violation for more information.
- *If a violation with Order Number 618 is issued, a lead-poisoned child has been identified in the building. In addition to the certification document,* all ordered records and documents identified in the violation description must be submitted.

eCertification: http://www.nyc.gov/html/hpd/html/owners/e-certification.shtml

How can I certify correction of violations online?

- ✓ Property Registration must be current.
- ✓ You must be the owner, named owner's officer, or managing agent of the building.
- ✓ You must be an HPD online user (login and password).
- ✓ You must enroll; it is better to complete this process prior to receiving any violations because it can take a couple of days!
- ✓ Just because you can eCertify does not mean you must! You can still submit paper certifications.

Why eCertify?

- eCertification can save you time and money (on postage and notarization) and can be done anytime.
- eCertification is a paperless process that provides you with an instant receipt of your certification activity.
- All violations within the certification period will be displayed and can be processed in one session. This means that violations of different classes, on different NOVs, and with different due dates can be eCertified in the same session. (On paper, a separate certification form is required to be completed for each class and date.)
- No additional information is required as compared with a paper certification! You will be required to enter the violation correction date and information about who corrected the condition.
- All violations can be eCertified except:
  - Lead-based paint violations
  - Mold or vermin violations in Alternative Enforcement Program buildings

WHAT IF I CAN'T CORRECT THE VIOLATION IN THE REQUIRED TIMEFRAME?

- You may request to extend the date to correct the violations if there are valid reasons why you cannot complete the work within the time frame – this is referred to as a postponement. The maximum additional time that may be granted for class A violations is 60 days and for class B violations 30 days. Postponements are not granted for class C non-lead-based paint violations. Lead-Based Paint violations may initially be postponed for 14 days.
- See the back of your Notice of Violations where there are instructions on what documentation must be provided to support your postponement request! Note that the requirements for Lead-Based Paint Postponements are provided on a separate page in your Notice of Violation package.

WHAT HAPPENS AFTER A CERTIFICATION IS RECEIVED BY HPD?

- The tenant receives a letter from HPD. The letter indicates that the owner/agent has advised HPD that the condition is corrected.
- A re-inspection may be conducted.
- For non-lead-based paint violations, if no reinspection is conducted, the violation is deemed complied 70 days after the receipt of the certification. The violation is closed.
- A lead-based paint violation cannot be closed unless it is re-inspected and observed corrected by an inspector in addition to the receipt of a timely certification for the violation.

Do not certify correction of a condition that has not been 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.

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.

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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