

SERVICE UPDATE**Work Without a Permit or SWO Violations:
Requesting an Override, Reduction or Waiver of Penalties**

Beginning February 14, 2012, applicants or property owners must submit a new L2 form when requesting an override, reduction or waiver of civil penalties for Work Without a Permit or Stop Work Order violation. See the L2 instructions for more on the new form and submission requirements.

To transition to this new process, the Department will accept the prior LL58/88 Affidavit of Registered Architect or Professional Engineer form through March 2, 2012. Thereafter, the L2 must be used to submit these requests.

New L2 Submission Process

- The L2 is required for all override, waiver and reduction requests listed in Section 1 of the L2 form.
- When seeking an override to obtain a work permit in an area not related to a civil penalty violation, the applicant or property owner must complete and submit the L2.
- The reason for the override, waiver or reduction request must be checked in the L2.
- L2 forms must be submitted in person at the appropriate location for the project: a borough office; the Limited Alteration Application Unit; or the NYC Development Hub.
- Submit all supporting documentation with the L2 form.

L2 Decisions

Following a thorough review of the submitted L2 and supporting documentation, the Department will advise the applicant or owner of the decision regarding the L2 request.

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**L2: REQUESTS FOR OVERRIDES, REDUCTIONS, OR WAIVERS OF
CIVIL PENALTIES FOR WORK WITHOUT A PERMIT
AND STOP WORK ORDER VIOLATIONS**

FORM MUST BE TYPEWRITTEN

1 Job and Request Information (Required for all requests)

Job # _____ Violation # _____

Indicate reason for request here by checking the applicable box:

OVERRIDE REQUEST:

- NRV:** No relationship to the violation; where a permit is being sought for work in a space that is not related to the Work Without a Permit (WWP) violation.

REDUCTION REQUEST:

- REDT:** Work completed without benefit of a permit constituted only a percentage of the total work. (Section 4 Affidavit of Reduction is required.)

WAIVER REQUEST:

WWP Waiver Reasons:

- BFP:** Where the owner is representing that he or she is a bona fide purchaser and the work was performed by the previous owner. (See AC §28-213.2). The following supporting documentation is required:
- Copy of the deed
 - A notarized affidavit or letter of no relationship, which substantiates the owner's claims. If the bona fide purchaser is other than an individual, the affidavit or letter must be submitted on the entity's letterhead and signed by the owner or an officer of the corporation.
 - The affidavit or letter must include: the name of the bona fide purchaser; the location of the property; a statement that the property was not received as a gift; and, a statement that there was no interest or relationship with the prior owner and the new owner is not acting in any way for the benefit of the prior owner
- CPP:** Where the civil penalty was already fully paid. (Provide BIS Invoice #: _____ Or provide copy of front and back of cancelled check.)
- DUPW:** For another WWP violation that remains open and that was issued for the same work and at the same location. (The initial violation shall require payment of the civil penalty. Provide BIS Invoice # for the penalty that was already paid: _____)
- ECB:** Where an Environmental Control Board (ECB) violation for WWP has been dismissed whether on substantive or technical grounds.
- EWG:** Emergency work performed by the NYC Department of Housing Preservation & Development (HPD) or other agency as directed by the Commissioner or work on unsafe buildings performed by HPD or other agency pursuant to a precept. (See AC §28-215.1).
- EWP:** Emergency work performed without a permit, where an application for the work is filed with the Department within two business days after commencement of the work, except for emergency work described by Code EWG above. (See AC §28-105.4.1).
- EXP1:** Where a fence, shed or scaffold or other temporary construction equipment was installed with a valid permit and the permit had expired. (See BC 105.8.2).
- EXP2:** When permits (other than for temporary construction equipment) expired and there was no ongoing work.
- GOV:** For Federal, New York State, NYC or other government-owned property, or for property owned by eligible public authorities.
- TPT:** HPD third party transfers where a court issues a foreclosure judgment allowing the City to transfer title of a foreclosed property to a new owner. (See AC §11-412.2). Any civil penalties accrued before the closing date of the transfer must be waived. The new owner must provide a letter from HPD stating that there was a third party transfer and that penalties should be waived.

Stop Work Order (SWO) Waiver Reasons:

- SWBC:** Where the Commissioner had determined that the violation should not have been issued for working against the SWO.
- SWOE:** Where the ECB violation issued for violating the SWO was dismissed for any reason.

2 Location Information (Required for all requests)

House No(s) _____ Street Name _____

Borough _____ Block _____ Lot _____ BIN _____ CB No. _____

Work on Floor(s) _____ Apt/Condo No(s) _____

3 Owner Information (Required for all requests)

Last Name _____ First Name _____ M.I. _____

Business Name _____ Phone _____ E-mail Address _____

Address _____ City _____ Zip Code _____

Purpose of form:

This form must be completed by the owner, or authorized designee, of the subject premises in order to request an override, reduction, or waiver of civil penalties for work without a permit (WWP) or stop work order (SWO) violations. *The form must be typewritten.*

1 Job and Request Information

- Owner, or authorized designee, must indicate the applicable job number and violation number.
- Owner, or authorized designee, must indicate the reason for the request by selecting an applicable reason from the provided list shown under the appropriate heading, depending upon whether the request is for a waiver, override, or reduction.
- Documentation must be provided in support of the request.

2 Location Information

- A complete and accurate set of location information is required for all request forms. If the information provided is not consistent with the location established during the application process, the request will not be processed.

3 Owner Information

- Complete and accurate owner data is required for all request forms. If the information provided is not consistent with the owner data established during the application process, the request will not be processed.

4 Affidavit of Reduction

- If a reduction in the civil penalty fee is requested, an affidavit must be provided by a Professional Engineer (PE) or Registered Architect (RA) regarding the status of work inspected. If the reduction request relates to a Limited Alteration Application (LAA), then the affidavit may be submitted by another licensed professional such as a licensed plumber.
- Supporting documentation, including a written description and at least four (4) supporting photographs, must be provided in order to describe the work completed without benefit of a permit. Photographs need to have been taken within two business days of inspection.
- A copy of the violation must be attached.
- The PE, RA or other licensed professional must indicate the date and time of inspection as well as the percentage of total work already completed.

5 PE/RA/Other Licensee Applicant Data

- If a reduction in the civil penalty is requested, the PE, RA, or other licensed professional providing the affidavit must complete this section, including signature and professional seal.

6 Notary

- A notary is required if Section 5 is not completed.
- Owner, or authorized designee, signature must be provided. All statements should be reviewed in detail before signed. Signature must be accompanied by notarization.

IMPORTANT – Please Note:

1. Civil penalty reductions, waivers, or overrides are only granted with the appropriate supporting documentation. Falsification of any statement is a misdemeanor and is punishable by a fine or imprisonment, or both. It is unlawful to give to a city employee, or for a city employee to accept, any benefit, monetary or otherwise, either as a gratuity for properly performing the job or in exchange for special consideration. Violation is punishable by imprisonment or fine or both.
2. Civil Penalty overrides do not address the resolution of the underlying violation for work without a permit. Rather, overrides allow the applicant to obtain a permit for unrelated work or if there was a duplicate violation for the same work.
3. If seeking a waiver or reduction to fully resolve the violation, one of the following actions may be required (Consult a Licensed Professional):
 - Legalization – A licensed professional such as a NYS licensed architect or engineer, licensed plumber and/or a contractor, must be retained to obtain all necessary permits as well as obtain all signoffs or final approvals.
 - Removal or Restoring to Original Legal Condition – Dependent on the scope of the work required to return the premises to its original condition, a permit(s) may be required. Demolition work may require a demolition permit.
 - Inspection - Depending on the type of job filed, a Department inspection may be required.

In addition, a violation will remain "Open" in Department records (Buildings Information Systems - BIS) unless it is dismissed by ECB or a court of competent jurisdiction, or an acceptable Certificate of Correction is received and approved by the Department. All Certificates of Correction and accompanying documents should be submitted to the Department of Buildings' Administrative Enforcement Unit (AEU) for review and determination of acceptability. If the Certificate of Correction is approved, the violation status will be updated to show "Resolved" in BIS.