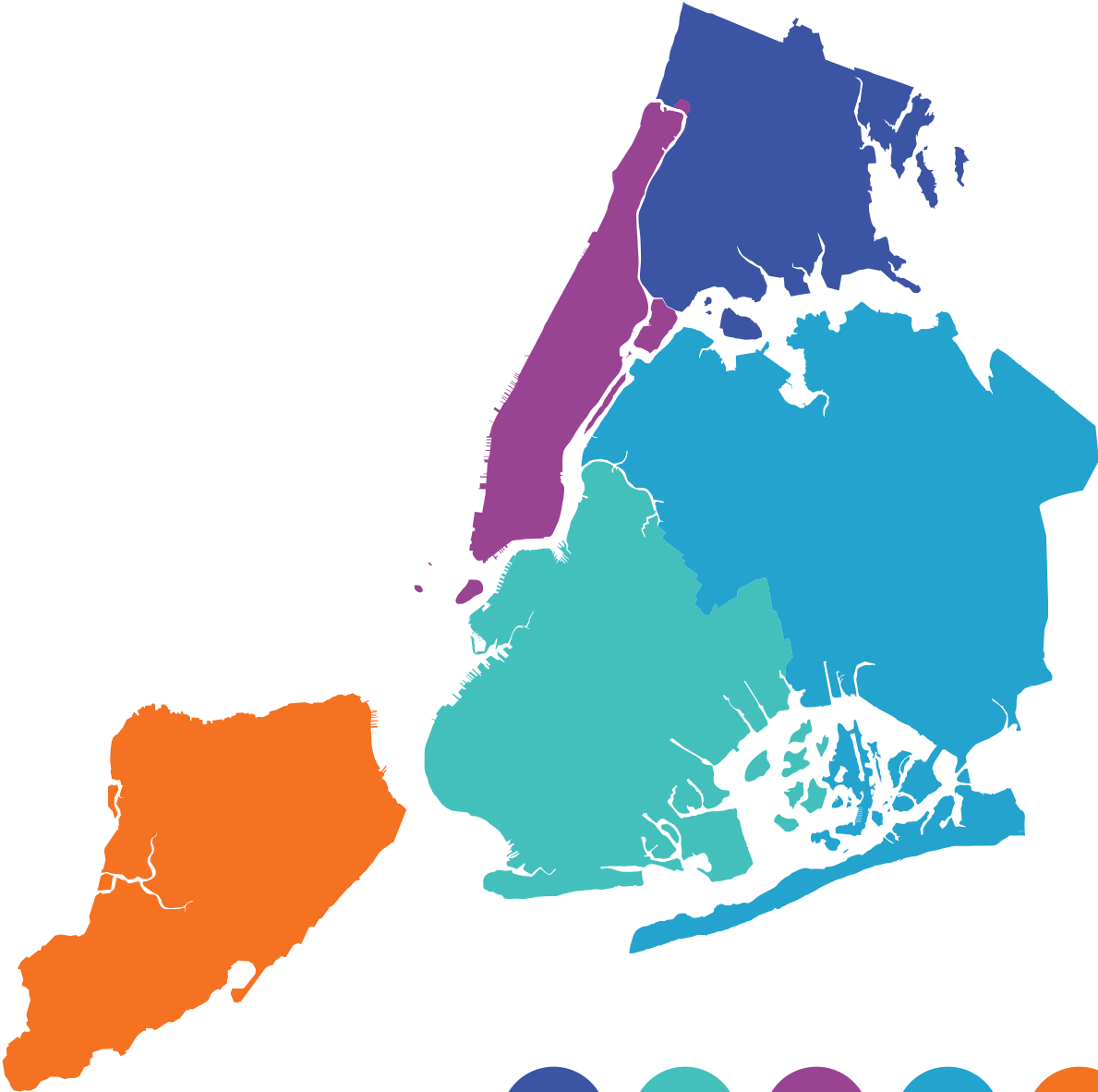# TOP NYC PROPERTY VIOLATIONS

A LOOK AT THE TOP INFRACTIONS AND ISSUING PATTERNS FROM NYC AGENCIES ACROSS ALL FIVE BOROUGHS

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MAP OF NYC BOROUGHS

Bronx · Brooklyn · Manhattan · Queens · Staten Island

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For our second State of NYC Neighborhoods report, SiteCompli wanted to look beyond the DOB – what are issuing patterns for other prominent NYC administrative agencies? How do totals in recent years compare to previous years? When owners and managers say they feel like they're getting more violations recently, is it more than just a feeling?

SiteCompli reviewed all violation data for a random sampling of over 300,000 buildings from all NYC boroughs. In this report, we'll discover:

- Which borough saw a 125% increase of a specific Sanitation violation

- The HPD violation that hits residential owners and managers the hardest

- The FDNY's most frequently issued violating condition throughout NYC

...and much more.

Learn more about the State of NYC Neighborhoods, and arm yourself with information on how to prevent your property from becoming a violation statistic.
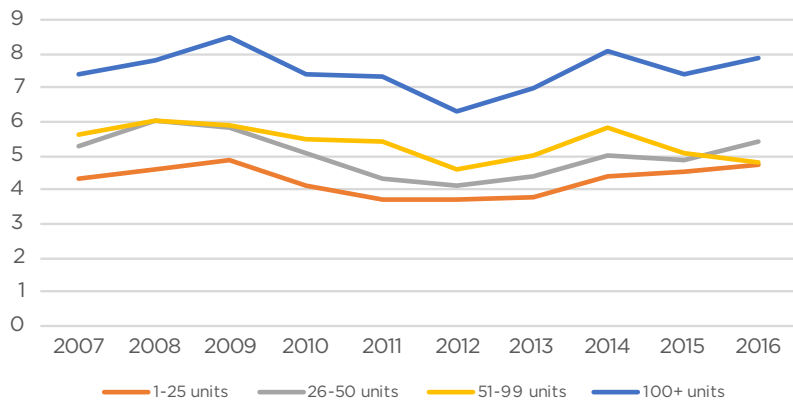
THE ENVIRONMENTAL CONTROL BOARD

Despite an increase in violations for specific agencies, average ECB-related violation issuances per building, per year are relatively stable across building sizes in all five boroughs. While average violation counts differ depending on the size of the property, the trends in amount issued were parallel from year to year.

With a few notable exceptions, the adage of "bigger buildings, bigger problems" stands true: when it comes to ECB violations, **the more units in a building, the higher the average count of violations issued per year.**

Buildings in Manhattan average at least 4 ECB-related violations per year

MANHATTAN

Properties over 100 units in Manhattan are hit with the highest violation count - over 7.5 newly issued infractions are issued per building, per year. While the average count for all building sizes peaked in 2009, yearly totals are gradually rising to meet that number. In fact, the only downward trend is for mid-sized properties in Manhattan between 51-99 units.

4.27	4.99	5.37	7.51
1 - 25 UNITS	26 - 50 UNITS	51 - 99 UNITS	100+ UNITS

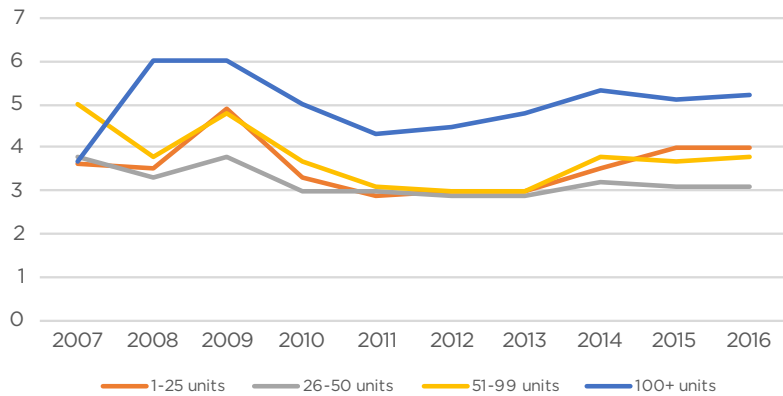Legend: 1-25 units, 26-50 units, 51-99 units, 100+ units

BROOKLYN

On the whole, average ECB violations in Brooklyn are lower than Manhattan's numbers. That said, all building sizes saw the same 2009 spike, as well as a 2016 increase.

| 3.57	3.21	3.77	4.99
1 - 25 UNITS	26 - 50 UNITS	51 - 99 UNITS	100+ UNITS

BRONX

Bronx has the second-highest average violation count per building type, where counts for all building sizes are on the rise. Interestingly, it's also the only borough where the highest average count doesn't belong to the largest buildings. Properties with 51 - 99 units get 1.4 violations more on average than buildings with 100+ units.

4.69	6.235	6.58	5.18
1 - 25 UNITS	26 - 50 UNITS	51 - 99 UNITS	100+ UNITS
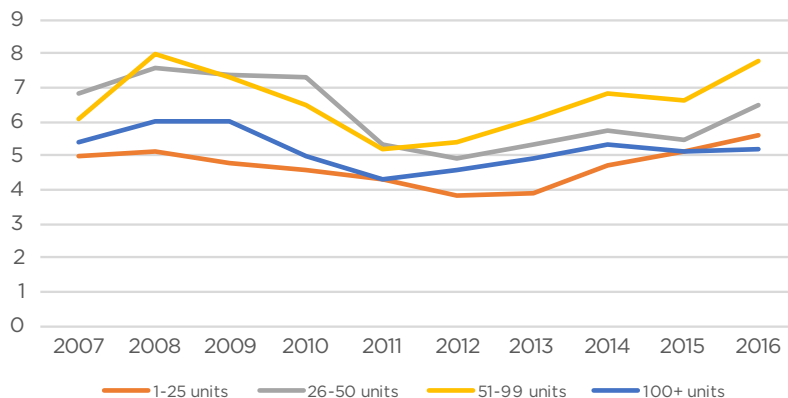
Mid-sized Bronx buildings get more violations on average per year than larger Bronx buildings

QUEENS

Per the data, Queens saw the smallest ECB-related violation averages across all boroughs.

Note: ECB data for buildings with 100+ units in Queens was insufficient for review from 2012 - present.

3.5	2.79	3.17	4.09*
1 - 25 UNITS	26 - 50 UNITS	51 - 99 UNITS	100+ UNITS
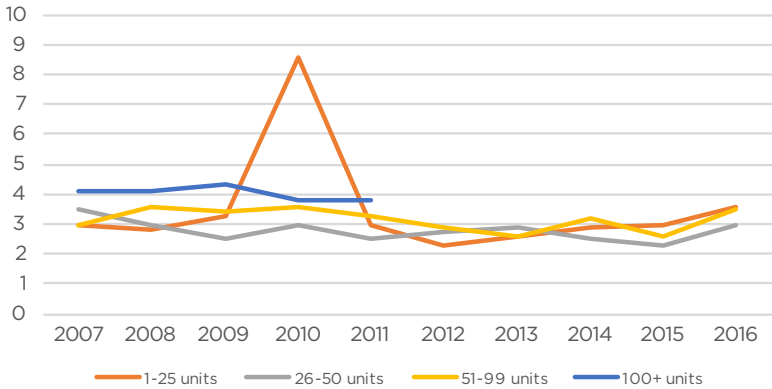
STATEN ISLAND

**Staten Island ECB data was incomplete/insufficient for review.

DEPARTMENT OF SANITATION

Anecdotally, owners and managers mentioned over the past year that they were feeling the heat from the DSNY. Inspectors were visiting more frequently, and seemed to be issuing more infractions. To prove their stories, we went deeper into the city's ECB information and reviewed violations issued by the Department of Sanitation in 2015 and 2016.

The data supported what property managers all over NYC were saying - Sanitation violations are indeed on the rise, some at an exponential rate.

MANHATTAN SANITATION VIOLATIONS

Infractions for Code AS26 more than doubled in one year, far and away Manhattan's highest infraction. Manhattan was also the only borough where a top infraction code saw a loss instead of an increase.

CODE	CHANGE FROM 2015 TO 2016	
AS26 - Failure to Clean 18 Inches Into Street	+ 106.77%	↑
AS6M - Dirty Area	+ 29.72%	↑
AS06 - Dirty Sidewalk, Dirty Area	+ 6.45%	↑
AR4H - Recycling placed w. Non recycling for collection; 1 - 8 dwelling units	- 2.15%	↓

BRONX SANITATION VIOLATIONS

All the top Sanitation violation code issuances increased in the Bronx from 2015 to 2016.

CODE	CHANGE FROM 2015 TO 2016	
AS26 - Failure to Clean 18 Inches Into Street	+ 101.87%	↑
AS6M - Dirty Area	+ 46.17%	↑
AS06 - Dirty Sidewalk, Dirty Area	+ 48.67%	↑
AR4H - Recycling placed w. Non recycling for collection; 1 - 8 dwelling units	+ 46.39%	↑

SANITATION FACTS:

Nearly 25% of all Sanitation violations in 2015 and 2016 are for Code AS06 - Dirty Sidewalk, Dirty Area.

While most boroughs have "Dirty Sidewalk, Dirty Area" as the top issued infraction, "Failure to Clean 18 Inches Into the Street" is rapidly growing, and outpacing issuance of all other types of violations.

The Bronx is the only borough with increases of 46% or higher for all top infractions

DEPARTMENT OF SANITATION

BROOKLYN SANITATION VIOLATIONS

Brooklyn received the highest amount of Sanitation violations of all boroughs in both 2015 and 2016. They also saw the highest individual increase for a specific code infraction.

CODE	CHANGE FROM 2015 TO 2016	
AS26 - Failure to Clean 18 Inches Into Street	+ 125.48%	↑
AS6M - Dirty Area	+ 33.01%	↑
AS06 - Dirty Sidewalk, Dirty Area	+ 33.20%	↑
AS18 - Storage of Receptacles	+ 63.71%	↑

QUEENS SANITATION VIOLATIONS

Queens issuances came in with the 3rd highest overall average increase.

CODE	CHANGE FROM 2015 TO 2016	
AS26 - Failure to Clean 18 Inches Into Street	+ 78.95%	↑
AS6M - Dirty Area	+ 45.81%	↑
AS06 - Dirty Sidewalk, Dirty Area	+ 53.49%	↑
AS18 - Storage of Receptacles	+ 43.91%	↑

Queens had the second highest Sanitation violation total overall in 2016

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STATEN ISLAND SANITATION VIOLATIONS

Staten Island didn't see the rash of violations for "Failure To Clean 18 Inches…" that swept across the rest of NYC. That said, the borough wasn't immune to violation growth overall - Staten Island saw increases across all violation types in 2016, some higher than other boroughs.

CODE	CHANGE FROM 2015 TO 2016	
AR7G - Failure to Properly Put Recyclables Out for Collection; 1 - 8 dwelling units	+ 25.98%	↑
AS6M - Dirty Area	+ 24.25%	↑
AS06 - Dirty Sidewalk, Dirty Area	+ 42.63%	↑
AS18 - Storage of Receptacles	+ 45.34%	↑

TAKEAWAYS

- **Increases Across NYC**
  It doesn't matter which borough your properties are in - all NYC buildings are subject to and in danger of increasing Sanitation violations.

- **Sweeping**
  Make sure your maintenance plan includes sweeping 18 inches into the street. Inspectors are specifically looking for this, and we may continue to see growth in violations here.

- **Dirty Sidewalk, Dirty Area**
  This infraction still accounts for a majority of violations - your team should be cleaning and checking sidewalks and gutter/street areas before Enforcement Routing Time Periods:

  - **Residential Routing**
    8:00 AM to 8:59 AM and 6:00 PM to 6:59 PM

  - **Commercial Routing**
    Contact 311 to find the specific time period for your block. DSNY suggests commercial properties keep their areas clean in the morning and at the end of the business day as a best practice.

HOUSING PRESERVATION & DEVELOPMENT

On the whole, HPD showed inconsistent numbers across all boroughs and violation types from 2015 to 2016. In fact, despite increases from other agencies (DOB, FDNY, Sanitation) HPD seems to have issued less violations in 2016 than amounts issued in 2015.

HPD VIOLATION CLASSES & EXAMPLES

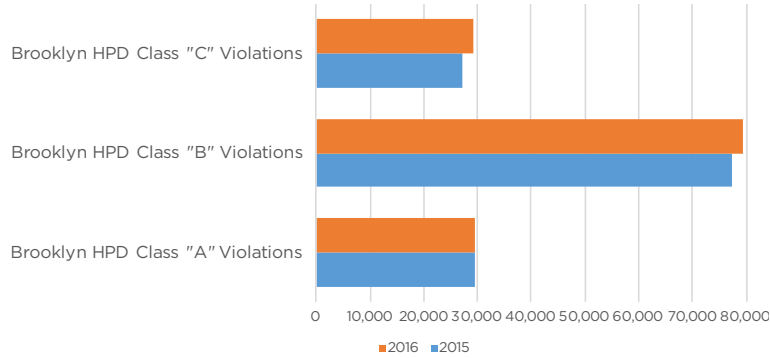|	
CLASS A Non-Hazardous	■ Paint & Plaster ■ Minor Plumbing Fixes ■ Post Required Signage ■ Water Leaks
CLASS B Hazardous	■ Vermin Issues ■ Some Mold Issues ■ Obstructions ■ Carbon Monoxide and Smoke Detectors
CLASS C Immediately Hazardous	■ Lead Paint Hazards ■ Some Mold Issues ■ Major Repairs ■ Window Guard Repairs and Replacements ■ Illegal Locks

MANHATTAN

Violations went down across every class level in Manhattan except for Class A infractions.
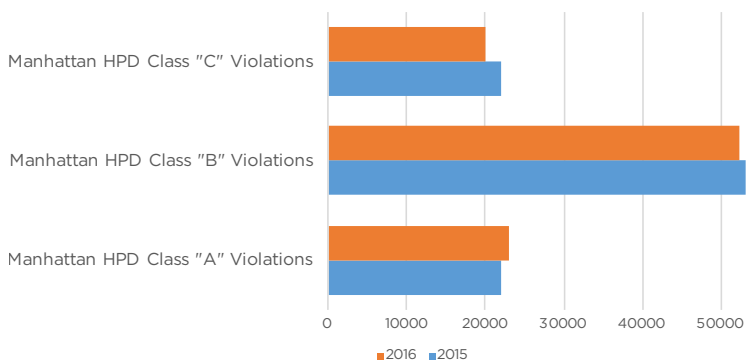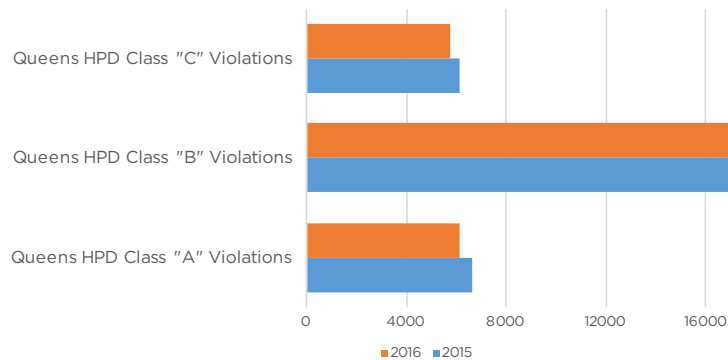
BROOKLYN

The total amount of HPD violations issued in Brooklyn was the second-highest amount of all boroughs in both 2015 and 2016

Brooklyn HPD Class "C" Violations
Brooklyn HPD Class "B" Violations
Brooklyn HPD Class "A" Violations

0 10,000 20,000 30,000 40,000 50,000 60,000 70,000 80,000

■2016 ■2015

QUEENS

Queens has significantly less Class A and C violations - in fact, Queens has the second lowest violation count of all boroughs.

Queens HPD Class "C" Violations
Queens HPD Class "B" Violations
Queens HPD Class "A" Violations

0   4000   8000   12000   16000

■2016 ■2015

Class B violations saw the highest totals in all boroughs

BRONX

The Bronx had the highest violation totals overall in both 2015 and 2016, and also saw the biggest growth for a specific violation class. Class B issuances increased by 16.56% from year to year.

Bronx HPD Class "C" Violations
Bronx HPD Class "B" Violations
Bronx HPD Class "A" Violations

0   20000   40000   60000   80000   100000

■2016 ■2015

Staten Island violations account for less than 1% of all HPD violations issued in 2016

STATEN ISLAND

Staten Island, as is the trend with other NYC agencies and the borough, got the lowest amount of HPD violations.

Staten Island HPD Class "C" Violations
Staten Island HPD Class "B" Violations
Staten Island HPD Class "A" Violations

0   500   1000   1500   2000   2500

■2016 ■2015

HPD Violation Codes

- There's little variation on what types of HPD violations are being issued in NYC. In fact, the most frequently issued violation codes (or "order numbers," as they're officially known) generally remain the same from borough to borough.

HOUSING PRESERVATION & DEVELOPMENT

- Specifically, codes 508 ("repair the broken or defective plastered surfaces and paint in a uniform color") and 780 (Failure to submit annual registration) have maintained the top spots in 2015 and 2016 across New York. Other commonly issued violations include 501 & 502 (repair the broken or defective item/repair with similar material), 500 (failure to post availability of Housing Information Guide), 702 & 1503 (smoke and carbon monoxide detectors), and 790 (install/repair missing or defective window guards).

That said, some boroughs did have at least one infraction that was somewhat uniquely issued:

- **Brooklyn**
  569 (abate the nuisance consisting of mice)

- **Bronx**
  550 (trace and repair the source and abate the nuisance consisting of mold)

- **Queens**
  1502 (provide a carbon monoxide detector) - different from repair/replace

Important to Note: Violations for lead paint infractions did not appear among the top HPD order numbers issued in any borough.

TAKEAWAYS?

In addition to preventative maintenance and remedial work, it's important to register your residential property (including hotels, recognized as transient multifamily buildings) each year before September 1st. Registration is an annual process - properties that fail to register will not be able to correct HPD violations (including corrections, dismissal requests, and violation reissuances) or bring actions against tenants for non-payment of rent. Unregistered buildings may also be subject to fines.

FDNY NOTICES OF VIOLATION

Another agency that saw increases across all boroughs is the FDNY. Common violating conditions all saw various increases, and some of the biggest jumps were seen in the borough you'd least expect.

Fast FDNY Violation Facts:

- Several violating conditions can be cited on one Notice of Violation. These increases represent counts in violating conditions, and not individual NOVs.

- Violating condition issue rates are pretty even - VC20 (Inspection and testing) infractions were issued most frequently during 2015 and 2016, but only accounted for 11% of all NOVs.

- Most other common violation types hovered between 5% - 8% share of all FDNY issuances.

Manhattan is the #1 borough for FDNY Notice of Violation infractions

MANHATTAN FDNY CITATIONS

In 2015 and 2016, Failure to Prevent Unnecessary/Unwarranted Alarms were the number one cited cause for an FDNY NOV in Manhattan. Manhattan led all boroughs for this specific violating condition, and for FDNY citations overall.

VIOLATING CONDITION	CHANGE FROM 2015 TO 2016	
BF35 - Failure to Prevent Unnecessary/ Unwarranted Alarms	+ 14.93%	↑
BF20 - Inspection and Testing	+ 34.88%	↑
BF05 - Permits and Recordkeeping	+ 28.69%	↑
BF06 - Sign, Postings, Notices, and Instructions	+ 34.51%	↑

BRONX FDNY CITATIONS

In 2016, BF20 citations jumped ahead, becoming the highest issued violating condition in the Bronx.

VIOLATING CONDITION	CHANGE FROM 2015 TO 2016	
BF20 - Inspection and Testing	+ 18.85%	↑
BF35 - Failure to Prevent Unnecessary/ Unwarranted Alarms	+ 6.24%	↑
BF17 - Certs. Of Fitness and Qualification	+ 20.22%	↑
BF19 - Affidavits, Design Installation Documents, and other Documentation	+ 38.18%	↑

BROOKLYN FDNY CITATIONS

Brooklyn is the only borough where a violating condition actually went down from 2015 to 2016: BF05 (Posting of Permits and Record Keeping) issuances were down nearly 7%. That said, the amount of citations issued for this condition still outnumbered the same totals in the Bronx, Queens, and Staten Island.

VIOLATING CONDITION	CHANGE FROM 2015 TO 2016	
BF20 - Inspection and Testing	+ 16.42%	↑
BF35 - Failure to Prevent Unnecessary/ Unwarranted Alarms	+ 27.13%	↑
BF17 - Certs. Of Fitness and Qualification	+ 3.29%	↑
BF19 - Affidavits, Design Installation Documents, and other Documentation	+ 16.73%	↑

+27%
2016 Increase in violations for Unwarranted Alarms in Brooklyn

QUEENS FDNY CITATIONS

The top violating condition in Queens is BF20, which experienced significant growth from 2015 to 2016. These infractions account for nearly 25% of all issuances in the borough.

VIOLATING CONDITION	CHANGE FROM 2015 TO 2016	
BF20 - Inspection and Testing	+ 25.49%	↑
BF35 - Failure to Prevent Unnecessary/ Unwarranted Alarms	+ 7.78%	↑
BF17 - Certs. Of Fitness and Qualification	+ 46.93%	↑
BF05 - Posting of Permits and Recordkeeping	+ 12.00%	↑

+99%
Increase in Certificate of Fitness violations from 2015 to 2016 in Staten Island

STATEN ISLAND FDNY CITATIONS

While Staten Island had the lowest violation counts across all boroughs, one condition saw the highest growth percentage in NYC - BF17 went from being the third highest total in 2015 to the top violating condition in 2016, growing over 99%

VIOLATING CONDITION	CHANGE FROM 2015 TO 2016	
BF20 - Inspection and Testing	+ 7.42%	↑
BF19 - Affidavits, Design Installation Documents, and other Documentation	+ 7.78%	↑
BF17 - Certs. Of Fitness and Qualification	+ 99.06%	↑
BF05 - Posting of Permits and Recordkeeping	+ 15.25%	↑

TAKEAWAYS?

It's increasingly more important to monitor your FDNY-related equipment for required inspection and testing. FDNY fines can go up to $5,000 per infraction, leading to some of the highest outstanding and default rates across the city.

BOTTOM LINE

The DOB isn't the only NYC agency ramping up enforcement. Violations are spiking in each borough, and they're being issued for preventable infractions. As your team reviews your compliance plan, make sure you're keeping these regulations in mind – the more you plan for enforcement, the better you can prevent against it.

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