



CONSTRUCTION CODES UPDATE PAGES

Attached are Construction Codes Update Pages. These pages reflect local laws enacted and ministerial administrative corrections made after July 1, 2008. Please note that the source of a particular update, the local law number, and year is indicated on each page. Please visit our [webpage](#) to ensure that your codes are complete and up to date as the City Council may periodically pass Local Laws that affect the Construction Codes.

Instructions:

Please place each page, according to its page number found on the bottom right hand corner, into your Construction Codes books. The pages contain letters after the page number and should be placed in alphabetical order following the number, i.e. 5, 6, 6a, 6b, etc.

- Place Title Pages in the front of your Code books for easy reference.
- Note: If you have all four Construction Codes (Building, Mechanical, Plumbing & Fuel Gas), please make sure to insert updates made to the Administrative Provisions into each of the four Code books.

CONSTRUCTION CODES UPDATE PAGES

UPDATE # 42

Source: Chapter 250 of the Laws of New York State of 2009, effective January 28, 2010.

This update includes the following pages:

GENERAL ADMINISTRATIVE PROVISIONS (PRECEDING THE BUILDING, FUEL GAS, MECHANICAL AND PLUMBING CODES)	
<u>Section</u>	<u>Page Number</u>
*Article 217	A-50e-f

**Note: Local Law 06 of 2009, effective May 11, 2009 (Construction Codes Update # 14) added a new Article 217. This update adds a separate Article 217. Such numbering discrepancy will be reconciled through future legislation.*

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Matter in plain text is unchanged. Matter underlined is new. Matter ~~stricken through~~ is deleted.

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GENERAL ADMINISTRATIVE PROVISIONS

Insert between pages A-50d and A-51 of your bound volumes of the NYC Building Code, NYC Plumbing Code, NYC Mechanical Code and NYC Fuel Gas Code.

Add the following new article 217:

*ARTICLE 217

FAILURE TO CERTIFY CORRECTION OF CERTAIN IMMEDIATELY HAZARDOUS VIOLATIONS

§28-217.1 Department penalty for failure to certify correction. In addition to any penalties otherwise authorized by law pursuant to article 202 and the rules of the department, whenever any person fails to submit certification of correction of an immediately hazardous violation that poses a threat of imminent danger to public safety or property, as required by an order issued pursuant to section 28-204.2, a penalty shall be paid to the department in the amount of not less than one thousand five hundred dollars or more than five thousand dollars. No permit or certificate of occupancy shall be issued and no stop work order may be rescinded at the property named in the order until such penalty is paid to the department.

§28-217.2 Reinspection. Where an immediately hazardous condition has been identified as posing a threat of imminent danger to public safety or property and a violation has been issued, the commissioner shall re-inspect the condition that gave rise to the violation within 60 days of the date of the notice of a violation, unless:

1. A certification of the correction of the condition has been filed in the manner and form prescribed by the department;
2. The person to whom the violation has been directed has obtained an extension of time for filing the certificate of correction of the violation from the commissioner in accordance with section 28-204.4 and with any applicable rules of the department, and said extension of time to file has not yet expired; or
3. The condition has been corrected in the presence of the commissioner.

§28-217.2.1 Continued noncompliance. If, upon re-inspection, the commissioner determines the condition continues to pose a threat of imminent danger to public safety or property, and the person against whom the initial violation was directed is not in compliance with section 28-204.4, the commissioner shall issue an appropriate violation and shall issue a stop-work order, pursuant to section 28-207.2, or the commissioner shall, if the commissioner is unable to obtain access to the premises, request the corporation counsel to institute legal proceedings to compel

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correction of the violation and abate the condition or take such other action as is appropriate.

§28-217.2.2 Inspections by the commissioner. The commissioner shall continue to re-inspect any condition that has given rise to an immediately hazardous violation that poses a threat of imminent danger to public safety or property every 60 days, and shall follow the procedures described in items 1, 2 and 3 of section 28-217.2 until the condition has been found by inspection or certification to be corrected or abated.

§28-217.3 False certifications of correction. It shall be unlawful to prepare, file or offer for filing a certification of correction of an immediately hazardous condition, knowing that such certification contains a false statement or false information. Any person who prepares such a certificate shall be subject to prosecution under section 175.05 or 175.10 of the penal law. Any person who files such a certificate or offers such a certificate for filing shall be subject to prosecution under section 175.30 or 175.35 of the penal law. Nothing in this section shall be construed to limit, alter or affect the authority conferred by any other provision of this chapter or other law to bring criminal, civil or administrative actions or proceedings or other remedies for the preparation, filing or offering for filing of a certification of correction of an immediately hazardous condition containing a false statement or false information.

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