

## AFFIDAVIT

## 1 VIOLATION INFORMATION

Summons Number

**Place of Occurrence:** \_\_\_\_\_ (House Number and Street) \_\_\_\_\_ (Borough, State, and Zip Code) \_\_\_\_\_  
I, \_\_\_\_\_, duly swear under penalty of perjury that I am the: (check one)  
*(Must be the name of an individual, do not list a business entity)*

- Respondent** named on the violation (*if the named respondent is an individual*)
- Officer, Director, Partner or Managing Member** of the named respondent (*if the named respondent is a business entity*)
- Owner of Property** but not the named respondent (*if you are a new owner, attach copy of deed*)
- Current Mortgagee** of place of occurrence (*attach proof of mortgage agreement and a notarized authorization letter*)
- Other Agent of the respondent or place of occurrence** (*attach a notarized authorization letter from the respondent or property owner*)

My mailing address: \_\_\_\_\_ (Insert the cardholder's mailing address, indicate the House Number, Street, City, State and Zip Code)

### 2 PERSON WHO PERFORMED WORK

I have complied with the order of the Commissioner to correct each violating condition cited on this summons. The work described in the attached sworn statement was completed on \_\_\_\_\_ (insert date) and was performed by: (check one)

Myself       My Employee       Contractor       Licensed Professional

Name of the person who performed the work:

## Company:

**Address:**

**License or Registration Number** (for licensed professionals and contractors):

## ADDITIONAL REQUIREMENTS

A notarized **Statement in Support (AEU20)** and documentary proof of correction must also be provided. This statement must describe the steps taken to correct the violating condition(s) and reference all relevant permit numbers, job applications or other records that substantiate correction. The standard AEU20 form may be used or submit a notarized statement on a separate piece of paper. If work was performed on an elevator or boiler, the statement must be on the letterhead of the licensed professional who did the work. All photographs must be labeled with the date the photograph was taken, the location and the summons number. Photographs of **Before** and **After** must be labeled as such.

### 3 PENALTY WAIVERS & REDUCTIONS

If the violation is admitted and certified as corrected, it may be eligible for a penalty waiver or reduction. Penalty waivers and reductions are outlined in the **DOB Penalty Schedule** found in Title 1 of the Rules of the City of New York, Section 102-01. To request a cure or stipulation, check the applicable box below. For more information visit [www.nyc.gov/DOBpenaltyschedule](http://www.nyc.gov/DOBpenaltyschedule).

**Cure (waiver):** If the summons states a *Cure Date*, submit an acceptable Certificate of Correction to DOB by the *Cure Date*. If the Certificate of Correction is approved, a hearing will not be held, and no penalty will be imposed by OATH. If the Certificate of Correction is not approved, attend the hearing to dispute the violation or admit to the violation by paying the penalty before the scheduled hearing date.

**CURE** I admit the existence of the violation(s) charged. The cure date is: \_\_\_\_\_ (refer to the face of summons for date)

**Stipulation (reduction):** If a pre-hearing stipulation is received and accepted, a reduced penalty of one-half the standard penalty may be imposed if an acceptable Certificate of Correction is submitted to DOB by the compliance due date. If the Certificate of Correction is not approved, the penalty will be increased to the standard or aggravated penalty, whichever is applicable.

**STIPULATION.** I admit the existence of the violation(s) charged. The stipulation compliance due date is: \_\_\_\_\_ (refer to the stipulation offer for the date).

#### 4 STATEMENT OF SIGNATURE

I have personal knowledge the violating condition(s) have been corrected as per this affidavit and statement(s) attached.

False certification is a criminal misdemeanor under sections 28-203.1.1 and 28-211.1 of the NYC Administrative Code, punishable by up to one (1) year imprisonment and/or fine of up to \$25,000. It is also punishable with a civil penalty of up to \$25,000.

To submit this form, use an eFiling account to login to DOB NOW at [www.nyc.gov/dobnow](http://www.nyc.gov/dobnow) and select the **BIS Options** portal. If you need to create an eFiling account visit [www.nyc.gov/DOBNOWtins](http://www.nyc.gov/DOBNOWtins). Reminder when submitting this form include all supporting documents.

**RESPONSE REQUIRED**

The Department of Buildings issues summonses (previously known as Notices of Violation) to enforce the NYC Construction Code, Administrative Code, Electrical Code or Zoning Resolution. Each summons includes two orders: 1) to correct conditions(s) that violate these rules or laws and 2) to certify them as corrected with the Department's Administrative Enforcement Unit (AEU).

**A RESPONSE IS REQUIRED.** Paying the penalty will not resolve the summons. Unless the summons is certified as corrected with AEU or dismissed by the OATH Hearings Division, it will continue to appear as Open in Department records, even if a hearing has been held or the penalty has been paid. A Certificate of Correction may be submitted to the Department any time after a summons is issued.

Partial correction is not acceptable. All violating conditions must be corrected and all applicable DOB civil penalties must be paid in order to certify correction and resolve the summons. If an acceptable Certificate of Correction is not received by the Department in a timely manner, DOB civil penalties may be imposed and re-inspections may take place, leading to the issuance of additional summonses.

**We are here to help.** Certification forms (AEU2, AEU3321 and AEU20) must be used to resolve summonses or Notices of Violation. Forms, the summons in your language, and more information may be found on DOB's website at [www.nyc.gov/aeu](http://www.nyc.gov/aeu). You may also contact AEU by phone at (212) 393-2405 or by submitting an inquiry at [www.nyc.gov/dobhelp](http://www.nyc.gov/dobhelp). Translation services are available.

**INSTRUCTIONS****Section 1: Provide Summons Information**

Provide the summons number, the address where the violation occurred, the certifier's name and complete mailing address. Next, check the box that best describes the certifier's relationship to the person whose name appears on the summons (the respondent), to the property owner, or to the place of occurrence. If the certifier is an agent or authorized representative of the person whose name appears on the summons, the property or the property owner, submit a notarized authorization letter granting permission to certify correction. If the property was purchased after the violation occurred, submit a copy of the deed. Last, provide the mailing address for the person attesting to the correction of the violating conditions.

**Section 2: State Who Performed the Work to Correct the Violating Condition(s)**

Provide the date that all violating conditions were corrected. Check the box that best describes the person who did the work to correct the violation and supply the person's name, address, company, and license/registration information. License and registration information is needed when a Licensee, Registered Design Professional, or registered Contractor did the work.

**Section 3: Apply for Penalty Waivers and Reductions**

A violation that is admitted to and certified as corrected is eligible for a penalty waiver or reduction as outlined in the DOB's Penalty Schedule, found in Title 1 of the Rules of the City of New York, Section 102-01 at [www.nyc.gov/dobpenaltyschedule](http://www.nyc.gov/dobpenaltyschedule). Select Cure or Stipulation to show the type of waiver or reduction being requested. Then insert the applicable due date. In the case of a cure, supply the cure date found on the summons. In the case of a stipulation, supply the compliance due date.

- **Cure (waiver):** If the front of the summons shows a *Cure Date*, submit an acceptable Certificate of Correction to DOB by the Cure Date. If the Certificate of Correction is approved, a hearing will not be held, and no penalty will be imposed by OATH. Instead, the penalty will be waived.
- **Stipulation (reduction):** If a pre-hearing stipulation offer is received and accepted, a reduced penalty of one-half the standard penalty may be granted if an acceptable Certificate of Correction is submitted to DOB by the compliance due date. If the Certificate of Correction is not approved, the penalty will be increased to the standard or aggravated penalty, whichever is applicable.

**Section 4: Provide Statement of Signature**

Sign the Certificate of Correction before a Notary Public.

**ADDITIONAL REQUIREMENTS**

In addition to the Certificate of Correction form (AEU2), a **notarized Statement in Support (AEU20) must be provided**. This statement must be detailed and describe the steps taken to correct the violating conditions, reference all relevant permit numbers, job applications or other records that substantiate correction. Either the AEU20 standard form or a complete, notarized statement on a separate piece of paper can be submitted.

**Copies of all permits, bills, receipts, photographs, and/or documentary proof** that the violating condition(s) have been corrected are also required. All photographs must be labeled with the date the photo was taken, the summons number and the location. If before and after photographs are submitted, label them "Before" and "After" in addition to the other required labeling.

**HOW TO SUBMIT A CERTIFICATE OF CORRECTION TO THE DEPARTMENT**

- To submit a Certificate of Correction request, use an eFiling account to log into DOB NOW at [www.nyc.gov/dobnow](http://www.nyc.gov/dobnow) and select the BIS Options portal. To create an eFiling account, visit [www.nyc.gov/dobnowtips](http://www.nyc.gov/dobnowtips).
- From the DOB NOW BIS portal, select **+Certificate of Correction Review Request** and enter the required fields including the Summons number. Select Save and then in the Documents section, upload completed applicable AEU2, AEU20 or AEU3321 forms and any other required documents. After completing the Statements & Signature section, select Submit. The request will not be reviewed by the Administrative Enforcement Unit until the Submit button is selected and confirmation is given for it to be submitted.

**IMMEDIATELY HAZARDOUS CLASS 1 SUMMONSES AND DAILY PENALTIES**

**Class 1 (Immediately Hazardous) Summonses:** An acceptable Certificate of Correction that attests to the correction of the violating conditions(s) must be immediately filed with the Department. Failure to promptly certify correction of a Class 1 violation may result in re-inspections of the violating conditions resulting in the issuance of additional summonses and/or a one-time DOB civil penalty of \$1,500 for 1-2 family homes or \$3,000 for all other properties.

**Class 1 (Immediately Hazardous) Illegal Conversion Summonses:** If the summons alleges a violation of Article 210 of the NYC Administrative Code (illegal conversion), in addition to standard penalties, additional penalties of \$1,000 per day for each day the violating condition(s) remain uncorrected may be imposed by the hearing officer for a maximum of 45 days (\$45,000). To avoid the maximum penalty, submit an acceptable Certificate of Correction before the first scheduled hearing date. This will stop daily penalties from accruing. To avoid a default judgment, attend the hearing. At the hearing, there will be opportunity to show the hearing officer that an acceptable Certificate of Correction has been submitted to the Department. The hearing officer will assess the submission and decide the daily penalty amount.