

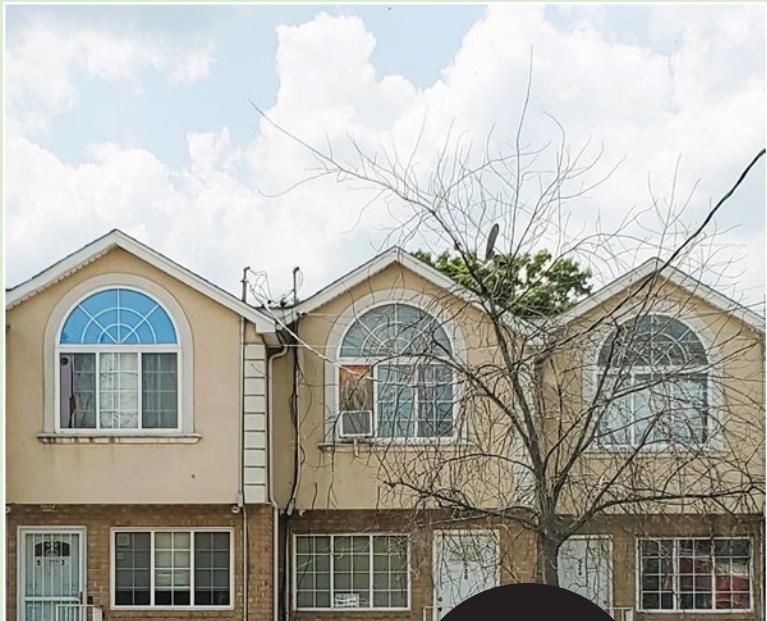
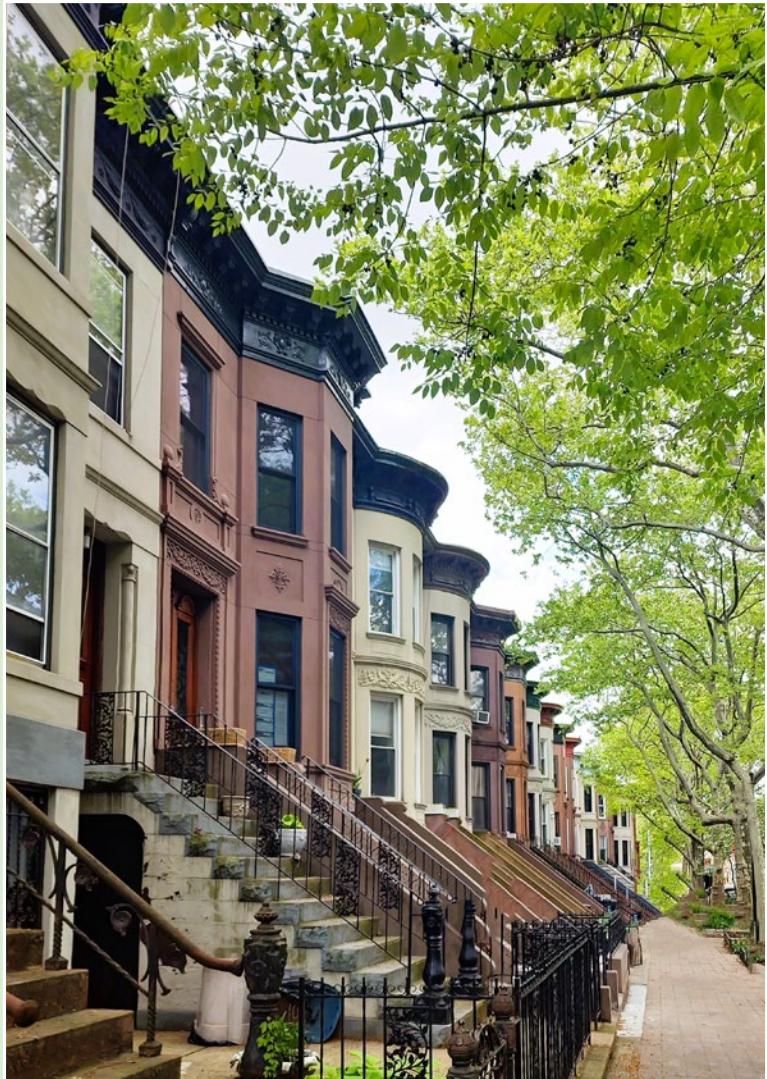


Department of  
Housing Preservation  
& Development

# ABCs OF HOUSING

## TENANTS' GUIDE

[www.nyc.gov/hpd](http://www.nyc.gov/hpd)



January  
**2024**

The photographs on this year's covers of the ABCs of Housing are winners of the Department of Housing Preservation and Development's 2023 Employee Photo Contest. Always with an eye out for their fellow New Yorkers, we thank our winners and all HPD staff for their dedication and hard work on behalf of our beautiful city.



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# Tenants' Rights and Responsibilities

Tenants should expect to live in safe, well-maintained buildings, free from harassment by the owner and owner's employees.

## Buildings should be:

- Free from pests, leaks, mold, and other potentially hazardous conditions.
- Provided with basic services such as heat, hot water, cold water, and electricity.

Tenants who live in rent-regulated apartments have additional rights related to this status. Tenants can find out if an apartment and/or building has been registered as rent-regulated by calling the New York State Homes and Community Renewal (HCR) at 718-739-6400 or sending an email to [rentinfo@nycshr.org](mailto:rentinfo@nycshr.org).

Tenants also have responsibilities to their building owners and other tenants.

- Tenants may not damage the building, intentionally or through neglect.
- Tenants are responsible for the actions of their guests.
- Tenants must respond to annual owner inquiries related to window guards and lead-based paint.
- Tenants must maintain smoke and carbon monoxide detectors.
- Tenants must obey the legal terms of leases, pay rent on time, honor the rights of other tenants, and provide access for repairs.
- Tenants must allow the owner, their agent, or their employee(s), to enter the tenant's apartment or other space under the tenant's control to inspect, make repairs, or make improvements as required by the Housing Maintenance Code (HMC) or other laws. However, the owner must notify the tenant in advance and in writing of the day and time they wish to access the apartment. The appointment must be between 9am and 5pm Monday through Friday unless otherwise agreed to by the tenant or unless there is a condition that must be addressed immediately. When repairs are urgently needed to prevent damage to property or injury to persons, such as gas leaks, water leaks, stopped-up or defective drains, leaking roofs, or broken and dangerous ceiling, no advance notice is required from the owner, agent, contractor, or workman. Any contractor or agent of the owner must be able to show the tenant that they have been authorized by the owner to enter and do the work.

# Staying in Your Apartment Safely

## I. Conditions

If physical conditions in a building are not safe or in good repair, tenants in privately-owned buildings should take the following steps:



1. Notify the building owner or manager verbally or by text or email.
2. Send written notification through certified mail, with a return receipt requested, or via email. Keeping these records is important if the owner does not take any action to address the issue(s).
3. File complaints with the city. To report poor conditions, including those cited in this document, call 311 or use 311ONLINE or 311Mobile. 311 will direct your complaint to the proper agency.
4. If you are a rent-stabilized or rent-controlled tenant, file a complaint with HCR at 1-866-275-3427.

## Fire Safety

A fire can be one of the most destructive events to affect your life. Protect yourself and your family from fire hazards by reporting a complaint if any of the conditions listed below exist in your apartment or building. Carefully look through the **TIPS** section for other important information about fire safety.

### A. Self-Closing Doors

A self-closing door is a door which, when opened and released, returns to the closed position and self-latches shut. All apartment doors and all doors in and leading to public halls should be self-closing. Tenants should not tamper with self-closing doors by blocking or propping doors open with objects, taping the latch, using wood wedge or kick-down stops, or overriding the closing device.

**Self-closing doors can prevent fire and smoke from spreading from one apartment to affect an entire building.** Self-closing doors should never be blocked.

If HPD issues a violation because your door or a door in your building is not self-closing, the owner should make the repair within 14 days and tenants should provide access to the owner to do so. HPD will reinspect to see if the door was fixed within 20 days of the date the owner is required to correct the violation. If the owner does not make repairs, HPD will attempt to fix the door through its Emergency Repair Program to protect your family and the other families in the building.

### B. Gas Leaks

Gas leaks can create fires and explosions. It's important that you and your family know how to recognize a gas leak and what to do if you suspect a leak. Recognize a gas leak by:

smell	sight	hearing
A distinctive, strong odor similar to rotten eggs	A white cloud, mist, fog, bubbles in standing water	Roaring, hissing, or whistling

**If you suspect a gas leak you should:**

1. Quickly open nearby doors and windows and then leave the building immediately; do not attempt to locate the leak. Do not turn on or off any electrical appliances, do not smoke or light matches or lighters, and do not use a house phone or cellphone within the building;
2. At a safe distance away from the building, call 911 immediately to report the suspected gas leak;
3. After calling 911, call the gas service provider for the building.

Gas restoration should always be completed by a licensed plumber and may require access to all apartments in the building to ensure safe restoration.

## C. Carbon Monoxide and Smoke Detectors

Smoke detectors and carbon monoxide (CO) detectors are required in every apartment in a building with three or more units and one- and two-family homes which are not owner occupied.

Tenants are responsible for maintaining both devices. If a tenant has removed the detector or failed to replace its battery, they must return it to proper working order. Tenants may be required to pay for replacement devices if devices are damaged.



### Tenants should:

- Test all detectors at least once a month.
- Replace the batteries in detectors at least twice a year.
- Listen for an alarm sound when the battery is low and replace the battery immediately.
- Use only the type of batteries recommended on the detector.
- Never paint over detectors.

## D. Stove Knob Covers

Property owners must make stove knob covers or permanent stove knobs with integrated locking mechanisms for gas-powered stoves available to tenants who have a child under six years of age. Owners must also provide either device in a unit without a child under six years of age if the tenant requests them.

## E. Locks on Doors or Windows

Double cylinder locks on doors and key locked window gates that require a key from inside the apartment to unlock or to access the hallway or fire escape are dangerous, illegal and must be removed. In case of a fire or other emergency, a delay in finding or using the key can reduce a tenant's chances of escape. Tenants can protect themselves with legal window gates, which lock by use of a latch system. Tenants can check the label with the serial number on it to make sure it states that it has been approved for use in New York City.

## MORE TIPS: About Fire Safety

**1. Have an Escape Plan** – A fire escape plan is important to keep you safe in case of a fire. Everyone in your household should help make the plan and practice it regularly. Know if you live in a fireproof or non-fireproof building, which will help you determine if you should stay in your apartment or get out. Property owners must post a FIRE SAFETY NOTICE on the inside of every apartment door and common area, and must distribute them to each unit, to new tenants, and annually during fire prevention week. Visit [fdnysmart.org](http://fdnysmart.org) for tips on how to develop an easy to remember plan in case of a fire.



**2. Clear Exits** – Help your family escape from a fire, and help first responders quickly access your apartment, by keeping exits free and clear of clutter or storage on fire escapes, hallways, and entrance doors including roof doors. If there are obstacles that block your exit that do not belong to you, notify your property owner. If the issue is not corrected, register a complaint by calling 311.



**3. Keep Your Kitchen Safe** – Keep the area around your stove clear of towels, paper, and potholders. Stand by your pan when cooking and never leave cooking food unattended. Enforce a kid-free zone around your stove.



**4. Electric Extension Cords** – When using an electric space heater, never use an extension cord. Extension cords can overheat if used for large current appliances like space heaters, refrigerators, and air conditioners.

**5. Lithium-Ion Battery Safety** – Fires caused by lithium-ion batteries have increased dramatically with deadly consequences. These rechargeable batteries are found in electric bikes and scooters, cars, laptops, tablets, phones, and common household devices. Lithium-ion battery fires have caused deaths, serious injuries, and devastating damage to property. For more information and safety tips and precautions on lithium-ion batteries go to [Lithium-Ion Battery Safety \(nyc.gov\)](http://Lithium-Ion%20Battery%20Safety(nyc.gov)).



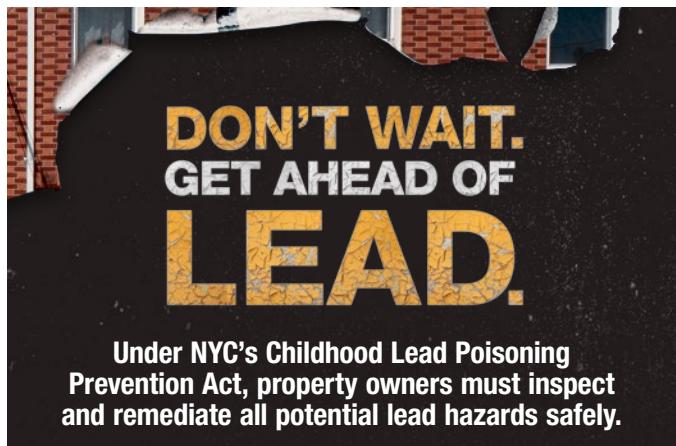
**6. Give Space Heaters Space!** Heaters should be placed at least three feet from any combustible material such as bedding and furniture. Inspect space heater electrical cords for damage before each use. Operate the heater only on a solid, flat surface. Keep the heater away from heavily trafficked areas in the dwelling and keep children and pests away from the heater. Only use equipment that has the Underwriters Laboratories (UL) mark. Turn off or unplug the space heater whenever you leave the room or go to sleep. When buying space heaters, choose a heater with a thermostat and overheat protection, including tip-over automatic shut-off functionality.



## Healthy Homes

Your home should be a healthy one for you and your family, and you should be aware of how your property owner is required by law to create and maintain a safe space. If you see any of the following hazards in your home, and your landlord is not making safe repairs, you can file a complaint using 311.

### A. Lead-Based Paint Hazards



Lead is a harmful metal often found in old paint that can be poisonous for young children and can create health hazards if it creates dust or paint chips. Young children can swallow the lead-based paint dust and chips from windowsills and floors. Lead causes behavioral and learning problems in young children. Buildings built before 1960 may still contain lead-based paint. Property owners of these buildings are responsible for keeping tenants safe from lead-based paint hazards by identifying and fixing lead-based paint hazards in the apartments and the common areas of those buildings where children under six reside, using trained and appropriately certified workers and safe work practices. Tenants should report peeling paint in an apartment to the property owner. If the property owner does not fix peeling paint or if work is being done in an unsafe manner (for example, creating dust that is not being contained), tenants should call 311. Tenants may also call 311 to learn how to prevent lead poisoning, find out where to get their children tested, find information about pregnancy and lead, or request brochures and materials on lead poisoning prevention.

#### Tenants are required to:

- Fill out and return the Annual Notice document regarding lead-based paint that you receive from the property owner each January.
- Notify the property owner/agent in writing if a child under six comes to live with you, or routinely spends 10 or more hours a week with you.

These documents help the property owner know that they need to do annual inspections and check for peeling paint.

#### Tenants with children should:

- Wash floors, windowsills, hands, toys, and pacifiers often.
- Remind your doctor to test your children for lead poisoning at ages one and two.

Removing your shoes close to your apartment entrance door can also prevent bringing lead and other dangerous substances onto a floor where your child plays.



## B. Inadequate Heat and Hot Water

Heat is required between October 1st and May 31st.

- When the outside temperature is below 55 degrees Fahrenheit between the hours of 6am and 10pm, building owners must heat apartments to at least 68 degrees Fahrenheit. **HPD can only issue violations if the owner does not supply adequate heat when the outside temperature is below 55 degrees Fahrenheit at the time of the inspection.**
- Between the hours of 10pm and 6am, regardless of the outside temperature, building owners must heat apartments to at least 62 degrees.
- Building owners also must ensure that tenants have hot water 24 hours a day, 365 days a year, at a minimum constant temperature of 120 degrees Fahrenheit.



### Some things to know:

- HPD can receive multiple heat complaints for the same building within a short period of time. When this happens, the HPD inspector will not inspect every apartment. You can check your 311-complaint number either at 311ONLINE or HPDONLINE or by calling 311 to check the status of complaint to know if an HPD inspector conducted an inspection and whether a violation was issued.
- Just because the radiators are not hot all the time does not mean that heat is inadequate.
- During an inspection, the HPD inspector will check the heat temperature in whatever room you say is the coldest except the kitchen or the bathroom, since heat is not required in these rooms. You should ensure that your windows are closed, and no other heating devices are in use during the inspection.
- If the temperature inside the apartment is **less than 64** degrees at the time of the inspection, HPD may follow-up with you and the property owner to ensure that adequate heat is restored. This means that you may receive a phone call or may see an HPD technical staff person at the building. HPD may attempt to correct this condition if the owner does not.
- Never use the kitchen oven or gas range to heat your home. This improper use can result in dangerous levels of carbon monoxide, causing severe illness and possible death.
- See the **TIPS** on fire safety for more information about using space heaters safely.

## C. Mold

Mold may cause allergic reactions, irritation, or trigger asthma in some people. Mold needs water or moisture to grow so it is important for tenants to report and for property owners to fix leaks promptly.



Tenants can help prevent mold growth on bathroom or kitchen surfaces by using exhaust fans or opening windows and frequently cleaning surfaces. The property owner should be annually inspecting units for mold and responding to any complaints received directly from tenants or HPD. In buildings with more than 10 units where there is more than 10 square feet of mold, special assessors and workers should be used to do repairs. In cases where these specialized workers aren't necessary, the owner should still follow work practices that protect tenants from mold. For more information, you can get the [What Tenants and Landlords Should Know About Indoor Allergens and Local Law 55 fact sheet](#) at [www.nyc.gov/hpd](http://www.nyc.gov/hpd), search mold.

## D. Pests

Roaches, mice, and rats can be hazards to people with respiratory conditions, such as asthma. The first step to eliminating pests is to cut off their food and water supply. Cockroaches and mice are best controlled by sealing up holes and cracks, cleaning up droppings, and using safe pesticides. Building owners should work with their pest control contractor to identify pest infestations and ways to keep pests out. Owners can pest-proof their buildings by fixing leaks and containing garbage.

Bedbugs are rusty-red colored insects that can grow to the size of apple seeds. Bedbugs feed on human blood, but do not carry diseases. Infestations can spread among apartments when bedbugs crawl through small crevices or cracks in walls and floors. Early detection of bedbugs is the key to preventing a severe infestation. When calling 311 to make a bedbug complaint, the caller may be asked by the 311 operator about whether it would be acceptable for HPD to bring a dog trained to sniff out bedbugs to participate in an inspection. If the dog is not allowed, an HPD inspector will conduct a visual inspection. Violations will be issued if the Inspector is able to visually confirm the presence of live bedbugs.

## E. Window Guards

Each year, young children are injured or die because of falls from unguarded windows. These are preventable deaths and injuries.

The law requires owners to send an annual notice to tenants in buildings with three or more apartments about window guards or approved limiting devices. It also requires owners to provide and properly install approved window guards or approved limiting devices on all windows in all apartments where a child 10 years of age or younger resides, including first floor bathrooms, windows leading onto a balcony or terrace, and windows in each common area on any floor.

If tenants or occupants want window guards for any reason, even if there are no resident children 10 years of age or younger, the tenant can request the window guards or approved limiting devices in writing and the property owner must install them. For example, occupants who have visiting grandchildren, parents who share custody, and occupants who provide childcare may wish to request window guards or approved limiting devices.

Tenants should call 311 if required or requested window guards or approved limiting devices have not been installed, if they appear to be insecure or improperly installed, or if there is more than four and a half inches of open unguarded space in the window opening.

Tenants should not remove or unscrew window guards or approved limiting devices for any reason, including to install air conditioners.



# Calling 311 about a Housing Quality Issue

## A General Guide for Tenants on What to Expect



Department of  
Housing Preservation  
& Development

### 1. Issue in your apartment?

Whether heat/hot water, roaches, leaks, or other needed repairs-- contact your landlord first to fix it. If they are unresponsive, contact 311 (call, online, or mobile app) to make a complaint.

**Know your rights! Your immigration status does not matter!**

### 2. 311 will send the complaint to the Dept. of Housing Preservation and Development (HPD).



Keep your service request number so you can check the status of your complaint on HPDOnline or call 311.

### 3. HPD notifies owner

"Please fix!"

### 4. HPD calls back tenant

"Did they fix it?"

### 5. HPD sends a Code Inspector

*Timeframe depends on severity of the issue. More serious, life threatening complaints will be prioritized.*

### 6. If a violation is found

the inspector will issue the owner a Violation and send a notice to fix it. The time frame will depend on the violation class.



**7. Owner must certify** to HPD that the condition was corrected, and the tenant will receive a notice of certification in the mail from HPD.

### 7a. If the violation is certified but not corrected, the tenant can challenge

as instructed in the letter. HPD also attempts to randomly reinspect certified violations. If re-inspection finds that the condition is not corrected, the case is referred to HPD's **Housing Litigation Division**, which may pursue legal action against the owner.



### 7b. If audit and re-inspection are successful

and condition has been corrected ☺  
If unable to re-inspect and there is no tenant response, the violation closes after 70 days.



### 7c. If the owner doesn't certify

the violation remains OPEN on building record. Tenants can check on HPDOnline to see all open violations or call 311. Tenants should seek legal counsel and initiate a Housing Court Action, and may contact local elected officials for help if conditions are not corrected.

**If you are in a rent regulated apartment, you may be able to file for rent reduction with NYS Homes and Community Renewal (NYSHCR) call 718-739-6400.**

### Hazardous Conditions?

Class C Violations are hazardous conditions and require emergency repairs by the owner.

#### Fixing!

HPD staff visits the apartment to create a scope of work\*, contracts a vendor to fix the condition, and bills the owner through the Department of Finance (DOF).

\*If HPD is unable to access apartment, inspector leaves a card and sends a letter in the mail. Tenant must call to make an appointment, or else no further action is taken.

**For information on your tenant rights, visit [nyc.gov/tenantsrights](http://nyc.gov/tenantsrights)**

If you suspect corruption or collusion involving a code inspector, please report to the NYC Department of Investigation (DOI) at 212-3-NYC-DOI. Updated: 2019



## II. Complaints, Violations and Enforcement

### A. HPD Complaint Process

Tenants may file a complaint with HPD by calling 311, using TTY 212-504-4115, or by using 311Online (nyc.gov/311) twenty-four hours a day, seven days per week. Complaints about heat and hot water may also be filed through the 311 mobile app. HPD will always inspect for the following ten safety issues:

- The presence of operational smoke detectors.
- The presence of operational carbon monoxide detectors.
- Illegal gates on the windows.
- Door locks that require a key to exit.
- Window guards if a child 10 years of age or under resides in the unit.
- Self-closing doors.
- Peeling paint if child under age six resides in the unit or routinely spends 10 or more hours per week there.
- Mold.
- Mice, cockroaches, and rats.
- The presence of the Fire Safety Notice that is required to be posted on the inside surface of a front or main apartment entrance door.

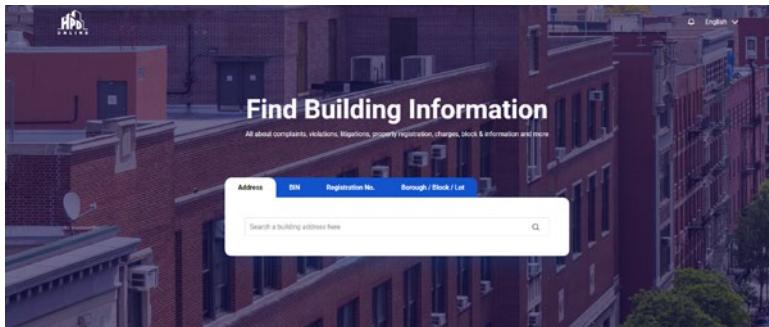
### B. How HPD Violations Work

If HPD inspectors issue violations, the time the owner is given to correct them depends on the violation severity. HPD issues three classes of code violations:

A: non-hazardous

B: hazardous

C: immediately hazardous



**TIP:** To view a complete list of violations and information on when the violations should be corrected by, visit **HPDONLINE** at [www.nyc.gov/hpd](http://www.nyc.gov/hpd).

Tenants may initiate a tenant action against the property owner in Housing Court if violations are not corrected in a timely manner. For further information on how to go to Housing Court, please see Section IV Housing Court or contact the Citywide Task Force on Housing Court at 212-962-4795.

**TIP:** Class C violations that HPD may correct if the owner does not include, but is not limited to:

- Lead-Based Paint
- Mold
- Self-Closing Doors
- Window Guards

If the violation is a class C violation and it creates a condition that is immediately hazardous – such as no heat at all being provided or a lead-based paint hazard to a child - HPD will try to correct the condition if the owner does not. In this case, HPD will send the tenant a notice in the mail advising that the condition is serious enough to warrant HPD's intervention and that the agency will be attempting to reach the tenant by phone or may need to conduct another inspection. A telephone number will be provided to the tenant to contact HPD to follow up.

## C. Enhanced Enforcement Programs

When owners fail to maintain the upkeep of their property and let it fall into disrepair either through neglect or a pattern of misbehavior, HPD may take proactive measures and/or use one of the following enforcement programs to improve housing conditions.

HPD's Division of Neighborhood Preservation (DNP) takes a proactive approach to surveying buildings which are brought to HPD's attention by tenants, elected officials, other data sources or agency data because of poor overall conditions. DNP attempts to assess the buildings and then works with owners and tenants to move the building towards stability. In buildings that exhibit serious physical distress, DNP may initiate complaint inspections or make referrals for other enhanced enforcement programs. For buildings with non-emergency distress, DNP will devise appropriate, individualized strategies to address conditions.

### Alternative Enforcement Program

The Alternative Enforcement Program (AEP) is an enhanced enforcement program. HPD identifies 250 distressed multiple dwellings each year, including the imposition of fees, the issuance of Orders to Correct, and the authority to replace building systems if the owner fails to act. Both property owners and tenants will be notified if their building is selected for AEP.

### Underlying Conditions

The Underlying Conditions Program issues an administrative order to residential building owners to correct underlying conditions that have caused, or are causing, leaks and mold conditions. HPD selects 50-100 buildings for participation in the program each year based on the number of apartments affected by mold and leaks, and the number and severity of the violations. Property owners are required to have a professional investigate the cause of leak or mold conditions affecting multiple apartments in a building, and to address the conditions and related violations within four months.

### Heat Sensors Program

Under the Heat Sensors Program, HPD selects 50 buildings annually with a history of heat violations and requires landlords of those buildings to install internet capable heat sensors in each dwelling unit to regularly take the temperature. HPD will conduct inspections during the heat season, without receipt of complaint, for compliance with the heat sensor installation requirements and the requirements for providing heat.

### Anti-Harassment Unit

The Anti-Harassment Unit (AHU) analyzes data to identify buildings and portfolios where harassment may be occurring; initiates litigation seeking correction of tenant-harassing conditions (as defined by law); partners closely with the Department of Buildings (DOB) and other agencies to address issues in buildings where lack of maintenance is being used as harassment; and connects tenants with legal service resources. AHU performs roof-to-cellар inspections, interviews tenants and brings harassment cases in Housing Court where landlords might be withholding essential services or not making repairs.

### **Self-Closing Doors Proactive Inspection Program**

Beginning in July 2023, HPD will proactively inspect 300 buildings a year and issue violations when necessary for self-closing doors in common areas, hallways, and corridors. Buildings are identified based on HPD, DOB, and FDNY data.

### **Certificate of No Harassment Program (CoNH)**

The Certificate of No Harassment (CoNH) program is designed to reduce tenant harassment by requiring owners of buildings in this program to apply for a Certification from HPD before they can obtain permits for certain types of work from the Department of Buildings (DOB). A Certification is only granted after HPD investigates the recent history of the building for evidence of harassment against tenants. Owners of buildings in this program must obtain a CoNH prior to the approval of certain permits from DOB involving demolition or the change in use or occupancy. In cases where tenants are found to have been harassed, the owner cannot obtain a Certificate. Buildings may be subject to this program if they are 1) single room occupancy buildings 2) buildings in special planning districts or 3) buildings that are selected as part of the Pilot Program. If you reside in a CoNH building and the property owner applies for a CoNH, you will receive a notice from HPD seeking your comments about conditions and harassment in the building.

### **7A Program**

Through the 7A Program, administrators are appointed by the Court (pursuant to New York State Law) to operate privately owned buildings that have conditions that are dangerous to the tenants' life, health and safety. The administrators act under Court Order to collect rents and use the money to provide essential services to the tenants and make necessary repairs. In some 7A buildings, HPD offers a limited amount of 7A Financial Assistance (7AFA) to repair or replace major systems or make other repairs. HPD monitors the activities of 7A Administrators and administers the 7AFA loan program.

For more information on these programs or to obtain a complete list of HPD's enforcement programs please visit [www.nyc.gov/hpd](http://www.nyc.gov/hpd).

## **III. Harassment**

Harassment by an owner to force tenants out of their apartments, or to surrender their rights, is illegal. Examples may include, but are not limited to:

- Not offering leases, lease renewals, or repeatedly trying to pay you to move out or to give up your rights ("a buyout").
- Offering you a buyout while threatening you, intimidating you, or using obscene language, by contacting you at your place of employment without obtaining your written permission or while providing false information in connection with the buyout offer.
- Unjustified eviction notices or illegal lockouts.
- Threats and intimidation (e.g., phone calls to encourage you to move out or give up your rights).
- Failure to provide necessary repairs or utilities.
- Deliberately causing construction-related problems for tenants (e.g., working after hours, blocking entrances, or failing to remove excessive dust and debris).

If you are experiencing harassment or are at risk of losing your apartment, contact the Tenant Helpline for legal assistance, city agency referrals and community resources by calling 311.

Tenants may bring legal action against the owner in Housing Court if there is harassment. Tenants may want to consult with or retain an attorney before initiating any lawsuit. The creation of dangerous conditions (such as unsafe construction) or lack of services (such as no heat/hot water or removing bathroom facilities and not replacing them in a timely manner) should be reported through 311. Tenants can then use the reporting of this complaint, and any subsequent violations that are issued, to support either a Housing Court or HCR action.

Tenants in rent-controlled or rent-stabilized units may contact HCR at [nyshcr.org](http://nyshcr.org) or 1-866-ASK- DCHR (1-866-275-3427). Tenants affected by construction work in occupied multiple dwellings may contact the Department of Buildings' Office of Tenant Advocate (OTA) at (212) 393-2949 or [TenantAdvocate@buildings.nyc.gov](mailto:TenantAdvocate@buildings.nyc.gov). Tenants can also file complaints directly with the Tenant Harassment Prevention Task Force by sending an email to [THPT@hpd.nyc.gov](mailto:THPT@hpd.nyc.gov) if the harassment takes the form of construction or lack of basic services, repairs or utilities. HPD's Anti-Harassment Unit may attempt to contact tenants and/or conduct inspections in response to these complaints. All of these conditions should also be reported to 311.

If you are feeling threatened about your immigration status, please call the NY State Immigration Hotline in the NYS Office for New Americans at 1-800-566-7636 and you will be connected to the right organization to assist you.

## IV. Housing Court

Tenants in privately-owned buildings who have apartment maintenance problems or who have been harassed by the property owner may initiate legal action in Housing Court. This action is referred to as a Tenant Action or Housing Part (HP) Action. When tenants go to Housing Court, they will be assisted in preparing an Order to Show Cause and obtaining a date to return to court for the case to be heard.

When the tenant files a HP case, the tenant can fill out an inspection request form in order to obtain an inspection of the conditions before the Court date. The tenants are given instructions about how to serve the Order to Show Cause on both the owner and HPD. On the date that the case is returnable in Court, the tenant and the owner each get an opportunity to present their positions with an HPD attorney present. If the judge believes that violations exist in the building, the judge may order the owner to correct them within a specified time frame.

If the owner fails to comply with the order, the tenant may return to court to seek civil penalties or contempt of court. Judges may penalize owners who refuse to repair violations after being ordered to correct them. Filing an HP case is a safer and faster way to address your housing issues and protect your rights than withholding of rent, which may lead to eviction. To better understand your rights, you should seek legal advice.

### **TIP: LEGAL SERVICES**

Tenants may choose to initiate legal action or seek assistance from HCR against property owners who fail to correct conditions, or for harassment. Tenants can obtain assistance with bringing these cases or filing with HCR through the following legal services providers:

- The Legal Aid Society: 212-577-3300
- Legal Services NYC: 917-661-4500
- Urban Justice Center: 646-459-3017
- Dial 311 for more information, go to [nyc.gov/311](http://nyc.gov/311) or [nyc.gov/hpd](http://nyc.gov/hpd).

The Housing Court Answers (HCA) hotline also provides information about Court procedures, landlord/tenant rules and regulations, enforcement of housing code violations, referrals for free legal help, and referrals to community organizations that help with housing problems. They are open from 9am to 5pm, Monday through Thursday, and can be reached at 212-962-4795.



## V. Other Resources for Tenants

### A. Rent-Regulated Apartments

For detailed information regarding rent regulations, see the Mayor's Office to Protect Tenants pamphlet at <https://www1.nyc.gov/content/tenantprotection/pages/tenant-protection-laws> and the Attorney General's (AG) pamphlet *Changes in New York State Rent Law: What You Need to Know* at <https://ag.ny.gov/sites/default/files/changes-in-nys-rent-law.pdf>. If you think your landlord has broken New York's tenant protection law, contact the AG's office at (800) 771-7755; TDD/TTY Toll Free Line: (800) 788-9898.

#### Rent Increases

Owners of rent-stabilized and rent-controlled apartments are required to register rents every year online between April 1st and July 31st using HCR's automated system. Tenants can contact HCR regarding rent increases due to Rent Guidelines Board approvals, Individual Apartment Improvements (IAI) or Major Capital Improvements (MCI). Tenants can also seek legal counsel for help determining if rent increases are legal.

For more information on any of these issues, contact HCR at 718-739-6400 or go online to [portal.hcr.ny.gov/app/ask](https://portal.hcr.ny.gov/app/ask).

#### Lease Renewals

Generally, tenants in rent-stabilized units must be offered renewal leases in a form approved by HCR for a term of one or two years, at the tenant's choice, and at a rate set by the Rent Guidelines Board. The owner must give written notice of renewal on a DHCR Renewal Lease Form (RLF) by mail or personal delivery not more than 150 days, and not less than 90 days, before the existing lease expires.

**After the renewal offer is made, the tenant has 60 days to choose a lease term, sign the lease, and return it to the owner. If the tenant does not accept the renewal lease offer within a 60-day period, the owner may refuse to renew the lease and may also proceed in court to evict the tenant after the expiration of the current lease.** When a tenant signs the RLF and returns it to the owner, the owner must return the fully signed and dated copy to the tenant within 30 days. A renewal should go into effect on or after the date that it is signed and returned to the tenant, but no earlier than the expiration date of the current lease. In general, the lease and any rent increase may not be retroactive.



## B. Eviction Prevention

### Non-payment Eviction Proceedings

The only legal way to evict a non-paying tenant is through a non-payment eviction proceeding in Housing Court. Building owners must notify the tenant that rent is late, what the balance is, and that, if not paid, the tenant will be evicted. Three days after notice is given or oral demand for the rent is made, the owner may file a non-payment proceeding in Housing Court and serve papers on the tenant. **The tenant must answer the petition in person at the Housing Court Clerk's office.** The Clerk will then provide a court date to the tenant. On the court date, the tenant has an opportunity to present their defense to a Housing Court Judge. It is advisable for a tenant to consult an attorney whenever eviction proceedings are concerned. Owners must obtain a judgment of possession and "warrant" directing a city marshal to evict the tenant. Tenants may have a defense to a claim for rent in a building which has been illegally altered and/or for which there is no current Certificate of Occupancy indicating that the rented space can be legally occupied.

### Holdover Eviction Proceedings

An owner may commence a summary proceeding for possession of an apartment for a breach of the lease. If a tenant's lease contains a provision allowing for termination for committing a "nuisance," an owner may undertake eviction proceedings for objectionable conduct. A "nuisance" is generally considered persistent and egregious conduct that threatens the health, safety, or comfort of neighboring tenants. To evict, owners must provide evidence proving that the tenant's behavior meets this standard. The property owner must serve a preliminary notice which terminates the lease prior to commencement of the proceeding. The owner may also commence holdover proceedings for other reasons such as illegal sublet, non-primary residence, illegal use, or expiration of lease where no renewal is mandated by law.

### Legal Services

There are free legal services for certain low-income persons who have been served with Housing Court documents and need assistance to prevent eviction. For more information call 212-577-3300 or 311.

If you or someone you know is experiencing a household crisis, call 311 or visit 311Online for more information and helpful resources.

## C. Certificate of Occupancy and Rent Payments

Tenants may have a defense to a claim for rent in a building which has been illegally altered and/ or for which there is no current Certificate of Occupancy indicating that the rented space can be legally occupied. Each tenant has a specific set of circumstances and tenants should always seek legal counsel to ensure that their rights are protected instead of just deciding not to pay rent.

## D. Illegal Activity

Tenants should notify their building owners and the police of any illegal activity in their building. To secure buildings from drug dealers and vandals, the building manager, superintendent, or owner should immediately repair broken locks or intercoms. Broken locks and intercoms can also be reported to 311.

## E. Discrimination

Under local, state, and federal law, property owners and their representatives (be they employees of the ownership entity, real estate brokerage firms, management firms, or agents etc.), may not deny housing to prospective tenants on the basis of race, color, religion/ creed, national origin, gender (including sexual harassment), gender identity, sexual orientation, age, marital or partnership status, family status, disability, alienage or citizenship status, status as a veteran or active military service member, status as a victim of domestic violence, stalking, and sex offenses, lawful occupation, or lawful source of income. Furthermore, tenants may not be denied housing because they have children. Fair Housing NYC—a joint effort by HPD and the NYC Commission on Human Rights (CCHR)—provides information on the protected classes under the City Human Rights Law, who can be held liable for housing discrimination, how to file a housing discrimination complaint, affordable housing opportunities, the difference between fair housing rights and tenants' rights, and going to housing court. The Fair Housing NYC website, [www.nyc.gov/fairhousing](http://www.nyc.gov/fairhousing), also provides resource information, multilingual downloadable materials, and notice of upcoming fair housing events open to the public. Tenants who believe they have experienced housing discrimination may file complaints within one year of the incident by calling 311 and being directed to CCHR.

If you have been trying to buy or rent a home or apartment and you believe your civil rights have been violated, you may file a complaint with the Law Enforcement Bureau of CCHR. The NYC Human Rights Law requires that the complaint be filed within one year of the last alleged act of discrimination. To schedule an appointment, please call 311 (or 212-NEW-YORK or 212-306-7450).

**THERE'S  
NO ROOM  
FOR HOUSING  
DISCRIMINATION  
IN NYC**

**Discrimination may sound like this:**

*"Installing a ramp is expensive and would ruin the appearance of the building."*  
*"I don't accept vouchers."*  
*"I don't have to make that repair; undocumented tenants don't have the same rights as other tenants."*  
*"They told me the apartment was available, but then when they saw I was black, they changed their mind."*

**The NYC Human Rights Law makes it illegal to discriminate against a resident or housing applicant based on**

 National Origin, Immigration Status, Religion	 Gender, Gender Identity, Gender Expression, Sexual Orientation	 Disability
 Occupation, Source of Income	 Presence of Children, Marital or Partnership Status, Age, Race, Color, Pregnancy, Status as Victim of Domestic Violence, Sexual Violence, and Stalking (as of 7/26/16)	

**FAIR HOUSING. It's Your Right. It's Your Responsibility. It's the Law.**

**NYC** Commission on Human Rights | Department of Housing Preservation and Development

If you have experienced discrimination, call 311 and ask for the Commission on Human Rights or call the Commission's Infoline at (718) 722-3131. Visit [nyc.gov/fairhousingnyc](http://nyc.gov/fairhousingnyc) #FairHousingNYC

## **F. Tenant Associations**

Real Property Law Sec. 230 protects tenants who want to organize a tenant association for the purposes of protecting their rights to repairs, services, etc. Tenants may form, join, and participate in tenant organizations to protect their rights. Property owners must permit tenant organizations to meet, at no cost, in any community or social room in the building, even if the use of the room is normally subject to a fee. Tenant organization meetings are required to be held at reasonable times and in a peaceful manner which does not obstruct access to the premises. Landlords are prohibited from harassing or retaliating against tenants who exercise their rights.

## **G. Pets**

Unless the pet can be considered a “service animal” used by blind, deaf, or disabled people, whether pets are permitted is at the discretion of the building owner and is usually stipulated in the lease. If a tenant keeps a pet in the apartment without the building owner’s permission, it may be considered a serious violation of the lease and may be a basis for terminating tenancy. In addition, many animals cannot be kept legally as pets in the City of New York. For more information on pet regulations, call 311 to reach the DOHMH.



## **H. Tenant Data Privacy Law**

Under Local Law 63 of 2021, property owners of multiple dwellings that utilize smart access (key-less) systems, including but not limited to key fobs, electronic or computerized technology, radio frequency identification card, mobile phone application, biometric identifiers, or any other digital technology in order to grant entry to a class A multiple dwelling, common areas in such multiple dwelling, or to an individual dwelling unit, must provide tenants with a data retention and privacy policy. The smart access system must have robust security and safeguards to protect the security and data of tenants and their guests. For more information on tenant protections related to smart access systems, go to [www.nyc.gov/hpd](http://www.nyc.gov/hpd).

# Resources for Affordable Housing Seekers

## A. How to Apply for Affordable Housing

NYC creates affordable housing opportunities for New Yorkers at many household income levels and sizes. These apartments are offered for rent or purchase through a randomized lottery system.

### Application Process

NYC Housing Connect is your online portal to find and apply for affordable rental and homeownership opportunities across the five boroughs of New York City. Prospective renters and home buyers can find ads for affordable housing on NYC Housing Connect and in citywide and local publications. The ads contain instructions on how to apply via Housing Connect or paper, as well as the income and household size requirements for the affordable units, which can vary between developments. Ads also contain information on set-asides and preferences for selection.

### Additional Resources

- Visit the **Learn page on NYC Housing Connect** to access training videos that will teach you how to create your account, complete your profile, and start applying for affordable housing: <https://housingconnect.nyc.gov/PublicWeb/about-us/training>.
- Visit the **About page on NYC Housing Connect** to learn more about the application process and resources available to help you: <https://housingconnect.nyc.gov/PublicWeb/faq>.
- Read HPD's **Housing Connect Application Guides** that can help you understand how to prepare and apply for affordable housing: [www.nyc.gov/hpd/findhousing](http://www.nyc.gov/hpd/findhousing).

### Eligibility

Anyone can apply for affordable housing, but in order to qualify, you must be at least 18 years old and your household income needs to be in a specific range for each affordable housing opportunity, or you need to have a voucher that covers your rent. Applicants are required to meet additional eligibility requirements, including asset limits, to qualify. For more information see HPD's "Do You Qualify?" webpage at [nyc.gov/hpd/findhousing](http://nyc.gov/hpd/findhousing).

### Housing Ambassadors

HPD's Housing Ambassador Program is a network of community organizations that help people prepare and apply for affordable housing lotteries. HPD partners with Housing Ambassadors to ensure that affordable housing seekers throughout the city's many diverse communities have access to up-to-date and consistent information, materials, and assistance with the affordable housing application process.



For more information, or to schedule an appointment with a Housing Ambassador, please visit [www.nyc.gov/housing-ambassadors](http://www.nyc.gov/housing-ambassadors).



## B. Rent Increase Exemption

Tenants who qualify for the Senior Citizen Rent Increase Exemption (SCRIE) Program or the Disability Rent Increase Exemption (DRIE) Program can have their rent frozen at their current level and be exempt from future rent increases.

For both programs, the combined income of everyone living in the apartment must be \$50,000 or less, the applicant must pay more than one-third of the combined household's total monthly income for rent, and rent an apartment that is regulated by HCR (i.e., rent-controlled or rent-stabilized apartments or hotel-stabilized) and be named on the lease or rent order, or have been granted succession rights to the apartment.

To be eligible for SCRIE, the applicant must be at least 62 years old. To be eligible for DRIE, the applicant must be at least 18 and receive Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), U.S. Department of Veterans Affairs disability pension or compensation, certain disability pension or disability compensation benefits provided by the United States Postal Service or disability-related Medicaid if the applicant has received either SSI or SSDI in the past.

For more information, please visit [www.nyc.gov/rentfreeze](http://www.nyc.gov/rentfreeze). You can also send an inquiry to [www.nyc.gov/contactscrie](http://www.nyc.gov/contactscrie) or [www.nyc.gov/contactdrie](http://www.nyc.gov/contactdrie), or call 311. You can also schedule an appointment with the Rent Freeze Program office at [www.nyc.gov/dofappointments](http://www.nyc.gov/dofappointments).

## C. Useful Contact Information for Other Housing-Related Issues

**311** is New York City's phone number for government information and services. All calls to 311 Customer Contact Center are answered by an operator, 24-hours-a-day, seven-days-a-week, and information is provided in over 170 languages. Dial 311 from within the City or 212-NEW YORK when out- side of the five boroughs, or use the online option of [nyc.gov/311](http://nyc.gov/311). Service is available at 212-504-4115. You can also use the NYE 311 Mobile App for some services.

### NYC Department of Buildings (DOB)

[nyc.gov/dob](http://nyc.gov/dob)

### New York City Council

[council.nyc.gov](http://council.nyc.gov)

### NYC Mayor's Office to Protect Tenants (MOPT)

[nyc.gov/tenantprotection](http://nyc.gov/tenantprotection)

### NYC Mayor's Office for People with Disabilities (MOPD)

[nyc.gov/mopd](http://nyc.gov/mopd)

212-NEW YORK or 711

(Relay Service for Deaf/Hard of Hearing).

### NYC Commission on Human Rights (CCHR)

[nyc.gov/cchr](http://nyc.gov/cchr)

### NYC Office of the Public Advocate

212-669-7250

<https://pubadvocate.nyc.gov/>

### NYS Attorney General

1-800-771-7755.

### NYS Division of Homes and Community Renewal (HCR)

1-866-275-3427

[rentinfo@nyshcr.org](mailto:rentinfo@nyshcr.org)

<http://www.nyshcr.org/Forms/Rent/>

## D. HPD Customer Services Center

### CODE ENFORCEMENT

#### MANHATTAN

94 Old Broadway, 7th Floor, New York, NY 10027  
212-863-5030

#### BRONX

1932 Arthur Avenue, 3rd Floor, Bronx, NY 10457  
212-863-7050

#### BROOKLYN

345 Adams Street, Brooklyn, NY 11201  
212-863-8060

701 Euclid Avenue, Brooklyn, NY 11208  
212-863-6620

#### STATEN ISLAND

10 Richmond Terrace, Staten Island, NY 10301  
212-863-8100

#### QUEENS

120-55 Queens Boulevard, Kew Gardens, NY 11424  
212-863-5990

#### LEAD-BASED PAINT

212-863-5501

### NEIGHBORHOOD PRESERVATION

#### Bronx and Manhattan

1932 Arthur Avenue, 3rd Floor, Bronx, NY 10457  
212-863-7100

#### Brooklyn, Queens & Staten Island

345 Adams Street, 10th floor, Brooklyn, NY 11201  
212-863-7400

*Please contact your local borough office for hours of operation.*

### TimeTap



TimeTap is an online appointment scheduling software that enables owners/tenants to book an appointment to speak with the selected Code Enforcement representative about Housing complaints and violations. Appointments are conducted either by telephone or virtually via Microsoft Teams. For more information and to schedule an appointment on TimeTap, please visit [nyc.gov/hpd](http://nyc.gov/hpd). You will receive an email confirmation once an appointment has been scheduled.







Department of  
Housing Preservation  
& Development

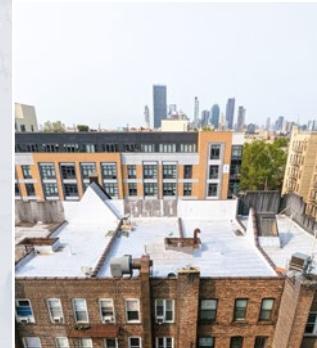
# ABCs OF HOUSING



**OWNERS' GUIDE**  
[www.nyc.gov/hpd](http://www.nyc.gov/hpd)

January  
**2024**

The photographs on this year's covers of the ABCs of Housing are winners of the Department of Housing Preservation and Development's 2023 Employee Photo Contest. Always with an eye out for their fellow New Yorkers, we thank our winners and all HPD staff for their dedication and hard work on behalf of our beautiful city.



### Bronx

Marc George  
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# Owners' Rights and Responsibilities

Owners and tenants have legal responsibilities to each other. The New York City Department of Housing Preservation and Development (HPD) is one of many City and State agencies that enforce those responsibilities. Owners are responsible for compliance with multiple laws and regulations related to building conditions, repairs and tenants rights. Repairs must be made safely and timely. Owners should be proactive in maintaining their buildings and have several legal obligations to be proactive on particularly dangerous conditions like

lead-based paint, window guards, self-closing doors and mold. Owners are responsible for filing certain documents with HPD and posting notices to tenants with information about owner obligations, safety information and tenants rights. This document will provide an overview of information and links to greater detail about many of these issues. More information can be found at [www.nyc.gov/hpd](http://www.nyc.gov/hpd) under the following links: Services and Information – topics Code Enforcement, Housing Quality/Safety and Property Management.

Owners must ensure that common areas and individual apartments in their buildings are safe and well maintained in compliance with the Housing Maintenance Code (HMC) and Multiple Dwelling Law (MDL). Among other responsibilities, owners must:

- Provide and maintain security measures, heat, hot and cold water, and good lighting.
- Address leaks, mold, and pest issues immediately and conduct annual inspections for these conditions.
- Provide smoke detectors, carbon monoxide detectors, and ensure appropriate fire egress.
- Protect children by complying with regulations regarding lead-based paint, stove knob covers, and window guards and distribute annual notices regarding these issues.
- Post a notice about the availability of the **ABCs of Housing** in the common area of their building. Please visit [nyc.gov/hpd](http://nyc.gov/hpd) for a sample of the notice that must be posted.
- Post appropriate signage at the building, file appropriate documents with HPD, and provide appropriate notices to tenants.
- Rent only legal residential space for living, as defined by a property's Certificate of Occupancy.
- Maintain records about compliance with lead-based paint, mold and self-closing door regulations.



# Required Registrations

## HPD Annual Property Registration

Owners of residential properties with three or more residential units, and for 1–2 family homes if neither the owner nor the owner's immediate family reside at the property, must register the units annually with HPD at: [nyc.gov/propertyregistration](http://nyc.gov/propertyregistration). Registration information is used to contact property owners about complaints received by HPD and violations issued by HPD. This information may also be used by other city agencies should emergencies occur at a property. For more details about how to register, property owners should go to [www.nyc.gov/hpd](http://www.nyc.gov/hpd) and search Property Registration. Property owners are strongly encouraged to provide email contact information to ensure the quickest and most direct communication from the agency.

Failure to register annually means that as a property owner, you cannot:

- Certify the correction of HPD violations or file for the dismissal of violations.
- File any actions against tenants in Housing Court, including eviction proceedings.

## Homes and Community Renewal Rent Registration

If the building is rent-stabilized, the owner must register rents annually with NYS Homes and Community Renewal (HCR) at [nyshcr.org](http://nyshcr.org).

## I. Housing Maintenance Code and Multiple Dwelling Law Requirements

### Fire Safety

#### A. Self-Closing Doors

Self-closing doors in apartments and in public hallways are a critical component of fire safety because they are designed to close and trap the fire and smoke and prevent the fire and smoke from spreading throughout the building. Self-closing doors are equipped with a device that will ensure the door, when opened and released, returns to the closed position and self-latches shut.

HPD does not wait for complaints to inspect for self-closing doors; inspectors check the self-closing door mechanism of every apartment that they inspect, and confirm self-closing doors in common areas are working.

HPD is required by law to attempt to reinspect the correction of all self-closing door violations.

#### B. Fire Escapes and Sprinkler Systems

Fires escapes and sprinkler systems must be maintained in proper working order.

#### C. Gas Powered Stoves: Stove Knob Covers

Owners of a tenant-occupied multiple dwelling must provide stove knob covers or permanent stove knob covers with integrated locking mechanisms for gas powered stoves where the owner knows or reasonably should know that a child under six years of age resides. Owners must also provide either device in a unit without a child under six years of age if the tenant requests them. Households can forgo stove knob covers through written refusal to the owner. Property owners are required to provide either device unless there is no available device that is compatible with knobs on the stove. In addition, the owner is required to provide tenants with an annual notice that outlines the owner's obligation as highlighted in the law.

## D. Smoke Detectors

Owners must install smoke detectors in each apartment. Tenants are responsible for maintaining the devices. Owners may charge a legally prescribed fee if they have to replace a device that was lost or not properly maintained.



## Healthy Homes

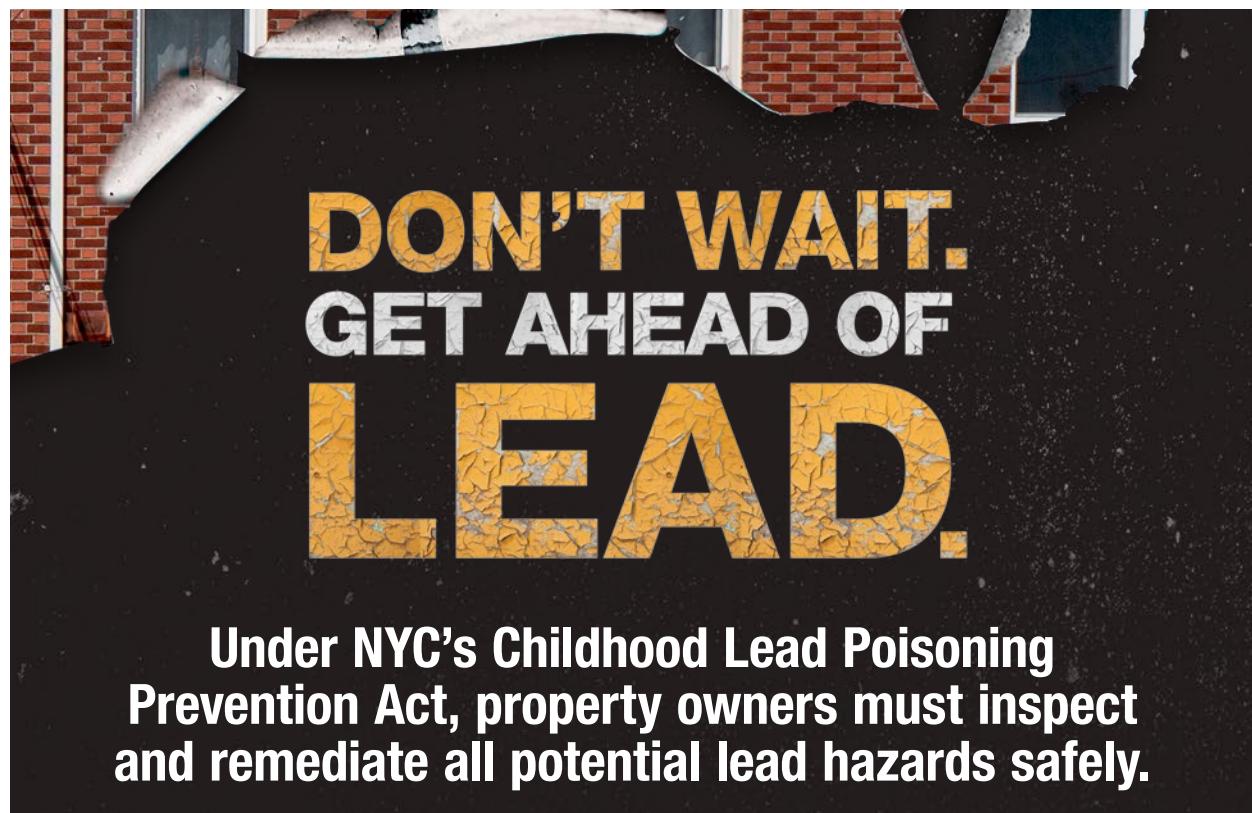
### A. Lead-Based Paint

#### Hazards

Lead is a harmful metal often found in old paint that can be poisonous to young children if it creates dust or paint chips. Young children can swallow the lead paint dust and chips from window sills and floors. Lead causes behavioral and learning problems in young children. Buildings built prior to 1960 may still contain lead-based paint. Property owners of these buildings are responsible for keeping tenants safe from lead-based paint hazards, both after the hazards occur and proactively. Property owners must identify and remediate lead-based paint hazards in the apartments and the common areas of those buildings where there are young children, using trained and appropriately certified workers and safe work practices.

**Lead-based paint hazards are presumed to exist if:**

- The building was built before 1960 and,
- The building has three or more apartments, or the building has a rented unit in a one- or two-family home and,
- A child under the age of six lives in the apartment or routinely spends 10 or more hours per week there.



## Proactive Requirements

- Owners must ask tenants in writing, at the time of the lease and annually using an annual notice form, whether a child under the age of six lives in the apartment or routinely spends 10 or more hours per week there. Both forms are available on the HPD website.
- If so, owners must visually inspect the apartments and common areas for lead-based paint hazards at least once a year. The results of the visual inspection must be provided to the tenant.
- If the visual inspection finds any deteriorated or peeling paint, the owner must use appropriately certified contractors to address those hazards and, after the hazards are remediated, use a separate independent, certified contractor to ensure the location where the remediation occurred is free of lead dust that may have been created from the work, a process known as “clearance.” This requirement to use certified contractors as described applies any time paint is disturbed in a dwelling covered by Local Law 1 as outlined above, not just when performing remediation in response to the annual visual inspection.
- Turnover: Additionally, when a dwelling unit changes tenants, owners are required under Local Law 1 to complete certain lead-based paint activities focused on making the unit safe for a new tenant and before the new tenant takes occupancy (regardless of whether the new tenant has a child at the time of initial occupancy). This is referred to as “turnover.” All the work must be done using appropriately certified contractors as described above. More details about the work required at turnover, including a Frequently Answered Questions document, is available on the HPD website.
- XRF Testing: Effective August 2020 with compliance required in full by August 9, 2025, all rental units must be tested by an Environmental Protection Agency (EPA) certified inspector or risk assessor using an X-ray Florescence analyzer, which tests the lead content of all of the paint in the apartment. If a child under six comes to live in an apartment or routinely spends 10 or more hours per week there, the testing must be done within one year of that occurring or by the August 9, 2025 deadline or whichever is sooner. The results of the XRF testing must be provided to the tenants. HPD may audit lead-based paint records for the apartment and failure to have these records may result in a violation.

## Exemptions

Property owners of buildings built prior to 1960, where Local Law 1 presumes there is lead-based paint, can hire a certified contractor to conduct testing to determine whether there is lead-based paint in their buildings and work proactively to reduce the liability associated with lead-based paint. Additionally, as noted above, owners are required to test rental units by August 2025, so it would benefit owners to know the requirements of applying for Exemption. If an owner can show that there is no lead-based paint in the apartment or perform abatement where lead-based paint is found using the appropriate methods and certified workers, the owner may apply for an Exemption from HPD. If the Exemption is granted, then the lease and annual requirement for obtaining information from the tenant, the visual inspection, and the requirement to use certified contractors for work disturbing paint do not apply. The Application for Exemption is available at [www.nyc.gov/hpd](http://www.nyc.gov/hpd).

## Work on Any Painted Surface In a Building Built Prior to 1960 Requires Compliance with Regulations

Owners should be aware of the following enforcement to Local Law 1.

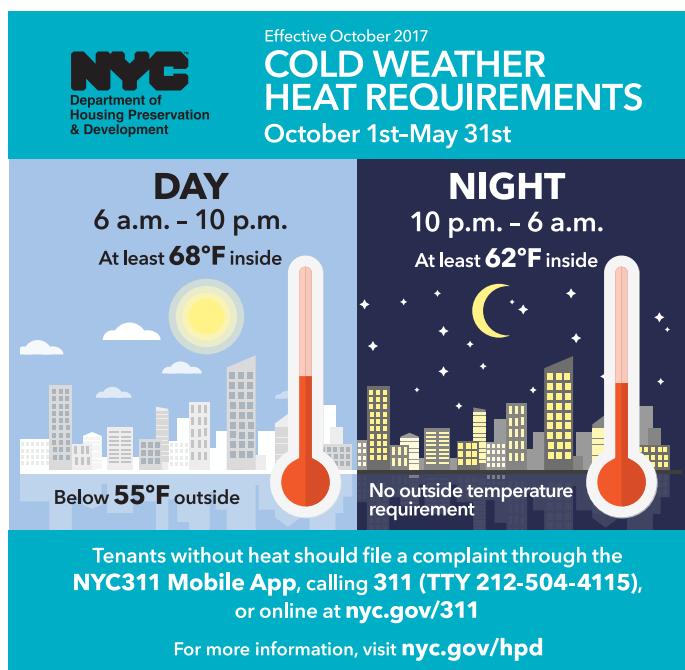
1. Lead-based paint violations must be repaired by trained and appropriately certified workers using safe work practices, within the timeframes specified by law and HPD rules. Clearance tests are also required to confirm that no lead dust remains after construction work is completed and must be performed every time work is done in a building that Local Law 1 covers.
2. There are a number of record-keeping requirements related to lead-based paint, and HPD audits hundreds of properties each year. There are significant civil penalties that can be imposed for the failure to keep all of these documents for 10 years.
3. HPD has expanded its enforcement of the turnover requirements during agency investigations for lead-based hazards. When issued a violation specific to the turnover requirements, the violation applies to all the window and door friction surfaces in the apartment.

### Resources for Owners About Lead-Based Paint

- For information on free training on lead-safe home repair, please call the Department of Health and Mental Hygiene (DOHMH) at 212-226-5323.
- See the section in the ABCs on loans and grants available for owners, some of which specifically address lead-based paint.
- For sample forms and information visit HPD's [nyc.gov/lead-based-paint](https://nyc.gov/lead-based-paint).
- You do not need to hire a professional to conduct your annual visual investigation. However, HPD highly recommends that whoever conducts this investigation take the online visual assessment training offered by the federal Department of Housing and Urban Development at <https://apps.hud.gov/offices/lead/training/visualassessment/h00101.htm>.
- HPD has a series of lead-based paint webinars on all of the above topics available at <https://www.nyc.gov/site/hpd/services-and-information/lead-based-paint.page>.

## B. Heat and Hot Water

Building owners are required to provide tenants with heat between October 1st and May 31st under the following conditions:



The graphic is titled 'COLD WEATHER HEAT REQUIREMENTS' and is effective from October 1st to May 31st, 2017. It features two side-by-side thermometers. The left side, labeled 'DAY' and '6 a.m. - 10 p.m.', shows a sun and a city skyline, stating 'At least 68°F inside' and 'Below 55°F outside'. The right side, labeled 'NIGHT' and '10 p.m. - 6 a.m.', shows a moon and stars, stating 'At least 62°F inside' and 'No outside temperature requirement'. A note at the bottom encourages tenants without heat to file a complaint through the NYC311 Mobile App, calling 311 (TTY 212-504-4115), or online at [nyc.gov/311](http://nyc.gov/311). For more information, visit [nyc.gov/hpd](http://nyc.gov/hpd).

- When the outside temperature is below 55 degrees Fahrenheit between the hours of 6am and 10pm, building owners must heat apartments to at least 68 degrees Fahrenheit.
- Between the hours of 10pm and 6am, regardless of the outside temperature, building owners must heat apartments to at least 62 degrees.

Building owners also must ensure that tenants have hot water 24 hours a day, 365 days a year, at a minimum constant temperature of 120 degrees Fahrenheit.

## C. Mold

Water leaks must be addressed promptly to prevent or stop the growth of mold. Mold remediation also requires that licensed contractors be used when violations are issued in buildings with 10 or more units when there is over 10 square feet of mold. If mold remediation work is conducted without professional assessor and remediaters when required by law, there may be additional penalties assessed by the Department of Environmental Protection (DEP). Where licensed contractors are not required, specific work practices must be used. Read the Notice of Violation carefully.



### Owners of multiple dwellings are required to:

- Annually inspect units for mold and respond to any complaints received directly from tenants or HPD. Make sure vacant apartments are thoroughly cleaned of mold before a new tenant moves in.
- Provide the [What Tenants and Landlords Should Know About Indoor Allergens and Local Law 55 fact sheet](#) and a Notice with each tenant's lease that clearly states the property owner's responsibilities to keep the building free of indoor allergens. This document is available at both [nyc.gov/hpd](http://nyc.gov/hpd) and [nyc.gov/doh](http://nyc.gov/doh).

## D. Window Guards or Window Devices

Each year, young children are injured or die as a result of falls from unguarded windows. These are preventable deaths and injuries.



### Owners of multiple dwellings are required to:

- Provide an [annual notice](#) regarding window guards or appropriate limiting devices.
- Properly install approved window guards or approved limiting devices on all windows in all apartments where a child 10 years of age or younger resides and windows in each common area on any floor.
- Install window guards or approved limiting devices for any tenants that request window guards in writing. For example, occupants who have visiting grandchildren, parents who share custody, and occupants who provide childcare may wish to request window guards.

## E. Pests

Roaches, mice, and rats can be hazards to individuals with respiratory conditions, such as asthma. The first step to eliminating pests is by cutting off their food and water supply. Cockroaches and mice are best controlled by sealing up holes and cracks, cleaning up droppings, and using safe pesticides. Building owners should work with their pest control contractor to identify pest infestations and ways to keep pests out. Owners can pest-proof their buildings by fixing leaks and containing garbage. Although bedbugs do not pose the same physical hazards, bedbug infestations can spread among apartments when bedbugs crawl through small crevices or cracks in walls and floors. Early detection of bedbugs is the key to preventing a severe infestation. To learn more about pest control, see DOHMH Controlling Pests Safely at [www.nyc.gov/doh](http://www.nyc.gov/doh).

New York State law requires that owners hire only pest control professionals licensed by the NY State Department of Environmental Conservation (DEC) to treat apartments for pests. The pest control professional should perform an inspection to confirm the presence of pests, locate and eliminate hiding places, treat the apartment with cleanings or pesticides and make follow-up visits to ensure that the pests are gone.

Property owners must report information about bedbug occurrences in their buildings each year in December. Individual or joint owners can submit this information using the paper form provided at [www.hpd.nyc.gov](http://www.hpd.nyc.gov). All other owners must submit this information electronically at <https://hpdcrmportal.dynamics365portals.us/bedbugs/>.

## F. Carbon Monoxide Detectors

Owners are required to provide and install at least one approved carbon monoxide (CO) detector in each dwelling unit and provide written information about how to test and maintain them to the tenant. The detector must have an audible end-of-useful-life alarm. A CO detector must be installed within 15 feet of the primary entrance to each sleeping room.

Tenants are responsible for maintaining the devices. Owners may charge a legally prescribed fee if they have to replace a device that was lost or not properly maintained.

## G. Emergency Planning and Evacuations for Residential Building Owners/Managers

- **The New York City Fire Code requires that all owners of apartment buildings prepare and distribute a fire and non-fire emergency preparedness guide and post certain notices.** The guides provide detailed information to residents and reference websites that contain additional information and can be found at <https://www1.nyc.gov/assets/fdny/downloads/pdf/codes/nyc-apartment-building-emergency-guide.pdf>. The bulletin can be found here: <https://www.nyc.gov/assets/fdny/downloads/pdf/codes/2020-2021-fep-annual-bulletin.pdf>. The Close the Door notices should be posted at the time the bulletins are sent out. Close the Door notices can be found here: <https://www1.nyc.gov/assets/fdny/downloads/pdf/codes/close-the-door.pdf>.
- **Residents with disabilities or with access and functional needs should advise building owners about any policy consideration they may need in an emergency situation.**
- **Clear communication between owners and occupants will enhance the safety of all building residents and staff during an emergency.**
- **Building owners/managers and/or building staff should monitor emergency notification systems** operated by the New York City Department of Emergency Management, the New York City Police Department, and/or private notification systems to stay informed about emergencies that may affect their building(s). This will allow building owners an opportunity to take whatever actions may be appropriate to protect their residents and safeguard their property. To sign up to receive citywide updates on emergencies from NYC Emergency Management, call 311 or visit [www.nyc.gov/notifynyc](http://www.nyc.gov/notifynyc).
- **Building owners/managers should review the Fire Department's NYC Apartment Building Emergency Preparedness Guide (and other public and private resources) and consider how their building staff should respond to each type of emergency addressed in the guide.** Written protocols can assist to remind on-premises staff of what actions or notifications to take in the event of an emergency, including appropriate communications to 911, owners/managers, and building residents. Building staff should be trained to facilitate the response of EMS and other first responders to a medical emergency in the building, (such as recalling or holding an elevator, advising first responders, and escorting the first responders to building residents needing assistance). Building owners/managers are encouraged to check on building residents who have identified themselves in advance as requiring assistance, before and after an emergency event, to see if they need assistance.

- Building owners/managers should provide emergency preparedness information on the same schedule as the fire and emergency preparedness guide required by the Fire Department, including at the time of lease signing. Periodically conducting emergency preparedness training in the building(s) is also recommended. Planning materials are available at <http://www1.nyc.gov/site/em/ready/guides-resources.page> and hard copies are available free of charge.

For more information on emergency planning for building owners from HPD, visit: <https://www1.nyc.gov/site/hpd/services-and-information/disaster-response.page> and <https://www1.nyc.gov/site/hpd/services-and-information/emergency-preparedness.page>.

## H. Important Notices, Postings and Filings

Property owners need to be aware of the following notice, posting and filing requirements related to Housing Maintenance Code requirements. Samples of most notices and signage can be found at [nyc.gov/hpd](http://nyc.gov/hpd).

### Required Filings

- Property Registration
- Bedbug Annual Filing

### Required Notices to Provide to Tenants

- Lease/Commencement of Occupancy Notice for prevention of lead-based paint hazards
- Annual Notice: Protect Your Child from Lead Poisoning and Window Falls (buildings built before 1960)
- Annual Notice: Protect Your Child from Lead Poisoning and Window Falls (buildings built in or after 1960)
- Carbon Monoxide Detector Installation Notice
- Gas Leak Notice
- Building Information Sheet
- Bedbug Annual Filing Receipt
- Lease/Commencement of Occupancy Notice for Indoor Allergen Hazards
- Annual Notice Regarding Installation of Stove Knob Covers

### Signage Requirements

- Housing Information Guide notice
- Gas Leak Notice
- Fire Safety Notice (FDNY Requirement)
- “Shut the Door” sign (FDNY Requirement)
- Certificate of inspection visits in frame
- Sign for garbage collection
- Name and location of person with keys to boiler room
- Floor sign
- Street number on dwelling
- Janitor name/address
- Smoke Detecting Devices Notice
- Carbon Monoxide Detecting Device Notice
- Maximum occupancy in rooms
- Notice of Interruption of Services (as necessary)
- Safe Construction Bill of Rights (as necessary)
- Disaster Response Signage (as necessary)
- Bedbug Annual Filing Receipt
- Property Registration Number Signage

## II. Complaints, Violations and Enhanced Enforcement

### A. HPD Complaint Process

Tenants may file a complaint with HPD by calling 311, using TTY 212-504-4115, or by using 311 online. If you are properly registered, HPD will reach out to your agent or to you (if no agent) immediately via phone and/or email (if you have provided an email address on your registration). For more information about the Complaint process, see the tenant's *Section of the ABCs*.

### B. Violations

You can see all the open violations on a building on HPD's website through **HPDONLINE**

HPD inspects for the conditions listed below on every inspection and will issue violations where warranted. Some of these violations will result in HPD conducting emergency repairs if you do not correct the condition in a timely manner. All such work is charged to the building where it occurs. The city is subject to laws governing procurement, contracting, and wages that may make such work significantly more expensive than the price the owner could obtain. The city will bill the property through the NYC Department of Finance (DOF) for the cost of the emergency repair plus related fees and/or for the cost of sending a contractor to attempt to make repairs. If the owner fails to pay, the city will file a tax lien against the property. The tax lien will bear interest. <https://www.nyc.gov/site/hpd/services-and-information/emergency-repair-program-erp.page>.

Condition	Time to Correct
Lead-based paint hazard	<b>21 days</b>
Missing/defective Window guard	<b>21 days</b>
Missing/defective Smoke detector	<b>30 days</b>
Missing/defective Carbon monoxide detector	<b>30 days</b>
Double cylinder Lock	<b>24 hours</b>
Illegal window gate	<b>24 hours</b>
Presence of Mold (greater than 100 sq feet in buildings with 10 or more units)	<b>21 days</b>
Presence of Mice, roaches or rats	<b>21 days</b>
Missing/defective Self-closing doors	<b>14 days</b>

For all violations that HPD issues, the time the owner is given to correct them before civil penalties may be imposed depends on the violation severity. You can see all the open violations on a building on HPD's website through **HPDONLINE**. HPD will mail a Notice of Violation to the business address of the managing agent registered with HPD (or to owner directly if there is no managing agent). If the owner has supplied an email with their Property Registration, HPD will also email information about the violations. Heat and hot water violations are posted at the building at the time of the inspection.

The Housing Maintenance Code has three classes of code violations: A, B, and C.

Violation Class	Type	Time owner has to correct from notice before civil penalties begin to accrue	Civil Penalty*
<b>Class A</b>	Non-Hazardous	<b>90 Days</b>	<ul style="list-style-type: none"> <li>Failure to post a notice regarding the housing information guide: \$250 each</li> </ul>
<b>Class B</b>	Hazardous	<b>30 Days</b>	<ul style="list-style-type: none"> <li>\$25-\$100 each, plus \$10 per violation per day</li> </ul>
<b>Class C: Lead-Based Paint</b>	Immediately Hazardous	<b>21 Days</b>	<ul style="list-style-type: none"> <li>Order 614, 616, or 617: \$250 per day per violation, up to a maximum of \$10,000</li> <li>Order 618: \$1,000 maximum</li> <li>Order 619: \$1,500 maximum per violation</li> <li>Criminal penalty: Misdemeanor punishable by a fine of up to \$500 or imprisonment for up to six months or both</li> <li>Order 620: \$1,000 minimum and \$5,000 maximum per violation</li> </ul>
<b>Class C: (all others) Window Guards, Mold, Mice/ Cockroaches, and Rats</b>	Immediately Hazardous	<b>21 Days</b>	<ul style="list-style-type: none"> <li>Not related to heat, hot water or illegal devices or lead-based paint: <ul style="list-style-type: none"> <li>Buildings with 5 or fewer units: \$50 per violation per day</li> <li>Buildings with more than 5 units: \$50-\$150 per violation plus \$125 per violation per day</li> </ul> </li> </ul>
<b>Class C: Self-Closing Doors</b>	Immediately Hazardous	<b>14 Days</b>	<ul style="list-style-type: none"> <li>Not related to heat, hot water or illegal devices or lead-based paint: <ul style="list-style-type: none"> <li>Buildings with 5 or fewer units: \$50 per violation per day</li> <li>Buildings with more than 5 units: \$50-\$150 per violation plus \$125 per violation per day</li> </ul> </li> </ul>
<b>Class C: Heat and Hot Water Violations</b>	Immediately Hazardous	<b>Immediately</b>	<ul style="list-style-type: none"> <li>\$250-\$500 per day for each violation from and including the date the notice is posted at the building until the date the violation is corrected</li> <li>\$500-\$1,000 per day for each subsequent violation at the same building that occurs within two consecutive calendar years or, in the case of HMC § 27-2029(a) (hot water), during two consecutive periods of October 1st through May 31st (heat)</li> </ul>
<b>Class C: (all others) Window Guards, Mold, Mice/ Cockroaches, and Rats</b>	Immediately Hazardous	<b>24 Hours</b>	<ul style="list-style-type: none"> <li>Not related to heat, hot water or illegal devices or lead-based paint: <ul style="list-style-type: none"> <li>Buildings with 5 or fewer units: \$50 per violation per day</li> <li>Buildings with more than 5 units: \$50-\$150 per violation plus \$125 per violation per day</li> </ul> </li> </ul>

\*Expected civil penalty increases will be in effect December 2023. Property owners can check [www.nyc.gov/hpd](http://www.nyc.gov/hpd) for updates.

Once a violation condition has been corrected, it is the property owner's responsibility to notify HPD that the condition has been corrected through the certification process. Currently registered Owners/Agents can certify violations as corrected through eCertification or by completing the violation documents mailed to the owner/agent. eCertification is an online application which allows property owners and managing agents to certify violations online. For more information on eCertification visit [www.nyc.gov/hpd](http://www.nyc.gov/hpd).

Once an owner certifies the correction of the condition, HPD has 70 days to attempt to reinspect the condition to confirm if the condition has been corrected. (HPD must attempt to reinspect lead-based paint certifications and self-closing door certifications.) If HPD identifies that the condition was not corrected, the owner is subject to penalties and the violation remains open. If HPD confirms that the condition was corrected, the violation may be immediately closed. If HPD is unable to confirm correction, the violation will be closed based on the owner's certification (except for lead-based paint, which is required by law to be observed by HPD) after 70 days.

Failure to correct violations may result in civil penalties imposed by the Housing Court. For more information on civil penalties and inspection fees, go to [www.nyc.gov/hpd](http://www.nyc.gov/hpd). To view a complete list of all open violations for your building at any time, please visit [www.nyc.gov/hpd](http://www.nyc.gov/hpd) and click on Find Building Data. If you do not have access to a computer, you may request a Violation Summary by calling us at 212-863-6300.

## **C. Enhanced Enforcement Programs**

Buildings which fail to address building conditions timely and/or which allow HPD violations to accumulate without valid certifications of those corrections risk being selected for an HPD enhanced enforcement program. These programs may result in emergency repair charges being billed to the property, fees being assessed and billed to the property, relocation liens being billed to the property and the imposition of civil penalties. Any emergency repair charges and fees are billed through the Department of Finance and may result in interest, tax liens and additional collection actions. The most serious penalty would be the appointment of an administrator, who is designated by the court to have day to day control of the property.

### **Alternative Enforcement Program**

The Alternative Enforcement Program (AEP) identifies 250 distressed multiple dwellings each year, including the imposition of fees, the issuance of Orders to Correct, and the authority to replace building systems if the owner fails to act. Both property owners and tenants will be notified if their building is selected for AEP. <https://www.nyc.gov/site/hpd/services-and-information/alternative-enforcement-program-aep.page>

### **Underlying Conditions**

The Underlying Conditions Program allows HPD to issue an administrative order to residential building owners to correct underlying conditions that have caused, or are causing, leaks and mold conditions. HPD selects 50–100 buildings for participation in the program each year based on the number of apartments affected by mold and leaks, and the number and severity of the violations. Property owners are required to have a professional investigate the cause of leak or mold conditions affecting multiple apartments in a building, and to address the conditions and related violations within four months. <https://www.nyc.gov/site/hpd/services-and-information/underlying-conditions-program-ll6.page>



### **Heat Sensors Program**

Under the Heat Sensors Program, HPD selects 50 buildings with a history of heat violations and requires owners of those buildings to install internet capable heat sensors in each dwelling unit to constantly take the temperature. HPD will conduct inspections during the heat season, without receipt of complaint, for compliance with the heat sensor installation requirements and the requirements for providing heat and hot water. <https://www.nyc.gov/site/hpd/services-and-information/heat-sensors-program.page>

### **7A Program**

Through the 7A Program, administrators are appointed by the Court (pursuant to New York State Law) to operate privately owned buildings that have conditions that are dangerous to the tenants' life, health and safety. The administrators act under Court Order to collect rents and use the money to provide essential services to the tenants and make necessary repairs. In some 7A buildings, HPD offers a limited amount of 7A Financial Assistance (7AFA) to repair or replace major systems or make other repairs. HPD monitors the activities of 7A Administrators and administers the 7AFA loan program. <https://www.nyc.gov/site/hpd/services-and-information/7a-program.page>

### **Certificate Of No Harassment Program**

The Certificate of No Harassment (CoNH) program is designed to reduce tenant harassment by requiring owners of buildings in this program to apply for a Certification from HPD before they can obtain permits for certain types of work from the Department of Buildings (DOB). A Certification is only granted after HPD investigates the recent history of the building for evidence of harassment against tenants. Owners of buildings in this program must obtain a CoNH prior to the approval of certain permits from the DOB involving demolition or the change in use or occupancy. In cases where tenants are found to have been harassed, the owner cannot obtain a Certificate. Buildings may be subject to this program if they are 1) single room occupancy buildings 2) buildings in special planning districts or 3) buildings that are selected as part of the Pilot Program. <https://www.nyc.gov/site/hpd/services-and-information/certification-of-no-harassment-conh.page>

### **Anti-Harassment Unit**

The Anti-Harassment Unit (AHU) analyzes data to identify buildings and portfolios where harassment may be occurring; initiates litigation seeking correction of tenant-harassing conditions (as defined by law); partners closely with the DOB and other agencies to address issues in buildings where lack of maintenance is being used as harassment; and connects tenants with legal service resources. AHU performs roof-to-cellar inspections, interviews tenants and brings harassment cases in Housing Court where owners might be withholding essential services or not making repairs. <https://www.nyc.gov/site/hpd/services-and-information/tenant-harassment.page>

### **Self-Closing Doors Proactive Inspection Program**

Beginning in July 2023, HPD will proactively inspect and issue violations when necessary for self-closing doors in common areas. Buildings identified based on data sharing with DOB and FDNY will be inspected, without tenants needing to identify and report problems. <https://www.nyc.gov/site/hpd/services-and-information/self-closing-doors.page>

## **III. Other Important Information for Owners**

### **A. Owner Entry to an Apartment**

The law provides that a tenant must permit the owner, or his or her agent or employee, to enter the tenant's apartment or other space under his or her control to inspect, make repairs, or make improvements as required by the HMC or other laws. The owner must notify the tenant in advance, in writing, of the day and time he or she wishes to access the apartment. The appointment must be between 9am and 5pm during the week, unless otherwise agreed to by the tenant or unless there is an emergency that must be addressed immediately. When repairs are urgently needed to prevent damage to property or to prevent injury to persons, such as repairs of leaking gas piping or appliances, leaking water piping, stopped-up or defective drains or leaking roofs, or broken and dangerous ceiling conditions, no advance notice is required from the owner, agent, contractor, or workman. Any contractor or agent of the owner must be able to show the tenant that he has been authorized by the owner to enter and do the work.

### **B. Eviction**

Property owners cannot lock tenants out or harass tenants to leave an apartment. Owners can bring eviction proceedings if tenants do not meet their responsibilities. Property owners should seek legal counsel when considering an eviction action.

### **C. Harassment**

Harassment by an owner to force tenants out of their apartments, or to surrender their rights, is illegal. The term harassment includes among other things: unjustified eviction notices, illegal lockouts, threats, and intimidation tactics, overcharging rent, failing to provide repairs or utilities, and deliberately causing construction related problems for tenants.

### **D. Buyouts**

There are a series of laws in New York which create guidelines for offering a buyout, which if not followed can result in a tenant filing legal action against an owner in Housing Court. Property owners should consult these laws or legal counsel before seeking to buyout any tenants. Tenants have access to legal services and city services at multiple agencies to protect them from harassment.

Under Local Law 102 of 2019 ("Buyout Agreement Law"), owners who enter into a buyout agreement with a lawful occupant of their building must inform HPD about the terms of the buyout agreement via email at [buyoutagreement@hpd.nyc.gov](mailto:buyoutagreement@hpd.nyc.gov). Please visit HPD's Buyout Agreement Law page for more information.

## **E. Tenant Data Privacy Law**

Under Local Law 63 of 2021, property owners of multiple dwellings that utilize smart access (keyless) systems, including but not limited to key fobs, electronic or computerized technology, radio frequency identification card, mobile phone application, biometric identifiers, or any other digital technology in order to grant entry to a class A multiple dwelling, common areas in such multiple dwelling, or to an individual dwelling unit, must provide tenants with a data retention and privacy policy. The smart access system must have robust security and safeguards to protect the security and data of tenants and their guests. There are significant restrictions to the use of the data captured by these systems and owners should consult the law or legal counsel when planning to implement such a system. For more information, please visit <https://www.nyc.gov/site/hpd/services-and-information/tenant-data-privacy-law.page>

### **The Tenant Data Privacy also:**

- Provides for a private right of action for unlawful sale of data collected through the smart access system.
- Limits retention of reference data and information and use of information regarding tenants' use of utilities and internet service.
- Prohibits misuse of the smart access system to track frequency and time of use of the system in order to harass or evict a tenant, to track the relationship status of a tenant and their guests, to collect reference data from a person who is not a tenant, and to share any data collected regarding a minor, without parental permission.

## **F. Construction**

When engaging in construction and renovation in a residential building, property owners have legal obligations to ensure that:

- Proper applications are filed and permits obtained from the Department of Buildings (DOB).
- The required means of egress, existing structural elements, and fire protection devices are maintained at all times during construction operations.
- Tenants receive proper notice.
- In buildings built prior to 1978, federal law requires that proper safe work practices are used whenever painted surfaces not already known to be free of lead-based paint are disturbed. NYC City's Local Law 1 of 2004 layers in additional safe work practice requirements if a child under 6 years old routinely spends 10 or more hours a week in a dwelling unit of the building built prior to 1960 or where the owner of building built between 1960 and 1978 knows there is lead-based paint in the building.

### **Filing applications and permits**

Owners with questions about whether a particular type of work requires a DOB permit should consult DOB's website at [www.nyc.gov/dob](https://www.nyc.gov/dob), or consult with a New York State licensed professional engineer ("PE") or registered architect ("RA"). Owners and their contractors are also encouraged to familiarize themselves with DOB's online application portal, DOB NOW, at DOB NOW Public Portal (<https://www.nyc.gov/site/buildings/industry/dob-now-public-portal.page>). **If fire protection and/or safety system will be compromised during planned asbestos abatement, the owner must file a Workplace Safety Plan with DEP and obtain an A-TRU permit (Asbestos Technical Review Unit) jointly operated by the Department of Environmental Protection (DEP) and DOB.**

## Fire Safety During Construction

Owners must ensure that required means of egress, existing structural elements, and fire protection devices are maintained at all times during construction operations. When plans are filed and permits issued, contractors should be aware of these requirements. This means that during construction:

- Required means of egress shall not be obstructed or compromised in any way, including by construction debris, new materials or work equipment.
- Fire rated material that protects adjoining occupied apartment(s) cannot be removed without replacement during non-work hours. The 2022 Building Code §601.1 through 603.1.3 defines the requirements of fire rated materials for the different types of residential structures.
- Fire Protection Systems (ex. Standpipes, sprinkler systems, alarms, etc.) cannot be removed or compromised, except in accordance with the requirements of the New York City Fire Code.

DOB and HPD may issue violations for failures to ensure fire safety during construction. If egress is compromised, fire rated material is missing or fire protection systems are not functioning properly and tenants are left at risk, in addition to the issuance of the violations, the agencies may order the owner to provide a fire guard (a person holding a certificate of fitness for such purpose, who is trained in and responsible for maintaining a fire watch) unless the condition can be remedied immediately. Violations can range from **\$500–\$10000 and fire guards generally cost about \$750–\$1250 for each 24-hour period required.**

**For a copy of the Tenant Protection Plan Notice, please visit the Department of Buildings at [www.nyc.gov/site/buildings/tenant-tenant-protection-plan.page](http://www.nyc.gov/site/buildings/tenant-tenant-protection-plan.page)**

### Notices

Notices to tenants must be provided if **essential services** are being taken out of service for more than two hours. Property owners of a multiple dwelling are required to distribute and post a **Safe Construction Bill of Rights** when they apply for a permit for work that is not considered minor alterations or ordinary repairs. The owner must also distribute a **tenant protection plan notice** meeting the requirements of section 120.1.3 of the New York City Administrative Code regarding the tenant protection plan to each occupied dwelling unit and post such notice. The notice shall remain posted until the completion of the described permitted work. The notice shall be posted in English and also made available in Spanish, Arabic, Haitian Creole, Chinese, Korean, and Russian, as necessary.

### Safe Work Practice

Contractors are required to affirm their compliance with safe work practices on all permit applications wherever work disturbs painted surfaces of positive or unknown lead-content in buildings built prior to 1978. The work must comply with §27-2056.11 of the Administrative Code and, where applicable, subpart E or subpart L of part 745 of title 40 of the code

of federal regulations. Where applicable, the firm performing the work also has to file with the DOHMH a Notice of Commencement required by §27-2056.11(a)(2). Complaints about construction work disturbing painted surfaces and created dust may be inspected by the DOB or DOHMH and may result in fines of up to \$2,000.

### Gas Restoration

Note that gas restoration should always be completed by a licensed plumber. For information on the steps to restoration, property owners can visit [nyc.gov/hpd](http://nyc.gov/hpd) and search Gas.



## IV. Resources for Owners

### A. Division of Neighborhood Preservation

HPD's Division of Neighborhood Preservation (DNP) understands the challenges of managing and maintaining residential property. Every building has its own financial, physical, and management challenges, and property is one of the biggest investments that a small property owner will ever make. DNP offers short- and long-term one-on-one counseling tailored to a building's specific needs. DNP can help a property owner to:

- Understand the requirements in the HMC MDL for properly maintaining property so that the property will provide safe housing for all tenants. Technical staff knowledgeable about HMC requirements can walk through the property to provide guidance on addressing building conditions according to the HMC before violations are issued.
- Navigate the processes related to violation removal.
- Become aware of the numerous loans, grants, and tax abatements or exemptions that can help maintain the property, especially when a property has significant physical or financial needs. This will be based on the specific type of building and the physical needs of the property.

### B. Low Interest Loans or Tax Exemptions

HPD's Office of Development administers multiple financing programs that provide low interest loans and/or property tax exemptions to facilitate the physical and financial sustainability and affordability of privately-owned multi-family and owner-occupied buildings. Programs are available for buildings of all sizes and with various needs. For information about financial assistance for owners, visit [nyc.gov/letsinvest](http://nyc.gov/letsinvest).

### C. Foreclosure

The Center for New York City Neighborhoods (CNYCN) provides referrals to legal services, housing counseling, and consumer education to New York City residents in danger of foreclosure. For more information, please go to <https://cnycn.org>, or call 311 or 646-786-0888.

### D. Homeowner Help Desk

Building upon the success of the pilot program, HPD and the Center for NYC Neighborhoods (CNYCN) will launch an expanded Homeowner Help Desk in Winter 2023 to assist homeowners facing displacement citywide. Helping communities build and maintain wealth through homeownership is one of the core goals outlined in Mayor Eric Adams' Housing Blueprint and this expansion is funded by the City to help achieve this goal, especially for homeowners of color.

In addition to continuing to connect struggling homeowners with housing counseling, financial assistance, and legal services, the Help Desk will develop creative outreach strategies to raise awareness about the signs of deed theft and scams. The Homeowner Help Desk is intended to provide one-on-one housing, financial, and legal counseling to homeowners on a variety of topics while helping them navigate and access available resources and services, such as applying for DEP/DOF payment plans and programs like Property Tax and Interest Deferral (PTAID) Program, property tax exemptions/benefits, and home repair loans through programs such as HomeFix. The pilot program also led to the creation of the Homeowner Handbook which is currently available in a variety of languages at <http://homeownerhelpny.org/handbook>. Interested homeowners can learn more by calling CNYCN's hotline at 1-855-HOME-456 or by visiting <https://homeownerhelpny.org/help-desk>.

## **E. Greenhouse Gas Emissions Reporting and Reductions**

New York City's one million buildings account for nearly two-thirds of the city's carbon emissions. The Climate Mobilization Act of 2019 included [Local Law 97 \(LL97\)](#), which sets increasingly stringent caps on greenhouse gas emissions from the city's largest buildings starting in 2024. Most buildings over 25,000 square feet will be subject to LL97, and buildings that exceed their annual emissions limits will face financial penalties. Buildings that include affordable and rent-regulated housing are not exempt, but are treated differently under the law:

To determine if your building is subject to LL97, and if so, which compliance requirement applies see the LL97 Compliance Guidelines for Rent Regulated and Affordable Housing FAQs at <https://www.nyc.gov/assets/hpd/downloads/pdfs/services/ll97-faqs.pdf>.

For more information about the law and what owners must do to comply, please visit: <https://www.nyc.gov/site/sustainablebuildings/ll97/local-law-97.page>.

For regular updates on program changes, please visit NYC Accelerator at [www.accelerator.nyc](https://www.accelerator.nyc) or email: [info@accelerator.nyc.gov](mailto:info@accelerator.nyc.gov).

## **F. Housing Education**

HPD's Owner Engagement and Events (OEE) offers free classes on a variety of topics of interest to both tenants and owners. Topics include, but are not limited to, Homeownership in NYC, Tenants Rights, Department of Buildings Introduction, and more. For a full catalogue of offerings, and to learn about upcoming events, please visit <https://www.nyc.gov/site/hpd/services-and-information/housing-info-classes.page>, or call 212-863-8830. Recorded versions of HPD's Lead-Based Paint Management Webinars can be viewed online: go to [www.nyc.gov/lead-based-paint](https://www.nyc.gov/lead-based-paint), scroll to Owner Responsibilities, and then click on webinars. To view a recorded webinar of Indoor Allergens (Mold and Pests), go to: <https://www.nyc.gov/site/hpd/services-and-information/indoorallergen-hazards-mold-and-pests.page> and click on Education.

## G. HPD Customer Services Center

### CODE ENFORCEMENT

#### MANHATTAN

94 Old Broadway, 7th Floor, New York, NY 10027  
212-863-5030

#### BRONX

1932 Arthur Avenue, 3rd Floor, Bronx, NY 10457  
212-863-7050

#### BROOKLYN

345 Adams Street, Brooklyn, NY 11201  
212-863-8060

701 Euclid Avenue, Brooklyn, NY 11208  
212-863-6620

#### STATEN ISLAND

10 Richmond Terrace, Staten Island, NY 10301  
212-863-8100

#### QUEENS

120-55 Queens Boulevard, Kew Gardens, NY 11424  
212-863-5990

#### LEAD-BASED PAINT

212-863-5501

### NEIGHBORHOOD PRESERVATION

#### Bronx and Manhattan

1932 Arthur Avenue, 3rd Floor, Bronx, NY 10457  
212-863-7100

#### Brooklyn, Queens & Staten Island

345 Adams Street, 10th floor, Brooklyn, NY 11201  
212-863-7400

#### Registration Assistance Unit

100 Gold Street, 6th floor, Section E, New York, NY 10038  
212-863-7000  
register@hpd.nyc.gov

### TimeTap



TimeTap is an online appointment scheduling software that enables owners/tenants to book an appointment to speak with the selected Code Enforcement representative about Housing complaints and violations or with the Property Registration Unit about Annual Registration issues. Appointments are conducted either by telephone or virtually via Microsoft Teams.

For more information and to schedule an appointment on TimeTap with the Registration Assistance Unit, please visit <https://hpdrau.timetap.com>. To schedule an appointment with Code Enforcement, please visit <https://hpdcode.timetap.com>. You will receive an email confirmation once an appointment has been scheduled.

# Important Dates to Remember

## January

- Annual Notice for Window Guards
- Annual Notice for Installation of Stove Knob Covers
- Annual Allergens Inspection

### January 1 – 16 to February 15

- Provide Tenants Annual Notice for Prevention of Lead-Based Paint Hazards

### January 29

- Deadline for Emergency Fire & Emergency Preparedness Annual Bulletin

### January 31

- Alternative Enforcement Program Selection

## June

### June 1 – August 31

- HPD Property Registration
- Boiler Inspection

## September

### Check for Required Signage:

- Gas Leak Notice
- Fire Safety Notice
- “Shut the Door” Signs
- Certificate of Inspection Visits
- Sign for Garbage Collection
- Name & Location of Person with Keys to Boiler Room
- Floor Sign
- Street Number on Dwelling
- Janitor Name & Address
- Smoke Detecting Devices Notice
- Maximum Occupancy in Rooms
- Housing Information Guide Notice
- Disaster Response Signage
- Bedbug Annual Filing Receipt
- Serial Number Signage

## February

### February 15

- Deadline to Receive Annual Notice from Tenants

### February 16 – March

- Investigate Units That Did Not Provide Annual Notice

## April

### April 1 – July 31

- Homes & Community Renewal Annual Rent Registration

## July

- Heat Sensor Program Selection

## October

### October 1 – May 31

- Heat Season

## December

### December 1 – December 31

- Annual Bedbug Report Filing



