

The  
City  
of  
New York



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES

60 HUDSON STREET, NEW YORK, N.Y. 10013

CHARLES M. SMITH, Jr., R.A., Commissioner

FREDRIC J. POCCHI, P.E.

Assistant Commissioner/Operations

Issuance # 154

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OPERATIONS  
POLICY AND PROCEDURE NOTICE # 1/89

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To: Distribution

From: Fredric J. Pocchi, P.E., Assistant Commissioner

Date: January 18, 1989

Subject: Local Law 58 of 1988

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Effective: January 1, 1989

Purpose:

To provide procedures for the implementation of Local Law 58 of 1988, which imposes civil penalties where construction work is commenced without a permit.

Specifics:

Inspectors:

All violations for work without a permit shall be issued as ECB violations with ECB code number B04, B42 or B98 (705).

Penalty Determination:

At the time a permit is requested, the Permit Clerk must check the BIS index system for outstanding violations. All ECB construction violations written after January 1, 1989 must be checked on the BIS system to determine if there were any violations issued for work without a permit.

If a violation for work without a permit was issued after January 1, 1989 a civil penalty shall be imposed. This penalty is to be paid in addition to the regular fee due to the Department of Buildings and must be paid in full prior to the issuance of a permit. Therefore, the total fee is equal to the filing fee plus the penalty. The penalty shall be computed by the Fee Estimator as follows:

2

One and Two Family Homes

2x (Total Filing Fee Payable) x (% of job completed)

This penalty shall not be less than \$100.00.

All Other Work

10x (Total Filing Fee Payable)x (% of job completed)

This penalty shall not be less than \$500.00.

Determining the Percent of Job Completed:

To determine the percentage of the job that has been completed, the applicant must complete an affidavit provided by this Department. This document will state the percentage of work that has been completed to date as verified by the P.E., R.A. or other professional responsible for the job. This verification must have been made not more than 48 hours prior to submission of the affidavit.

If the owner is claiming that 100% of the job is complete, no affidavit needs to be filed.

Fee Exempt Properties:

For properties exempt from the payment of filing fees, the penalty will be based on the fee that would have been due had they not been fee exempt. In these cases, the total fee due would be equal to the penalty.

Legalization of Previously Completed Work

When an applicant is filing for a legalization where no violation has been issued, the Fee Estimator should compute the penalty based on an assumption of 100% completion. This penalty must be paid in conjunction with the initial filing fee.

Cashier

Two separate checks must be submitted by the applicant. One check will be for the permit fee or initial filing fee, the other for the penalty. The penalty will be rung up on the miscellaneous revenue key.

FJP:HG:mh