§ 304. Penalties for violations. 1. Except as otherwise in this section specifically provided, every person who shall violate or assist in the violation of any provision of this chapter shall be guilty of a misdemeanor punishable, for a first offense, by a fine of not exceeding five hundred dollars or by imprisonment for a period of not exceeding thirty days, or by both such fine and imprisonment; for the second and any subsequent offense arising from the failure to remove the violation upon which the first offense was based, by a fine of not exceeding one thousand dollars or by imprisonment for a period of not exceeding six months, or by both such fine and imprisonment.

1-a. Every person who shall violate or assist in the violation of any provision of sections twenty-nine, thirty-seven, sixty-two, eighty eighty-one, eighty-three or three hundred twenty-five of this chapter shall be guilty of an offense. The maximum fine for a first violation of any provision of such sections hereinbefore in this subdivision set forth, with respect to a particular dwelling, shall be fifty dollars; the maximum fine for the second offense arising from the failure to remove the violation upon which the first offense was based shall be two hundred fifty dollars; the maximum fine for the third or any subsequent offense arising from the failure to remove the violation upon which the first and second offenses were based shall be five hundred dollars. Such a violation under this subdivision shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment, and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of any person convicted thereof.

2. Any person who, having been served with a notice or order to remove any nuisance or violation, shall fail to comply therewith within five days after such service, or shall continue to violate any provision or requirement of this chapter in the respect named in such notice or order, shall also be subject to a civil penalty of two hundred fifty dollars. Such persons shall also be liable for all costs, expenses and disbursements incurred by any such department or its agent or contractor in the removal of any such nuisance or violation.

3. In case the notice required by section three hundred twenty-five is not filed, or the owner of a dwelling does not reside within the state or cannot after diligent effort be served with process therein, the existence of a nuisance or of any other violation of this chapter or of an order or a notice made by the department, shall subject the dwelling and lot to a penalty of two hundred fifty dollars.

4. An action may be brought in any court of competent civil jurisdiction for the recovery of any such penalties, costs and disbursements.

5. All penalties collected shall be paid into the treasury of the city, but no provision of this chapter shall prohibit the city from creating and maintaining out of such penalties a separate fund not in excess of twenty-five thousand dollars, out of which payment may be made for repairs made by any department charged with the enforcement of this chapter or its agents or contractors, as provided in section three hundred nine.

6. No civil or criminal liability or penalty shall attach to any person who has acquired or shall acquire any tenement or converted dwelling by foreclosure of a mortgage or deed in lieu of foreclosure of a mortgage, because of his failure for a period of six months after the delivery of the referee's deed in foreclosure or the delivery of such deed in lieu of foreclosure, to comply with the provisions of this chapter in reference to such tenement or converted dwelling, provided he remains the owner thereof. Upon the transfer of title by such person prior to the termination of the said six months, and in any event upon the termination of such period, such penalties shall apply as provided in this section.

6-a. No civil or criminal liability or penalty shall attach to any person who has, by an order of a court, been appointed as a receiver in a foreclosure action to collect rents, because of his failure for a period of six (6) months after he qualifies as such receiver, to comply with any of the provisions of this chapter.

Upon the receiver's discharge by the court prior to the termination of such period, and in any event upon the termination of such period, the penalties provided in this section shall thereafter apply.

6-b. No civil or criminal liability or penalty shall attach to any person who shall by operation of law become an owner of a multiple dwelling then or thereafter certified and declared a public nuisance to any extent pursuant to paragraph b of subdivision one of section three hundred nine of this chapter, or the holder or beneficial owner of stock in such owner, if a corporation, because of his failure to comply with any of the provisions of this chapter for a period of six months after he acquires ownership of said multiple dwelling or the stock or beneficial interest in the stock of a corporation which is the owner.

7. None of the civil or criminal penalties provided in this section shall apply to any person because of his failure to comply with the provisions of section two hundred thirty-three, subdivision four of section two hundred thirty-eight, subdivision three of section two hundred forty or subdivisions two and three of section two hundred fifty in reference to any old-law tenement, if he agrees in writing with the department to comply with such provisions or to vacate or demolish such tenement, within a period not exceeding six months fixed by the department. Such agreement shall be in form satisfactory to the department, and shall contain provisions to secure the performance thereof and such other terms as may be mutually agreed upon. The transfer of title or control by such person, or the termination of such period by limitation, shall subject the person then directly or indirectly in control of such tenement to the penalties prescribed by this section, if violations of such provisions then exist.

8. Whenever a multiple dwelling shall have been declared a public nuisance to any extent pursuant to paragraph b of subdivision one of section three hundred nine of this chapter and such declaration shall have been filed as therein provided, all officers, directors and persons having an interest, as holder or beneficial owner thereof, in more than ten per cent of the issued and outstanding stock of any corporation, other than a banking organization as defined in section two of the

banking law, a national banking association, a federal savings and loan association, The Mortgage Facilities Corporation, Savings Banks Life Insurance Fund, The Savings Banks Retirement System, an authorized insurer as defined in section one hundred seven of the insurance law, or a trust company or other corporation organized under the laws of this state all the capital stock of which is owned by at least twenty savings banks or a subsidiary corporation all of the capital stock of which is owned by such trust company or other corporation, then in operation and control of such multiple dwelling, shall, in addition to all other liabilities and penalties provided in this chapter and elsewhere, be jointly and severally liable for all injury to person or property thereafter sustained by any tenant of such multiple dwelling or any other person by reason of the condition constituting such public nuisance and for all costs and disbursements including attorneys' fees of any suit brought by such tenant or other person.

9. No civil or criminal liability or penalty shall attach to any person by reason of his ownership or beneficial ownership of stock in a corporation owning a multiple dwelling declared to be a public nuisance pursuant to paragraph b of subdivision one of section three hundred nine of this chapter because of his failure to comply with any of the provisions of this chapter, whose interest in such corporation is less than twenty-five per cent of the issued and outstanding stock thereof, as owner or beneficial owner thereof, and who has sustained the burden of proving that he has not participated directly or indirectly in the management, operation or control of such multiple dwelling.

10. No criminal liability or penalty shall attach to any person by reason of his ownership or beneficial ownership of stock in a corporation owning a multiple dwelling declared to be a public nuisance pursuant to paragraph b of subdivision one of section three hundred nine of this chapter because of his failure to comply with any of the provisions of this chapter unless and until he has had a reasonable period of time to comply following his having become an owner as defined in this chapter.

11. The term "person" as used in this section shall include the owner,

mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of a dwelling or part thereof. Whenever a multiple dwelling shall have been declared a public nuisance to any extent pursuant to paragraph b of subdivision one of section three hundred nine of this chapter and such declaration shall have been filed as therein provided, the term "person" shall be deemed to include, in addition to those mentioned hereinabove, all the officers, directors and persons having an interest in more than ten percent of the issued and outstanding stock of the owner as herein defined, as holder or beneficial owner thereof, if such person be a corporation other than a banking organization as defined in section two of the banking law, a national banking association, a federal savings and loan association, The Mortgage Facilities Corporation, Savings Banks Life Insurance Fund, The Savings Banks Retirement System, an authorized insurer as defined in section one hundred seven of the insurance law, or a trust company or other corporation organized under the laws of this state all the capital stock of which is owned by at least twenty savings banks or a subsidiary corporation all of the capital stock of which is owned by such trust company or other corporation.