

# OWNERS' FAQs

Frequently Asked  
Questions

About...

The  
Alternative Enforcement  
Program



**Department of  
Housing Preservation  
& Development**

# FAQs

## Frequently Asked Questions

### **What is the 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 when the owner fails to do so.

### **What are the criteria that HPD will use to identify distressed buildings that will be selected for participation in AEP?**

The criteria for identifying the multiple-dwellings that will participate in AEP are set forth in the law and include the number of class "B" hazardous and class "C" immediately hazardous violations issued by HPD, as well as, the amount of emergency repair charges incurred by HPD.

### **Is participation optional?**

No. Participation is not optional.

### **Can private dwellings (one and two-family) be entered into AEP?**

No. Only multiple-dwellings (three-family or more) meeting the statutory criteria will be identified for participation in AEP.

### **Will owners be notified of their building being entered into AEP?**

Yes. The last validly registered owner and managing agent of multiple-dwellings that are identified for participation will be provided with notice of participation and information on how to be discharged within the first four (4) months.

### **What must owners do in order to have their multiple-dwelling discharged from AEP within the first four (4) months?**

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 class "C" (immediately hazardous) violations; additionally,

- Pay all outstanding fees and charges, including liens, complaint inspections, and work performed by HPD or enter into an agreement with the Department of Finance to pay such charges and liens;
- Submit a current and valid registration statement.

### **When correcting mold and vermin violations, does the law require that owners use specific work practices?**

Yes. Mold and vermin violations in AEP buildings must be corrected using specific work practices detailed in the law.

### **What work practices must be followed when correcting mold violations?**

When correcting mold violations, landlords must investigate and correct identified moisture problems; provide occupants with a copy of the Department of Health and Mental Hygiene's brochure about mold; clean mold growth using soap or detergent and water and not bleach or biocide solutions, remove or securely cover with plastic sheeting any difficult to clean surfaces or items in the immediate work area; perform mold removal work in a manner that minimizes the dispersion of dust and debris; discard used materials using sealed heavy-duty plastic bags and clean visible dust from the mold removal work using wet cleaning methods or HEPA vacuuming; and document all corrective actions taken to correct the mold violations.

### **What work practices must be followed when correcting vermin violations?**

When correcting vermin violations, landlords must provide occupants with a copy of the Department of Health and Mental Hygiene's brochure on controlling pests safely; request the occupants' support of the pest management treatment by preparing the kitchen, bathroom and other rooms and be available to listen to advice on how to maintain pest free conditions; utilize pesticide applications or devices as permitted by state and federal law; caulk and seal small holes less than four (4) inches in diameter as well as cracks and crevices in or between walls, cabinets, floors, and other locations where vermin may gain access; HEPA vacuum in kitchens and bathrooms, including in cracks, crevices and appliances and document all corrective actions taken to correct the vermin violations.

## **What is an AEP Order to Correct?**

The AEP Order to Correct is an Administrative Order that will list the underlying conditions that the owner must correct. The AEP Order to Correct will be mailed to the owner, posted at the building and filed with the County Clerk's Office.

## **What will happen if the owner does not comply with the AEP Order to Correct and does not correct the underlying conditions?**

HPD may hire a contractor to make the repairs and will bill the owner. Failure to pay the bill may result in a lien being placed against the property.

## **Will tenants be notified by HPD if their building is identified for participation in AEP?**

Yes. HPD will post a notice to all tenants notifying them of HPD's identification of the property for participation in AEP. Tenants will also be notified if and when HPD will perform repair work and if and when the building is discharged.

## **Are owners required to notify tenants if their building is identified for participation in AEP?**

Yes. Pursuant to Local 64 of 2014, the owner **MUST** post a sign on the building's main entrance door, or in another conspicuous location in the common area of the building, stating:

- That the building has been placed in AEP;
- That occupants may call 311 or AEP at (212) 863-8262 for complaints about the conditions in their units or in the common areas;
- The name, telephone number, and address of the owner; and,
- The identity of the financial institution that holds the mortgage on the property, if any.

Such sign **MUST** be posted within fifteen (15) days of this notice and **MUST** be in English and Spanish. The owner **MUST** maintain such sign until a written notification is received from the Department of Housing Preservation and Development that the building has been discharged from AEP.

Failure to comply with this requirement will subject you to a civil penalty of \$250.00.

## **What fees may HPD impose on multiple-dwellings participating in AEP?**

Multiple-dwellings that are selected to participate in AEP and are not discharged within the first four (4) months of the initial notice may be subject to the following fees:

- \$500 per dwelling unit every six (6) months, beginning on the date of the building-wide inspection, with a maximum total fee of \$1,000 per dwelling unit during participation in AEP.
- \$200 for any complaint inspection performed in the subject property that results in the issuance of a class "B" (hazardous) or class "C" (immediately hazardous) violation.
- \$100 for each re-inspection pursuant to a certification of correction of violation(s) submitted to HPD where HPD finds one or more violations have not been corrected.

Failure to pay these fees may result in a lien or liens to be filed against the subject property pursuant to HMC §27-2153(q).

## **Will tenants be relocated while HPD is performing repairs?**

No. HPD does not intend to relocate tenants while performing any necessary repair work.

## **What happens if HPD has to do either emergency repair or building system replacements?**

Selection for AEP may result in building-wide inspections, fees and extensive repair work by the city to correct violations and underlying conditions if you fail to take immediate action to have the building discharged. The City is subject to laws concerning procurement, contracting, wages, and other matters that may make such work significantly more expensive than the price you could obtain if you perform or contract for the work yourself. Expenses incurred by the City will be billed to you, and if you fail to pay, the City will file a tax lien against the property. HPD will bill the owner for the cost of the repairs. Failure to pay may result in a lien or liens to be filed against the property.

## **Who should tenants and owners of buildings in AEP contact with any AEP questions?**

Tenants and owners should contact the Community Coordinator that is assigned to their building by calling the AEP office at (212) 863-8262.

**Will an owner be discharged if he or she does not have the funds to complete the necessary repair work?**

No. A claim of insufficient funds does not warrant discharge from AEP.

**Are there any programs that can help owners obtain the money to make the necessary repairs?**

Yes. HPD has a variety of programs that offer eligible owners low-interest loans for moderate to major renovations of vacant or occupied smaller buildings. Owners who are interested in obtaining a loan may contact the Division of Preservation Finance by calling (212) 863-8960.

**How can owners avoid having their property selected for participation in AEP?**

Avoid participation in AEP by properly maintaining your building, submitting a current and valid property registration to HPD, 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. For information on obtaining a Dismissal Request Inspection, please visit the HPD website at [www.nyc.gov/hpd](http://www.nyc.gov/hpd).

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 assistance programs, organizing, rent regulation and more. To find "The ABC's" go to <http://www.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 owners concerning the Alternative Enforcement Program (AEP) 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 at <http://www.nyc.gov/hpd> or call the NYC 311 Customer Contact Center at 311 (TTY 212-504-4115).



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