



# ***NY Fire Consultants, Inc.*** ***Fire Safety Message***

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July 2007

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## **Top 25 Department of Buildings Violations** **Part I (#1 to #8)**

### **ECB Definitions**

**Cure:** If you are a first time offender, and the violation is considered non-hazardous, you are generally given 35 days from the date the violation is issued to certify correction, avoid having to attend a hearing or pay a penalty. A cure is an admission of guilt.

**Hazardous:** Hazardous determinations are made by the Inspector. These violations cannot be cured and require attendance at a hearing.

**Infraction Code:** This is used to identify the specific infraction cited by the Department of Buildings inspection unit. It is also known as Violation (computer) Code or Computer Number. There is at least one Violation Code for every violation code section cited.

**Section of Law:** This is the Building Code or Zoning Resolution section cited on the violation.

**Violation Description:** This description includes detailed information on the violating condition(s) as well as specific locations and conditions.

**Remedy:** These are suggestions to correct the violation. Violations will often contain additional specific remedies. These are suggested remedies, not the only possible remedies.

**Stipulation:** For selected non-hazardous violations, a stipulation may be offered by mail or at the first hearing.

**Penalty:** This is the board approved penalty imposed for a first time offense violations. ECB penalties can be different depending on the violation charged and when correction is made.

**Mitigated Penalty:** This is the reduced penalty (generally, one half) imposed for a first offense violation for which satisfactory evidence of compliance has been submitted

and approved by the first scheduled hearing date. In some second offense cases a mitigation penalty also may be available.

**Default Penalty:** This is the penalty imposed by ECB for the failure to appear for a first offense violation.

**2<sup>nd</sup> Offense Penalty:** This is the board approved penalty imposed for a second or multiple offense violation for the same condition.

**2<sup>nd</sup> Offense Default Penalty:** This is the penalty imposed by ECB for the failure to appear for a second or multiple offense violation.

## #1

Code	Provision	Description
B04	27-147	Work without a permit

**Provision of Law:** §27-147 - *When permits required.*- No building construction or alteration work, foundation or earthwork, demolition or removal work, or plumbing work shall be commenced, and no signs or service equipment of the types listed in articles sixteen and seventeen of this subchapter shall be erected, installed, altered, repaired, or used, nor shall any service equipment of the types listed in article eighteen of this subchapter be used or operated, unless and until a written permit therefore shall have been issued by the commissioner. The provisions of this section shall not apply, however, to minor alterations and ordinary repairs, as defined and delineated in article five of this subchapter or to work or equipment exempted from permit requirements under the provisions of sections 27-176, 27-179, 27-184, and 27-189 of this *subchapter*.



**Background:** Inspectors in the Buildings Department Construction Divisions' issue this type of violation. This violation is issued either as a result of a complaint, as a result of a scheduled inspection for an application, or as part of a review of previously issued violations. As a result, it is the most common type of all Buildings Department violations adjudicated at the Environmental Control Board.

**Certification Criteria:** The violation can be "Cured" provided it is not marked as a second offense. To certify correction of this violation it is important that the Respondent review all of the conditions cited in the violation description. The violation description may reflect multiple conditions requiring multiple permits and the imposition of civil penalties. Submit a Certificate of Correction with copies of permits and evidence of payment of civil penalties and/or legally remove the condition. Carefully review the links in the table below for more information.

## #2

Code	Provision	Description
BP7	27-987	Failure to maintain elevator

Provision of Law: § 27-987 General requirements.- *All of the equipment listed in section 27-982 of this article shall be designed, constructed, altered and maintained as required by the provisions of this subchapter and reference standard RS-18. No piping or ductwork of any kind shall be permitted within hoistway or elevator enclosures except (i) as may be required for the elevator installation and (ii) low voltage wiring required or permitted by subchapter seventeen of this chapter provided that such wiring shall be protected within the hoistway or elevator enclosures in accordance therewith.*

*(a) Construction equipment. - Except for workers' hoists the provisions of this subchapter shall not apply to materials hoisting equipment for temporary construction use. For such equipment, the requirements of subchapter nineteen of this chapter shall apply.*

*(b) Portable equipment. - The provisions of this subchapter shall not apply to portable elevating devices used to handle materials only except as specifically provided in reference standard RS 18-5.*

*\*\*\* (c) Fire protection and impact resistance.-*

*(1) Fire protection. - The fire resistance rating of hoistway enclosures shall be two hours and for hoistway doors and door assemblies the fire protection shall be one and one-half hours subject to the test procedures of subchapter five of this chapter.*

*(2) (a) vertical conveyors passing through floors shall be fire protected as required for shafts in subchapter five of this chapter.*

*(b) inclined conveyors passing through floors shall be fire protected as required in reference standard 18-1 for escalators which are not a required means of egress.*

*(c) horizontal conveyors passing through vertical fire divisions shall be fire protected as required in subchapter five of this chapter.*

*(2) Impact resistance. - Elevator enclosures serving occupancy group E spaces (office spaces) in high rise buildings constructed pursuant to applications filed on or after July 1, 2006, shall comply with rules to be promulgated by the commissioner establishing minimum impact resistance standards. Such rules shall permit compliance with assemblies comprising approved reinforced construction boards affixed onto stud framing. The commissioner shall promulgate such rules on or before January 1, 2006.*

*(d) Elevators required. - For provisions designating buildings in which elevators are required, see subdivision (c) of section 27-372 of article five of subchapter six of this chapter.*

*(e) Elevator mirrors. - In all multiple dwellings in which there are one or more self-service passenger elevators, there shall, pursuant to such regulations as the commissioner shall prescribe, be affixed and maintained in each such elevator a mirror which will enable persons prior to entering into such elevator to view the inside thereof to determine whether any person is in such elevator.*

*(f) Emergency signal equipment. - Elevators, other than private residence elevators, that are operated at any time without a designated operator in the car, shall be provided with emergency signal equipment in accordance with the requirements of reference standard RS 18-1 .*

*(g) Elevators and escalators as exits. - Elevators shall not be accepted as a required means of egress. Elevators shall not be installed in a common enclosure with a stairway. Escalators shall be accepted as equivalent to stairs when they comply with the requirements of section 27-378 of article five of subchapter six of this chapter.*



*(h) Car switch operation. - Elevators with car switch operation shall be provided with a signal system by means of which signals can be given from any landing whenever the elevator is desired at that landing. Maximum*

*(i) Electrical requirements. - All electric work shall conform to the electrical code of the city of New York.  
\*\*\*Local Law 26-2004.*

**Background:** Inspectors in the Buildings Elevator Division issue this type of violation. This violation is issued either as a result of a complaint, as a result of a scheduled inspection for an application, periodic inspection, or as part of a review of previously issued violations. It is the most common type of all Buildings Department Environmental Control Board elevator violations issued by inspectors.

**Certification Criteria:** The violation can be "Cured" if no hearing has yet been held and it is not a second offense. A Certificate of Correction must be submitted *along with* a statement on an Elevator Repair company letterhead or Managing Agency Letterhead indicating the correction of every elevator part denoted on the violation. Each elevator violation has an Elevator Part that is linked to a corresponding Elevator Condition and a Suggested Remedy by reading down the column.

### #3

Code	Provision	Description
B07	27-127	Failure to maintain building-interior

Provision of Law: §27-127 Maintenance requirements - *All buildings and all parts thereof shall be maintained in a safe condition. All service equipment, means of egress, devices, and safeguards that are required in a building by the provisions of this code or other applicable laws or regulations, or that were required by law when the building was erected, altered, or repaired, shall be maintained in good working order.*

Background: Inspectors in the Construction Division issue this type of violation. This violation is issued either as a result of a complaint, as a result of a scheduled inspection for an application, or as part of a review of previously issued violations. It is the second most common type of all Buildings Department Environmental Control Board Construction violations issued by inspectors. The violation is used when any part of the interior of a building is not in a safe condition.

§ 27-128 Owner responsibility - mandates that the owner is responsible at all times for the safe maintenance of the building and its facilities.

Certification Criteria: The violation can be "Cured" if no hearing has yet been held and it is not a second offense violation. A Certificate of Correction must be submitted *along with* a statement by the owner or responsible party that all conditions have been corrected. The filing of permits (and associated civil penalty fees) are NOT associated with this type of violations unless the specific conditions mandates the filing of a permit to remedy as per 27-147.

### #4

Code	Provision	Description
B4A	27-127	Failure to maintain boiler

Provision of Law: § 27-127 Maintenance requirements.- *All buildings and all parts thereof shall be maintained in a safe condition. All service equipment, means of egress, devices, and safeguards that are required in a building by the provisions of this code or other applicable laws or regulations, or that were required by law when the building was erected, altered, or repaired, shall be maintained in good working order.*

Background: Inspectors in the Boiler Division issue this type of violation. This violation is issued either as a result of a complaint, as a result of a scheduled inspection for an application, or as part of a review of previously issued violations. It is the most common type of all Buildings Department Environmental Control Board Boiler violations issued by inspectors. The violation is used when any part of the boiler is not in a safe condition.

§ 27-128 Owner responsibility - mandates that the owner is responsible at all times for the safe maintenance of the building and its facilities.

Certification Criteria: The violation can be "Cured" if no hearing has been held and it is not a hazardous or second offense violation. A Certificate of Correction must be submitted along with a statement on a Boiler Repair company letterhead indicating the correction of every boiler part denoted on the violation. Every observed boiler violating condition has a corresponding portrait in the area marked as "*Description*". The filing of permits (and associated civil penalty fees) are NOT associated with this type of violations unless the specific conditions mandates the filing of a permit as indicated by the selection of box BQ9 27-147).



## #5

Code	Provision	Description
B06	27-127	Failure to maintain exterior building wall

Provision of Law: §27-127 Maintenance requirements.- *All buildings and all parts thereof shall be maintained in a safe condition. All service equipment, means of egress, devices, and safeguards that are required in a building by the provisions of this code or other applicable laws or regulations, or that were required by law when the building was erected, altered, or repaired, shall be maintained in good working order.*

Background: Inspectors in the Construction Division issue this type of violation. This violation is issued either as a result of a complaint, as a result of a scheduled inspection for an application, or as part of a review of previously issued violations. It is the second most common type of all Buildings Department Environmental Control Board Construction violations issued by inspectors. The violation is used when any part of the exterior of a building is not in a safe condition.

§ 27-128 Owner responsibility- mandates that the owner is responsible at all times for the safe maintenance of the building and its facilities.

Certification Criteria: The violation can be "Cured" if no hearing has yet been held and it is not a hazardous or second offense violation. A Certificate of Correction must be submitted *along with* a notarized statement by the owner or responsible party *along with* any bills, receipts, statements, photographs reflecting that all conditions have been corrected. The filing of permits (and associated civil penalty fees) are NOT associated with this type of violations unless the specific conditions mandates the filing of a permit to remedy as per 27-147.

### **Beware!**

**Not renewing your NYC Certificates and Permits will provide City inspectors with an opportunity to pay your building a visit.**

The fine for a "failure to renew" violation will cost you, for a first time offense, at least \$250 - \$500. The subsequent inspections may cost you much more. In our experience it is rare for an inspector to issue only 1 violation during a visit, if one is found, multiple violations are usually issued. This can add up to significant penalties! The key is to not give an inspector a reason to visit. Keep your building's registrations up to date.

We found help, and so have some of the largest NYC Real Estate management firms. It's a company called Cityfile, Their tools are designed specifically for buildings within the 5 boroughs of NYC. Cityfile helps you organize, track, maintain, educate your staff on all your building compliance requirements and ensures your building is up to date with all City and State regulations. Cityfiles's multi tiered user access levels allows for: Owners, Administrators, Property Managers, Superintendents... anyone to receive alerts 90, 60 and/or 30 days prior to pending expirations, creating a support safely net within your organization.

Best of all, a Cityfile representative will populate your current data into their website, where all data is available 24/7. Don't give City Inspectors an excuse to inspect your building, let them go to the building next door.

We at NY Fire Consultants suggest you call Cityfile today at (212)732-2300 to schedule a fifteen minute presentation, it will be well worth your time.

## #6

Code	Provision	Description
BQ5 & BQ7	27-118.1 & 26-126.1(e)(i)	Residence altered for the legally approved number of families & Additional daily penalties for continued violation of 27-118.1

Provision of Law: §27-118.1 Illegal Alterations involving change in occupancy - No person, except in accordance with all requirements of this code, shall convert, knowingly take part or assist in the conversion, or permit the maintenance of the conversion, of a residence which is legally approved for occupancy as a dwelling for one or more families, to a residence for occupancy as a dwelling for more than the legally approved number of families. Any person who shall violate or fail to comply with the provisions of this section shall be liable for a civil penalty which may be recovered in a proceeding before the environmental control board pursuant to the provisions of section § 26-126.1 of this code.

Upon the finding of such violation and the imposition of the civil penalty, the Environmental Control Board shall forward to the Internal Revenue Service, the New York State Department of Taxation and Finance and the New York City Department of Finance the name and address of the respondent, the address of the building or structure with respect to which the violation occurred, and the time period during which the violation was found to have existed.

§ 26-126.1 (e)(i) - In addition to the penalties set forth in subdivision a of this section: (i) any individual who shall violate or fail to comply with the provisions of section 27-118.1 of this code shall also be subject to the payment of a penalty of not less than fifty dollars nor more than one hundred dollars per day, for each dwelling unit added, commencing on the date such notice of violation was issued and terminating on the date of the filing of a certification that the condition constituting the violation has been corrected or the date of final adjudication of the violation by the environmental control board, whichever occurs first, and there shall be a reputable presumption that the violation continued to exist from the date of the issuance of the notice of violation until the date of the filing of the certification or final adjudication; and (ii) a third or subsequent violation of section § 27-118.1 of this code by the same respondent and, if the respondent is the owner, agent, lessee or other person in control of the premises with respect to which the violation occurred at the same premises (all violations committed within an eighteen month period), shall result in a civil penalty of not less than five thousand dollars nor more than fifteen thousand dollars.



Don't Sit in  
Overcrowded  
ECB Offices

Background: Creating an additional housing unit in an existing building without first obtaining the approval of the NYC Department of Buildings is illegal. It is a serious violation of the NYC Building Code. This type of unauthorized construction is commonly called an "illegal conversion." Illegal conversions reduce the quality of life by bringing more people to live in a neighborhood than it can support. Most important, if the construction does not meet the Building Code standards, the building may not be safe to occupy. The lives of the occupants, as well as those of the City's emergency responders, could be at risk. Building owners who receive violations for illegal conversions face court hearings, fines and daily penalties for the use of each illegal unit. These penalties can amount to thousands of dollars. The typical illegal conversion is where someone adds an apartment in the basement, attic or garage of an existing one- or two-family home, without first obtaining the necessary approvals and permits from the NYC Department of Buildings. Other examples of illegal conversions are creating a rooming house (known as a Single Room Occupancy or SRO) out of a one- or two-family home or dividing an apartment into individual SRO units.

Certification Criteria: If the Department issues a violation for an illegal conversion NYC Building Code §27-118.1 the property owner must correct all of the violating conditions. You may remove the illegal work or take the steps to make the work legal. For this violation you must attend a hearing at the Environmental Control Board (ECB). The date and location of the hearing are noted on the violation. If you or your representative fails to appear at the ECB hearing, the case will automatically go into default. You will be assessed the maximum penalty of \$2,500 for each violation. Also, illegal conversion violations may result in penalties for each day that the illegal occupancy continues (NYC Building Code §26-126(1) (e)(1))— until the date of the court hearing. The daily penalty can be as high as \$3,025 for one illegal unit and an additional \$2,250 for each additional unit.

<input checked="" type="checkbox"/>	26-126.1 (e)(1)	Per day penalty for violation of section 27-118.1 X <u>4</u> units added.
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Note: The inspector will note the number of observed additional dwelling units on the violation. Each violation has a second infraction code and section of law, §26-126.1 (e) (i) an X and a number (i.e., "BQ7 X 4"). There is also a check box for this section and an indication at the bottom of the violation indicating how many units would be subject to the per day penalty.

To stop the daily penalties from increasing, the property owner must stop the illegal use as soon as possible and file a Certificate of Correction with the Department's Administrative Enforcement Unit. While this will stop the penalty from increasing, it does not necessarily resolve the violation. The illegal construction and other conditions must also be removed or be made legal. The Administrative Enforcement Unit will either accept or reject the Certificate of Correction. If the Certificate of Correction is rejected, you will receive a disapproval letter with the reasons for the rejection.

## #7

Code	Provision	Description
B6A	27-127	Failure to maintain exterior building wall-Hazardous

Provision of Law: § 27-127 Maintenance requirements - All buildings and all parts thereof shall be maintained in a safe condition. All service equipment, means of egress, devices, and safeguards that are required in a building by the provisions of this code or other applicable laws or regulations, or that were required by law when the building was erected, altered, or repaired, shall be maintained in good working order.

Background: Inspectors in the Construction Division issue this type of violation. This violation is issued either as a result of a complaint, as a result of a scheduled inspection for an application, or as part of a review of previously issued violations. It is the second most common type of all Buildings Department Environmental Control Board Construction violations issued by inspectors. The violation is used when any part of the exterior of a building is not in a safe condition. NYC Building Code § 27-128 Owner responsibility - mandates that the owner is responsible at all times for the safe maintenance of the building and its facilities. The only difference between this violation and §27-127 Maintenance requirements is that the observed conditions in the § 27-127 Maintenance requirements were designated by the Inspector as a hazardous condition.

Certification Criteria: The violation cannot be "Cured" since this is considered "hazardous" violation. If you receive this violation you must attend your hearing. A Certificate of Correction must be submitted along with a notarized statement by the owner or responsible party along with any bills, receipts, statements, photographs reflecting that all conditions have been corrected. If in the description of the violation the Inspector requires the submission of a statement by a New York State licensed Architect or Professional Engineer reflecting the correction of the hazardous condition the Administrative Enforcement Unit will also require that submission to reflect compliance with the violation.

## #8

Code	Provision	Description
B47	27-1009(a)	Failure to safeguard public and property affected by construction operations

Provision of Law:§ 27-1009 General requirements - (a) A contractor engaged in building work shall institute and maintain safety measures and provide all equipment or temporary construction necessary to safeguard all persons and property affected by such contractor's operations.

Background: The Department of Buildings high rise and demolition inspection specialists in the Buildings Enforcement Safety Team (BEST) issue this type of violation. This violation is issued either as a result of a complaint, as a result of a scheduled inspection for an application, as part of a "sweep" or as part of a review of previously issued violations. Site Safety is the inspection of new building construction for high rises of 15 stories or 200 feet and taller, or lot coverage of 100,000 square feet or more. The BEST Squad often inspects Site Safety buildings. Buildings that are not covered by Site Safety regulations are usually inspected by Department of Buildings' borough construction inspectors. The referenced section applies to all types of safeguards that are applied to construction operations. Construction operations includes: excavation, erection, alteration, repair, removal and demolition as related to buildings. The possible safeguards include: inspections of equipment and devices, sizes and stresses of materials, fire protection (standpipes, temporary elevators, etc), professional technical drawings at construction sites, sheds, chutes, fencing, removal of materials, grading, protection for adjoining property, etc.

Certification Criteria: The violation cannot be "Cured" since this considered a "hazardous" violation. If you receive this violation you must attend your hearing. A Certificate of Correction must be submitted after your hearing along with a notarized statement by the owner or responsible party and any bills, receipts, statements, photographs reflecting that all conditions have been corrected.

### NY Fire Consultants

Some of the largest and most prestigious property Management Firms in New York City uses our service. When you don't use our service you loose productivity from an employee or yourself. Time away from your office or building is money lost. Sitting in an overcrowded Environmental Control Board violation hearing room is time lost that will never be recovered. Paying exorbitant attorneys fees, are you really saving anything? We can and will save you money. If you use our inspection service you may even save a life.

We guarantee we will get you the lowest allowable fine on all Fire Department violations. We can completely clear your record of all violations past or present. You must provide us with all necessary documentation to show compliance. We have successfully saved many, many thousands of dollars in fines for our clients by doing an annual building inspection. This is to ensure that all properties are violation free. This in turn reduces the amount of violations given by the Fire Department's inspectors. It may also help your insurance rates. This is being proactive instead of reactive. Our experts, are highly trained retired New York City Fire Officers, that know just what to look for at your property, that could possibly be a life hazard or a violation of the New York City Fire or Building codes. Check out our web site for more information about what we could do for you

### Emergency Action Plans

Deadline for all New York City Office Buildings December 31, 2006

On February 2<sup>nd</sup> the Fire Department sent letters to owners of all buildings who did not meet the December 31<sup>st</sup> deadline. In the letter, the Fire Department gave the owners of the non-compliant buildings until March 2<sup>nd</sup> to comply. The owners of the non-compliant buildings that didn't acknowledge the letters were told that the Fire Department Public Safety Unit will be visiting their building.



What is an EAP? An Emergency Action Plan outlines the procedures for a buildings response to a non-fire-related emergency involving an explosion, biological, chemical, radiological, nuclear or hazardous materials incident, natural disasters such as a hurricane or earthquake, or other emergency conditions that occur inside or in close proximity to their buildings.

Emergency Action Plans are professionally designed plans that include an official EAP document that is filed with the Fire Department and kept on site at a building. EAP training and implementation manuals must be created for the buildings staff and tenants. Emergency Action Plans take into account the building's size, its number of occupants, the number of exits/emergency stair pathways, how staff and tenants are to be notified of emergencies, the frequency of drills and who is in charge in an emergency.

**LEAVE FIREWORKS TO THE PROFESSIONALS**



Fireworks and celebrations go together, especially during the Fourth of July. But fireworks can be dangerous, causing serious burn and eye injuries. That's why the U.S. Consumer Product Safety Commission and its national and state partners strongly recommend: Leave fireworks to the professionals!

All consumer fireworks are illegal. This includes sparklers that are mistakenly thought to be safe. They actually burn at extremely high temperatures which can rapidly burn through clothing and skin.

If you choose to break the law by transporting, selling, buying or using illegal fireworks:

- We cannot replace your Eyes, Hands or Life;
- We can and will arrest you;
- We can and will confiscate your car and/or business.

When attending professional fireworks displays, please remember:

- Obey and respect all safety barriers set up. This helps the professionals shooting the show do their jobs.
- Resist the temptation to get close to the firing site. Often, the best view is from a quarter of a mile or more away.
- Leave your pets at home - the loud noise can scare animals and hurt their sensitive hearing.
- Do not possess or shoot off fireworks on your own. Besides risking injury to yourself and the crowd watching the demonstration, you will be arrested!

**NY Fire Consultants Services:**

<p><u>Fire and Life Safety Consulting</u>                  Fire and Life Safety Inspections                  Fire Safety Plans for Residential Buildings (LL 10 of 1999)                  Fire Safety &amp; Evacuation Plans Commercial (Class E) Buildings</p> <p><u>Emergency Action Plans</u>                  FdNY Submissions                  Training                  Drills</p> <p><u>Expert Witnesses Provided</u></p>	<p><u>Emergency Procedures Manuals Fire &amp; Evacuation Preparedness Training</u>                  Hotel Staff                  Building Service Employees</p> <p><u>Interior Fire Alarms Consultants</u></p> <p><u>Violations Correction &amp; Removal</u>                  Environmental Control Board                  Fire &amp; Building Department                  Housing Preservation &amp; Development</p> <p><u>Fire Consultantants Construction Protects</u></p>
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# Personal Life Safety Guide Book

## Fireproof Residential Apartment Buildings

The Personal Life Safety Guide Book offers a quick reference for fire and life safety emergencies. A must for residential building staff.

Bomb Threat  
Carbon Monoxide  
Chemical Spills  
Extreme Heat  
Fire  
First Aid  
Gas Leaks  
Heart Attack

Person Trapped in Elevator  
Poisoning  
Power Outage  
Robbery or Mugging  
Shelter in Place  
Suspected Terrorist  
Suspicious Packages  
Threatening Behavior

HOTEL  
EMPLOYEES  
GUIDE BOOK  
NOW AVAILABLE  
CALL

- Overall size 3.5 " x 5.5"
- Coated card stock
- Can write emergency telephone numbers on back
- Comes with a vinyl pouch that fits in your shirt pocket

Prices:

<u>100 +</u>	<u>500 +</u>	<u>1000+</u>
\$4.50	\$4.25	\$3.75

Combine building orders and Save



## Basic Emergency Information at Your Finger Tips

Phone (718) 432-1600  
Fax (718) 967-8195  
Email: [info@NYFireSafe.com](mailto:info@NYFireSafe.com)

