



TABLE OF CONTENTS

Intro	4
Elevators	5
■ PVT Violations and Sample	6
■ New! The Ups and Downs of Elevators	8
FDNY Violations	10
Closing Out NOVs	12
Closing Out VOs	12
■ FDNY Violation Sample	14
ECB Violations	15
Fines & Hearings	16
Risks & Resolution	17
■ ECB Violation Sample	18
Sidewalk Violations	19
Risks & Resolution	20
Critical Regulations Review	22
New! Behind the Façades	23
New! Breaking Boilers	25
■ New! The Basics of Benchmarking	27
■ New! What You Need to Know About Cooling Towers	29
Conclusion	31
Compliance Checklist	31

INTRO

What are the results of brushing up on the most common violations and how to close them?



A Decrease in Compliance Costs



Fewer Compliance
Headaches



More Time Focused on Your Business

Your Guide to Resolving Violations Is Now Your Guide to Preventing Them.

It's important to know how to fix violations – it's even more critical to understand how to prevent them from happening in the first place.

This year's NYC Violations Compliance Guide is your handbook to being both reactive and proactive. In addition to information on how to correct the most common types of violations, we've included new, detailed sections on mandatory inspections and key regulations for highly regulated areas of compliance.

What You'll Learn in this Edition:

- How to identify and understand common violations
- The risks associated with open violations
- → How to close specific violations
- Agency requirements for basic property equipment and features

Violations written by over a dozen city agencies cost time and money, result in lost revenue, and can encumber property transactions. Minimize risk by staying informed - brush up on the basics with the NYC Violations Compliance Guide.



ELEVATORS



PVT VIOLATIONS



What are "E-Elevator" PVT violations?

Private inspectors hired by the DOB perform periodic inspections of elevator devices. The inspector may issue a violation of type "E-Elevator" (commonly known as a PVT) for failure to maintain the device.

For example, a PVT could be issued for any of the following:

- Defective Pit Light
- Dirty Device Car Top
- Insufficient Maintenance Log

Each violation copy will indicate the elevator part in question, the violation condition cited and the suggested remedy from the Department of Buildings.

Are there risks to having open PVTs on a property?

There are no penalties associated with PVT violations, but open violations can affect a sale or refinance of a property. A property owner who ignores their obligation to repair elevator devices at a building may be liable in the event of an accident occurring due to unrepaired devices. Open PVT violations will also delay issuance of a Final Certificate of Occupancy.

How do I close a PVT?

Hazardous Violations

If the PVT violation is hazardous or if the violation was issued for "no access to the device or machine room," a certified elevator inspection company must submit a letter by mail or in person to the Elevator Division indicating that corrections were made and requesting a reinspection of the device.

Non-Hazardous Violations

If the violation is non-hazardous, the certified company may itself perform the re-inspection and submit the following documentation to:

NYC DOB Elevator Division

280 Broadway, 4th Floor New York NY 10007

- Completed Affirmation of Correction (Form ELV-29)
- Copy of the Violation
- Filing fee of \$40 per elevator device

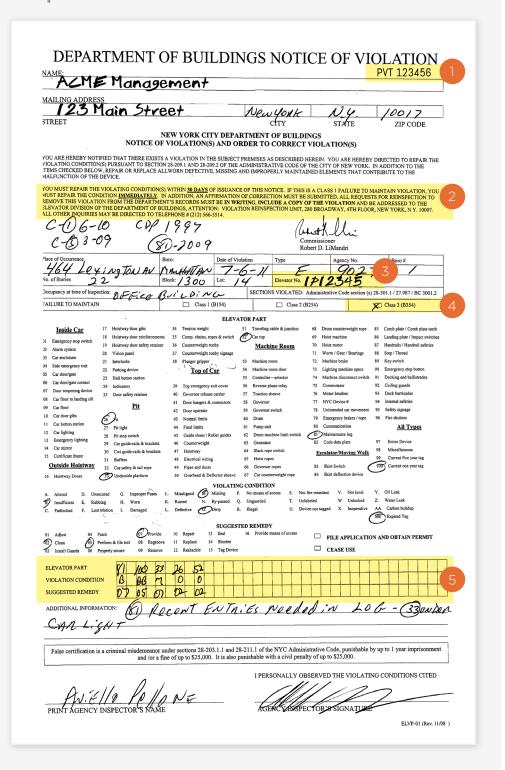
As of August 2013, the DOB has stated that they will sweep their records every 3-6 months and automatically dismiss any nonhazardous PVT violation associated with a device that shows subsequent proof of compliance through one of the following:

- Satisfactory Category 1 Annual Inspection
- Accepted Category 1 Annual Correction
- Submission of a Final Certification of Elevator Application

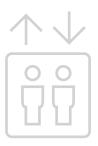
PVT VIOLATIONS

- E-Elevator Violation Number
- Instructions for Resolution and Time Line
- Elevator Device Cited in Violation
- Class of Violation
 Indicates Severity of
 Issue
- Identification of elevator part in question, violating condition and suggested remedy

Sample PVT Violation



THE UPS AND DOWNS OF ELEVATORS



What is an elevator device, exactly?

While this seems like an obvious question, this is a surprisingly broad category for the Department of Buildings. Vertical transport includes devices like:

- Escalators
- Dumbwaiters
- Wheelchair lifts, and more.

These devices are all regulated in some form by the DOB.

Inspections

Category 1 Inspection

The DOB requires all elevator devices to undergo an annual inspection, called a **Category 1** test. Owners and managers are responsible for hiring an approved elevator inspection agency to perform the test, as well as an unaffiliated third party approved agency to witness the inspection. Category 1 tests must be performed and submitted to the DOB by December 31st of each year.

Category 5 Inspection

Depending on the type of device, some also require a **Category 5** full load inspection test every 5 years. Category 5 tests are due at the end of the month in which they were last performed. For example, if a Category 5 report was last filed in March 2012, it would be due again at the end of March 2017. When the Category 1 and Category 5 tests line up for a device, owners may choose to perform both types of inspections at the same time and file the results on the same ELV3 form.

If defects are found during the inspection, these must be corrected and certified via an Affirmation of Correction (ELV29). Please note that this is the same form used to correct Elevator PVT ("E-Elevator") violations. Defects must be corrected within 120 days of the original inspection date, and filed within 60 days of the correction date. This is an increase from the previous 45-day correction and 15-day filing periods.

Late Fees

- Category 1 Annual Inspection: \$150/month
- Affirmation of Correction: \$150/month
- Category 5 Inspection: \$250/month

If documentation is still not filed within 12 months of the deadline, the full penalty (in the form of an administratively issued violation) will be applied in lieu of the above late fees.



THE UPS AND DOWNS OF ELEVATORS



Inspection Related Penalties

Elevator penalties have risen dramatically over the past few years. Fines have tripled, and new violations have been introduced for failure to correct unsatisfactory inspections.

Administratively Issued Inspection Violations

Туре	Description	Penalty per Device
LL 10/81	Issued for failure to file annual inspection 2008 Cycle and earlier	\$1030
VCAT1	Issued for failure to file annual inspection 2009 Cycle only	\$1030
EVCAT1	Issued for failure to file annual inspection 2010 Cycle and later	\$3000
ACC1	Issued for failure to file Affirmation of Correction Beginning with 2009 Cycle	\$3000

NOTE

The DOB issued thousands of ACC1 violations dated 5/30/14 in error. As a result, the \$3,000 fine was rescinded for all ACC1 violations with this issue date. Buildings must still show proof of an Affirmation of Correction and subsequent satisfactory Category 1 inspection to clear this infraction from their records.

D NOTE

Administrative elevator violations issued before 2014 were issued once per building, and may apply to multiple elevator devices. A penalty sheet must be obtained from the DOB to determine the total number of noncompliant devices (and the subsequent fine) for those infractions.

Are there any penalties for failure to file a Category 5 inspection?

While there currently aren't any EVCAT5 violations, the DOB has noted that the full penalty for missing Category 5 inspections is \$5,000 per non-compliant device. This fine may be assessed upon submitting late or missing paperwork, or when requesting a review for a Final Certificate of Occupancy.

Are there any other risks for missing or late inspections?

Missing elevator inspections will be flagged during the DOB's review for a Final Certificate of Occupancy. Any outstanding inspection-related civil penalties must be paid before a Final CO is issued. Missing inspections may also delay a property transaction or refinance. Most importantly, a property owner may be held liable in the case of emergencies involving a device lacking regular satisfactory inspections.









What are the types of FDNY violations?

The FDNY issues two basic types of violations:

- Notices of Violation (NOVs)
- Violation Orders (VOs)

Notices of Violation (NOVs)

- Associated with a fine and hearing through the ECB
- Compliance requires both a correction and payment, or correction by cure date if applicable
- Certificate of Correction must be filed directly with FDNY; evidence at hearing does not count as certifying
- NOV number format: 12345678L

Notices of Violation are commonly issued for:

- Unwarranted fire alarms
- Failure to pay or post permits
- Failure to have a required Certificate of Fitness
- Failure to test/inspect equipment

Violation Orders (VOs)

- Requires correction via FDNY re-inspection
- Non-compliance can lead to a Criminal Summons
- Fine may be associated with Summons
- VO number format: E123456

Violation Orders are generally issued for imminent safety hazards, and can be associated with:

- Blocked Egress
- Fire Safety Plan
- Emergency Action Plan

The main differences between these two types of violations are the requirements for closing them out, and any consequences from failing to do so, which are addressed in the following questions.





How do I close out FDNY violations?

Closing Out NOVs

FDNY Notices of Violation (NOVs) not only require attending a hearing and paying a fine; they also require proof of compliance via the submission of a Certificate of Correction.

It's a common misconception that showing proof at an ECB hearing will close a violation; however, to fully clear a NOV, a Certificate of Correction must be on file with the FDNY.

One way to avoid attending an ECB hearing is to submit the Certificate of Correction before the cure date, when applicable. Depending on the type and severity of a NOV, the FDNY will provide a cure date on the violation copy. If a Certificate of Correction is submitted and accepted before this date, attending the hearing isn't required and you will not incur any fines.

NOTE

All NOVs are written to a "named respondent" – it is this entity's legal responsibility to attend a hearing, pay any associated fines, and show compliance with the FDNY. Read more about "named respondent" under the FCB violations section.

Closing Out VOs

FDNY Violation Orders (VOs) do not have a hearing or fine associated but have a 0-90 day time frame within which to correct, which is specified on the violation copy.

In some cases, an FDNY inspector will automatically come out to reinspect once the correction period has passed. You can also correct the issue and call the FDNY unit that issued the VO to request re-inspection.

Completely Corrected Violation

If the violations are completely corrected, the inspector will dismiss the VO and the establishment will pass inspection.

Partially Corrected Violation

If the violations are partially corrected, you have the original time frame given to finish the corrections. At that time, the violations must be completely corrected or the owner will receive a criminal summons.

Violation Not Corrected

If the violations have not been corrected at all, the owner will receive a criminal summons.

Life-Threatening Violations

If a violation is considered life-threatening, such as inadequate fire protection systems (e.g., fire alarm, sprinkler system), or the establishment has falsified information on its application, the inspector may shut down the establishment by issuing a vacate order. Once a vacate order is issued, you must correct the perilous condition(s) cited and follow the procedures listed on the back of the pink copy of the vacate order.



What are the risks of having open FDNY violations on a property?

Increase in Fines Owed

Any open ECB fines associated with an FDNY NOV will accrue interest over time as long as they remain unpaid.

Default Issued with Penalties

An FDNY-ECB hearing associated with an open NOV that is unattended (with no correction on file prior to the hearing date) will go into default and a maximum penalty will be issued (i.e. a \$1500 fine can automatically increase to \$5000 via default).

Criminal Summons

A Violation Order that goes uncorrected can lead to a Criminal Summons, which can lead to a warrant for arrest of the registered building representative.

Penalties from Criminal Trial

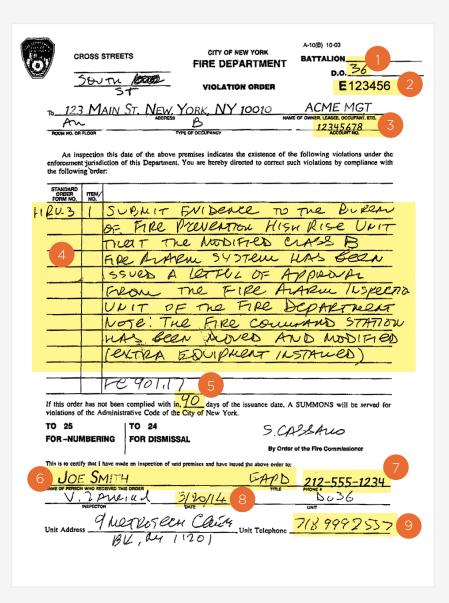
Costly penalties can also be issued at criminal trial if the VO has not been remedied.

Inability to Sell or Refinance

As with any other property-related violation, failing to correct both NOVs and VOs can affect a sale or refinance of a property.

- District Office that issued violation
- Violation Order Number
- FDNY Permit
 Account Number
 associated with
 the violation this
 can help indicate
 the equipment
 associated with
 the violation
- Description of violations and necessary corrections to show compliance with FDNY Code
- Number of days/time parameter by which you must comply or a summons will be served to appear in court
- Name and job title of person on building premises who received VO
- Recipient Phone Number
- 8 VO Issue Date
- 9 FDNY Issuing District Office Phone Number

Sample FDNY Violation Order





EGD VIOLATIONS







What is the ECB? Which agencies are affiliated with the ECB?

The Environmental Control Board (ECB) is an administrative tribunal that schedules and conducts hearings for violations related to quality of life laws in NYC.

The ECB itself does not issue violations. Rather, New York agencies such as the Department of Buildings (DOB), Department of Sanitation, Department of Environmental Protection (DEP), and FDNY issue violations and the ECB conducts hearings for those violations.

How do ECB hearings work?

ECB violations are heard on the specified date (listed on the violation copy) at the corresponding borough's ECB office location.

An ECB Hearing provides the opportunity for a Named Respondent to contest a violation. For some ECB violations, you may "cure" the violating conditions in advance of the hearing date to avoid a hearing and fine. If this is an option, the time frame to cure will be noted on the actual violation copy. If you are not able to cure the violation in the specified time frame, the named respondent or a representative must appear at the ECB, and after completion of the hearing, a judgment will be mailed to the named respondent along with any necessary fine owed to the ECB.

If you don't attend a necessary hearing, the violation will go into default and fine amounts will increase, although you may request a new hearing online within 45 days of a default judgment.

Can SiteCompli represent me at a hearing?

If you require hearing representation, Cohen Hochman & Allen (CHA), the most respected and experienced Administrative Law firm in New York City, is fully integrated with SiteCompli, and is available to provide hearing representation, fine reduction and settlement, legal advice and consultation, and violation resolution. Reach out to us at support@sitecompli.com to learn more.

What does "Named Respondent" mean?

The named respondent noted on an ECB violation is the party legally responsible for appearing at ECB court and paying any fines determined at this hearing.

A named respondent could be an ownership or management entity; a tenant in the building; a contracted 3rd party company; or an individual. In the case of DOB-ECB Class 1 (immediately hazardous) violations, while it is still the named respondent's responsibility to correct the violation, if said named respondent does not submit acceptable correction to the DOB within the time frame allotted, an additional administrative DOB violation (AEUHAZ1) with a fine of \$1500 can also be issued against the building.

ECB VIOLATIONS



How do I close an ECB violation?

Each ECB Notice of Violation (NOV) has an associated hearing date. The hearing provides both parties the opportunity to present relevant information to an ECB Administrative Law Judge. The named respondent or an authorized representative may attend this hearing to contest the allegations or admit fault. The final penalty for an offense is not determined until after a hearing.

The process to close out an ECB violation differs depending on the type of violations. ECB violations issued by the DOB or FDNY require certification that the violation has been corrected, while other ECB violations, like Sanitation tickets, do not require the named respondent to certify correction. To resolve an ECB violation issued by the DOB or FDNY without penalty, you can cure the problem if the violating condition is remedied and a Certificate of Correction is filed with and accepted by the DOB by the "cure date" as shown on the original copy of the NOV.

For all ECB violations, you always have the option to attend an ECB hearing (and if it's a repeat offense, you're required to attend), or accept a stipulation to extend the time for compliance and pay a reduced penalty. For ECB violations that don't require correction, like Sanitation tickets, you also have the option to pay the associated penalty before the hearing to avoid appearing in ECB Court. Note that certifying correction or paying the penalty in advance is still an admission of guilt, and may result in increased penalties for similar infractions going forward.



For more information about certifying correction for an ECB violation, visit:

http://www1.nyc.gov/site/buildings/safety/certifying-a-correction-of-an-ecb-violation.page

I attended the ECB hearing. Why is my violation still open?

DOB (ECB) and FDNY (ECB) violations require further action outside of attending a hearing at the ECB and paying the associated fine. These violations require that **Certificates of Correction** be filed with and accepted by the issuing agency (i.e. the DOB or FDNY) in order to fully close out the violation.

What are the ECB violation penalties?

ECB penalties vary depending on the issuing agency, the severity of the violating condition, and whether it is a repeat offense.

ECB VIOLATIONS

- 1 FDNY Permit Account Number Associated with Named Respondent
- Phone Number of Issuing Unit
- Notice of Violation Number
- Named Respondent responsible for attending hearing, showing compliance and paying any associated fines
- Cure Date Submit Cert. of
 Correction by this date
 to avoid the ECB hearing
 and any penalties. Only
 eligible DOB and FDNY
 violations will have a cure
 date listed. The cure date
 is blank on this violation
 because it is a repeat
 offense (see below for
 further details).
- Hearing Date If Certification isn't
 submitted by the above
 cure date, the named
 resp. must attend the
 hearing on this date/
 time/location
- 7 Violating Conditions (VCs) included in NOV
- Indicates this violation is a repeat offense and attendance at the hearing is mandatory
- Violation Issue Date

ECB Violation Copy Sample (FDNY)

	Account No. O.	FP Unit G FADMIN. 4 NOTICE OF VIOLATION AND HEARING		C.8. #
6	CITY OF NEW YORK	AND HEARING		NOV# 12345678L 3
Petitlo	123 Kanstruc noent is: U owner Gymanaging agent	tion Compe	dry.y	and the second s
Place	123 Prefix	IIIIMd	inis	12345678L
Туре	ANE SUITIN Zip Code	\$\$16-LII		Bore Code Off (Appl.; 2=Bx; 3=Si; 4=Bklyn; 5=Ons
BLDG	Prefix Prefix S	treet Name	MA	444111111111111111111111111111111111111
	Sulfix Zip Code			Boro Code 1 = Man; 2+Bx; 3+S; 4+Bkg/n; 5+Ons; 6+Out of city
PLE corrected The Brooklyr	d and certified to be in compliance with the requirection and all proof of comp n. New York 11 201-3857 (718) 999-2392 by ok	pove is in violation of the requirer irements of law within 35 days of lance MUST BE RECEIVED by the se of business on	the date of ne Bureau	w. it is further ORDERIED by the FIRE COMMISSIONER that these violations be issuance. Certification must be made on the Certificate of Correction (Gold Copy), Mairs, Administrative Enforcement Unit, 9 MetroTech Center, 1st Floor, Johns Whose proof of correction is accepted by the Fire Department
by such Notice o	date will avoid a hearing and penalty. All others of Hearing:	r respondents must appear at the		of Board (ECB) hearing indicated below.
This hea	na Certificate of Correction IS NOT RECEIVED 1 1 2 1 2 1 2 2 2 2 2 2 2 2 2 2 2 2 2	e allegations set forth below. If you	located in [the authority u do not app	Quee is not
Upo	n investigation, the Fire Department has deter der with respect to the following requirements	mined that the above named resp which have been consolidated in	pondent is i to violation	n violation of the New York City Administrative Code and/or rules promulgat categories (VC) for enforcement purposes, as set forth in Fire Department
ule 3 R0	Portable Fire Extinguishers and Fire Hose Failed to provide and/or maintain	ired (portable fire extinguishers/	VC 17	Certificates of Fitness and Certificates of Qualification Failed to obtain and/or produce required (Certificate of Fitness/Certificate of
C 2	Combustible Waste Containers Failed to provide required container(s) for	combustible waste and/or store	VC 18	Certificates of Approval, Certificates of License and Company Certificates Falled to obtain and/or produce required Certificate of Approval for
rc 3	combustible waste in a container at Permits Failed to (obtain/renew/possess) a permit for.	LOCATION PATE OF PERMIT	VC 19	Certificate of License, or Company Certificate for Affidavits, Design and Installation Documents and Other Documentation Failed to (prepare/produce/submit) required documentation:
 /C 4	Unlawful Quantity or Location of Regulate (Manufacture/Storage/Handle/Use)	of	vc zo <	Inspection and Testing Failed p Sendue required (antipal/periodic) inspection or test of Portable Containers
C 5	Posting of Permits and Recordkeeping Failed to post a permit and/or (maintain/prod	mit/quantity/location restrictions.	VC 21	Falled to (provide/use) required container for
<u>c</u> 6	at		VC 22	Stationary Tanks Failed to provide required stationary tank storage system for
C 7	for at Labels and Markings Falled to provide and/or maintain required la	LOCATION	VC 23	Storage Facilities Falled to provide required storage (cabinets/enclosures/rooms/vaults) at
C B	Accumulation and Removal of Combustible	UCCATION B Waste	VC 24	Storage of Hazardous/Combustible Materials Failed to provide required racks and/or shelf storage, and/or failed to store
<u></u>	Falled to timely remove combustible waste ar combustible waste and/or vegetation at Means of Egress	COCATEM	VC 25	the or without concorns at www.concorns Electrical Hazards Falled to provide and/or maintain required electrical devices/equipment and/or allowed electrical hazards to exist at
C 10	Failed to provide egrass free from obstructio to maintain required egrass at	ns or impediments, and/or failed	VC 26	Heating and Refrigeration Equipment and Systems Failed to provide and/or maintain required (heating/refrigerating) system for
C 11		of shock to menocha	VC 27	Electrical Lighting Hazards Failed to provide, protect, and/or maintain required lighting devices or equipment at
	Failed to maintain	in (good working general maintenance/	VC 28	Open Fires, Open Flames and Sparks Unlawfully (fit/maintained/operated/used/failed to protect) (open fire/open flame[spark]open delicated.
C 12	Fire Protection Systems Failed to provide and/or maintain required _ and/or prevent unnecessary/unwarranted alar	TYPE-DESCRIPTION	VC 29	Designated Handling and Use Rooms or Areas Falled to provide required (room/area) for (handling/use) of
C 13	Flame-Resistant Materials Failed to provide and/or maintain required fla	me-resistant materials	VC 30	Fire Safety In Office Buildings/Hotels/Motels Failed to comply with the fire safety requirements for (office buildings/
C 14	Fire-Rated Doors and Windows Failed to (provide/protect/maintain) require		Repeat	Violation (§15-229) Failed to correct VC/s) VC - 20 as previously client on NOV 6
C 15	Fire-Rated Construction Failed to provide and/or maintain required fire	e-rated construction of	Faine Co	# 1/34/0/31 (Respondent must appear at the hearing.)
C 16	Ventilation Failed to provide and/or maintain required ve	ntilation		Wilfully falsified Certificate of Correction for NOV #
Suprement of the state of the s				
JI state	ments made herein are affirmed/certified unde	personally reviewed the office rec r penalty of perjury. Date of Offer	cords indica	tip such Viennons. a.m./p.m./ Wellit
	pplement Attached	157	ECTOR'S S	ECIL WALLOTT
19 H1-9127				(COMPLETE REVERSE SIDE)

SIDEWALK VIOLATIONS





SIDEWALK VIOLATIONS



What are sidewalk violations?

Sidewalk violations are official notices issued by the Department of Transportation stating that the sidewalk is defective.

After being issued by the DOT, a copy of this violation is then filed with the County Clerk, and remains on the record until the Clerk receives official notice that repairs have been made.

NOTE

There can only be one active sidewalk violation associated with a single block and lot at a time. Any older violations are superseded by the most recent active sidewalk violation, which may reflect any unrepaired issues noted in earlier violations

What are the risks of having open sidewalk violations on a property?

Avoidable Bills and Liens

If repairs are not finished within 45 days, the DOT may perform the work itself or hire out an alternate contractor. They will then bill you for the completed work. If the bill remains unpaid, interest will accrue and a monetary lien will be placed against your property. You have 90 days to pay the bill before interest is added.

Unable to Sell or Refinance Property

As with any other property-related violation, failing to repair sidewalk violations can affect a sale or refinance of a property.

Liability

A property owner who ignores their obligation to repair their sidewalk may be liable in the event of an accident occurring due to an unrepaired sidewalk.

SIDEWALK VIOLATIONS



How do I satisfy a sidewalk violation?

The Department of Transportation requires correction within 45 days from the issuance of the violation to perform the needed repairs. Complete the below steps:

1. Hire Experienced Contractor

Hire a contractor who is familiar with DOT specifications for sidewalk repair work. The Department of Consumer Affairs publicizes a database of licensed contractors.

2. Request Inspection Permit

Call 311 or have your contractor call 311 to request a sidewalk inspection permit. This is necessary to perform the work, and will be used in the final steps of the process. Note: The current permit cost is \$70 for every 300 linear feet of sidewalk on one property.

3. Call 311 to Request Dismissal

After the work is completed, call 311 to request a Sidewalk Violation Dismissal. They will verify that you have pulled the appropriate permits and send out an inspector. If the inspection is satisfactory, the sidewalk violation will be dismissed.

NOTE

If you already completed the work before knowing about the violation, you need to make sure the correct permits were pulled at the time the work was done. If no permits were pulled, you'll have to pull them now as part of the dismissal process (See Steps 2 and 3 above).

CRITICAL REGULATIONS REVIEW

- Behind the Façades
- Breaking Boilers
- Basics of Benchmarking
- What You Need to Know About Cooling Towers

Here you'll find information summarizing the most highly regulated areas of NYC compliance.

Understanding which requirements impact your portfolio is key to avoiding penalties and maintaining safe buildings.

BEHIND THE FAÇADES



Inspection and Report Deadlines

Sub-cycles are broken down by the last number of the building's tax block.

5 Year Cycle Period: February 21, 2015 to February 20, 2020

Sub-Cycle Blocks	8A 4, 5, 6, and 9	8B 0, 7 and 8	8C 1, 2 and 3		
	\downarrow	\downarrow	\downarrow		
Filing Period Begins	Feb. 21, 2015	Feb. 21, 2016	Feb. 21, 2017		
	\downarrow	\downarrow	\downarrow		
Filing Deadline	Feb. 21, 2017	Feb. 21, 2018	Feb. 21, 2019		

•

NOTE

Reports must be submitted as PDF files saved on a DVD or CD; paper submissions are no longer accepted.

Filing cost

Initial Report: \$265

Amended or Subsequent Request: \$100

Extension Request: \$135

What are the results of the façade inspection?

- 1. Safe No problems and in good condition
- 2. Safe with a repair and maintenance program (SWARMP)
- 3. Unsafe problems/defects threaten public safety

BEHIND THE FAÇADES



What needs to happen if my façade is classified as Unsafe?

- Owners with an Unsafe filing must immediately install protection (sidewalk sheds or construction fences) to prevent harm to the public.
- Dangerous conditions must be repaired within 30 days of filing a technical report. Owners must file an amended report within 14 days after the repairs are completed.
- Owners may request an extension if the repairs cannot be completed and the report cannot be filed within 44 days from the initial filing date.

Why is it important to stay on top of façade inspections?

In 2015, a number of DOB-ECB violations were issued relating to missing or unsafe façade inspections. These violations were in addition to assessed civil penalties of up to \$1,000 per month. Regulation and enforcement for façade inspections is increasing with each cycle, so it's critical to keep track of changes to any requirements. Failure to maintain compliance with façade inspections may cause the building to be liable in the case of any accidents or emergencies involving the building's exterior and appurtenances.

BREAKING BOILERS



Department of Buildings Requirements

2016 Inspection Cycle: January 1st through December 31st

Annual inspections are required for both high pressure boilers and low pressure boilers

High Pressure Boilers

- Two inspections are required: internal and external
- These inspections must be conducted within the same cycle (year), but should be performed six months apart
- Inspections can only be performed by an authorized insurance company
- Inspectors must notify the DOB at least 10 days before performing the internal inspection via e-mail hpboilers@buildings.nyc.gov

Low Pressure Boilers

 Inspections can only be performed by authorized boiler inspectors licensed by the Department of Buildings or an authorized insurance company

Must Inspect Annually

- Residential buildings with 6+ families
- Residential buildings classified as Single Room Occupancy (SRO) dwellings
- Mixed use buildings
- Commercial buildings
- H-stamp domestic hot water heaters with over 350,000 BTUs in residential, mixed use, and commercial buildings

No Inspection Required

- Low-pressure boilers in residential buildings with 5 families or less
- H-stamp domestic hot water heaters in residential buildings with 5 families or less
- Individual boilers heating individual residential units (including residential portions of mixed-use buildings)

Inspection Filing Process

- The BO-9 inspection form must be filed within 45 days of performing inspection. (One form per each inspection type for High Pressure Boilers.)
- 2. If defects are found during an inspection, they must be corrected and an Affirmation of Correction (BO-13) must be filed within 180 days from the calendar inspection date.
- 3. Reports submitted more than 180 calendar days from the BO-9 inspection date will incur a late penalty of \$50/boiler/month.
- 4. Reports submitted 12 months after the inspection date will be deemed expired and incur the full penalty.

BREAKING BOILERS



First Test

Newly installed boilers and boilers that have undergone replacement of more than half of their principal components/sections (or whose fuel burners have been replaced) must undergo a First Test conducted by the DOB before use. A satisfactory First Test counts as a boiler's annual inspection for that cycle.

Boiler Removals

An OP-49 must be filed with the DOB as confirmation of a boiler removal or disconnection. This form must be submitted within 30 days of removal/disconnection, or it may be subject to late penalties.

Failure to submit an OP-49 may also result in continued administrative penalties for missing annual boiler inspections, even if the building itself is demolished – it's critical to make sure this paperwork is on file with the DOB.

Violations

- LBLVIO/HBLVIO
 - Failure to file annual boiler inspection; \$1,000 civil penalty/boiler
- LL 62/91

Failure to file annual boiler inspection (issued in 2009 and earlier); \$500 civil penalty for properties 6 stories and under, \$1500 civil penalty for properties 7 stories and above.

Department of Environmental Protection Requirements and 2016 Adjustment

Local Law 38 of 2015 amends NYC's administrative code by increasing the threshold for boiler registrations. The new standards are as follows:

- Registrations
 - Required for boilers ranging from 350,000 BTU/hr up to 4.2 million BTU (MBTU)/hr
- Certificates to Operate
 Required for boilers 4.2 MBTU/hr or greater

Additional rules will be promulgated in 2016 to ensure that boilers that range from 2.8 MBTU/hr to 4.2 MBTU/hr are still subject to certain standards, including a combustion efficiency test.

Any boilers requiring Certificates to Operate or Registrations greater than 2.8 MBTU/hr must perform annual tune-ups and combustion tests in addition to the 3-year triennial filing. Dates, processes, and results must be kept by the owner for a minimum of five years and must be submitted within five business days if requested by the DEP.

THE BASICS OF BENCHMARKING



Overview

Buildings that meet any of the following characteristics must submit Local Law 84 Benchmarking and Local Law 87 Energy Audits & Retro-commissioning reports:

- Buildings greater than 50,000 gross square feet; or
- A tax lot that contains two or more buildings that, together, exceed 100,000 gross square feet; or
- Two or more buildings held in a condominium form of ownership that, together, are larger than 100,000 gross square feet.

Buildings that meet the above criteria are included on the Covered Buildings List, updated annually. Your property tax bill should also include this information in the "Greener, Greater Buildings Plan Compliance Notification" section.

Local Law 84 Benchmarking

What is it?

Owners are required to file information about energy usage annually through the online Energy Star Portfolio Manager tool. Reports are due by May 1st for the previous year (e.g., file 2015 in 2016), with additional quarterly deadlines for those who missed the initial due date.

Deadlines

1st Deadline: May 1st

2nd Deadline: August 1st

3rd Deadline: November 1st

■ 4th Deadline: February 1st

Violations

Failure to submit the annual Benchmarking report by May 1st will result in an initial fine of \$500, with subsequent \$500 fines issued after each quarter. A maximum of \$2000 (four total violations) can be issued for failure to file a single year's report. Owners can submit a Benchmarking Violations Challenge form if they believe an infraction was issued in error. This is a separate process from debating Benchmarking eligibility, outlined on the next page.

As of the May 1, 2016 compliance deadline, submitted reports with one or more missing or inaccurate data fields are considered non-compliant, and will receive a warning in the form of a Notice of Data Inaccuracy. Failure to submit a corrected report prior to the next quarterly deadline (August 1, November 1, and February 1) will result in a violation for each period of non-compliance.

THE BASICS OF BENCHMARKING



Local Law 87: Energy Audits & Retro-Commissioning

What is it?

Owners are required to undergo an energy audit and retro-commissioning every 10 years and submit an Energy Efficiency Report (EER) electronically. The year the EER is due corresponds with the last digit of your tax block number. For example, reports for buildings with "6" as the last digit of their block number are due by December 31, 2016.

Deadline

December 31st of the year the report is due.

Year First EER is Due	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Last Digit of Tax Block Number	3	4	5	6	7	8	9	0	1	2

Violations

Failure to submit an EER is a Major (Class 2) violation which may result in a penalty of \$3000 in the first year and \$5000 for each additional year until the EER is submitted to the department. The Department will not accept any outstanding EER submission if outstanding penalties are not paid in full.

What if my building shouldn't be on the Covered Buildings List?

If you believe you received a benchmarking notification from the DOF in error, or that your property shouldn't be eligible for Benchmarking, send an e-mail with supporting information about your building (borough, block/lot, square footage, etc.) to benchmarking@finance.nyc.gov

WHAT YOU NEED TO KNOW ABOUT COOLING TOWERS



What's required?

Initial Registration

All cooling towers must be registered with the DOB. Cooling towers that existed as of August 18, 2015 were required to register within 30 days of that date. New cooling towers are required to complete registration prior to operation.

Annual Certification

All owners/managers of properties with cooling towers are required to submit annual certification with the DOB, verifying that the cooling tower has been inspected, tested, cleaned, and disinfected in compliance with Local Law 77. The due date for Annual Certification is November 1st.

Maintenance Plan

Mandatory regular inspections, testing, cleaning, and disinfection of cooling towers is required in accordance with DOHMH guidelines. (See Documents to Know for more information.)

Discontinued Use

Owners/managers must notify the DOB within 30 days after removing or permanently discontinuing use of a cooling tower. The tower must be drained and sanitized according to current DOHMH requirements.

Extended Shut-Down

Cooling towers shut down for more than five days must be cleaned and disinfected. Cleaning must occur within 15 days before resumed use.

What if microbes are found during the inspection?

Local Law 77 outlines two levels of managing test results:

- When levels of microbes found indicate a maintenance deficiency requiring mitigation, including maintenance to prevent potential health risks, the owner of the building shall clean and disinfect the cooling tower in accordance with Department rules. This must occur within 48 hours after the owner knows or reasonably should know of the test results.
- When levels of microbes found present a serious health threat, the owner must notify the Department and clean/disinfect the cooling tower, including an additional application of biocide, in accordance with Department rules. This must occur within 24 hours after the owner knows or reasonably should know the test results.

WHAT YOU NEED TO KNOW ABOUT COOLING TOWERS



Documents to Know

Local Law 77 of 2015

Enacted in August 2015, this law was the city's initial response to managing the Legionella outbreak via cooling tower regulation. The law lists requirements for initial registration, annual certification, minimum testing requirements, extended shut-down procedures, and enforcement.

ASHRAE 188-2015

Recommendations outlined by the American Society of Heating, Refrigeration, and Air-conditioning Engineers for maintaining Cooling Tower systems. The DOB has referenced this document as an initial guideline for instituting and following a maintenance plan, in addition to DOHMH standards. Sections 5, 6, and 7.2 are highlighted as necessary elements of a plan by Local Law 77.

SSC Part 4

Owners of all cooling towers in NYC must comply with this New York State Department of Health regulation, including state registration and reporting requirements.

Chapter 8 of Title 24: Rules of the City of New York

The DOHMH has added Chapter 8 to RCNY Title 24 to establish rules for regular maintenance of cooling towers. These Rules were published on April 7, 2016, effective May 9, 2016. Chapter 8 furthers requirements laid out by the SSC, clearly outlining maintenance plan and process requirements.

Enforcement

Both the Department of Buildings and the Department of Health and Mental Hygiene issue violations for Cooling Tower requirements.

As outlined by Local Law 77:

- First violation: \$2,000 maximum civil penalty
- Second or subsequent violations: \$5,000 maximum civil penalty
- Violation accompanied by resulting in fatality or serious injury: \$10,000 maximum civil penalty

DOHMH penalties for inspection and testing-related infractions carry fines from \$250 - \$1000 for repeat offenses.

CONCLUSION ADDITIONAL RESOURCES

Close out violations — and stay ahead of the curve.

New York Real Estate is tough business and it's only getting tougher. In today's world, with fines increasing dramatically, compliance laws becoming stricter and the need to reduce costs and risks to your assets now greater than ever, staying ahead of the compliance curve is a must for property owners and managers.

After reading this NYC Violations Compliance Guide, you have the tools you need to reduce compliance costs, avoid headaches, and keep your team informed. Use the tips and information here to take a look at your portfolio's open violations and create a plan for closing them out. Remember that in the ever-changing world of NYC compliance, staying informed and seeking out educational opportunities will help you save time, money, and reduce risk.

SiteCompli provides crucial data and compliance insights to the NYC real estate industry, including violation expertise, data, analysis, and copies for over 1.5 billion square feet of NYC real estate.

Compliance Checklist

Updated annually, SiteCompli's Compliance Checklist is your go-to resource for NYC compliance deadlines:

- Key filing dates for each year and a checklist of agency requirements to keep in mind
- A thorough list of contact information for important city agencies
- Critical law changes and updates to be aware of in the coming year

Contact support@sitecompli.com to request your free copy of this year's Compliance Checklist today!

NYC VIOLATIONS COMPLIANCE GUIDE

Helpful NYC Agency Contacts

AGENCY	PHONE NUMBER
Benchmarking Help Center	646-576-3539 benchmarking@finance.nyc.gov
DHCR General Hotline	1-866-ASK-DHCR (1-866-275-3427)
DHCR Rent Info Line	718-739-6400
DOB Boiler Division Customer Service	212-393-2661
DOB Elevator Division Customer Service	212-393-2144
DOF Tax Commission	212-669-4410; Fax: (212) 669-8636
ECB - Respond to your Ticket - Including Reschedule a Missed (Default) Hearing	www. nyc.gov/html/oath/html/ecb/ ecb.shtml
ECB Customer Service	1-844-OATH-NYC (1-844-628-4692)
FDNY District Office Headquarters	718-999-2719 / 2457 / 2458
FDNY District Office 37: LPPA (Public Assembly)	718-999-2405 / 2404 / 2403 / 2436
FDNY District Offices 93 & 94: Sprinkler & Standpipe Inspection Scheduling	718-999-2512 / 2514 / 2478 / 2479
HPD Bronx Code Enforcement	212-863-7050
HPD Brooklyn Code Enforcement Euclid Ave.	212-863-6620
HPD Brooklyn Code Enforcement Joralemon Ave.	212-863-8060
HPD Manhattan Code Enforcement	212-863-5030
HPD Queens Code Enforcement	718-286-0800
HPD Staten Island Code Enforcement	718-816-2340



SiteCompli is NYC's leading compliance-monitoring solution, automatically and continuously compiling data from NYC government agencies, including DOB, ECB, HPD, DEP, FDNY and more, while tracking required inspections on elevators, boilers, and façades. Every day, SiteCompli helps thousands of owners and managers keep their properties in compliance and avoid unnecessary risks and fines.

Contact us today to learn more about how SiteCompli can help your company.



800-564-1152

www.sitecompli.com/contacts

Dates and compliance information is reported from NYC agencies and is subject to change. Each building in NYC has specific requirements and deadlines that can differ across borough, building type, etc. SiteCompli's Services are provided for informational purposes only, on an "as is" and "as available" basis. SiteCompli, its licensors and other suppliers disclaim all warranties, whether express or implied, including, but not limited to, any promises of accuracy or correctness of information provided or omitted. The full list of Terms of Use that govern SiteCompli's Services and website can be found at www.sitecompli.com/terms.