

NEW YORK CITY DEPARTMENT OF BUILDINGS

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Buildings (DOB) is proposing to amend section 102-04 of Title 1 of the Rules of the City of New York regarding requests for override, reduction, or waiver of a civil penalty.

Due to the current health emergency, the public hearing for this rule is being scheduled as a virtual hearing, which may be accessed according to the information given below in this Notice.

When and where is the hearing? DOB will hold a public hearing on the proposed rule online. The remote public hearing will take place at 10 am on 1/7/21.

- **Join through Internet:**

To join the hearing via your browser either click on the following URL link or copy and paste it into your browser's address bar. Then follow the prompts.

<https://buildings.webex.com/buildings/j.php?MTID=mfc596f502652d2d0746365285387a385>

When prompted, enter the following meeting password: 10007

When joining the meeting choose either “**Use computer for audio**” or “**Call in**” for the audio portion of the public hearing. If you choose the “Call in” option, the information needed to connect (**phone number, Access Code and Attendee ID**) will automatically be presented to you immediately **after** you join the Webex meeting.

If you have low bandwidth or inconsistent Internet connection, we suggest you use the “Call-in” option for the hearing. This will reduce the possibility of dropped audio and stutters.

- **Join via phone only:**

To join the meeting only by phone, use the following information to connect:

Phone: 1-646-992-2010

Access code: 180 270 0088

Password (if requested): 10007

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the DOB through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to dobrules@buildings.nyc.gov.
- **Comments cannot be submitted by mail or fax at this time because the DOB office is temporarily closed.**

- **Speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up by emailing dobrules@buildings.nyc.gov by 12/31/20 and including your name and affiliation. While you will be given the opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign up in advance. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit comments by 1/7/21.

What if I need assistance to participate in the hearing? You must tell the Office of the General Counsel if you need a reasonable accommodation of a disability at the hearing. You can tell us by email at dobrules@buildings.nyc.gov. Advance notice is requested to allow sufficient time to arrange the accommodation. You must tell us by 12/31/20.

This location has the following accessibility option(s) available: Simultaneous transcription and an ASL interpreter for people who are hearing impaired, and audio only access for those who are visually impaired.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>.

What authorizes DOB to make this rule? Sections 643 and 1043(a) of the City Charter and Article 213 of the Administrative Code authorize DOB to make this proposed rule. This proposed rule was not included in DOB's regulatory agenda for this Fiscal Year because it was not contemplated when DOB published the agenda.

Where can I find DOB's rules? DOB's rules are in Title 1 of the Rules of the City of New York.

What rules govern the rulemaking process? DOB must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The proposed amendment deletes language regarding the L2 form that was used to request an override, reduction or waiver of a civil penalty for work without a permit or for violation of a stop work order. These requests are now being handled through DOB NOW and not with an L2 form.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter and Article 213 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Paragraph (1) of subdivision (f) of section 102-04 of Subchapter B of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (1) Any request for an override, reduction or waiver of a civil penalty must be in writing in a form and manner determined by the Department. [The applicant must submit a notarized “L2 Request for Overrides, Reductions or Waivers of Civil Penalties for Work without a Permit and Stop Work Order Violations” form.] In addition, the applicant must submit any supporting documentation required by the [form] Department or by paragraph (5) of this subdivision.

§ 2. Subparagraph (v) of paragraph (5) of subdivision (f) of section 102-04 of Subchapter B of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (v) Effect of inconsistent or incomplete documentation. If the information [on the L2 form] provided in the request for an override, reduction or waiver of a civil penalty or supporting documentation contradicts the description of work completed as stated on the violation, or if the [L2 form] request or supporting documentation is incomplete, the request for an override, reduction or waiver of the penalty may be denied.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of Process for Requesting Override, Reduction or Waiver of Civil Penalty

REFERENCE NUMBER: DOB-131

RULEMAKING AGENCY: Department of Buildings

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

November 23, 2020
Date

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER § 1043(d)**

RULE TITLE: Amendment of Process for Requesting Override, Reduction or Waiver of Civil Penalty

REFERENCE NUMBER: 2020 RG 086

RULEMAKING AGENCY: Department of Buildings

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: 11/19/20