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Environmental Control Board Amnesty Alert

Forgiving Fines: The NYC Amnesty Program

Under the NYC Amnesty Program, businesses (including nonprofits) and individuals may resolve Environmental Control Board (ECB) violations, for which a hearing has been held before June 12, 2016, by applying, before **December 12, 2016**, to resolve the violation without having to pay penalties and interest.

What is an Environmental Control Board Violation?

An ECB violation may be issued by various New York City agencies, including the Department of Sanitation, Buildings or Transportation, Fire Department, Landmarks, Parks.

The program covers two types of violations: those that only require payment and those that require both payment and corrective action. Schedule A violations are infractions that require only payment (Department of Sanitation, etc.), while Schedule B violations require both payment and correction (Department of Buildings, Fire Department). At least 25 percent of each Schedule B violation must be paid by the end of the program. Common ECB violations include:

- Illegal Posting of Handbill or Notice
- Snow, Ice or Dirt on Sidewalk
- Improper Storage of Receptacles
- Improper or Misused Recycling Containers
- Improper Disposal of Trash or Recyclables
- Failure to Comply With an Order of the Commissioner
- Failure to Properly place Recyclables for Collection
- Work without a Permit
- Failure to Conduct Required Inspections and Tests
- Failure to Submit Affidavits, Design/Installation or Other Documents
- Vending Merchandise or Food in a Restricted Area

Who is eligible for amnesty under the NYC Amnesty Program?

Any business or individual who is named on a violation judgment that has been adjudicated by the ECB may participate. Violations that are part of an installment agreement or other resolution agreement for the payment of ECB judgments with the Department of Finance, a City Marshal, the Sheriff or Law Department or an outside collection agency **are not** eligible for this amnesty program. Also, any business or individual who applied for the 2009 NYC Penalty Relief Program *and* who neglected to resolve all of their debt will no longer be eligible for on any violation that was part of the 2009 program.

How does a business or individual apply for the NYC Amnesty Program?

In order to participate in the program, all outstanding judgments must be paid. Any payments for eligible violations will not be accepted if all eligible judgments are not paid during the program. The applicant may make multiple payments throughout the program. Application can be made:

- online at www.nyc.gov/forgivingfines; or
- by phone by 212-440-5300

What if the ECB violation relates to a correctable condition?

If an ECB violation is associated with a correctable condition, known as a compliance violation, the condition must be corrected to be granted relief. To resolve the judgment the applicant must demonstrate, to the satisfaction of the city agency issuing the notice of violation that the condition cited has been corrected. An applicant has six months from their initial payment to the Amnesty Program to correct the violation. An applicant that pays the entire outstanding fine before the program ends, will still have six months to submit proof of correction.

Must liability for the ECB violation be admitted?

Yes. A default judgment cannot be resolved unless the applicant seeking penalty relief fails to or refuses to admit liability for the ECB violation.

This alert is meant to provide general information only, not legal advice. The foregoing is a summary of the highlights of the NYC Amnesty Program. Please contact Hedwig O'Hara at (212) 219-1800 ext. 226 or Katherine Hannah at ext. 215 if you have any questions about this alert.

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