



DEPARTMENT OF BUILDINGS  
EXECUTIVE OFFICES  
60 HUDSON STREET, NEW YORK, N. Y. 10013  
CHARLES M. SMITH, Jr., R.A. *Commissioner*

PETER FRANCONERI, P.E.  
Assistant Commissioner/Operatio

---

OPERATIONS  
POLICY AND PROCEDURE NOTICE # 21/89

---

To: Distribution  
From: Peter Franconeri   
Date: October 24, 1989  
Subject: City Agency Violations

-----  
Purpose:

To better enable the Department to track violations issued to New York City agencies.

Specifics:

This procedure applies to violations issued against premises owned by the City of New York, which will be issued Environmental Control Board (ECB) violations rather than Department of Buildings violations.

In order for the Department to track violations issued to the City of New York the Administrative Enforcement Unit (AEU) enters the served ECB violation as "Public Owned Property" (POP).

To facilitate this process, the inspector follows these steps:

1. Enter "The City of New York" or the name of the New York City agency itself (e.g., Department of Housing Preservation and Development) in the section titled "Respondent" for served violations or unserved violations, if the owner is known to be a city agency.
2. Do not enter the city ownership information in the section titled "Respondent's Mailing Address If Different".

- 2
3. Do not serve the violation to the occupant of the premises, unless the occupant is the city agency (i.e., the Division of Real Property is the owner and occupant of 2 Lafayette Street, Manhattan). The agency that owns/manages the property must be served. If you are unable to serve the agency, refer the violation to AEU for service.
  4. Do not write "Owner of" or "PS 123" as the respondent, for example. A more specific reference to the City of New York is required (i.e. New York City Board of Education).

**By identifying these ECB violations as POP, the named city agency does not have to appear at a hearing although a hearing date and/or certification date should be entered on the violation, as usual. AEU will track these violations to assure that a "Certificate of Correction" is filed by the agency.**

If you want to name the occupant of a City-owned premises as the responsible party, you must name the occupant as the "Respondent" and serve this respondent. This respondent will then have to submit a "Certificate of Correction" to qualify for a "cure", if appropriate, or appear at a hearing.

For example, the City of New York owns the land on which the South Street Seaport was built. The Seaport leases the property from the city. If a building at the Seaport were found to be in violation, the Seaport should be named as the respondent, not the city, because they are responsible for performing any repairs.

New York State, United States Government and foreign government owned premises, if inspected, should be issued Department of Buildings violations, rather than ECB violations.

PF:HG:mh