

You have been ordered by the Commissioner to correct the conditions described in the Notice of Violation and Hearing (NOV), and to certify correction to the Department of Buildings. Failure to comply with this order may subject you to a new violation, including a violation for failure to certify correction, and additional penalties.

Resolution Steps

To resolve violations you must correct the violating condition, attend a hearing if required, pay the penalties, and certify correction of the violation.

1) Correct the violating condition

"Class 1" violations must be corrected immediately. "Class 2" and "Class 3" violations must be corrected within 40 days from the date of the commissioner's order to correct set forth in the NOV. Every NOV contains an "order to correct" from the Commissioner of the Department of Buildings.

2) Attend the ECB hearing, if required

You must attend the hearing unless the violation is eligible for and you fulfill the requirements of a "cure" or "pre-hearing stipulation." IF YOU ARE REQUIRED TO ATTEND THE HEARING AND DO NOT ATTEND, A DEFAULT JUDGMENT WILL BE ENTERED AGAINST YOU (at the default penalty amount set forth for the violation in the ECB Buildings Penalty Schedule). See table below for penalty ranges. You may only contest the violation if you attend the hearing for the violation.

3) File a Certificate of Correction.

Each NOV contains an order from the Commissioner of the Department of Buildings directing the respondent to file a certification with the Department that the condition is corrected. Unless the violation is dismissed by ECB, you must file a Certificate of Correction form. See "Certifying Correction" section below.

4) Pay the penalty

Penalties must be paid at the Environmental Control Board or the Department of Finance, as instructed on mailed notices. Makes checks payable to the "Finance Commissioner of the City of New York."

Violation Information

VIOLATION CLASSIFICATIONS: All violations are classified as "Class 1," "Class 2" or "Class 3." These classifications refer to the severity of the violation.

AGGRAVATED PENALTIES: Violations, regardless of classification, may also be subject to increased penalties for Aggravated I and Aggravated II conditions. The penalties are 2-1/2 to 5 times the standard penalty amount. Default penalties on Aggravated II violations are set at the statutory maximum. If a violation is being charged as an Aggravated I or as an Aggravated II level violation, that status will be indicated on the mailed copy of the NOV.

Reduced Penalties for Early Correction

CURE: TO AVOID A HEARING AND PENALTY on violations which are eligible, you must submit a completed Certificate of Correction form, including proof of correction, to the Department of Buildings Administrative Enforcement Unit at 280 Broadway, 5th floor, on or before the cure date (see front of Notice of Violation) and it MUST BE APPROVED by the Administrative Enforcement Unit. By submitting the Certificate of Correction form to receive a cure, you are admitting to the charges and will be found "in violation."

STIPULATION: If eligible, you may receive a pre-hearing stipulation offer in the mail, which explains the terms and conditions of the stipulation. A pre-hearing stipulation is an agreement between you and the Department of Buildings in which you admit the violation, will be found "in violation," will receive additional time to correct the violating condition(s) and receive a REDUCED PENALTY, (half of the standard penalty or half of the Aggravated I penalty, depending on the violation). If you accept the pre-hearing stipulation by mail or at ECB prior to the hearing and meet its terms and conditions, you do not need to attend the hearing. IF YOU ACCEPT A STIPULATION AND DO NOT CERTIFY CORRECTION WITH THE DEPARTMENT OF BUILDINGS WITHIN 75 DAYS FROM THE FIRST SCHEDULED HEARING DATE, THE PENALTY AMOUNT WILL BE INCREASED TO THE STANDARD PENALTY OR AGGRAVATED I PENALTY, whichever is applicable to the particular violation. Stipulations may also be available at a hearing, but with no reduction in the penalty amount.

MITIGATION AT HEARING: With the exception of Aggravated II violations, you may be eligible for a reduced penalty (half of the penalty that would otherwise be imposed at a hearing), if you attend the hearing and demonstrate that the violating condition was corrected by the first scheduled hearing date.

Note: Violations that are eligible for cures, stipulations and mitigations has an indication of "Yes" on the ECB Buildings Penalty schedule. There may be exceptions to this table and these mitigated penalties may not be available. Cures, stipulations and mitigations are never available for Aggravated II violations.

Penalty Ranges ⁺							
Types of Offenses	Ability to: Cure, Stipulate or Mitigate	Standard Penalty	Standard Default Penalty	Aggravated I Penalty	Agg. I Default Penalty	Aggravated II Penalty	Agg. II Default Penalty
All violations other than Illegal Conversion & Outdoor Signs	* See Below	\$1,000 - \$10,000	\$5,000 - \$25,000	\$2,500 - \$25,000	\$10,000 - \$25,000	\$5,000 - \$25,000	\$25,000
▪ Class 1	** See Below	\$500 - \$2,400	\$2,500 - \$10,000	\$1,250 - \$10,000	\$5,000 - \$10,000	\$2,500 - \$10,000	\$10,000
▪ Class 2	Yes	\$200 - \$400	\$500	\$500	\$500	\$500	\$500
▪ Class 3	No	\$2,400	\$12,000	\$6,000	\$24,000	\$12,000	\$25,000
Illegal Conversion (§28-210.1)***	No	\$1,200	\$6,000	\$3,000	\$10,000	\$6,000	\$10,000
▪ Class 1	No, Except Mitigation	\$10,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
▪ Class 2	** See Below	\$800 - \$1,200	\$4,000 - \$6,000	\$2,000 - \$3,000	\$8,000 - \$10,000	\$4,000 - \$6,000	\$10,000
Outdoor Signs							
▪ Class 1							
▪ Class 2							
Additional Penalties Pursuant to §28-202.1, 1RCNY 102-01(g) and the ECB Buildings Penalty Schedule		\$1,000/day to first scheduled hearing date \$250/month to first scheduled hearing date	Additional daily civil penalties for continued "Immediate" violations. Remedy: File Certification of Correction prior to hearing to stop additional daily penalties from accruing. Additional monthly civil penalties for continued "Class 2" violations. Remedy: File Certification of Correction prior to hearing to reduce additional monthly penalties.				

* Class 1 violations cannot be cured or stipulated but some can be mitigated.

** Many "Class 2" violations can be cured, stipulated and/or mitigated, but not ALL. See ECB Penalty Table in Reference area of www.nyc.gov/Buildings and review the "Cure" column.

*** In addition to penalties set out in table above, violations cited under §28-210.1 are subject to daily "Immediate" penalties of \$ 1,000 per day. A Class 1 Illegal Conversion is defined as a "residence altered for occupancy as a dwelling from 1 or 2 families to 4 or more families." A Class 2 Illegal Conversion is defined as a "residence altered for occupancy as a dwelling for more than the legally approved number of families."

+ The Penalty Range table is subject to change. The specific penalties that apply to the charges on the Notice of Violation can be found in the ECB Buildings Penalty Schedule and in the Reference area of www.nyc.gov/Buildings.

Certifying Correction

To certify that you have corrected the violating condition(s) in the Notice of Violation, you must file a Certificate of Correction form and the Department of Buildings must approve the certificate. A violation that is not dismissed by ECB will continue to appear as open on Department of Buildings records until you submit acceptable proof that the violating condition for which you were cited has been corrected. This is true even if you have paid the penalty imposed by ECB. You are required to file a certificate of correction forthwith for Class 1 violations and within 40 days for Class 2 and Class 3 violations. Certificates of Correction submitted in connection with "cures" must be received and approved before the "cure date. Certificates of Correction submitted in connection with pre-hearing stipulations may be submitted anytime after acceptance of the stipulation (see "STIPULATION" above).

More Information

- To reschedule a hearing or inquire about the case status, call the Environmental Control Board at the phone numbers listed on the front page.
- For information about filing a Certificate of Correction or other questions, call the Department of Buildings at 311 or download the "ECB Violation Reference Guide" in the Reference material section at www.nyc.gov/buildings.
- Additional copies of the Certificate of Correction form and instructions can be obtained at DOB headquarters at 280 Broadway in Manhattan, any of DOB's borough offices, or on the DOB website listed below.
- For specific code and rule information: NYC Administrative Code, Title 28; NYC Zoning Resolution; and the ECB Buildings Penalty Schedule.
- For additional information, other phone numbers, and forms, go to:
Department of Buildings: www.nyc.gov/buildings
Environmental Control Board: www.nyc.gov/ecb