



About Civil Penalties

Background

Civil penalties are fines that may be imposed as a result of violations of certain buildings codes or Local Laws. Most commonly, civil penalties are assessed for carrying out construction work without a valid permit. Building Code § 26-212.1 imposes a civil penalty whenever work which requires a permit pursuant to section § 26-207 or § 27-147 is done without a permit. No permit can be issued for this work until the civil penalties have been paid. The fees are assessed in addition to the fees required for filing for the work or obtaining a permit.

The civil penalty and permit fees are payable by the "owner of the buildings on which such work is performed." New owners who have purchased a property with an existing civil penalty are responsible for the payment of that penalty.

Civil Penalty Fee Structure

All civil penalties associated with Work Without a Permit Violations, regardless of the date of issuance, will be assessed according to the following fee structure:

- **For 1 and 2 family houses:** the penalty for a Work Without a Permit Violation is now four (4) times the amount of the permit filing fee, with the minimum increased to \$500.
- **For all other work performed without a permit:** the penalty is now fourteen (14) times the amount of the permit filing fee, with the minimum increased to \$5000.

Payment of Civil Penalties

Penalties for Work Without a Permit violations can be paid at the Cashier Unit in the respective Borough Office or at the ARA/Permit Renewal Unit (address above). The Department accepts certified (bank) checks, money orders, and cash for the payment of fines or penalties. Personal checks, company checks, money orders not issued by the US Post Office and credit cards will **not** be accepted for payment of civil penalties or Fines.

Certifying Correction

In order to close a violation on your property, you must **certify correction** at the Administrative Enforcement Unit (AEU) at 280 Broadway, 5th Floor in Manhattan, **in addition** to paying the penalty. The Certificate of Correction form is available online at: <http://www.nyc.gov/html/dob/downloads/pdf/aeu2.pdf> or at the AEU window. Evidence of the payment of imposed civil penalties associated with the violation must also be submitted.

AEU will not clear any Work Without a Permit violation without proof of civil penalty payment in the form of a receipt from cashier for payment and/or a written determination that the penalty is not required for the violation and the reason for that determination. The determination will be indicated on the "LL58/88 Affidavit of Registered Architect or Professional Engineer" Form with all necessary documentation and proof of payment.

Permit Renewal

Expired permits can only be renewed if there is activity on the application within a two year period of the expiration date. If the work permit associated with the violation was lawfully obtained, but is expired, the civil penalty is equal to four (4) and fourteen (14) times the permit renewal fee of \$100 rather than the filing fee for a new permit.

Permits can be renewed in the Borough Office where the property is located, or at:

ARA/Permit Renewal Unit
280 Broadway, 5th Floor
New York, NY 10007
Phone: (212) 566-4579
Email: ara-pr@buildings.nyc.gov
Fax: (212) 566-5823
Hours: Monday-Friday 9:00 am - 3:00 pm

New Penalty for Violation of a Stop Work Order

The Department of Buildings is now enforcing a new civil penalty for violation of a Stop Work Order (SWO). This penalty does not apply to the first issuance of an SWO, just violations of SWO already in effect. BISWeb will automatically identify the penalty amount for the violated SWO and no SWO will be rescinded until the fee has been paid.

Penalty amounts:

- First violation of a SWO is \$2,000
- Second violation of a SWO is an additional \$5,000
- Any subsequent violation of a SWO is an additional \$10,000

Lifting a Stop Work Order

Paying a civil penalty for a Work Without a Permit violation and obtaining a permit does not automatically lift a Stop Work Order (SWO). Please note that any work done while the premises is under a SWO may subject both the owner and contractors to additional violations and fines. To lift a SWO, the respondent must contact the Department of Buildings issuing unit listed on the posting.

After re-inspection or review of paperwork, a Department of Buildings Inspector may recommend full rescission of SWO to the unit chief or supervisor. Once the unit chief or supervisor approves rescission of the SWO, the respondent will be notified through a posting of an OP-109 form (Stop Work Order Rescind) at the premises.

Once the SWO rescission form has been approved, BISWeb will be modified and the red flag on the property signaling an open SWO will be removed.

For a violated SWO that requires a re-inspection for rescission, no appointment will be granted until all associated penalties are paid. If you receive a violation of a SWO, it can only be rescinded by paying the civil penalty at the Cashiers Unit in the respective borough.

For additional information on lifting a SWO, contact the DOB unit that issued the violation.

For more information about civil penalties, contact your Borough Office or the central Permit Renewal Unit. For additional information on correcting a violation visit the "ECB Violation Reference Guide" in the Reference Section at www.nyc.gov/buildings.