



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS Help Center

NYC Department of Buildings (“DOB”) “Failure to Comply” Violation(s)

What Does The Law Say? Property owners in New York City must obey all “Orders” from the Commissioner of the DOB. If they do not, it is a violation of the NYC Building Code.

Does My Summons Include An Order? Yes. If you look at the summons you were given, it says: “**Commissioner’s Order to Correct Violation Condition(s)**.” This is an order to the person or company whose name is on the summons.

How Did I “Fail To Comply” With This Order? A previous summons was issued before this one. THAT previous summons contained an order to fix the problem(s) that led to that summons being issued. Correcting a violation requires having the DOB approve “Certificate of Correction” forms (form AEU2, AEU3321and/or AEU20). Since you have received a new violation, either no Certificate of Correction packet was submitted to the DOB, or a Certificate of Correction packet was submitted to, but not approved by, the DOB. You only have a limited amount of time to submit a Certificate of Correction packet and have it approved by the DOB before DOB can issue you new summonses for not correcting the violation (the new summons is a “Failure to Comply” violation).

- If you have been issued a Class 1 violation(s), then you must correct the violation(s) immediately.
- If you have been issued a Class 2 or 3 violation(s), then you must correct the violation(s) within 40 days of receiving the summons.

Note: The “class” of the violation is listed on the front of the summons.

Note: An OATH Help Center representative can help you understand which type of violation you have.

Can I Comply Now? Yes, you can, but your current “Failure to Comply” summons will not go away. Your compliance will, however, prevent additional summonses from being issued.

What Happens If I Don’t Comply Now? The DOB can continue to issue you more Failure to Comply summonses until 1) the Violation Condition is fixed, 2) a Certificate of Correction packet is submitted and 3) the DOB approves of the Certificate of Correction packet.

I Paid The Penalty For The Previous Violation Already, Why Did I Get This Violation? Paying the penalty for a violation does **NOT** mean that the matter it is over. Additional summonses can be issued (1) until the Violation Condition(s) that led to the original violation are corrected, (2) a Certificate of Correction packet has been submitted to the DOB to verify that the Violation Condition(s) are fixed, and (3) the DOB has approved of the Certificate of Correction packet.

What Is The Penalty If I Am Found In Violation? Penalties for these violations are usually between \$1,250 and \$2,500. If summonses continue to be issued against the same respondent, the penalties can increase and go as high as \$25,000 per violation.

Is There A Way That I Can Avoid Having To Pay Any Money? Yes, if you can show that the original summons that led to this new Failure to Comply summons was dismissed after a hearing at OATH.

For Further Assistance, Please Contact The OATH Help Center In Person At Any OATH Location, Monday To Friday, From 8am-5pm, Via Telephone At (212) 436-0845, Or Via Email At Manhelpcenter@oath.nyc.gov

Bronx
260 E.161st Street
Bronx, NY 10451

Brooklyn
9 Bond Street, 6th Floor
Brooklyn, NY 11201

Manhattan
66 John Street, 11th Floor
New York, NY 10038

Queens
31-00 47th Avenue
Long Island City, NY 11101

Staten Island
350 St. Marks Place
Staten Island, NY 10301