

## HPD'S JANUARY 2018 NOTICE ON HOUSING CODE ISSUES

This document contains information regarding recent laws, rules, or programs which may affect residential property. Please review carefully. More general information, specific laws and rules, information about violation removal, and sample documents can all be found at the Department of Housing Preservation and Development's (HPD) website at [www.nyc.gov/hpd](http://www.nyc.gov/hpd) or by contacting the Division of Code Enforcement Borough Offices. Some documents can be requested through 311.

### WHAT'S NEW?

#### MOLD REMEDIATION

An owner, a managing agent, or a full-time employee of an owner or managing agent may perform mold assessment, remediation, or abatement on such owner's property. Remediating the mold includes addressing the source of the mold. Owners, agents and employees are strongly advised to follow the NYC Department of Health and Mental Hygiene Guidelines (<http://www1.nyc.gov/site/doh/health/health-topics/mold.page>) to ensure proper remediation and minimize health concerns for workers and tenants.

If an owner or agent hires a third party to conduct mold assessment, remediation or abatement, under New York State [Labor Law Article 32](https://www.labor.ny.gov/workerprotection/safetyhealth/mold/frequently-asked-questions-licences.shtml) (Labor Law) (<https://www.labor.ny.gov/workerprotection/safetyhealth/mold/frequently-asked-questions-licences.shtml>) that independent contractor must be licensed and follow the requirements provided for in that section.

**HPD certification requirements for mold violations will require documented compliance with these Labor Law requirements as of March 1, 2018.** Notices of Violation for mold will have a new certification document. The document will require the owner to indicate who completed the mold work. If the work is not completed by the owner, managing agent or a full time employee of the owner/agent, the owner will be required to provide:

- the mold assessment contractor license (firm) and
- the mold remediation license (firm) **or** the mold abatement worker supervisor license

The new certification documents will be available on-line in March 2018. Mold violations will no longer be eligible for eCertification at that time.

## **SIGNAGE RELATED TO CARBON MONOXIDE DETECTORS AND SMOKE DETECTORS**

The signage required to be posted related to carbon monoxide detectors and smoke detectors has been changed effective November 2017. Please see HPD's [website, search Signage](#), for a sample of the new signage. There are individual signage samples, as well as a combined signage sample which also includes requirements for the posting of a notice regarding how tenants should proceed when there is a suspected gas leak.

## **POSTING PROPERTY ADDRESS**

Local Law 26 of 2017, which becomes effective in March 18, 2018, requires that where a building has frontage on more than one street, every side of such building that has an entrance primarily utilized for day-to-day pedestrian ingress and egress shall display either:

- The assigned street number of the street on which such entrance faces, or
- Both the street name and assigned street number of any other street on which an entrance of such building primarily utilized for day-to-day pedestrian ingress and egress faces.

The Local Law also increases the penalty for failure to comply with any of the requirements of Section 3-505 of the administrative code of the city of New York related to the display of a property address.

## **TENANT HARASSMENT**

It is illegal for building owners to force tenants to leave their apartments or surrender their rights (Housing Maintenance Code Section 27-2004). Harassment is any act or omission by or on behalf of an owner that (i) causes or is intended to cause any person lawfully entitled to occupancy of a dwelling unit to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy, and (ii) falls into a category of acts or omissions identified in the law. Tenants can initiate actions in Housing Court which include a claim of harassment. The Court is to presume that certain acts or omissions in a multiple dwelling were intended to cause such person to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy, unless the property owner can provide satisfactory evidence otherwise. There are civil penalties which can be assessed against a property if Housing Court determines that there has been harassment. The Court may also award compensatory damages, reasonable attorneys' fees and costs and/or punitive damages. In addition, owners who harass tenants may be subject to additional reviews by the Department of Buildings when permits are required for building permits, and such owners may be required to obtain a Certification of No Harassment from HPD if there will be a change in use or occupancy at a property. HPD is also required to provide information on its website for Housing Court actions where there is a finding of harassment.

## REMINDER

### PROPERTY REGISTRATION

HPD has issued Orders to properties which failed to file a timely Property Registration (by September 1, 2017). If you have received an Order, please be reminded that you must register to have the Order dismissed. If you are unsure of whether your property is validly and currently registered, you can check using HPDONLINE (<http://www1.nyc.gov/site/hpd/index.page>) from our homepage. To find out more about the Property Registration requirement or to use our Property Registration Online System (PROS), visit HPD's website (<http://www1.nyc.gov/site/hpd/owners/compliance-register-your-property.page>) or contact HPD at [register@hpd.nyc.gov](mailto:register@hpd.nyc.gov).