

## **ADDITIONAL TERMS AND CONDITIONS OF THE NYC AMNESTY PROGRAM TO RESOLVE OUTSTANDING JUDGMENTS IMPOSED BY ECB, PURSUANT TO LOCAL LAW NUMBER 45 FOR THE YEAR 2016**

### **Who is eligible?**

A respondent named in a notice of violation (“NOV”) that has been adjudicated and entered as a judgment by the Environmental Control Board (“ECB”) is eligible to participate in the NYC Amnesty Program (“Program”). However, a respondent who is the subject of a criminal investigation relating to a violation that is the subject of any such judgment is not eligible to participate in the Program. Under the law, a respondent means a person or entity named as the subject of a NOV returnable to, or a judgment issued by, ECB.

### **Which violations are eligible?**

An eligible violation is a violation of the Administrative Code of the City of New York or other law or rule that was adjudicated, and entered as a judgment, by ECB and transferred to the Department of Finance (“DOF”) for collection.

Such violations must have been entered into judgment no later than ninety days prior to the commencement of the Program.

Judgments that have already been included in a prior or existing agreement, whether paid or unpaid, with the City of New York (“City”), the Department of Finance, the Law Department or another entity on behalf of the City, including but not limited to a City Marshal, the Sheriff or any outside collection agency, are ineligible for the Program.

### **How do I identify the eligible violations?**

A respondent must search DOF’s NYC Amnesty Program website for a list of eligible violations and corresponding judgments naming such respondent. A table of search results will appear that includes a column titled “Schedule.” Eligible violations and corresponding judgments are categorized as belonging to either Schedule A or Schedule B. Schedule A includes (i) violations entered as judgments against a respondent that do not require correction of the violation, and (ii) violations entered as judgments against a respondent in which the respondent has cured the condition underlying the violation to the satisfaction of the agency of the City that issued the NOV. Schedule B includes violations entered as judgments against a respondent that included an outstanding order requiring correction of the violation.

Please note that the search results may not include all violations naming a particular respondent, as there may be variations in the way names are spelled or addresses are entered into the City’s databases. Search under your full name and address. If you owe more than one property or have more than one name, your violations may be under more than one Amnesty ID number. Please make sure to search under all of your properties and names and note your Amnesty ID number(s). Please contact us at (212) 440-5300 if you are not sure that you have found all of your eligible violations on our site.

The law requires that any respondent who wants to participate in the Program must seek resolution of all outstanding judgments against such respondent.

### **Can I pay some but not all of the eligible judgments under the Program?**

The law requires that all eligible judgment for all properties you own be paid under the Program in order for the respondent to participate in and take advantage of the benefits of the Program. If one or more eligible judgments are excluded, the respondent will be disqualified from participating in the Program. This agreement is expressly subject to the payment of all outstanding judgments against a respondent. This agreement shall be null and void if the respondent fails to pay any and all such eligible judgments. Further, this agreement is subject to the results of any additional searches for outstanding judgments that may be performed by the City. If

the respondent is notified that additional judgments must be paid and fails to do so within the required time frame, the respondent shall not be eligible for this Program. Any amounts paid by such a respondent will be applied to the full amount owed, including all applicable penalties and interest.

**Judgments for which no further payment is due under Amnesty are subject to this agreement.**

In addition to the judgments listed in the judgment search and payment screen, a respondent may be responsible for other amnesty eligible judgments where no further payment is now due under this program. This may be due to a prior partial payment or credit. To participate in this program, the respondent hereby admits liability for and agrees to the same terms and conditions for these judgments as well as all other judgments being paid under this program.

**How much must I pay?**

A respondent who is subject to a default judgment must pay DOF the current base penalty amount. Default penalties and interest are waived. A respondent who is subject to a judgment entered after a hearing must pay 75% of the penalty imposed after the hearing. Interest is waived.

**When must the payment be made?**

**Schedule A:** These amounts must be paid immediately upon agreement with the CityPay Terms and Conditions, which includes these Additional Terms and Conditions, both of which together constitute the agreement between the respondent and DOF.

**Schedule B:** A down payment of 25% of the amount that would resolve the judgment under the Program must be paid immediately upon agreement with the CityPay Terms and Conditions, which includes these Additional Terms and Conditions, both of which together constitute the agreement between the respondent and DOF. The remaining balance due is equal to the amount that would resolve the judgment under the Program, less the down payment, and must be paid to DOF within six months from the payment of the down payment and this agreement.

If a respondent fails to timely correct and pay the remaining balance within six months of the down payment, then the full amount owed for all outstanding judgments against the respondent will be due and payable. The full amount owed is: (i) for judgments resulting from a default decision and order, an amount equal to the default penalty plus accrued interest; and (ii) for judgments entered after an adjudication and a finding of violation, the imposed penalty plus accrued interest. Any prior payments received, including the deposit, will be applied as a payment towards the full amount owed.

If DOF does not receive a respondent's payment by December 12, 2016 for violations categorized as Schedule A, or does not receive payment for violations categorized as Schedule B when such payment is due as described above, such respondent will not be eligible to participate in the Program. The full amount owed on all outstanding judgments against the respondent will be due and payable.

Any down payment or other payment that a respondent paid on the judgments, either of interest or penalty amounts, will be applied to the full amount owed and such respondent will not be entitled to a refund of any such down payment or other payment based on the respondent's failure to participate in the Program.

At any time after December 12, 2016, the DOF may take all legal enforcement actions to collect the full amount owed for all outstanding judgments against the respondent and no further notice will be required.

### **How do I apply and pay?**

Application and payment may be made online at [nyc.gov/forgivingfines](http://nyc.gov/forgivingfines). Online payment is the fastest method of application and payment. It is subject to the CityPay Terms and Conditions, which includes these Additional Terms and Conditions, both of which together constitute the agreement between a respondent and the DOF.

Application and payment may also be made in person with credit/debit card, e-check, paper check, money order, or cash at any of the following DOF Business Center locations. Checks or money orders must be payable to “NYC Department of Finance.”

**Manhattan** - 66 John Street, 2nd Floor

**Brooklyn** - 210 Joralemon Street, 1st Floor

**Bronx** - 3030 Third Avenue, 2nd Floor

**Queens** - 144-06 94th Avenue, 1st Floor

**Staten Island** - 350 St. Mark’s Place, 1st Floor

Respondents who are unable to apply and pay online and cannot visit one of DOF’s Business Centers, may contact us at [nyc.gov/contactamnesty](http://nyc.gov/contactamnesty) or call us at (212) 440-5300 to discuss how to apply and pay by mail. Application and payment by mail may require two or more pieces of correspondence, which may result in an application not being completed in a timely manner.

### **If I participate, what are the terms of my agreement?**

By participating in the Program, the respondent admits liability for the violation(s) that resulted in the default decision and order. The respondent must pay all violations that are identified under their Amnesty ID number(s). The respondent gives up any further rights to challenge the applicable judgments. The respondent waives all of the following:

- Any right to challenge any of the violations and judgments searchable on the DOF ECB Amnesty Program website in any forum, including the right to seek to vacate the default judgments.
- The right to challenge or contest any such violation in any administrative or court proceeding.
- The right to challenge or otherwise contest the amounts due.
- Any defenses in connection with such violations, including any claims or defenses relating to failure to receive notice of such violations.
- Any claims that such judgments have expired or are otherwise non-enforceable due to the expiration of a statute of limitations for such judgments.
- The right to contest in any forum that such judgments are currently due and payable.
- The right to any other legal or factual setoff or defense.

In addition, for the violations that require correction (i.e., all violations categorized as Schedule B):

- The respondent represents to DOF that respondent currently owns and controls the property in question.
- The respondent agrees that each violation categorized as Schedule B shall be corrected within six months from the date of the respondent’s down payment.
- The respondent agrees to demonstrate to the satisfaction of the agency of the City that issued the notice of violation that the condition cited in the notice of violation has been corrected.

- The respondent agrees that in the event a violation is not cured within the six month period, the amount owed for that violation is the full amount of the violation, due and payable immediately. The deposit amount and any other payment received will be applied toward the full amount for any and all of the violations, whether categorized as Schedule A or B. The respondent acknowledges that DOF may commence all enforcement proceedings to collect the full amount owed for all the judgments entered against the respondent without further notice. Interest will accrue on unpaid penalties.

**What happens when DOF receives my payment?**

When DOF receives timely payment of the amount required to resolve all outstanding judgments against the respondent, the City will fully release the respondent from further liability for such judgments as follows:

- The City irrevocably releases and discharges the respondent from any liability for the penalties, interest, and judgments associated with such judgments.
- This release shall not affect any other lawsuit, violation, claim, motion, demand, agreement, claim or other action existing or which shall arise between the City and the respondent on any other matter. Nothing in the release waives a respondent's obligation to comply with existing laws, ordinances, regulations, and administrative orders, including orders to correct, and, furthermore, nothing in the release shall bar the City from issuing NOVs or taking other appropriate actions with respect to any conditions that give rise to NOVs issued to respondent, to the extent that any such conditions continue to exist or arise in the future.
- Any such release as described above is subject to the requirement that the respondent pay timely and in full the amount required to resolve all outstanding judgments against the respondent. The respondent acknowledges that the failure to timely pay in full any additional amounts for additional eligible judgments identified in a search by the City will render any such release or discharge null and void.

**Non-Waiver by DOF:** Failure of DOF to enforce any of its rights upon default herein shall not be deemed a waiver of the right to do so upon any other default.