

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2014**

No. 45

Introduced by Council Members Cabrera, Johnson, Koo, Rose, Rosenthal, Reynoso, Richards, Kallos, Constantinides, Arroyo, Eugene, Greenfield and Williams.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to a rights and responsibilities guide for tenants and owners.

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

CHAPTER 11

HOUSING INFORMATION GUIDE FOR TENANTS AND OWNERS

§26-1101 Definitions.

§26-1102 Housing information guide for tenants and owners.

§26-1103 Notice required.

§26-1104 Violations and penalties.

§26-1101 Definitions. For purposes of this chapter, the following terms are defined as follows:

“Department” means the department of housing preservation and development.

“Dwelling unit” means a dwelling unit as defined in paragraph thirteen of subdivision a of section 27-2004 of the code.

“Multiple dwelling” means a dwelling as defined in paragraph seven of subdivision a of section 27-2004 of the code.

“Owner” means an owner as defined in paragraph forty-five of subdivision a of section 27-2004 of the code.

“Tenant” means any lawful occupant of a dwelling unit in a multiple dwelling.

§26-1102 Housing information guide for tenants and owners. a. The department shall maintain a housing information guide for tenants and owners in English, Spanish and, in the discretion of the department, other languages. Such guide shall be available on the department’s website and shall be available in printed form upon request.

b. The guide maintained pursuant to this section shall include, but not be limited to, information about:

(1) owners’ responsibilities with respect to eviction, heat and hot water, pest management, repairs and maintenance, tenant organizations, rent-regulated leases, rental assistance for elderly or disabled tenants, and housing discrimination;

(2) tenants’ responsibilities with respect to responding to required notices, allowing access for inspections and repairs, and not causing violations;

(3) the availability of free and low-cost legal services; and

(4) other topics deemed relevant by the department.

§26-1103 Notice of housing information guide for tenants and owners. a. Posting required. Every owner of a multiple dwelling shall post a notice in English and Spanish regarding the availability of the housing information guide for tenants and owners maintained pursuant to section 26-1102 of this chapter. Such notice shall be posted in a conspicuous place within view of the area in the multiple dwelling to which mail is delivered.

b. Upon request by a tenant occupying a dwelling unit in a multiple dwelling, the owner of such multiple dwelling shall make best efforts to provide the notice required by subdivision a in a

language other than English or Spanish.

c. The notice required by subdivision a of this section shall, at a minimum, indicate that the guide maintained pursuant to section 26-1102 of this chapter includes information about:

(1) owners' responsibilities with respect to eviction, heat and hot water, pest management, repairs and maintenance, tenant organizations, rent-regulated leases, rental assistance for elderly or disabled tenants, and housing discrimination;

(2) topics related to tenants' responsibilities; and

(3) the availability of free and low-cost legal services.

d. Contents of posted notice. The department shall determine the form of the notice required pursuant to subdivision a of this section.

§26-1104 Violations and penalties. Any owner who violates the provisions of subdivision a of section 26-1103 of this chapter shall be liable for a civil penalty of two hundred fifty dollars. For purposes of this section, each multiple dwelling in which an owner fails to post the notice required pursuant to subdivision a of section 26-1103 of this chapter shall be deemed a separate violation.

§2. This local law shall take effect 150 days after its enactment, except that the commissioner of housing preservation and development may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on September 10, 2014 and approved by the Mayor on September 30, 2014.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 45 of 2014, Council Int. No. 48-A of 2014) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.

DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT

Notice of Adoption

NOTICE IS HEREBY GIVEN that pursuant to sections 1043 and 1802 of the New York City Charter and Local Law 45 of 2014, which enacted Administrative Code section 26-1103, the Department of Housing Preservation and Development hereby adopts rules requiring posting of a notice in multiple dwellings regarding the availability of a housing information guide for tenants and owners. The proposed rules were published in the City Record on November 3, 2014. A public hearing was held on December 9, 2014.

Statement of Basis and Purpose of Rule

This final rule implements New York City Administrative Code section 26-1103, which was recently enacted by Local Law 45 of 2014. Section 26-1103 requires owners of multiple dwellings to post a notice in a conspicuous place within view of the area in the multiple dwelling to which mail is delivered regarding the availability of a housing information guide for tenants and owners. The law authorizes the Department of Housing Preservation and Development to determine the form of the required notice.

This rule implements a recently enacted requirement in section 26-1103 of the New York City Administrative Code, with only minor discretion or interpretation by the Department of Housing Preservation and Development. Pursuant to section 1043(d)(4)(iv) of the New York City Charter, this rule is exempt from the review and certification requirement of Charter section 1043(d).

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

New material in the following rule is underlined, deleted material is in [brackets].

Section one. Title 28 of the Rules of the City of New York is amended by adding a new Chapter 46 to read as follows:

CHAPTER 46

§46-01. Every owner of a multiple dwelling shall post the following notice in at least 11 point type in a conspicuous place within view of the area in the multiple dwelling to which mail is delivered.

HOUSING INFORMATION GUIDE FOR TENANTS AND OWNERS

A housing information guide, the “ABCs of Housing,” is available on the New York City Department of Housing Preservation and Development’s website at www.nyc.gov/hpd. This guide is also available in print by calling 311.

The guide contains information about the following topics:

- Eviction
- Heat and hot water
- Pest management
- Tenant organizations
- Rent-regulated leases
- Rental assistance for elderly or disabled tenants
- Housing discrimination
- Repairs and maintenance
- Tenant response to owner notifications
- Access for owner inspections and repair
- Free and low-cost legal services

GUÍA DE INFORMACIÓN DE VIVIENDA PARA INQUILINOS Y DUEÑOS

Un guía de información de vivienda los “ABC’s de Vivienda” está disponible en la página web del Departamento de Preservación de Viviendas y Desarrollo de la Ciudad de Nueva York en www.nyc.gov/hpd. Este guía imprimido también está disponible llamando al 311.

El guía contiene información sobre los siguientes temas:

- Desalojo
- Calefacción y agua caliente
- Manejo de plagas
- Organización de inquilinos
- Alquilar de arrendamientos regulados
- Asistencia de alquiler para ancianos o inquilinos deshabilitados
- Discriminación de vivienda
- Reparaciones y mantenimiento
- Respuesta de Inquilinos a notificaciones del dueño
- Acceso para inspecciones de dueños para reparaciones
- Servicios legales gratis y a bajo costo