

HPD'S 2015 NOTICE ON HOUSING CODE ISSUES

This document contains information regarding recent laws, rules, or programs which may affect residential property. Please review carefully. More general information, specific laws and rules, information about violation removal, and sample documents can all be found at the Department of Housing Preservation and Development's (HPD) website at www.nyc.gov/hpd or by contacting the Division of Code Enforcement Borough Offices. Some documents can be requested through 311.

WHAT'S NEW?

HOUSING INFORMATION NOTICE

Effective February 27, 2015, NYC law requires owners/managers of multiple dwellings (three or more residential units) to post a notice, in English and Spanish, regarding the availability of HPD's housing information guide, "The ABC's of Housing". The notice must be posted, in a public area in the multiple dwelling (such as next to the mailboxes or in the lobby of the building). Failure to properly post the notice will result in the issuance of a violation. A sample of the notice is available on HPD's website or by requesting it through 311. You can obtain the "The ABC's of Housing" for yourself or your tenants on HPD's website or through 311.

TENANT HARASSMENT

Harassment of a tenant by a property owner/manager or his or her representative or agent is illegal. Examples of actions that may constitute harassment include withholding of services and persistent intimidation. NYC law allows tenants to bring a legal action for harassment against a property owner in Housing Court. Beginning on March 29, 2015, the maximum civil penalty that Housing Court can impose for a finding of harassment is \$10,000. HPD will publish information about any determination made by the Court that harassment has occurred, including the amount of the penalty, by March 29, 2015.

ALTERNATIVE ENFORCEMENT PROGRAM

The Alternative Enforcement Program (AEP) authorizes HPD to identify the most distressed multiple dwellings and ensure that Housing Maintenance Code violations and the conditions that caused them are corrected. On January 31st each year, AEP selects multiple dwellings for participation in the AEP. In January 2015, the criteria for identifying the 250 multiple dwellings (an increase of 50 buildings from previous years) will change. Now, buildings may be selected for AEP if:

- (1) The building has between three and nineteen dwelling units and:
 - (i) A ratio of open hazardous and immediately hazardous violations that were issued by the Department within the five-year period prior to such identification that equals in the aggregate five or more such violations for every dwelling unit in the multiple dwelling; and
 - (ii) Paid or unpaid Emergency Repair Charges of five thousand dollars (\$5,000.00) or more, which were incurred within the five-year period prior to such identification.
- (2) The building has twenty or more dwelling units and:
 - (i) A ratio of open hazardous and immediately hazardous violations that were issued by the Department within the five-year period prior to such identification that equals in the aggregate three or more such violations for every dwelling unit in the multiple dwelling; and
 - (ii) Paid or unpaid Emergency Repair Charges of two thousand five hundred dollars (\$2,500.00) or more, which were incurred within the five-year period prior to such identification.

Owners of multiple dwellings can avoid participation in AEP by properly maintaining their building, submitting a current and valid property registration to HPD, and correcting and certifying all HPD violations. In order to have overdue corrected violations removed from HPD records, you must request that HPD perform a Dismissal Request Inspection or request a Violation Reissuance. Information about both of these processes can also be provided by contacting a Division of Code Enforcement Borough Office at the telephone numbers below.

RECURRING VIOLATIONS INSPECTION FEE

Effective **June 11, 2015**, property owners may be charged an inspection fee of \$200 for each inspection in a particular apartment if:

- HPD has performed two or more complaint-based inspections within a twelve-month period in the apartment, and
- the inspections have resulted in issuance of a class B or C violation
- and **all such violations have not been properly certified as corrected.**

To avoid this inspection fee, correct violations promptly and notify HPD that they have been corrected through the certification process. To find out more about certification, read the back of every Notice of Violation carefully. You have the option to either submit a paper certification or use HPD's eCertification process. You can find out more about these processes through www.nyc.gov/hpd. Should a fee be levied, it will be billed to the property through the Department of Finance Property Tax statement. If unpaid, these fees incur interest and become a tax lien on the property. Unpaid tax liens may subject the property to inclusion in the City's tax lien sale or an in rem foreclosure action.

REMINDERS

SETTLEMENT OF HEAT CIVIL PENALTIES

As a reminder to owners, 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 civil 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 (go to HPD's website or the back of your NOV for more information on how to eCertify). The condition must be fixed within 24 hours of the date of posting of the notice of such violation at the property (the date of the inspection where the inspector identified the heat or hot water violation). The payment of \$250 must be submitted with the Notice of Correction to HPD within 10 days of the date that the notice of violation was posted.

PROPERTY REGISTRATION

During January and February, 2015, HPD will issue orders to owners who have failed to register properties since May 18, 2014. If you receive this Order , respond immediately by filing the registration . The order will be dismissed once your valid registration is completed. For more information regarding property registration, go to HPD's website (www.nyc.gov/hpd) and search Property Registration or contact the Registration Assistance Unit at register@hpd.nyc.gov or 212-863-7000. Enhanced enforcement action may be taken for continued failure to register.

DISASTER RESPONSE

Effective May 2014, owners of residential dwellings where at least one unit is not occupied by the owner are required to post a temporary notice with emergency information in the common area of the building:

- prior to the arrival of a weather emergency
- after a natural disaster
- after being informed that a utility outage will last for more than 24 hours.

A sample of the notice can be found on HPD's website or by calling 311; in general, the notice must include contact information, the reason for the notice, and details regarding the actions the owner is taking. Such notice should be updated by the owner as needed, and removed after the weather emergency, natural disaster, or utility outage has ended. HPD may issue violations for failure to post this notice as required.

CARBON MONOXIDE DETECTORS

NYC law requires the installation and maintenance of smoke detectors and carbon monoxide detectors. The specific requirements vary by the type of building, but, in general, all detectors must be replaced at the end of their useful life (as defined by the manufacturer), have an end of life alarm, and must never be painted over. Owners must file a Certificate of Installation whenever detectors are installed; this can be done using a paper form available online, through the Division of Code Enforcement, or electronically through HPD's website.

CONTACT US AT OUR CODE ENFORCEMENT BOROUGH OFFICES

Manhattan: (212) 234-2541

Bronx: (718) 579-6790

Brooklyn: (718) 827-1942

Queens: 718-286-0800

Staten Island: (718) 816-2340