



## OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS Help Center

### **NYC Department of Buildings (“DOB”) “Failure to Maintain” Violation(s)**

**What Does The Law Say?** A building, and all of its parts – including the land that it sits on, and all its systems, including elevators and boilers - MUST be kept in safe and in “good working” condition. This includes keeping everything clean and obeying all of New York City’s laws, rules, and regulations.

- There are many different kinds of “Failure to Maintain” violations under NYC law. An OATH Help Center representative can help you to understand the different types of violations.

**Who Is Responsible For This Violation?** **Anyone** who is in charge of the building, or the part of the building in question, can be held responsible. Usually, this means the Owner of the building or a Professional hired by the Owner of the building.

**What If I Did Not Cause The Problem Or Damage To The Building Or Part?** **Anyone** who is in charge of the building, whether the whole building or a part of it is responsible for any problem within it. **IT DOES NOT MATTER IF THE PERSON IN CONTROL OF THE WHOLE OR PART OF THE BUILDING DID NOT CAUSE THE PROBLEM.**

**What Is The Penalty If I Am Found In Violation?** Penalties for these violations are usually between \$500 and \$2,500. In rare cases the penalty can be as high as \$5,000 or \$10,000.

**Is There A Way That I Can Avoid Having To Pay Any Money?** Yes, if it is successfully proven at an OATH hearing that the person/corporation named in the summons is “not guilty” of the charged violation or if it is shown that the summons does not contain information needed to allege a valid violation.

- **If you successfully prove that you have properly maintained the building and its parts, this might establish that you are “not guilty” of the alleged violation.**

**Is There Any Other Way I Can Avoid a Penalty or Get A Reduced Penalty?** Yes.

- If the summons lists a **“CURE”** date, you will **NOT** have to pay any money **IF** you fix the problem that led to the violation **AND** have the DOB agree that you fixed the problem **on or before the “CURE” DATE.**
- If the summons does not list a “Cure” date, you **MAY** be eligible for a 50% reduction in the penalty for certain violations (a.k.a. **“MITIGATION”**), **if you fix the problem that led to the violation on or before your FIRST HEARING DATE and the OATH Hearing Officer who hears your case agrees that you have fixed the problem.**
- You also **MIGHT** be eligible for a “stipulation” (i.e., an agreement between you and the DOB) – please speak to an OATH Help Center representative who can provide you with information about this.

**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](mailto:Manhelpcenter@oath.nyc.gov)**

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