

ABCs OF HOUSING



OWNERS' GUIDE

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.



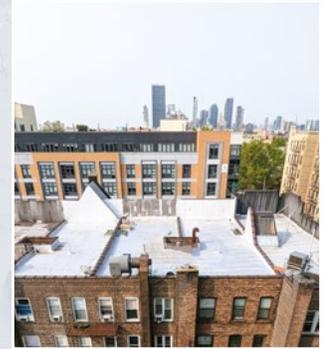
Bronx

Marc George
*Division of
Code Enforcement*



Bronx

Jason Ramphal
*Division of
Code Enforcement*



Queens

Marcos Dragoni
*Division of
Building and Land
Development Services*

Table of Contents

Owners' Rights and Responsibilities	4
Required Registrations	5
HPD Annual Property Registration	5
Homes and Community Renewal Rent Registration	5
I. Housing Maintenance Code and Multiple Dwelling Law Requirements	5
Fire Safety	5
A. Self-Closing Doors	5
B. Fire Escapes and Sprinkler Systems	5
C. Gas Powered Stoves: Stove Knob Covers	5
D. Smoke Detectors	6
Healthy Homes	6
A. Lead-Based Paint	6
B. Heat and Hot Water	8
C. Mold	9
D. Window Guards or Window Devices	9
E. Pests	9
F. Carbon Monoxide Detectors	10
G. Emergency Planning and Evacuations for Residential Building Owners/Managers	10
H. Important Notices, Postings and Filings	11
II. Complaints, Violations and Enhanced Enforcement	12
A. HPD Complaint Process	12
B. Violations	12
C. Enhanced Enforcement Programs	14
III. Other Important Information for Owners	16
A. Owner Entry to an Apartment	16
B. Eviction	16
C. Harassment	16
D. Buyouts	16
E. Tenant Data Privacy Law	17
F. Construction	17
IV. Resources for Owners	19
A. Division of Neighborhood Preservation	19
B. Low Interest Loans or Tax Exemptions	19
C. Foreclosure	19
D. Homeowner Help Desk	19
E. Greenhouse Gas Emissions Reporting and Reductions	20
F. Housing Education	20
G. HPD Customer Services Center	21
Important Dates to Remember	22

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 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 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. 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 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.

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

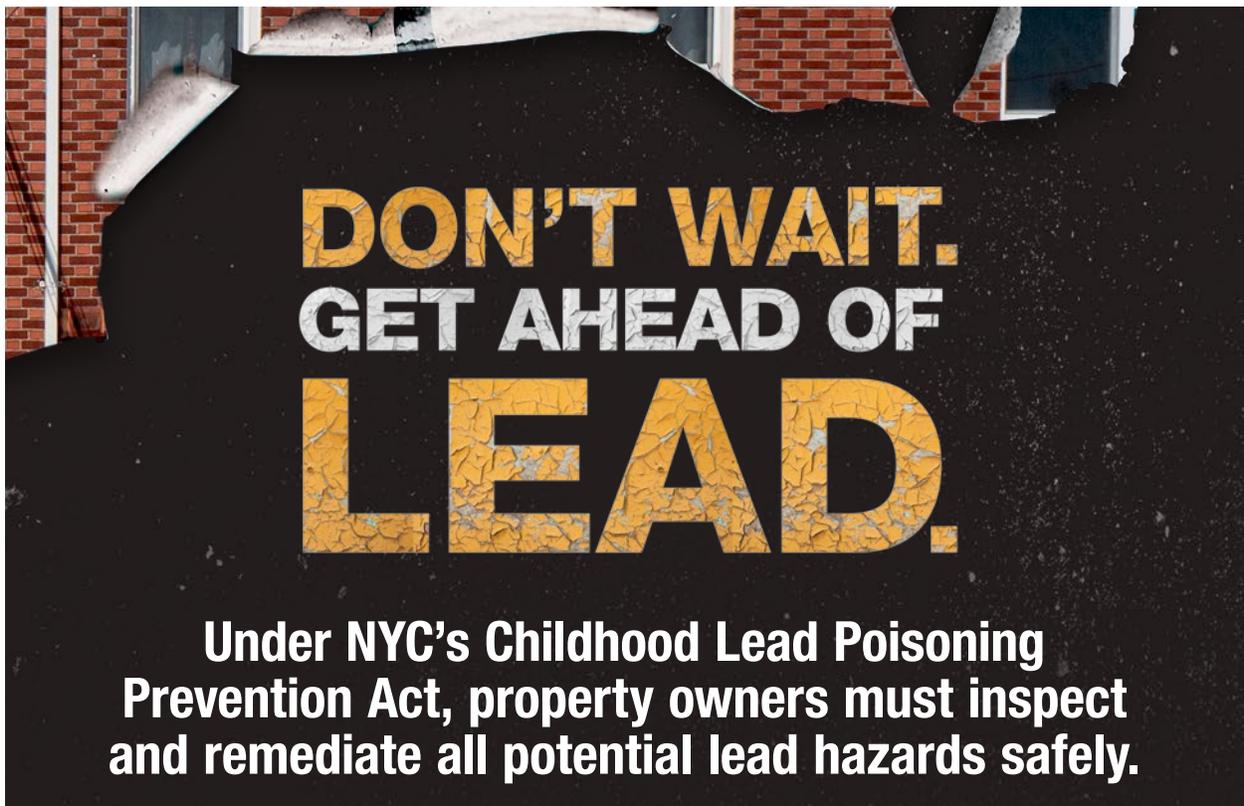
A. Lead-Based Paint

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.

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://www.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:

NYC
Department of
Housing Preservation
& Development

Effective October 2017
**COLD WEATHER
HEAT REQUIREMENTS**
October 1st-May 31st

DAY
6 a.m. - 10 p.m.
At least **68°F** inside

NIGHT
10 p.m. - 6 a.m.
At least **62°F** inside

Below **55°F** outside

No outside temperature requirement

Tenants without heat should file a complaint through the **NYC311 Mobile App**, calling **311 (TTY 212-504-4115)**, or online at **nyc.gov/311**

For more information, visit **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 remediators 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 and 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.

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. All other owners must submit this information electronically at <https://hpdcportal.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-feb-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/notifnyc.
- **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.

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

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*
Class A	Non-Hazardous	90 Days	<ul style="list-style-type: none"> • Failure to post a notice regarding the housing information guide: \$250 each
Class B	Hazardous	30 Days	<ul style="list-style-type: none"> • \$25-\$100 each, plus \$10 per violation per day
Class C: Lead-Based Paint	Immediately Hazardous	21 Days	<ul style="list-style-type: none"> • Order 614, 616, or 617: \$250 per day per violation, up to a maximum of \$10,000 • Order 618: \$1,000 maximum • Order 619: \$1,500 maximum per violation • Criminal penalty: Misdemeanor punishable by a fine of up to \$500 or imprisonment for up to six months or both • Order 620: \$1,000 minimum and \$5,000 maximum per violation
Class C: Window Guards, Mold, Mice/ Cockroaches, and Rats	Immediately Hazardous	21 Days	<ul style="list-style-type: none"> • Not related to heat, hot water or illegal devices or lead-based paint: <ul style="list-style-type: none"> » Buildings with 5 or fewer units: \$50 per violation per day » Buildings with more than 5 units: \$50-\$150 per violation plus \$125 per violation per day
Class C: Self-Closing Doors	Immediately Hazardous	14 Days	<ul style="list-style-type: none"> • Not related to heat, hot water or illegal devices or lead-based paint: <ul style="list-style-type: none"> » Buildings with 5 or fewer units: \$50 per violation per day » Buildings with more than 5 units: \$50-\$150 per violation plus \$125 per violation per day
Class C: Heat and Hot Water Violations	Immediately Hazardous	Immediately	<ul style="list-style-type: none"> • \$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 • \$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)
Class C: (all others)	Immediately Hazardous	24 Hours	<ul style="list-style-type: none"> • Not related to heat, hot water or illegal devices or lead-based paint: <ul style="list-style-type: none"> » Buildings with 5 or fewer units: \$50 per violation per day » Buildings with more than 5 units: \$50-\$150 per violation plus \$125 per violation per day

*Expected civil penalty increases will be in effect December 2023. Property owners can check 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.

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. To view a complete list of all open violations for your building at any time, please visit 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. 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, 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 alternations 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 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.

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 or email: 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, 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

