

**CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT**

NOTICE OF ADOPTION

NOTICE IS HEREBY GIVEN that pursuant to sections 1043 and 1802(1) of the New York City Charter and section 27-2153 of the New York City Administrative Code, and in accordance with Charter section 1043(b), the Department of Housing Preservation and Development hereby adopts amendments to rules governing the Alternative Enforcement Program. The proposed amendments were published in the City Record on July 7, 2014. A public hearing was held on October 14, 2014.

Statement of Basis and Purpose of the Adopted Rule

Under the Alternative Enforcement Program (AEP), the Department of Housing Preservation and Development (HPD) identifies the most distressed buildings in need of repair and systems replacement, and monitors the progress of owners towards correcting Housing Maintenance Code violations or corrects the violations itself. Pursuant to section 27-2153 of the New York City Administrative Code, HPD is authorized to revise the criteria used to select buildings for participation in the program and does so in Chapter 36 of Title 28 of the Rules of the City of New York.

The adopted rules amend those criteria to increase the look-back period from three years to five years for violations and paid or unpaid emergency repair charges. The look-back period is the interval of time in the past during which violations or charges accrued for the purposes of identifying buildings for participation in the AEP. The increase would apply beginning in the eighth year of the program.

Distress in a building can be acute or the result of a long period of neglect. The current look-back period allows HPD to identify buildings experiencing acute or short term distress. The adopted changes allow HPD to also include in the AEP buildings experiencing a slow but steady decline in conditions over time. The changes will also increase the cost effectiveness of the AEP by addressing conditions before they become acute and more expensive to correct.

“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. Section 36-05 of chapter 36 of title 28 of the rules of the City of New York is amended to read as follows:

§36-05 Criteria for Identification of Buildings for Participation in the Alternative Enforcement Program.

(a) Beginning in the sixth year of the Alternative Enforcement Program, the Department will use the following criteria to identify distressed buildings for participation in the program:

(1) A multiple dwelling that contains at least three but not more than nineteen dwelling units must have:

(i) A ratio of open hazardous and immediately hazardous violations that were issued by the Department within the three-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 three-year period prior to such identification.

(2) A multiple dwelling that contains twenty or more dwelling units must have:

(i) A ratio of open hazardous and immediately hazardous violations that were issued by the Department within the three-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 three-year period prior to such identification.

(b) Beginning in the eighth year of the Alternative Enforcement Program, the Department will use the following criteria to identify distressed buildings for participation in the program:

(1) A multiple dwelling that contains at least three but not more than nineteen dwelling units must have:

(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) A multiple dwelling that contains twenty or more dwelling units must have:

(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.

(c) For purposes of identifying buildings for participation in the Alternative Enforcement Program pursuant to this section, those buildings having the highest amount of paid and unpaid Emergency Repair Charges incurred within the two-year period prior to such identification shall be selected first.