

## **HPD'S OCTOBER 2018 NOTICE TO PROPERTY OWNERS**

The Department of Housing Preservation and Development (HPD) periodically provides updates on new legislation and information on available materials and resources to residential building owners to support compliance with the New York City Housing Maintenance Code and the New York State Multiple Dwelling Law.

This email provides information on an owner's obligations with respect to recent legislation on stove knob covers ([Local Law 117 of 2018](#)), Certification of No Harassment ([Local Law 1 of 2018](#)), indoor allergens (also referred to as mold and pests; [Local Law 55 of 2017](#)), and bedbugs ([Local Law 69 of 2017](#)).

In addition, this email includes reminders on lead-based paint hazard requirements, the provision of heat and gas, resources related to emergency preparedness, property registration and the ABCs of Housing.

This notice is intended for informational purposes only and is not intended as legal advice. This notice 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.

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### **Stove Knob Covers**

Effective December 5th, 2018, [per Local Law 117](#), the owner of a tenant-occupied multiple dwelling must provide stove knob covers for gas-powered stoves where the owner knows or reasonably should know that a child under six years of age resides. **Households can forego stove knob covers through written refusal to the landlord. Owners must also provide stove knob covers in a unit without a child under six years of age if the tenant requests them.**

In addition, the owner is **required** to provide tenants with an annual notice that outlines the owner's obligation as highlighted in the law.

To learn more about additional requirements and to obtain a sample notice, please visit HPD's [Stove Knob Covers](#) landing page.

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### [Certification of No Harassment Pilot Program](#)

[Local Law 1 of 2018](#) (effective September 28, 2018) establishes a three-year pilot program which requires owners of certain buildings to obtain a Certification of No Harassment (CONH) prior to acquiring permits from the Department of Buildings (DOB) for work involving demolition or change in use/occupancy. As set forth in the law, buildings with high levels of physical distress or ownership changes in certain targeted areas of the City will be placed on a building list. Also included on the list will be buildings that are the subject of a full vacate order, have been active participants in the Alternative Enforcement Program for more than four months since February 1, 2016 and buildings in which there has been a finding of harassment within the last five years by a court or by New York State Homes and Community Renewal.

Under the pilot program, owners of these buildings who apply to DOB for approval of construction documents or an initial or reinstated permit to perform certain covered categories of work will be required to receive a CONH from HPD before DOB can approve any permits.

To learn more about the CONH Pilot Program, and to see a listing of the buildings affected by the law, please visit: <https://www1.nyc.gov/site/hpd/owners/certification-of-no-harassment.page>

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### [Indoor Allergen Hazards \(Mold and pests\)](#)

Effective January 19<sup>th</sup>, 2019, [under Local Law 55 of 2018](#), owners of multiple dwellings will be required to annually inspect units for indoor allergen hazards, such as mice, cockroaches, rats, and mold.

Key owner obligations under the new law include:

- Performing annual inspections in each dwelling unit and common area of the building;
- Providing a notice and New York City Department of Health and Mental Hygiene (DOHMH) pamphlet to prospective and current tenants (at the time of lease renewal) that inform the household of the owner's obligation to do the following:

- a required annual inspection of each dwelling unit; and
- remediate mold, pests, and underlying conditions that cause mold and attract pests.
- Use integrated pest management to address pest infestations, and prescribed work practices to fix mold and underlying defects (such as leaks).
- Perform mold, pest, and underlying defect remediation along with thorough cleaning of any owner-provided carpeting or furniture before a new tenant moves into an apartment.

**To learn more about an owner’s obligation in the remediation of mold and pests, please visit: <https://www1.nyc.gov/site/hpd/owners/indoor-allergen-hazards.page>. Required notices and pamphlets will be made available on this page when they become available.**

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### **[Bedbugs](#)**

Under [Local Law 69 of 2017](#), owners of a multiple dwelling are required to collect bedbug infestation history from all tenants on an annual basis. Through an HPD web application, the owner must electronically file information about whether or not there have been bedbugs in the building and must indicate compliance with the tenant notification requirements. This is required even when there is no reported bedbug activity in a dwelling unit.

Beginning December 1<sup>st</sup> 2018, the HPD web application will permit property owners to file the reporting form for the period of November 7, 2017 through November 30, 2018. HPD will provide a direct link to the application when it is available. It is important to note that you must be validly registered with HPD in order to file this information (see below for more information on HPD Property Registration).

**Please note that Local Law 69 does not modify or amend any requirements under [New York City Administrative Code 27-2018.1](#), which requires that property owners provide new tenants with a [Notice of Bedbug Infestation History](#). For more information on these bedbug reporting requirements, please visit: <https://www1.nyc.gov/site/hpd/owners/bedbugs.page>**

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### **[Lead-Based Paint Hazards](#)**

Property owners in New York City are responsible for complying with all of the requirements of [Local Law 1 of 2004](#). HPD issues lead-based paint hazard violations after inspection of a dwelling unit where a child under age six resides, either based on HPD's testing of a peeling paint surface or under the presumption that there is lead-based paint because of the age of the building.

Key owner obligations under Local Law 1 include:

- maintaining painted surfaces in an intact condition in all dwelling units and common areas,
- distributing an [annual lead notice](#) notifying tenants of an owner's obligation to maintain units and to inspect a unit annually for lead-based paint hazards;
- conducting an annual lead-based paint hazard inspection in common areas and in units where a child under age six resides;
- investigating complaints about and, if applicable, remediating lead-based paint hazards in a unit; and
- correcting lead hazards in vacant units prior to reoccupancy.

All work to address lead-based paint hazards must be performed by a properly certified EPA contractor and must be followed with a dust wipe test performed by an independent party, which indicates that no lead dust remains in the apartment after the work is completed. A qualified contractor will know the requirements, but it is important that you are aware of them as well.

- Large surface components (walls and ceilings) may be complied with by either enclosure with sheetrock, approved encapsulant, or remedied by wet scrape, priming and painting. The surfaces must be intact and finished smooth and consistent.
- All binding, friction, and impact surfaces (which include doors, windows and baseboards) must be replaced, and remediation of such surfaces or just painting is not sufficient or acceptable. *Exception:* Metal door and metal door frames may be abated by paint removal.
- All metal heating elements (radiators and heat risers) may be either abated by paint removal, or remedied by adequate wet scraping and repainting with heat resistant Aluminum paint. Encapsulants are **not** acceptable on heat elements.

**To learn more about an owner's responsibilities in addressing lead-based paint hazards, please visit:** <https://www1.nyc.gov/site/hpd/owners/Lead-Based-Paint.page>

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## [Heat, Hot Water, and Gas](#)

Residential building owners are legally required to provide heat and hot water. Heat season begins October 1<sup>st</sup> and ends May 31<sup>st</sup>. When the temperature is below 55 degrees Fahrenheit, owners are required to provide heat at 68 degrees Fahrenheit

between the hours of 6AM and 10 PM. Between the hours of 10PM and 6AM, owners are required to maintain the temperature at a minimum of 62 degrees Fahrenheit **irrespective of the outside temperature.** Hot water should be at a temperature of 120 degrees Fahrenheit all year round.

A reminder to owners who may have some unexpected issues during the heat season and receive a violation for the first time: Some owners may be eligible to satisfy the penalty by submitting a \$250 payment with a timely Notice of Correction. The Notice of Violation will clearly indicate whether the violation is eligible for payment in satisfaction of civil penalties, based on whether the heat violation is the first such violation of the current or prior heat season, or the hot water violation is the first such violation of the current or previous calendar year.

If services are disrupted, it is the owner's responsibility to immediately begin the repair process. Although gas can only be restored by a licensed plumber, as an owner it is important that you understand the process so that you can ensure that your plumber is working properly and towards quick restoration.

**To learn more about heat, hot water, and gas requirements, please visit:**

<https://www1.nyc.gov/site/hpd/owners/gas-leaks.page>

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### [\*\*Coastal Storm Season\*\*](#)

Coastal Storm season for New York City is currently underway. HPD provides information to owners of residential buildings on preparation for a storm. These resources can help you and your tenants both prepare for and recover from an emergency: 1) [\*\*Get Ready for An Emergency\*\*](#), 2) [\*\*Before and After a Storm: What You Need to Know\*\*](#), and 3) [\*\*Ready New York Hurricane Brochure\*\*](#)). These documents provide information on what you, as a residential building owner, can do both before and after a storm and how to ensure that your building and tenants are prepared for an emergency, particularly a hurricane.

**For information on receiving New York City-specific emergency messages, please visit: [NYC.gov/notifyNYC](https://nyc.gov/notifyNYC) and to check if your building(s) is in a flood zone or to obtain flood zone signage, please visit: <http://www1.nyc.gov/assets/em/html/know-your-zone/knowyourzone.html>**

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## **[Property Registration](#)**

Property owners of residential buildings are required by law to register annually with HPD if the property is a multiple dwelling (3+ residential units) or a private dwelling (1-2 residential units) where neither the owner nor the owner's immediate family resides.

Building registrations must also be filed annually by September 1st or whenever ownership changes or whenever the information on a valid registration changes (ex., new managing agent or site management). HPD uses the contact information supplied in the registration for all official notifications, as well as in the event of an emergency at the property.

You must be validly registered in order to file certifications of correction, to enroll in eCertification and, as noted above, to file a bedbug notification with HPD. For more information on how to register, how to confirm that you are validly registered, the penalties associated with failing to register and the benefits of registration, visit our [Property Registration](#) page.

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## **[ABCs of Housing](#)**

HPD will be updating its [ABCs of Housing](#) by the end of the calendar year. The guide provides pertinent information on an owner's rights and responsibilities. In addition, the booklet includes information on the enforcement process related to violations and resources on how owners can apply for financial assistance. We encourage you to obtain a new copy by January 1, 2019.

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