



Lawyers Alliance
for New York

Connecting lawyers, nonprofits, and communities



October 2009

Environmental Control Board Amnesty Alert

NYC Penalty Relief Program for Businesses and Homeowners

Under the NYC Penalty Relief Program businesses (including not-for-profits) and homeowners “in default” on Environmental Control Board (“ECB”) violations, for which a hearing has been held before May 1, 2009, can apply, before ***December 21, 2009***, to resolve the violation without having to pay accrued penalties, late fees 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. Common ECB violations include:

- Sidewalk violations (e.g., dirty sidewalk or sidewalk obstruction)
- Improper disposal/separation of recyclable materials
- Illegal posting of handbill or notice
- Failure to properly post permits

Who is eligible for amnesty under the NYC Penalty Relief Program?

Any business or individual with ECB violations “in default” for which a hearing has been held prior to May 1, 2009 may participate in the program. An ECB violation is “in default” if the individual or business that received the violation failed to pay the fine or challenge the violation in a hearing within the required time frame. When a violation is “in default” penalties, late fees and interest accrue.

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

If an applicant has five or fewer violations, knows the amount of the original charge and wants to resolve the ECB violation in person, an application can be brought to one of the NYC Department of Finance’s Business Centers throughout the five boroughs.

If an applicant does not wish to go to a Business Center in person or does not know what violations it has, is not sure how much it owes, or has more than five violations, it can apply for the program, by phone or by mail. Application can be made:

- online at www.nyc.gov/finance;
- by phone by calling 311. From outside New York City, dial (212) 639-9675; or
- by mail by filling out an application (available in print form at www.nyc.gov/finance or by calling 311) and mailing it to NYC Department of Finance, 66 John Street, Room 104, New York, NY 10038, Attention: NYC Penalty Relief Program.

What if the ECB violation relates to a correctible condition?

If an ECB violation is associated with a correctible condition, known as a compliance violation, the condition must be corrected before application for penalty relief is made. 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.

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 Penalty Relief Program. Please contact Hedwig O'Hara at (212) 219-1800 ext. 226 or Gail Bayarin at ext. 279 if you have any questions about this alert.