



The ABC's Of Housing

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About the New York City Department of Housing Preservation and Development (HPD):

As the nation’s largest municipal housing development agency, HPD’s primary goals are improving the affordability, availability and quality of housing in New York City. Using a variety of preservation, development and enforcement strategies, we work with private, public and community partners to strengthen neighborhoods, expand the supply of new affordable housing and keep families in their homes. A goal of the agency’s Housing New York plan is to create or preserve 200,000 units of affordable housing by 2024. HPD is also responsible for enforcing the New York City Housing Maintenance Code (HMC) and the New York State Multiple Dwelling Law (MDL).

The HMC establishes the minimum standards for health, safety, light, ventilation, cleanliness, maintenance, and occupancy in residential apartments in New York City. HPD responds to complaints about housing conditions reported through the City’s 311 customer service center. HPD may issue violations, employ contractors to make critical repairs if landlords fail to address immediately hazardous violations, and bring Housing Court actions. HPD also makes resources available to property owners, such as education, tax incentives, and loans.

About the New York State Homes and Community Renewal (HCR):

The New York State Division of Homes and Community Renewal (DHCR) is responsible for administering rent regulation in New York City.

Regulated apartments might be under rent stabilization or rent control if they are in buildings of six or more units built between February 1, 1947, and December 31, 1973. Tenants in buildings built before February 1, 1947, who moved in after June 30, 1971, are also covered by rent stabilization. A third category of rent stabilized apartments covers buildings with three or more apartments constructed or extensively renovated on or after January 1, 1974 with special tax benefits. Generally, those buildings are only subject to stabilization while tax benefits continue or, in some cases, until the tenant vacates.

Rent stabilization provides other protections to tenants besides limitations on the amount of rent. Tenants are entitled to receive required services, to have their leases renewed, and may not be evicted except on grounds allowed by law. Leases may be renewed for a term of one or two years, at the tenant’s choice.

If a tenant’s rights are violated, DHCR can reduce rents and levy civil penalties against the owner. Rents may be reduced if services are not maintained. In cases of overcharge, DHCR may assess penalties of interest or treble damages payable to the tenant.

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THIS PUBLICATION IS INTENDED FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED AS LEGAL ADVICE. THIS INFORMATION IS NOT A COMPLETE OR FINAL STATEMENT OF ALL OF THE DUTIES OF OWNERS AND TENANTS WITH REGARD TO LAWS AND RULES RELATING TO HOUSING IN NEW YORK CITY.

Owners and tenants have legal responsibilities to each other. The Department of Housing Preservation and Development (HPD) is one of many city and state agencies that enforce those responsibilities. This booklet is designed to help owners and tenants gain an understanding of the rules and regulations affecting housing and provide you with information about where you can receive assistance.

Building Owners

Owners must ensure that common areas and individual apartments in their buildings are safe and well maintained. Among other responsibilities, owners must provide and maintain security measures, heat, hot and cold water, and good lighting. As specified in the law, an owner must also provide smoke detectors, carbon monoxide detectors, and window guards. The owner must keep the building in good repair and in compliance with the Housing Maintenance Code (HMC) and Multiple Dwellings Law (MDL). Owners of residential properties with three or more residential units must register the property annually with HPD. If the building is rent-stabilized, the owner must register rents annually with NYS Homes and Community Renewal (HCR). Property owners can bring eviction proceedings if tenants do not meet their responsibilities; owners cannot lock tenants out of apartments or otherwise harass tenants to leave an apartment.

Tenants

Tenants should expect to live in safe, well maintained buildings that are free from vermin, leaks and hazardous conditions. Laws protect tenants from harassment. Tenants have responsibilities to their building owners and other tenants. They may not damage the building, intentionally or through neglect. Tenants are also responsible for the actions of their guests. They have a responsibility to respond to annual owner inquiries related to window guards and lead paint, and to 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 can find out if an apartment and/or building have been registered as rent stabilized by calling NYS at (718)739-6400 or sending an email to rentinfo@nycshr.org

Owner Entry

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 make repairs or improvements required by the HMC or other law or to inspect the apartment to determine compliance with the Code or other law. The owner must notify the tenant in advance, in writing, of the day and time he or she wishes to access the apartment, which must be at a reasonable time and in a reasonable manner, unless there is an emergency situation 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.



COMPLAINTS ABOUT HOUSING CONDITIONS

Tenants may have several options to pursue if physical conditions in a building are not safe or in good repair. Tenants in privately owned buildings with maintenance problems should first notify the building owner or manager. If verbal notification does not result in a resolution to the problem, tenants may wish to send written notification through certified mail, with a return receipt requested. Keeping these records is important if the owner does not take any action to address the issue(s). In addition tenants may file complaints with the city and, in the case of rent-stabilized or rent-controlled apartments, with the state. Information on how to file a complaint and examples of conditions that can be reported can be found below.

1. HPD COMPLAINT PROCESS, TYPES AND VIOLATIONS

a. HPD Complaint Process:

Tenants may file a complaint with HPD by calling 311, using TTY (212) 504-4115, or by using 311 online (nyc.gov/311) 24-hours-a-day, seven-days-per-week. Complaints regarding heat and hot water may also be filed through the 311 mobile app.

After a tenant files a complaint with 311 about a housing condition, 311 forwards the complaint to HPD. A notification call and/or email is made to the registered owner. The notification is made to advise the owner of the problem only, and never closes the complaint. (Note to owners: if you are not properly registered, you may miss this important notification from HPD! See page 13 of this booklet for more information.) A call may also be made to the tenant to confirm whether the condition has been corrected. If there is no confirmation of correction by the tenant, an inspector may be dispatched. In addition to responding to the complaint, HPD will always inspect for six 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 under age 11 is present.
- Peeling paint if child under age six is present.

b. Conditions

HPD responds to complaints about the following conditions, as well as to complaints about mice, roaches, plumbing, broken windows, broken plaster, lighting/electrical issues, sanitary conditions, stairs, and other basic building maintenance issues.

For more details on any of the below conditions, you can go to HPD's website at www.nyc.gov/hpd.



i. Heat and Hot Water

Heat is required between October 1st and May 31st, a period designated as "Heat Season." Building owners are required to provide tenants with heat during these months under the following conditions:

- When the outside temperature is below 55 degrees Fahrenheit between the hours of 6:00 a.m. and 10:00 p.m., building owners must heat apartments to at least 68 degrees Fahrenheit. HPD can only issue violations if the owner fails to supply adequate heat when the outside temperature is below 55 degrees Fahrenheit.
- When the outside temperature is below 40 degrees Fahrenheit between the hours of 10:00 p.m. and 6:00 a.m., building owners must heat apartments to at least 55 degrees Fahrenheit. HPD can only issue violations if the owners fail to supply adequate heat when the outside temperature falls below 40 degrees Fahrenheit.
- 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.

HPD seeks penalties for heat and hot water violations in Housing Court. Penalties can be substantial. An owner may be eligible to satisfy a heat/hot water civil penalty by submitting a \$250 payment with a timely Notice of Correction. Owners should be aware that for a third or any subsequent inspection that results in a heat violation within the same heat season (October through May) or a hot water violation within a calendar year, HPD will charge a fee of \$200 for the inspection.

ii. Carbon Monoxide and Smoke Detectors

Carbon monoxide is an odorless and highly toxic gas. In general, landlords are required to provide and install at least one approved carbon monoxide detector in each dwelling unit and provide written information about how to test and maintain them. The detector must have an audible end-of-useful-life alarm. A carbon monoxide detector must be installed within 15 feet of the primary entrance to each sleeping room.

Landlords must also install smoke detectors in each apartment.

Tenants are responsible for maintaining both devices. If a tenant has removed the detector or failed to replace its battery, he/she must return it to proper working order.

For safety's sake, tenants should:

- Test all carbon monoxide and smoke detectors at least once a month.
- Replace the batteries in carbon monoxide and smoke 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.

If you live in a Class A building (permanent occupancy), you must reimburse the building owner \$25 for each smoke detector and carbon monoxide detector, or \$50 for each joint smoke/carbon monoxide detector, that is newly installed or installed as a result of the occupant's failure to maintain the detector, or where the detector has been lost or damaged by the occupant. The occupant has one year from the date of installation to make a payment.

If you live in a Class B building (transient use), no reimbursement to a property owner is required.



iii. Double Cylinder Locks

Double cylinder locks, which are locks that require a key to open from the inside, are dangerous and illegal. Occupants can be trapped inside in case of a fire or other emergency. Remove any double cylinder lock from apartment entrance doors or contact your landlord to have it removed.

iv. Key-Locked Window Gates

Window gates that require a key to access the fire escape are illegal and must be removed. In case of a fire or other emergency, 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, and provide security against burglary. Before purchasing a window gate, 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.

v. Lead-Based Paint

Lead is a poison often found in old paint. Lead poisoning can cause behavior and learning problems in young children. Peeling lead-based paint is the most common cause of childhood lead poisoning. NYC banned lead-based paint in 1960, but older buildings may still contain it. Lead dust from peeling paint lands on household surfaces and toys. When children play and put their hands and toys in their mouths they can swallow lead dust. Property owners must identify and remediate lead-based paint hazards, in the apartments where there are young children, using trained workers and safe work practices. Lead-based paint hazards are presumed to exist if:

- The building was built before 1960 (or between 1960 and 1978 if the owner knows that there is lead-based paint) and,
- The building has three or more apartments and,
- A child under the age of six lives in the apartment.

Owners of such buildings must ask tenants in writing, annually, whether children under the age of six are in residence. If so, owners must visually inspect the apartments and common areas for lead hazards once a year. Property owners can hire qualified companies 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. Lead-based paint violations must be repaired by trained workers using safe work practices, within the timeframes specified by law and HPD rules. If owners can show that there is no lead paint in the building and complete all of the requirements for an Exemption from HPD, then the annual requirement for obtaining information from the tenant and conducting visual inspections can be waived. For more information on Exemptions, see HPD's website under Lead-Based Paint.

Tenants should report peeling paint in an apartment to the landlord. If the landlord 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 regarding lead-based paint that you receive from the landlord.
- Notify the landlord in writing if a child under six comes to live with you or if you have a baby.



Tenants should:

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

For information on free training on lead-safe home repair, please call DOHMH at (212) 226-5323. For brochures on low interest loans and grants to help owners fix lead paint and other health and safety repairs, call 311.



vi. Mold

Mold is always present in our environment but mold growth indoors can be a problem. Mold may cause allergic reactions, irritation, or trigger asthma in some people. Mold needs water or moisture to grow so it is important for building owners to maintain their buildings and fix leaks promptly. Residents can help prevent mold growth on bathroom or kitchen surfaces by using exhaust fans or opening windows and frequently cleaning surfaces.

Tenants should report leaks and signs of mold growth to their building owners. Maintenance workers should find and repair the moisture problem and remove mold by cleaning with soap and water. Large areas of mold may require professional cleaners. If repairs are not made, call 311. To learn more about mold, listen to the HPD podcast on mold at nyc.gov/hpd or visit the City Department of Health and Mental Hygiene's website at nyc.gov/doh.

In addition to violations, HPD can issue an Order to Correct the underlying conditions that cause mold or water leak violations. HPD may seek significant civil penalties if a landlord fails to comply with the Order. See more about the Underlying Condition Programs on Page 15.



vii. Pests

Cockroaches and mice are best controlled by sealing up holes and cracks, cleaning up droppings and using safer 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. Tenants can help by keeping food and garbage covered and reducing clutter. For more information on pest control, see DOHMH 'Controlling Pests Safely' at <http://www.nyc.gov/html/doh/html/environmental/rats-mice.shtml>.

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. For more information on bedbugs and detection, take HPD's free "Bedbug Management" course online in English or Spanish at nyc.gov/hpd.

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. Multiple bedbug violations in a building may lead to enhanced enforcement.

New York State law requires that landlords hire only pest control professionals licensed by the NY State Department of Environmental Conservation (DEC) to treat apartments for bedbugs. The pest control professional should perform an inspection to confirm the presence of bedbugs, locate and eliminate hiding places, treat the apartment with cleanings or pesticides and make follow-up visits to ensure that the bedbugs are gone. For more information on bedbugs, visit the City Department of Health and Mental Hygiene's website at nyc.gov/doh.



viii. Window Guards

Each year, young children are injured or die as a result of falls from unguarded windows. These are preventable deaths and injuries. Owners have a responsibility to ensure that window guards are properly installed. The window guard law requires owners to send an annual notice to tenants of multiple dwellings (buildings of three or more apartments) regarding window guards. It also requires owners to provide and properly install approved window guards 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. The exceptions to this law are windows that open onto a fire escape, and windows on the first floor that are a required secondary exit, since the fire escapes start on the second 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 in writing and the landlord must install them. For example, occupants who have visiting grandchildren, parents who share custody and occupants who provide child care may wish to request window guards.

Tenants should call 311 if required or requested window guards 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. The Department of Health and Mental Hygiene's website (www.nyc.gov) can provide additional information on:

- Annual notices
- Installation requirements for approved window guards
- Variances

c. Violations

If HPD inspectors issue open violations, the time the owner is given to correct them depends on their severity. You can see all open violations on a building on HPD's website by entering the address on the homepage (www.nyc.gov/hpd). The Housing Maintenance Code has three classes of code violations: A, B and C.

Violation Class	Type	Time owner has to correct from notice
Class A	Non-Hazardous	90 days
Class B	Hazardous	30 days
Class C Lead-Based Paint or Window Guards	Immediately Hazardous	21 days
Class C Heat and Hot Water Violations	Immediately Hazardous	Immediately
Class C (all others)	Immediately Hazardous	24 hours

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. Valid currently registered Owners/Agents can certify violations as corrected through eCertification or by completing the violation documents mailed to the owner. To find out more about eCertification, the owner can go online to nyc.gov/hpd.

d. Emergency Repairs

If the owner fails to correct the class C violations, the City may perform or contract for emergency repairs to correct the violation at the owner's expense. The City is subject to laws governing procurement, contracting, wages, and other matters that may make such work significantly more expensive than the price that the owner could obtain if he/she performs or contracts for the work.

The City will bill the property through the Department of Finance 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 may file a tax lien against the property. The tax lien will bear interest and may be sold and/or foreclosed to collect the amount owed.

Failure to correct violations may also result in civil penalties imposed by the Housing Court.

2 . 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 HP Action. A tenant can request an inspection by HPD when filing an Action. Copies of a tenant's correspondence with the owner can be important in Housing Court. There is a fee to file which will be waived if a tenant cannot afford it. For more information, see page 12.

3. NEW YORK STATE HOMES AND COMMUNITY RENEWAL (HCR)

In addition to calling HPD to report code violations, tenants in rent-regulated apartments who have problems with their building conditions may contact HCR and file complaints. After obtaining evidence from owners and tenants, HCR can issue written orders that can lower rents for lack of services.

Regulated tenants can also complete a form describing decreased service conditions inside and outside their units on the HCR website: www.nysdhcr.gov/forums/rent/#tenant.

4. OTHER TYPES OF CONDITIONS

a. Elevators

The NYC Department of Buildings' Elevator Division oversees the use and operation of elevators NYC buildings by enforcing the New York City Building Code and other standards. Call or go online to 311 to file a complaint if the elevator is not working properly. Beginning June 2016, should an immediately hazardous elevator violation not be remedied within the timeframe allowed by DOB, HPD may seek to correct the condition through its Emergency Repair Program or through other enforcement mechanisms. If Emergency Repair is done, the cost of work may be significantly more expensive than the price the owner could obtain if he/she performs or contracts for the work, due to laws that the city is subject to governing procurement, contracting and wages. The city will bill the property through the Department of Finance for the cost of the work plus related fees and/or the cost of sending a contractor to attempt to make repairs. If the owner fails to pay, the city will file a lien against the property. The tax lien will bear interest and may be sold and/or foreclosed to collect the amount owed.

b. Illegal Basement and Cellar Occupancy

Basements and cellars are very different spaces and thus have different legal uses. A basement is a story of a building partly below curb level but with at least one-half of its height above the curb level. A cellar is an enclosed space having more than one-half of its height below curb level. Basements and cellars of multiple dwellings may not be occupied unless the conditions meet the minimum requirements for light, air, sanitation, and egress, and have been approved by the City's Department of Buildings. Cellars in one and two-family homes can NEVER be lawfully rented or occupied for residential use. Basements in one- and two- family homes can NEVER be lawfully rented or occupied for residential use unless the conditions have received approval by the Department of Buildings.

HARASSMENT

Harassment by an owner to force tenants out of their apartments, or to surrender their rights is illegal. Examples may include:

- Not offering leases or lease renewals, or repeatedly trying to pay you to move out of your home 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 place of employment without obtaining your written permission.
 - While providing false information in connection with the buyout offer.
- Contacting you about a buyout unless they provide you with the following information in writing:
 - The purpose of the contact and that the contact is on behalf of the owner.
 - That you can reject the offer and continue to live in your home.
 - That you have the right to seek advice from a lawyer and may seek information on the HPD website about legal services.
 - That, if you advise the owner in writing that you do not want to be contacted about any buyout offer, the owner cannot contact you about it for 180 days unless you advise the owner in writing at some earlier time that you are interested in discussing a buyout or unless the court permits the owner to discuss a buyout offer with you.
- Contacting you about a buyout offer for 180 days after you have notified the owner in writing that you do not want to be contacted about it.
- Unjustified eviction notices or illegal lockouts.
- Threats and intimidation, such as late-night phone calls including phone calls to encourage or ask you to move out of your home or give up your rights.
- Overcharging for a rent-regulated apartment.
- Failure to provide necessary repairs or utilities.
- Deliberately causing construction-related problems for tenants, such as working after hours, blocking entrances, or failing to remove excessive dust and debris.

Tenants in rent-controlled or rent-stabilized units who believe that their landlords are harassing them may contact NYS Homes and Community Renewal (HCR). HCR enforces housing laws in rent-regulated units and may levy fines against owners found guilty of harassment. Information is available at nyshcr.org or 1-(866)-ASK-DHCR 1-(866)-275-3427). Tenants may have a basis to 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. See page 12 of this document for information about free and low cost legal assistance or contact your local housing organization, community board, or elected official. 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 timely) 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.

Issues such as the above may be directed to legal services or legal counsel.



Housing Court is the forum where building owners and tenants resolve many of their legal disputes. For questions about Housing Court issues not discussed below, tenants and owners may contact a not-for-profit Citywide organization called Housing Court Answers (HCA), Monday through Friday, 9 a.m. to 5 p.m. Dial 311 for information or go to nyc.gov/311. Tenants and owners may also find assistance at information tables set up in Housing Court.

1. Eviction

Non-payment Eviction Proceedings: The only legal way to evict a nonpaying tenant is through a nonpayment 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 nonpayment 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 his or her 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.

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 landlord 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.

Homebase

Households on the brink of homelessness can access an extensive network of neighborhood-based services, under contract with the NYC Department of Homeless Services, to help them remain in their communities and avoid entering shelter. Among the services that may be offered are:

- Family or tenant/landlord mediation
- Household budgeting
- Emergency rental assistance
- Job Training and placement
- Benefits advocacy (child care, food stamp, tax credits, public health insurance)

If you or someone you know is experiencing a household crisis, call 311 or visit 311 online to locate your nearest office.

Rental Arrears Grants for Single Adults and Families

The NYC Human Resources Administration (HRA) can assist tenants who have legal possession of an apartment, or applicants who have been evicted but whose landlords are willing to continue renting the apartment, by paying their arrears through a rental arrears grant. Grants are available for Public Assistance recipients and for those people ineligible for Public Assistance. Families and single adults are eligible. Contact HRA's Infoline at (718) 557-1399 for more information.

Visit 311 Online or call 311 to contact the HRA Job Center in your area and apply for a rental arrears grant.

2. Tenant Actions

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. Copies of a tenant's correspondence with the owner can be important in Housing Court. There is a fee to file which will be waived if you cannot afford it.

When tenants go to the Housing Court, they will be assisted in preparing an Order to Show Cause and obtaining a court date, which is usually about ten days later. They are given instructions about how to obtain an inspection and how to serve the Order to Show Cause on both the owner and HPD. On the return court date, 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, he or she 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.

Housing Court is a safer and faster way to address your housing issues and protect your rights than withholding of rent, which may lead to eviction.

3. Legal Services Groups

Both tenants and owners may want to consult with and secure the services of an attorney before bringing disputes to court. Tenants who cannot afford legal representation may be eligible for free or inexpensive assistance. To see if you qualify for free legal assistance, call the Legal Aid Society (212) 577- 3300 or Legal Services NYC (646) 442-3600 or you can also dial 311 for more information, or go to nyc.gov/311 or nyc.gov/hpd. Housing Court Answers' (HCA) hotline 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 9 am to 5 pm, Monday through Thursday, and can be reached at (212)-962-4795.

HCA also has a hotline if you need help paying back rent. Call if you have a case in Housing Court and a good reason for falling behind in your rent such as a death in the family, serious illness, loss of job, or reduction in hours at work, if your income is now high enough that you can pay your future rent, and the amount of arrears is "manageable." HCA does not provide direct financial help, but refers callers to charities and provides information about NYC Human Resources Administrations rules for assistance. Staff and volunteers at information tables at all Housing Courts answer questions about court procedures and forms. They can also provide referrals to legal services providers and other eviction prevention organizations, resources, and agencies. Most staff members speak English and Spanish.

OTHER HOUSING ISSUES

1. Rent Increases in Rent Regulated

Owner of rent-stabilized and rent-controlled apartments are required to register rents every year on-line between April 1 and July 31 using HCR's automated system. Owners must also file for increases based on either individual apartments or building-wide improvements. 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 by dialing (718)-739-6400 or go online to nyshcr.org

2. Lease Renewals in Rent Regulated Apartment

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.

3. Building Safety

Tenants should notify their building owners and the police of any illegal activity in their building. Owners should alert the police to 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. For more information on how to improve safety in multiple dwellings, watch HPD's video on this topic at nyc.gov/hpd/buyers/courses.

4. 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, age, marital or partnership status, disability, alienage or citizenship status, legal 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 (CHR), 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, <http://www.nyc.gov/html/fhny/html/home/home.shtml>, also provides resource information, multi-lingual 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 the New York City Commission on Human Rights (CHR).

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 Law Enforcement Bureau of the NYC Commission on Human Rights (CHR), located at 100 Gold St., #4600, in lower Manhattan. Commission services are free of charge. Your housing discrimination complaint will be reviewed by a fair housing specialist to determine if it alleges acts that might violate the fair Housing act. If your complaint involves a possible violation of the act, the specialist will assist you in filing an official housing discrimination complaint. 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.



5. 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 cnycn.org, or call 311 or (646) 786-0888.

6. Tenant Associations

Real Property Law Sec. 230 protects tenants who want to organize a tenants 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. Landlords 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.



7. 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.

SPECIAL ENFORCEMENT PROGRAMS

1. Alternative Enforcement Program (AEP)

The Alternative Enforcement Program (AEP) is an enhanced enforcement program. HPD identifies distressed multiple dwellings (criteria is in the law) for special attention, including the imposition of fees, the issuance of Orders to Correct and the authority to replace building systems if the owner fails to act. Each year HPD designates 200 different multiple dwellings for participation in the AEP. Property owners can avoid AEP by correcting and certifying violations in a timely manner. For more information on AEP, go to HPD's website at nyc.gov/html/hpd/html/owners/aep. or obtain a Frequently Asked Questions brochure at any Code Enforcement Borough Office (see location information at the end of this document).

2. Proactive Preservation Initiative (PPI)

Deteriorating conditions in multifamily buildings can be hazardous to the families who live there, to adjoining properties, and to the neighborhood as a whole. HPD's Proactive Preservation Initiative (PPI) is an aggressive approach to identify and address substandard physical conditions in multifamily buildings before they reach a state that endangers the health and safety of residents and threatens the quality of the surrounding neighborhood. This initiative employs a coordinated strategy between HPD's enforcement and preservation functions, using a combination of "carrots and sticks" to encourage owners to return their buildings to safe conditions.

Through the PPI, HPD identifies troubled buildings preemptively and, through a variety of programs, provides the tools or incentives to owners to address housing quality issues. Every year, HPD will evaluate approximately 500 distressed buildings with the goal of putting them on a path to stability. HPD will survey the buildings to evaluate needs, and will actively reach out to help owners address at-risk buildings. In buildings that exhibit serious physical distress, HPD's Proactive Enforcement Bureau will conduct roof-to-cellar inspections. For buildings with non-emergency distress HPD will devise appropriate, individualized strategies to help ensure that conditions improve. Actions can include giving low-cost repair loans, financial counseling and referrals as well as more aggressive actions involving Housing Maintenance Code enforcement and litigation.

3. 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, a violation of the Housing Maintenance Code. The program focuses on leaks and mold conditions. HPD selects buildings for participation in the program each year based on the number of apartments affected and the number and severity of the violations.

Property owners are required to 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. HPD may sue non-compliant owners in Housing Court. The civil penalty is \$1,000 for each dwelling unit with a minimum of \$5,000. If the owner fails to comply with the Order, HPD may hire a contractor to make the repairs at the owner's expense. HPD is subject to laws that may make such work significantly more expensive than if the owner contracted directly for the work. Failure to pay the bill may result in a tax lien being placed against the property. The tax lien will bear interest and can be sold or foreclosed if not paid in a timely manner.

4. Division of Neighborhood Preservation (DNP)

The Division of Neighborhood Preservation assesses thousands of buildings each year to determine whether buildings are at risk of further deterioration, to develop individual treatment plans for the buildings, and to coordinate the implementation of the treatment plans. DNP works to refer owners to education and support programs, provide referrals for rehabilitation loans, and refer buildings for targeted code enforcement when necessary. For more information about the Division of Neighborhood Preservation, you can go to HPD's website at nyc.gov/html/hpd/html/about/neighborhood-preservation or visit one of our offices listed at the end of this document.

VI. HOUSING EDUCATION



HPD's Community Outreach and Education Unit (COE) offers free in-person classes such as our five-part Introduction to Property Management, E-learning classes such as First Time Home Ownership, and audio podcasts and videos on a variety of topics of interest to both tenants and owners, including:

- Heat and Hot Water Requirements
- Mold and other Healthy Homes issues
- Bedbug Infestation Detection and Management
- Lead-Based Paint Management
- Increasing safety in your apartment house
- How the HPD/HDC Housing Lotteries work to allocate new construction affordable apartments
- Housing Code Violation Removal Processes

Please check online at <http://www1.nyc.gov/site/hpd/renters/resources-public-outreach-education.page> for tenants, and at <http://www1.nyc.gov/site/hpd/owners/outreach-education.page> for owners, for a full catalogue of offerings. E-learning classes are interactive sessions that can take as little as 30 minutes and our many informative podcasts are just a few minutes long. COE also works with elected officials and non-profit community organizations to sponsor Owner and Tenant Housing Fairs in every borough. To see upcoming events, please call (212) 863-8830 or go to the web pages noted above.

RESOURCES FOR NEW AFFORDABLE HOUSING, RENTAL ASSISTANCE AND EVICTION PREVENTION

HOUSING LOTTERIES

Subsidized apartments are offered for rent through an Open Lottery system to ensure fair and equitable distribution of housing to eligible applicants. NYC Housing Connect (nyc.gov/housingconnect) offers a simple and secure online application option in multiple languages. Users of NYC Housing Connect are able to view current housing lotteries, sign up for alerts about new projects, fill out a single online profile, and apply to and track multiple lotteries.

Prospective renters can also find out about these units by looking for ads in Citywide and local publications, as well as on HPD's website www.nyc.gov/hpd by clicking on "Renter" and scrolling to "City-Subsidized Rental Opportunities." The ads, available in print and online via Housing Connect and HPD's website, contain instructions on how to apply online or via paper, as well the income and household size requirements for the subsidized units. Income limits can vary between developments. Ads also contain information on set-asides and preferences for selection.

After a lottery deadline, applications are randomized and assigned log numbers. Developers use this randomized log to conduct applicant screening. It is important to note that due to the high volume of applications submitted, applicants may not hear back for several months, and may not hear back at all. In addition, there are typically approximately eight months or more between the building's application dead line and move-in.

RENT INCREASE EXEMPTIONS

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

For both programs, the total annual household income must be \$50,000 or less, the applicant must pay more than one-third of the household's total monthly income for rent, and rent an apartment that is regulated by the Division of Housing and Community Renewal (DHCR) (i.e. Rent-controlled or rent -stabilized apartments or hotel stabilized).

For SCRIE eligibility, the applicant must be at least 62 years old. To be DRIE eligible, the applicant must be at least 18 and receive Federal Supplemental Security Income (SSI), Federal Social Security Disability Insurance (SSDI), U.S. Department of Veterans Affairs disability pension or compensation, or Disability-related Medicaid if the applicant has received either SSI or SSDI in the past; and be named on the lease or rent order or have been granted succession rights to the apartment

For more information, download "Your Guide to the SCRIE and DRIE Programs" at nyc.gov/finance. You may also apply online via AccessNYC. After you apply online you must mail all required documents. Or you can walk in to the Department of Finance office at 66 John Street, NY, NY 10038

EVICTION PREVENTION ASSISTANCE

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

Families and individuals with rent arrears who may be at risk of eviction can apply for NYC HRA's One-Shot Deal rent assistance. Contact HRA's Infoline at (718) 557-1399 for more information. If you receive Cash Assistance/Public Assistance, you may be eligible for help paying your back rent. You should go to your HRA Job Center and speak to someone in the Homelessness Diversion Unit to discuss your situation.

Seniors who have received a Notice of Eviction or a written notice from their landlord can get eviction prevention assistance and legal referrals. The City also provides eviction assistance for persons over the age of 60 who are mentally or physically impaired. For help, call 311.

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 outside of the five boroughs or use the on-line option of nyc.gov/311. TTY service is available at (212) 504-4115. You can also use the NYE 311 Mobile App for some services.

The New York City Council welcomes any question, comments or feedback. Call 311 or go to council.nyc.gov to find the members of New York City Council and the areas they cover. You can search by address to find your member and their contact information

HPD Registration Assistance Unit (212) 863-7000 register@hpd.nyc.gov

New York State Attorney General can be contacted for information on rights and obligations of building owners, tenants and real estate brokers. The Information and Complaint Line is 1-(800)-771-7755.

NYS Division of Homes and Community Renewal (NYSHCR): Can be contacted for information on rent and services for rent controlled and rent stabilized apartments. The information and complaint line is 1-866-ASK-DHCR(1-866-275-3427).

NYC Residential Mortgage Insurance Corporation: (212) 227-5500

NYC Department of Buildings: 311

NYC Mayor's Office for Persons with Disabilities (MOPD) works to assure that city programs and policies address the needs of peoples with disabilities and offers informative brochures and directories that detail programs, services, activities and other resources that are accessible to people with disabilities. The MOPD can be found at 100 Gold Street 2nd Floor, New York, NY 10038 or by calling 311, 212-NEW YORK (OUT OF THE CITY) OR 711 (Relay Service for Deaf/Hard of Hearing)

Public Advocate: The Office of the Public Advocate assists with complaints and inquiries involving government-related services and regulations. From resolving housing complaints to combating abuse by agencies, the Office helps thousands of New Yorkers annually by improving transparency and accountability of City government. You can access the Public Advocate's Constituent Help Desk Intake Form at <http://pubadvocate.nyc.gov/constituent-help-desk> or contact the Office of the Public Advocate by phone at (212) 669-7250.

HPD BOROUGH OFFICES

**ALL OFFICES SERVICE THE PUBLIC
MON - FRI FROM 9AM -4PM
EXCEPT MANHATTAN NPO**

Bronx

Neighborhood Preservation Office - (212) 863-7100
Code Enforcement Office - (212)863-7050
1932 Arthur Avenue, 3rd Floor
Bronx, NY 10457

Brooklyn

Brooklyn West & Staten Island/Neighborhood Preservation Office
(718) 802-4503
Code Enforcement Office - (212) 863-8060
210 Joralemon Street,
Brooklyn, NY 11201

Brooklyn East & Queens/Neighborhood Preservation Office (718) 348-2550
Code Enforcement Office - (212)863-6620
701 Euclid Avenue, 1st Floor
Brooklyn, NY 11208

Manhattan

Neighborhood Preservation Office - (212) 863-7100
Thursdays only 9 a.m. to 4 p.m.
Code Enforcement Office - (212) 863-5030
94 Old Broadway, 7th Floor
New York, NY 10027

Queens

Code Enforcement Office - (212) 863-5990
120-55 Queens Blvd./Queens Borough Hall,
Kew Gardens, NY 11424

Staten Island

Code Enforcement Services - (212) 863-8100
Staten Island Borough Hall
Staten Island, NY 10301

HCR BOROUGH OFFICES

Rent- regulated tenants can get more information and file complaints by going to one of the NYSHCR borough offices.

Bronx: 2400 Halsey Street (near Zerega Ave.)

Manhattan: 25 Beaver Street (near Broad St.)
163 W. 125th Street 5th Floor (near Seventh Avenue)

Brooklyn: 55 Hanson Place, 5th Floor (near Atlantic Terminal)

Queens: Gertz Plaza, 92-31 Union Hall Street (near Jamaica Avenue)





The ABC's Of Housing
www.nyc.gov/hpd

