

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: November 10, 1980

TO: A. Louis Munoz, General Counsel
FROM: Irving E. Minkin, P.E., Deputy Commissioner
SUBJECT: Procedure to dismiss unsafe violations and grant extensions of time.

This memorandum establishes the procedure to be followed for dismissal of the unsafe violation and granting extensions for additional time for completion. All papers are to be submitted to the office of the Deputy General Counsel, 120 Wall Street, Room 1505, 15th floor, New York City, N.Y., 10005, telephone # (212) 248-8756.

A. STANDARDS WHICH MUST BE MET BY OWNER IN ORDER TO BE CONSIDERED FOR AN EXTENSION OF TIME TO COMPLY:

- 1) Copy of original B Form 29 report with all attachments.
- 2) The premises have been made safe by means of a shed, fence, or other appropriate temporary means.
- 3) A copy of the contract indicating the scope of the work to remedy the hazardous condition is attached.
- 4) Engineer's estimate of length of time required for repairs, with a detailed timetable is provided, and his assessment of temporary safety measures.
- 5) Property owner's notarized affidavit that work will be completed within stated time of engineer's estimate. (Owner must make a commitment that he will follow schedule set forth in engineer's report).

See Form A (LL 10/80)

Upon submission of the above forms, the Office of Operations, Department of Buildings, will make a determination whether an extension will be granted or denied. The first extension will have a 30-day maximum. A further extension will be considered, only upon a good faith demonstration by the owner that there has been:

- a) substantial completion of work due to an unforeseen delay (e.g., weather, labor strike).
- b) unforeseen circumstance (e.g., fire, building collapse).
- c) hazard which will take longer than 30 days to remove (e.g., new wall must be built).

See Form B (LL 10/80)

1899

A determination of extension by the Office of Operations, Department of Buildings, is to be made within five (5) days from the date a request for extension is received by Deputy General Counsel.

B. STANDARDS WHICH MUST BE MET BY OWNER IN ORDER TO HAVE VIOLATION DISMISSED WHERE OWNER FILED WITHIN 15 DAYS OF CERTIFIED MAILING OF CIVIL PENALTIES:

- a) Copy of original B Form 29 Report with all attachments.
- b) The architect or engineer who filed the original B Form 29, or another professional, files an amended B Form 29 at the borough office and at 120 Wall Street, Rm. 1505, stating that all of the unsafe conditions noted in the original B Form 29 have been corrected. THE NAME AND ADDRESS OF THE FIRM THAT DID THE REPAIR WORK AND THE SPECIFICS OF WHAT WAS DONE SHALL BE INDICATED.

Failure to submit specifics of repair work and firm's name and address will result in continued accrual of civil penalties until this information is supplied.
- c) The Office of Operations, Department of Buildings, will make the determination that the specific repair work conforms with the original inspection report B Form 29.
- d) The recommendation of the Office of Operations, Department of Buildings, will be forwarded to the Office of the Deputy General Counsel. He will notify the owners. Owners who have completed all repair work and the repair work is consistent with the original B Form 29 will have no civil penalties due. Owners who have not fully complied with the original B Form 29, will be notified of non-compliance and that civil penalties will accrue as if no amended report had been filed. These owners will have to submit new reports with documents to demonstrate that additional required work was performed.

The Office of Operations, Department of Buildings, will be given a list of all buildings which have complied. He will issue a spot check list and send inspectors to confirm that the stated work was completed.

1900

C. STANDARDS WHICH MUST BE MET BY OWNERS IN ORDER TO HAVE VIOLATIONS DISMISSED, WHERE OWNER FILED AFTER 15 DAYS OF REGISTERED MAILING OF CIVIL PENALTIES:

- a) Owners follow the same procedure as outlined in paragraph "B" above. However, they will be assessed a civil penalty of \$150 per day for each day after the 15th day.

All amended B Form 29 reports will be time-stamped and dated at 120 Wall Street when they are received. This is the date for the tolling of penalties. If the Office of Operations, Department of Buildings, determines that the material submitted in an amended B Form 29 indicate that there has been compliance with the requirements set forth in the original B Form 29, then civil penalties will be due as of the date stamped on the amended B Form 29. If the amended B Form 29 is rejected by the Office of Operations, Department of Buildings, then civil penalties will continue to be assessed until a further amended B Form B 29 is submitted and approved.