

**New York City
Department of Housing Preservation
and Development**

**Office of Enforcement and
Neighborhood Services**

**Office Locations
& Contact Numbers**

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Brooklyn, New York 11208
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210 Joralemon Street (Room # 806)
Brooklyn, New York 11201
(718) 802-3662

Manhattan:

94 Old Broadway (7th Floor)
New York, New York 10027
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Queens:

120-55 Queens Boulevard (1st Fl.)
Kew Gardens, New York 11424
(718) 286-0800, (718) 286-0808,
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Staten Island:

Borough Hall (2nd Floor)
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See FAQs Inside

This pamphlet contains frequently asked questions for tenants and owners concerning heat and hot water requirements and is provided for your convenience only. For complete information, consult the law and applicable rules.

inspectors, which do not take into account wind chill, take only a few minutes to properly measure the room temperature. Since the use of an auxiliary heating device, e.g., space heater, will not provide an accurate room temperature for the purpose of issuing a violation, housing inspectors will not measure the room temperature in a room that is receiving heat from an auxiliary heating device. If the temperature taken at the time of inspection does not meet the required minimum, the appropriate violations will be issued.

Will heat and hot water be restored if an owner, after issuance of a violation, fails to respond?

If heat and/or hot water are not restored after a violation is issued, HPD's Emergency Repair Program may use in-house staff and/or outside contractors to perform the necessary repairs to restore the heat and or hot water. The cost of all emergency repairs will be charged to the owner.

What can owners do to avoid heat and hot water violations?

Owners should properly maintain their building's heating plant, provide an adequate supply of heat and hot water in all apartments, and respond quickly to occupant complaints.

Does HPD offer any assistance or programs for owners?

HPD's Housing Education Program offers courses for owners, managing agents and superintendents on a variety of housing issues that include caring for a building's heating plant. To register for these classes, owners can access HPD's website (www.nyc.gov/hpd) or call 311. To help owners better maintain their heat and hot water systems, HPD has produced a video called "Heat and Hot Water in Residential Buildings." Owners can watch this video online at www.nyc.gov/hpd (requires Windows Media Player) or order it at no cost through HPD's Owner Services Program by calling 311.

The New York City Department of Housing Preservation and Development (HPD), Division of Code Enforcement, is responsible for enforcing the New York City Housing Maintenance Code and the New York State Multiple Dwelling Law.

For more information or to learn more about the New York City Department of Housing Preservation and Development please visit our website www.nyc.gov/hpd or call the City's Customer Service Center at 311.



www.nyc.gov/hpd



**The City of New York
Bill de Blasio, Mayor**

**Alicia Glen, Deputy Mayor for
Housing and Economic Development**

**Vicki Been
Commissioner**

For New York City Information, Call 311

FAQs
Frequently Asked
Questions

About...

Heat
and
Hot Water
Requirements



**Department of
Housing Preservation
& Development**

FAQs

Frequently Asked Questions

What is "HEAT SEASON"?

"Heat Season" is the time of year when owners of dwellings are required to provide occupants with a required minimum amount of heat. "Heat Season" begins October 1st and ends May 31st.

What are an owner's obligations during "HEAT SEASON"?

Owners must meet the following requirements:

- between the hours of 6 AM and 10 PM, if the outside temperature falls below 55° Fahrenheit, the inside temperature is required to be at least 68° Fahrenheit; and,
- between the hours of 10 PM and 6 AM, if the temperature outside falls below 40° Fahrenheit, the inside temperature is required to be at least 55° Fahrenheit.

What are an owner's obligations with respect to HOT WATER?

HOT WATER must be provided throughout the entire year at a constant minimum temperature of 120° Fahrenheit.

What should occupants without heat and/or hot water do?

Occupants who are being provided with inadequate or no heat or hot water should first attempt to contact their building's owner, managing agent, or superintendent. If the problem is not resolved, they should file a complaint with the City's Citizen Service Center at 311.

What will happen when a heat and/or hot water complaint is called in to the City's Customer Service Center at 311?

HPD will attempt to call the owner and/or managing agent to provide notice of the complaint and to get the heat and/or hot

water restored. HPD will then attempt to call the person who reported the complaint or another tenant in the building to confirm whether or not the heat and/or hot water were restored. If the person who filed the complaint or another tenant in the building reports that the heat and/or hot water condition still exists or if no tenant can be reached on the phone by HPD, a housing inspector will be dispatched. Owners are not informed when an inspection will be performed.

What will the housing inspector do if the occupant is not home at the time of the inspection?

If the occupant of the apartment for which the original complaint was reported is not home at the time of the inspection, the inspector will attempt to perform a heat and/or hot water inspection in another apartment in the building. The inspector will leave a card of the attempted inspection at the apartment for which the original complaint was reported. If the heat and/or hot water condition exists in another apartment, a violation will be issued.

A heat and/or hot water complaint was reported. Why is the housing inspector asking whether a child under age six resides in the apartment and/or performing an inspection of every room?

Local Law 1 of 2004 (NYC Childhood Lead Poisoning Prevention Act of 2003) requires that HPD make a diligent effort to ascertain whether a child under age six resides in the apartment on every inspection. If a child under age six resides in the apartment, the law requires inspectors to perform an inspection of every room to determine whether any lead-based paint hazards exist in the apartment.

What is the penalty for a heat or hot water violation?

Beginning in June 2012, pursuant to changes in the Housing Maintenance Code,

there are some new provisions regarding the penalties for heat and hot water violations.

If a heat violation is the first such violation issued during the current or prior heat season, or a hot water violation is the first such violation issued during the current or previous calendar year, an owner may be eligible to satisfy the penalty by submitting a \$250 payment with a timely Notice of Correction. The Notice of Violation that the owner receives in the mail will clearly indicate whether the violation is eligible for payment in satisfaction of civil penalties. An owner who chooses to submit a Notice of Correction and payment in satisfaction may do so by submitting a paper Notice of Correction or by using eCertification. (You can find out more information on eCertification on HPD's website, www.nyc.gov/hpd.) The Notice of Correction indicates that the violation has been corrected by the owner or an agent or employee of the owner within 24 hours of the affixing of the notice of such violation (which is the same as the date of the inspection where the inspector identified the lack of heat and/or hot water). The payment of \$250 must be submitted with the Notice of Correction to the department within 10 days of affixing the notice of such violation. Payment can be made via credit card on-line, or by certified check or money order if submitting the Notice of Correction by mail. Just because an owner is eligible to pay does not mean that the owner must take advantage of the option; owners may choose to not pay the \$250. However, if the Notice of Correction and payment are not received within the 10 day period, then HPD may commence a proceeding for an order to correct and to recover civil penalties in Housing Court.

If HPD commences a proceeding, the agency can seek the following penalties, from and including the date that the Notice of Violation is posted at the building until the date that the violation is corrected:

- \$250-\$500 dollars per day for each an

initial heat or hot water violation

- \$500-\$1000 per day for each subsequent violation at the same building during the same and/or the next calendar year from the initial violation or, in the case of § 27-2029(a), during the same and/or the next heat season

If the owner fails to pay the Court ordered civil penalties, HPD will enter a judgment against the owner and the property and seek to enforce that judgment.

My Notice of Correction says that I have to pay a fee related to a heat or hot water violation. Why? How is this different from the penalty?

For a third or any subsequent heat violation within the same heat season (October through May) or for a third or any subsequent hot water violation within a calendar year, HPD will charge a fee of \$200 for the inspection. In addition to this fee, the owner is still also subject to any civil penalties that may be imposed by the Housing Court. This fee is not paid directly to HPD, but will be billed to the owner through the Department of Finance; the owner will see the charge on the Statement of Account from DOF on the quarterly bill following the inspection. All fees that remain unpaid will constitute a debt recoverable from the owner and a lien upon the premises. Should the lien exceed \$1000 for more than 1 year, the liens may subject the property to the New York City Tax Lien Sale. Through this process, the lien may be sold to a third party, who may foreclose on the property if the lien is not paid.

How will an inspector determine whether an adequate supply of heat and/or hot water is being provided?

All housing inspectors are equipped with thermometers that will take the room and water temperature. The housing inspectors are trained to take the temperature of the coldest room in the apartment. The thermometers that are used by the housing