TENANTS' FAQs

Frequently Asked Questions

About...

The Alternative Enforcement Program

Department of
Housing Preservation
& Development

FAQs Frequently Asked Questions

What is the Department of Housing Preservation and Development ("HPD") Alternative Enforcement Program (AEP)?

AEP is an HPD enforcement program for apartment buildings that have many housing maintenance code violations. The goal of the program is to improve housing conditions at the building by having HPD perform frequent inspections to monitor correction of violations, and issue Orders to Correct if the owner fails to act. The program also allows HPD to make repairs and replace building systems if necessary if the owner fails to do so.

Why is my building in the AEP?

The building is in the AEP because of the large number of housing maintenance code violations that have been issued in the building and the amount of money that HPD has spent to make repairs since the owner failed to do so. You can go on HPD's website – nyc.gov/hpd – to see what violations are open for your apartment and building.

When are buildings selected for AEP?

Buildings are selected every January 31st.

What does it mean for me that my building is in the AEP?

AEP staff will post a notice about the AEP in your building and will attempt to visit every apartment in order to explain the program as well as to gather tenant contact information. You should expect to see additional inspections and repairs being performed by the owner or by HPD.

How does a building get discharged from the AEP?

Listed below are the ways that a building can be discharged from the AEP:

- The landlord performs work to correct the violations and any required system replacement work, registers the building with HPD and pays all outstanding charges, including liens, for emergency work performed by HPD or enters into an agreement with the NYC Department of Finance to pay such charges and liens.
- HPD performs all of the required work.
- A 7A administrator is appointed by the Housing Court to take control of the building to collect rent and make the necessary repairs.
- The building has been vacant for at least one year, except for any building that contains six or more units and is the subject of a vacate order.
- The building has been transferred to a third party by the City because of the landlord's failure to pay property taxes.

What work is required for a landlord to get the building discharged from the AEP?

The landlord must perform work to correct:

- All heat and hot water violations;
- All class "C" (immediately hazardous) violations related to mold;
- A minimum of 80% of class "B" (hazardous) violations related to mold;
- A minimum of 80% of violations related to vermin; and
- A minimum of 80% of all other class "B" (hazardous) and "C" (immediately hazardous) violations; additionally,
- If an AEP Order to Correct is issued and requires system replacements, such as a roof or heating plant replacement, the owner must perform the required system replacements.

Now that my building is in the AEP, should I still call 311 to report housing maintenance conditions?

Housing maintenance problems should first be reported to the owner, and if he or she does not make the necessary repairs you should report the problem to 311. The complaint will be directed from 311 to the AEP. Tenants can always check the status of their complaint number on HPD's website. (nyc.gov/hpd)

Do I have to give access to the owner?

In New York City, tenants must give access to owners in order to perform repairs and/or inspections provided that access is at a reasonable time and in a reasonable manner.

What will happen if the owner does not comply with the AEP Order to Correct?

AEP may hire a contractor to make repairs and bill the owner for the costs. AEP may also initiate legal action against the owner in housing court.

How will I be notified about repair work being performed by the AEP contractors?

AEP will post a notice in the building about system replacement work that will be performed by HPD contractors as well as the approximate start date. If access to your apartment is needed for any repairs, the AEP will contact you to coordinate the date and time that access to your apartment will be needed.

Will I have to leave my apartment for work to be performed?

Not usually, but there are some exceptions. AEP attempts to perform all work with the tenants in occupancy.

Will work be monitored by the AEP?

Yes. Both the owner's contractors and HPD's contractors will be monitored by the AEP.

Will I be notified if the building is discharged from the AEP program?

Yes. A discharge notice will be posted at the building.

What should I do if my landlord is not making adequate repairs?

If you are concerned about work being performed without Department of Buildings permits, or about excessive dust, call 311. Complaints will go to DOHMH if there are children under 6. If you have concerns about the quality of repairs, notify the AEP.

When correcting violations, does the law require the owner to use specific work practices?

Yes. For certain types of repairs, owners must use safe work practices. These may include occupant protection, dust and debris minimization, and specialized cleaning methods. For more information about work practices to correct lead based paint, vermin and mold conditions, go to the Department of Health and Mental Hygiene's website. (http://www.nyc.gov/html/doh/html/home/home.shtml)

What can I do to assist with the elimination of vermin in my apartment?

There are some simple steps a tenant can follow to reduce the vermin in the apartment:

- Reduce clutter
- Wash hard surfaces
- Clean small appliances
- Pest-proof your food
- Manage your garbage
- Put food away at night

AEP staff will provide you with a copy of the "How to Control Pests Safely" brochure.

How do I know who owns my building?

You can check HPD's website (nyc.gov/hpd) for open complaints, violations, litigation, ERP charges, and building owner registration information.

Who should I contact with any AEP questions?

Tenants should contact the community coordinator that is assigned to their building by calling the AEP office at (212) 863-8262.

Someone came to my apartment and offered me money to leave the apartment. What should I do?

Before accepting any money or signing any agreement, you should consult with an attorney (to see if you qualify for free legal assistance call Legal Aid Society (212) 577-3300 and Legal Services NYC (646) 442-3600).

What should I do if I am being harassed by my landlord?

Harassment by an owner is illegal. Examples of harassment include consistent withholding of services and persistent physical or psychological intimidation.

In buildings with rent-controlled or rent-stabilized apartments, tenants who believe their building owners are harassing them should contact the New York State Homes and Community Renewal (HCR) (nysdhcr.gov/Rent/tenantresources.htm or call (718) 739-6400). HCR enforces the housing laws regarding such rent-regulated apartments.

Tenants may have a basis to bring legal action for harassment against the owner in Housing Court. Tenants should consult with an attorney before initiating any lawsuit. Tenants who cannot afford representation may be eligible for free or inexpensive legal assistance from the Legal Aid Society. HPD's Fair Housing Counselors can also give tenants information about resources. Dial 311 for information.

New York City Department of Housing Preservation and Development

Alternative Enforcement Program
100 Gold Street (5th Floor)
New York, NY 10038
(212) 863-8262

Please consult NYC HPD's "The ABC's of Housing" for more information on general housing-related issues, legal assistance options, housing discrimination, housing lotteries, rental assisistance programs, organizing, rent regulation and more. To find "The ABC's" go to nyc.gov/hpd or call 311.

Alternative Enforcement Program
100 Gold Street (5th Floor)
New York, NY 10038
(212) 863-8262

This pamphlet contains frequently asked questions for tenants concerning the Alternative Enforcement Program and is provided for your convenience only. For complete information, consult the law and applicable rules.

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 NYC 311 Customer Contact Center (TTY 212-504-4115).

DIAL 311

www.nyc.gov/hpd

NYC

Department of
Housing Preservation
& Development

Printed on paper containing 30% post-consumer material.