

NYCTM

Department of
Housing Preservation
& Development

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ABCs OF HOUSING



2021

ABCs OF HOUSING

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Owners' and Tenants' Rights and Responsibilities

Owners and tenants have legal responsibilities to each other. The New York City Department of Housing Preservation and Development (HPD) is one of many City and State agencies that enforce those responsibilities. This booklet is designed to help owners and tenants gain an understanding of the rules and regulations affecting housing and provide you with information about where you can receive assistance.

BUILDING OWNERS

Owners must ensure that common areas and individual apartments in their buildings are safe and well maintained in compliance with the Housing Maintenance Code (HMC) and Multiple Dwelling Law (MDL). Among other responsibilities, owners must:

- Provide and maintain security measures, heat, hot and cold water, and good lighting.
- Address leaks, mold, and pest issues immediately and conduct annual inspections for these conditions.
- Provide smoke detectors, carbon monoxide detectors, and ensure appropriate fire egress.
- Protect children by complying with regulations regarding lead-based paint and window guards.
- Post a notice about the availability of the *ABCs of Housing* in the common area of their building (see inside back cover for a sample of the notice that must be posted).
- Post appropriate signage at the building, file appropriate documents with HPD, and provide appropriate notices to tenants.

- Only rent legal residential space for living, as defined by a property's Certificate of Occupancy.
- Maintain records about compliance with lead-based paint regulations.

Owners of residential properties with three or more residential units, and for 1–2 family homes if neither the owner nor the owner's immediate family reside at the property, must register the units annually with HPD at: nyc.gov/propertyregistration.

If the building is rent-stabilized, the owner must register rents annually with NYS Homes and Community Renewal (HCR) at nyshcr.org.

- Property owners cannot lock tenants out of apartments or otherwise harass tenants to leave an apartment. Owners can bring eviction proceedings if tenants do not meet their responsibilities.

Further details about all of the above topics are covered in this document or by going to www.nyc.gov/hpd.

TENANTS

Tenants should expect to live in safe, well maintained buildings that are:

- Free from pests, leaks, mold, and other potentially hazardous conditions.
- Provided with basic services such as heat, hot water, cold water, and electricity.
- Free from harassment by the owner and the owner's employees.

Tenants who are in rent-stabilized units have additional rights related to this status. Tenants can find out if an apartment and/or building has been registered as rent-stabilized by calling HCR at **718-739-6400** or sending an email to rentinfo@nycshr.org.

OWNER ENTRY TO AN APARTMENT

The law provides that a tenant must permit the owner, or his or her agent or employee, to enter the tenant's apartment or other space under his or her control to inspect, make repairs, or make improvements as required by the HMC or other law. The owner must notify the tenant in advance, in writing, of the day and time he or she wishes to access the apartment. The appointment must be between 9am and 5pm during the week, unless otherwise agreed to by the tenant or unless there is an emergency that must be

Tenants have responsibilities to their building owners and other tenants.

- They may not damage the building, intentionally or through neglect.
- Tenants are responsible for the actions of their guests.
- Tenants must respond to annual owner inquiries related to window guards and lead-based paint, and maintain smoke and carbon monoxide detectors.
- Tenants must obey the legal terms of leases, pay rent on time, honor the rights of other tenants, and provide access for repairs.

addressed immediately. When repairs are urgently needed to prevent damage to property or to prevent injury to persons, such as repairs of leaking gas piping or appliances, leaking water piping, stopped-up or defective drains or leaking roofs, or broken and dangerous ceiling conditions, no advance notice is required from the owner, agent, contractor, or workman. Any contractor or agent of the owner must be able to show the tenant that he has been authorized by the owner to enter and do the work.

Staying in Your Apartment Safely



I. Conditions

Tenants may have several options to pursue if physical conditions in a building are not safe or in good repair. Tenants in privately owned buildings with maintenance problems should first notify the building owner or manager. If verbal notification does not result in a resolution to the problem, tenants may wish to send written notification through certified mail, with a return receipt requested. Keeping these records is important if the owner does not take any action to address the issue(s). In addition, tenants may file complaints with the city for most complaints by calling 311, using [311ONLINE](#) or [311Mobile](#) and, in the case of rent-stabilized or rent-controlled apartments, with the state.

For more details on any of the below conditions, please visit HPD's website at nyc.gov/hpd.

A. Heat and Hot Water

Heat is required between October 1st and May 31st, a period designated as "Heat Season." Building owners are required to provide tenants with heat during these months under the following conditions:

- When the outside temperature is below 55 degrees Fahrenheit between the hours of 6am and 10pm, building owners must heat apartments to at least 68 degrees Fahrenheit. HPD can only issue violations if the owner fails to supply adequate heat when the outside temperature is below 55 degrees Fahrenheit.
- Between the hours of 10pm and 6am, regardless of the outside temperature, building owners must heat apartments to at least 62 degrees.
- Building owners also must ensure that tenants have hot water 24 hours a day, 365 days a year, at a minimum constant temperature of 120 degrees Fahrenheit.

HPD may seek penalties for heat violations in Housing Court. An owner may be eligible to satisfy a heat/hot water civil penalty for a first violation by submitting a \$250 payment with a timely Notice of Correction. Additionally, for a third or any subsequent inspection that results in a heat violation within the same heat season (October through May) or a hot water violation within a calendar year, HPD will bill a fee of \$200 for the inspection.

In July 2020, HPD implemented the Heat Sensor Program requiring selected multiple dwelling properties with heat violations and heat-related complaints to install internet capable temperature reporting devices in each dwelling unit. HPD will conduct inspections during the heat season, without receipt of complaint, for compliance with the heat sensor installation requirements and the requirements for providing heat and hot water.

Effective October 2017

COLD WEATHER HEAT REQUIREMENTS

October 1st-May 31st

DAY
6 a.m. - 10 p.m.
At least **68°F** inside

NIGHT
10 p.m. - 6 a.m.
At least **62°F** inside

Below **55°F** outside

No outside temperature requirement

Tenants without heat should file a complaint through the **NYC311 Mobile App**, calling **311 (TTY 212-504-4115)**, or online at **nyc.gov/311**

For more information, visit **nyc.gov/hpd**

Heat & Hot Water

B. Carbon Monoxide and Smoke Detectors

Carbon monoxide (CO) is an odorless and highly toxic gas. In general, landlords are required to provide and install at least one approved CO detector in each dwelling unit and provide written information about how to test and maintain them. The detector must have an audible end-of-useful-life alarm. A CO detector must be installed within 15 feet of the primary entrance to each sleeping room.

Landlords must also install smoke detectors in each apartment.

Tenants are responsible for maintaining both devices. If a tenant has removed the detector or failed to replace its battery, he/she must return it to proper working order.

For safety's sake, tenants should:

- Test all detectors at least once a month.

- Replace the batteries in detectors at least twice a year.
- Listen for an alarm sound when the battery is low and replace the battery immediately.
- Use only the type of batteries recommended on the detector.
- Never paint over detectors.

Tenants residing in the following building classes who fail to maintain, lose, or damage the detector are required to:

Class A Building (permanent occupancy)	Reimburse the building owner \$25 for each smoke detector and each CO detector, or \$50 for each joint smoke/CO detector. Occupant has one year from the date of installation to make a payment.
Class B Building (transient use)	Not required to reimburse property owners for either device
Private Dwelling (1–2 family homes)	Reimburse the building owner \$25 for each CO detector. Occupant has one year from date of installation to make a payment.

C. Locks

DOUBLE CYLINDER LOCKS AND KEY-LOCKED WINDOW GATES

Double cylinder locks on doors and key locked window gates that require a key from inside the apartment to unlock or to access the fire escape are illegal and must be removed.

In case of a fire or other emergency, delay in finding or using the key can reduce a tenant's chances of escape. Tenants can protect themselves with legal window gates, which lock by use of a latch system, by checking the label with the serial number on it to make sure it states that it has been approved for use in New York City.



Carbon Monoxide & Smoke Detectors



Locks



Lead-Based Paint

New York City's LeadFreeNYC plan was released in January 2019 and outlined 45 separate initiatives that the Mayor's Office and a number of City Agencies are undertaking to remove lead from buildings. To learn more about the City's efforts to prevent lead exposure, visit the LeadFreeNYC website at: nyc.gov/leadfree

HPD's "Get Ahead of Lead" webinar series, accessible from HPD's Lead-Based Paint webpage nyc.gov/lead-based-paint, can help you learn more about all of the responsibilities and obligations under Local Law 1 of 2004 as outlined



D. Lead-Based Paint

Lead is a harmful metal often found in old paint that can be poisonous for young children if it creates dust or paint chips. Young children can swallow the lead paint dust and chips from window sills and floors. Lead causes behavior and learning problems in young children. While NYC banned lead-based paint in 1960, older buildings may still contain it. Property owners of these buildings are responsible for keeping tenants safe from lead-based paint hazards. Property owners must identify and remediate lead-based paint hazards in the apartments and the common areas of those buildings where there are young children, using trained and appropriately certified workers and safe work practices.

Under Local Law 1, lead-based paint hazards are presumed to exist if:

- The building was built before 1960 (or between 1960 and 1978 if the owner knows that there is lead-based paint) and,
- The building has three or more apartments or the building has a rented unit in a one- or two-family home and,
- A child under the age of six lives in the apartment or routinely spends 10 or more hours per week there.

Owners must ask tenants in writing, using an annual notice available on the HPD website, whether children under the age of six are

in residence. If so, owners must visually inspect the apartments and common areas for lead-based paint hazards at least once a year.

Property owners can hire qualified companies to conduct testing to determine whether there is lead-based paint in their buildings and work proactively to reduce the liability associated with lead-based paint. Lead-based paint violations must be repaired by trained and appropriately certified workers using safe work practices, within the timeframes specified by law and HPD rules. If owners can show that there is no lead paint in the building or perform abatement using the appropriate methods and certified workers, and obtain an Exemption from HPD, then the annual requirement for obtaining information from the tenant and conducting visual inspections do not apply.

Owners should be aware of the following changes to Lead-Based Paint Hazards law.

1. Under Local Law 64 of 2019, the definition of the term "resides" now means to routinely spend 10 or more hours per week in a dwelling unit, which includes both a child who lives in the apartment and a child who just visits for this period of time. This new definition went into effect in January 2020.
2. Clearance tests to confirm that no lead dust remains after construction work is performed must be

performed every time work is done in a building that Local Law 1 covers. The lead dust threshold levels for clearance of work areas, showing there is no lead dust, were lowered as of June 2019 to:

- Floor: 10 or more micrograms per square foot
- Window Sills: 50 or more micrograms per square foot
- Window Wells: 100 or more micrograms per square foot

The thresholds will be lowered again in June 2021 to:

- Floor: 5 or more micrograms per square foot
- Window Sills: 40 or more micrograms per square foot
- Window Wells: 100 or more micrograms per square foot

3. There are a significant number of record-keeping requirements related to lead-based paint, and HPD will be auditing more properties each year. There are significant civil penalties that can be imposed for the failure to keep these documents for 10 years.

4. In effect August 2020 and with five years for full compliance, Local Law 31 of 2020 sets a new requirement to test all rental units in buildings built before 1960 for the presence of lead-based paint using an independent Environmental Protection Agency (EPA) certified

inspector or risk assessor, by August 2025. If a child under six comes to reside in a unit, the testing must be done within 1 year or by the August 9, 2025 deadline, whichever is sooner. The results must be provided to the tenants. If there is no lead-based paint in a unit OR an owner properly abates lead by removing or enclosing it as outlined in the law, the owner should apply for an Exemption from many of the requirements of Local Law by filing an Exemption application with HPD.

- Property owners of pre-1960 buildings are also required to take action to remove and/or remediate lead-based paint on certain surfaces whenever an apartment turns over and before the new tenant takes occupancy. In 2021,

as implemented by Local Law 28 of 2020, HPD will expand its enforcement of the turnover requirements during agency in-dwelling investigations for lead-based hazards.

PROPERTY OWNERS RESOURCES

- For information on free training on lead-safe home repair, please call Department of Health and Mental Hygiene (DOHMH) at **212-226-5323**. See the section in the ABCs on loans and grants available for owners, some of which specifically address lead-based paint. For sample forms and information visit HPD's nyc.gov/lead-based-paint.
- You do not need to hire a professional to conduct your annual visual investigation. However, HPD highly

recommends that whoever conducts this investigation take the online visual assessment training offered by the federal Department of Housing and Urban Development at <https://apps.hud.gov/offices/lead/training/visualassessment/h00101.htm>.

TENANTS

Tenants should report peeling paint in an apartment to the landlord. If the landlord does not fix peeling paint or if work is being done in an unsafe manner (for example, creating dust that is not being contained), tenants should call **311**. Tenants may also call **311** to learn how to prevent lead poisoning, find out where to get their children tested, find information about pregnancy and lead, or request brochures and materials on lead poisoning prevention.

Tenants are required to:

- Fill out and return the Annual Notice regarding lead-based paint that you receive from the landlord.
- Notify the landlord in writing if a child under six comes to live with you, routinely spends 10 or more hours a week with you, or if you have a baby.

Tenants should:

- Wash floors, window sills, hands, toys, and pacifiers often.
- Remind your doctor to test your children for lead poisoning at ages one and two.

E. Mold

Mold may cause allergic reactions, irritation, or trigger asthma in some people. Mold needs water or moisture to grow so it is important for building owners to fix leaks promptly.

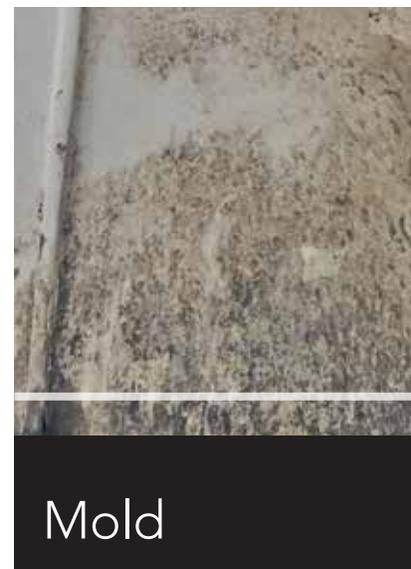
Residents can help prevent mold growth on bathroom or kitchen surfaces by using exhaust fans or opening windows and frequently cleaning surfaces. Tenants should report leaks and signs of mold growth to their building owners. If repairs are not made, call **311**.

Cleanup of mold may require licensed contractors; property owners and tenants can read more about these requirements on HPD's website, nyc.gov/hpd or visit the DOHMH website at nyc.gov/doh.

UNDERLYING CONDITIONS

The Underlying Conditions Program allows HPD to issue an administrative order to residential building owners to correct underlying conditions that have caused, or are causing, leaks and mold conditions.

HPD selects buildings for participation in the program each year based on the number of apartments affected by mold and leaks, and the number and severity of the violations. Property owners are required to investigate the cause of leak or mold conditions affecting multiple apartments in a building, and to address the conditions and related violations within four months. HPD may sue non-compliant owners in Housing Court. The civil penalty is \$1,000 for each dwelling unit with a minimum of \$5,000.



Mold



Pests

F. Pests

Roaches, mice, and rats can be hazards to individuals with respiratory conditions, such as asthma. The first step to eliminating pests is by cutting off their food and water supply. Cockroaches and mice are best controlled by sealing up holes and cracks, cleaning up droppings, and using safe pesticides. Building owners should work with their pest control contractor to identify pest infestations and ways to keep pests out. Owners can pest-proof their buildings by fixing leaks and containing garbage. Tenants can help by keeping food and garbage covered and reducing clutter.

To learn more about pests, see DOHMH Controlling Pests Safely at www.nyc.gov/doh.

BEDBUGS

Bedbugs are rusty-red colored insects that can grow to the size of apple seeds.

Bedbugs feed on human blood, but do not carry diseases. Infestations can spread among apartments when bedbugs crawl through small crevices or cracks in walls and floors. Early detection of bedbugs is the key to preventing a severe infestation. For more information on bedbugs, detection, and information on how to treat bedbugs, take HPD's free "Bedbug Management" course online in English or Spanish at nyc.gov/hpd or visit the DOHMH at www.nyc.gov/doh.

New York State law requires that landlords hire only pest control professionals licensed by the NY State Department of Environmental Conservation (DEC) to treat apartments for bedbugs.

The pest control professional should perform an inspection to confirm the presence of bedbugs, locate and eliminate hiding places, treat the apartment with cleanings or pesticides and make follow-up visits to ensure that the bedbugs are gone.

When calling 311 to make a bedbug complaint, the caller may be asked by the 311 operator about whether it would be acceptable for HPD to bring a dog trained to sniff out bedbugs to participate in an inspection. If the dog is not allowed, an HPD Inspector will conduct a visual inspection. Violations will be issued if the Inspector is able to visually confirm the presence of live bedbugs. Multiple bedbug violations in a building may lead to enhanced enforcement.

Property owners must report information about bedbug occurrences in their buildings electronically with HPD each year at <https://hpdcrmportal.dynamics365portals.us/bedbugs/> during the month of December.

G. Window Guards

Each year, young children are injured or die as a result of falls from unguarded windows. These are preventable deaths and injuries.

The law requires owners to send an annual notice to tenants of multiple dwellings (buildings of three or more apartments) regarding window guards. It also requires owners to provide and properly install approved window guards on all windows in all apartments where a child 10 years of age or younger resides, including first floor bathrooms, windows leading onto a balcony or terrace, and windows in each common area on any floor.

The exceptions to this law are windows that open onto a fire escape, and windows on the first floor that are a required secondary exit, since the fire escapes start on the second floor.

If tenants or occupants want window guards for any reason, even if there are no resident children 10 years of age or younger, the tenant can request the window guards in writing and the landlord must install them. For example, occupants who have visiting grandchildren, parents who share custody, and occupants who provide child care may wish to request window guards.

Tenants should call **311** if required or requested window guards have not been installed, if they appear to be insecure or improperly installed, or if there is more than four and a half inches of open unguarded space in the window opening.

Tenants should not remove or unscrew window guards for any reason, including to install air conditioners. The Department of Health and Mental Hygiene's website (nyc.gov/doh) can provide additional information on:

- Annual notices
- Installation requirements for approved window guards
- Variances

H. Self-Closing Doors

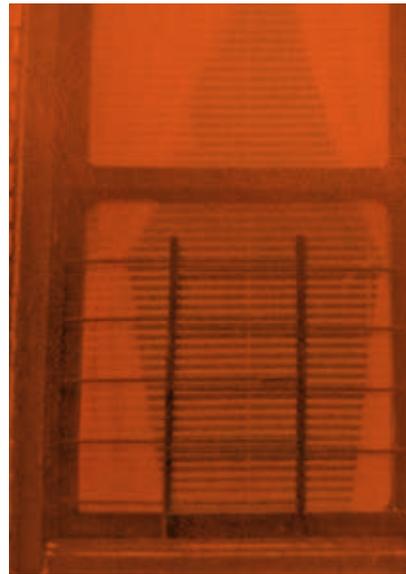
Self-closing doors in apartments and in public hallways are a critical component of fire safety.

Self-closing doors should never be blocked and can help contain a fire from spreading throughout a building.

In all multiple dwelling types, the following doors are required to be self-closing:

- Building entrance doors
- Unit entrance doors
- Fire stair doors
- Fire tower doors
- Bulkhead doors
- Rubbish chute closet doors

- Other doors accessing the public hall/stairs (building commercial space, garage areas, etc.)



Window Guards



Self-Closing Doors



Gas Leaks

I. Gas Leaks

Gas leaks can create fires and explosions. It's important that you and your family know how to recognize a gas leak and what to do if you suspect a leak. Recognize a gas leak by:

Smell—A distinctive, strong odor similar to rotten eggs

Sight—A white cloud, mist, fog, bubbles in standing water, blowing dust, or vegetation that appears to be dead or dying for no reason

Sound—Roaring, hissing, or whistling

Property owners are required to post signage and provide information to tenants regarding what to do when they suspect a gas leak.

Anyone suspecting a gas leak should:

1. Quickly open nearby doors and windows and then leave the building immediately; do not attempt to locate the leak. Do not turn on or off any electrical appliances, do not smoke or light matches or lighters, and do not use a house-phone or cell-phone within the building;

2. After leaving the building, from a safe distance away from the building, call **911** immediately to report the suspected gas leak;

3. After calling **911**, call the gas service provider for this building.

Gas restoration should always be completed by a licensed plumber. For information on the steps to restoration, property owners can visit www.nyc.gov/hpd and search **Gas**.



Stove Knob Covers

J. Gas Powered Stoves: Stove Knob Covers

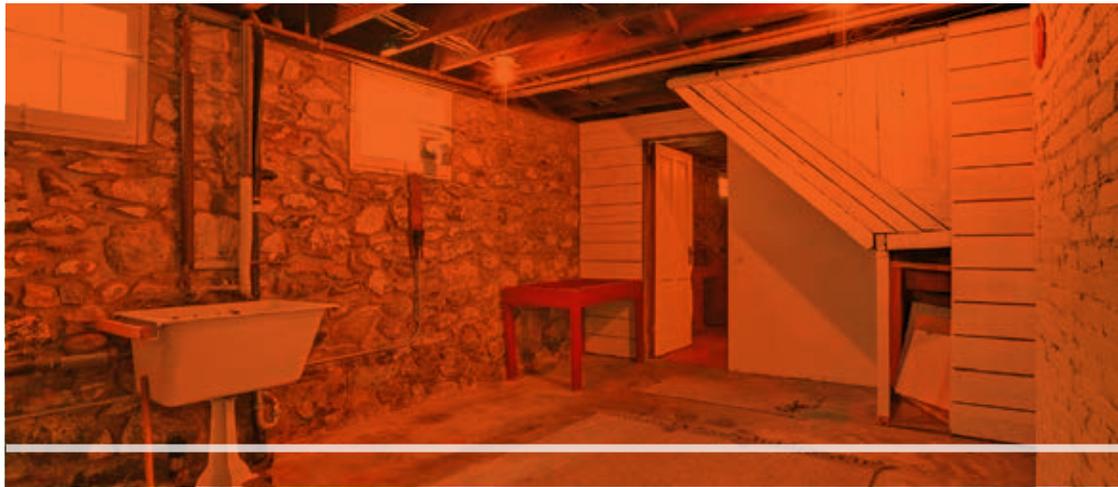
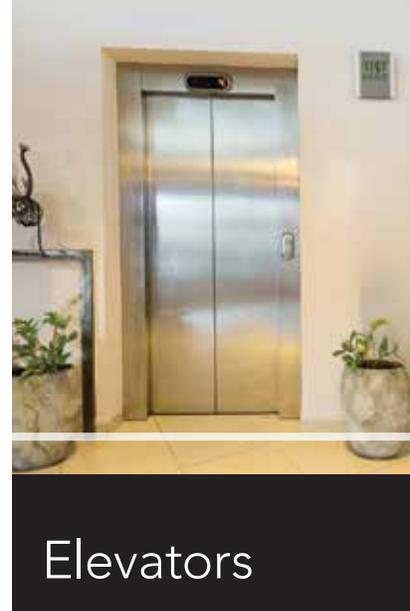
Owners of a tenant-occupied multiple dwelling must provide stove knob covers for gas-powered stoves where the owner knows or reasonably should know that a child under six years of age resides. Households can forgo stove knob covers through written refusal to the landlord. Owners must also provide stove 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.

K. Elevators

The NYC Department of Buildings' Elevator Division oversees the use and operation of elevators in NYC buildings by enforcing the New York City Building Code and other standards. Call or go online to **311** to file a complaint if the elevator is not working properly.

Should an immediately hazardous elevator violation not be remedied within the timeframe allowed by DOB, HPD may seek to correct the condition through its Emergency Repair Program or through other enforcement mechanisms.



Illegal Basement & Cellar Occupancy

L. Illegal Basement and Cellar Occupancy

Basements and cellars are very different spaces and have different legal uses. A basement is a story of a building partly below curb level but with at least one-half of its height above the curb level. A cellar is an enclosed space having more than one-half of its height below curb level. Basements and cellars may not be occupied unless the conditions meet the minimum requirements

for light, air, sanitation, and egress, and have been approved by the City's Department of Buildings. Cellars in one and two-family homes can NEVER be lawfully rented.

Owners with illegally converted basements and cellars may face civil and criminal penalties.

Occupants of illegal basement and cellar

apartments face potential dangers such as carbon monoxide poisoning, inadequate light and ventilation, and inadequate egress in the event of a fire.

The City may require that occupants vacate or leave any such apartment.

Tenants who are vacated are offered Emergency Housing Services through HPD.

M. COVID-19

Due to the unprecedented impact of COVID-19 on New York City, the City of New York and HPD have developed a list of resources for anyone seeking assistance. For housing resources and HPD service updates, please visit our COVID-19 Updates webpage at www.nyc.gov/hpd.





II. Complaints, Violations and Enforcement

Property Registration is required annually for all residential buildings with 3 or more residential units and for 1–2 family homes if neither the owner nor the owner’s immediate family reside at the property. Registration information is used to contact property owners about complaints received by HPD and violations issued by HPD, as well as by other city agencies should emergencies occur at a property. For more details about how to register, property owners should go to www.nyc.gov/hpd and search **Property Registration**. Property owners are strongly encouraged to provide email contact information to ensure the quickest and most direct communication from the agency.

A. HPD Complaint Process

Tenants may file a complaint with HPD by calling 311, using TTY **212-504-4115**, or by using **311** online (nyc.gov/311) 24-hours-a-day, seven-days-per-week. Complaints regarding heat and hot water may also be filed through the **311** mobile app.

After a tenant files a complaint with **311** about a housing condition, 311 forwards the complaint to HPD. A notification call and/or email is made to the registered owner. The notification is made to advise the owner of the problem only, and never closes the complaint. (Note to owners: if you are not properly registered, you may miss this important notification from HPD!) A call may also be made to the tenant to confirm whether the condition has been corrected. If there is no confirmation of correction by the tenant, an inspector may be dispatched.



In addition to responding to the complaint, HPD will always inspect for nine safety issues:

- The presence of operational smoke detectors.
- The presence of operational carbon monoxide detectors.
- Illegal gates on the windows.
- Door locks that require a key to exit.
- Window guards if a child under age 11 resides in the unit.
- Self-closing dwelling unit entrance doors.
- Peeling paint if child under age six resides in the unit.
- Mold.
- Mice, cockroaches, and rats.

B. Violations

If HPD inspectors issue violations, the time the owner is given to correct them depends on the violation severity. You can see all the open violations on a building on HPD's website through [HPDONLINE](#). HPD will mail a Notice of Violation to the business address of the managing agent registered with HPD (or to owner directly if there is no managing agent). If the owner has supplied an email with their Property Registration, HPD will also email information about the violations to the owner. Heat and hot water violations are posted at the building at the time of the inspection. The Housing Maintenance Code has three classes of code violations: A, B, and C.

Violation Class	Type	Time owner has to correct from notice before civil penalties begin to accrue
Class A	Non-Hazardous	90 Days
Class B	Hazardous	30 Days
Class C: Lead-Based Paint, Windows Guards, Mold, Mice/Cockroaches, and Rats	Immediately Hazardous	21 Days
Class C: Heat and Hot Water Violations	Immediately Hazardous	Immediately
Class C: (all others)	Immediately Hazardous	24 Hours

Once a violation condition has been corrected, it is the property owner's responsibility to notify HPD that the condition has been corrected through the certification process. Currently registered Owners/Agents can certify violations as corrected through eCertification or by completing the violation documents mailed to the owner. To find out more about eCertification, the owner can go online to www.nyc.gov/hpd.

Failure to correct violations may also result in civil penalties imposed by the Housing Court. For more information on penalties and inspection fees, go to www.nyc.gov/hpd.

C. Emergency Repairs

If the owner fails to correct the class C violations, the City may perform or contract for emergency repairs to correct the violation at the owner's expense. The City is subject to laws governing procurement, contracting, wages, and other matters that may make such work significantly more expensive than the price that the owner could obtain if he/she performs or contracts for the work.

The City will bill the property through the Department of Finance for the cost of the emergency repair plus related fees and/or for the cost of sending a contractor to attempt to make repairs. If the owner fails to pay, the charges become a tax lien against the property. The tax lien will bear interest and may be sold and/or foreclosed to collect the amount owed.

D. Housing Court

HPD's Housing Litigation Division initiates cases in Housing Court seeking court orders for the correction of conditions and civil penalties where appropriate. HLD seeks correction of heat and hot water violations, files cases seeking the restoration of gas service, and where there are many hazardous violations in a building, HLD may file a comprehensive case seeking the correction of all violations in the building and appropriate civil penalties. HLD may also seek civil penalties in cases where an owner falsely certifies the correction of violations and may seek access warrants in order to permit HPD to correct immediately hazardous violations when HPD has been denied access by a property owner. In addition to seeking correction of violations, HLD may seek the enforcement of orders, such as Orders to Repair/Vacate Orders or Orders issued by the Alternative Enforcement or Underlying Conditions Programs. HLD also may file a case seeking the appointment of a 7-A administrator if a property owner has completely failed to maintain a property and the conditions in a building are dangerous to life, health, and safety of the tenants.





Housing Court is also the forum where building owners and tenants resolve many of their legal disputes. Tenants in privately-owned buildings who have apartment maintenance problems or who have been harassed by the property owner may initiate legal action in Housing Court. This action is referred to as a Tenant Action or HP Action. When tenants go to the Housing Court, they will be assisted in preparing an Order to Show Cause and obtaining a date to return to court for the case to be heard. When the tenant files a HP case, the tenant will be permitted to fill out an inspection request form in order to obtain an inspection of the conditions before the Court date. The tenants are given instructions about how to serve the Order to Show Cause on both the owner and HPD. On the date that the case is returnable in Court, the tenant and the owner each get an opportunity to present their positions with an HPD attorney present. If the judge believes that violations exist in the building, the judge may order the owner to correct them within a specified time frame. If the owner fails to comply with the order, the tenant may return to court to seek civil penalties or contempt of court. Judges may penalize owners who refuse to repair violations after being ordered to correct them. Filing an HP case is a safer and faster way to address your housing issues and protect your rights than withholding of rent, which may lead to eviction. To better understand your rights, you should seek legal advice. Information on how to obtain legal services can be found in the Tenant Resources section of this booklet.

E. New York State Homes and Community Renewal (HCR)

In addition to calling HPD to report code violations, tenants in rent-regulated apartments who have problems with their building conditions may contact HCR and file complaints. After obtaining evidence from owners and tenants, HCR can issue written orders that can lower rents for lack of services.

Tenants can find out if their apartment has been registered as rent stabilized by calling NYS HCR at **718-739-6400** or by sending an email to rentinfo@nysocr.org.

Regulated tenants can also complete a form describing decreased service conditions, such as a lack of gas or heat or reduction in janitorial services or conditions inside apartments, on the HCR website: <http://www.nysocr.org/Forms/Rent/>.



F. Alternative Enforcement Program (AEP)

The Alternative Enforcement Program (AEP) is an enhanced enforcement program. HPD identifies distressed multiple dwellings (criteria are in the law) for special attention, including the imposition of fees, the issuance of Orders to Correct, and the authority to replace building systems if the owner fails to act. Each year HPD designates 250 different multiple dwellings for participation in the AEP. Property owners can avoid AEP by correcting and certifying violations in a timely manner. Both property owners and tenants will be notified if their building is selected for AEP.

G. Proactive Preservation Initiative (PPI)

HPD's Proactive Preservation Initiative (PPI) is an aggressive approach to identify and address substandard physical conditions in multi-family buildings before they reach a state that endangers the health and safety of residents and threatens the quality of the surrounding neighborhood. Through the PPI, HPD identifies troubled buildings preemptively and provides the tools or incentives to owners to address housing quality issues. Every year, HPD will evaluate distressed buildings with the goal of putting them on a path to stability. HPD will survey the buildings to evaluate needs and will actively reach out to help owners address at-risk buildings. In buildings that exhibit serious physical distress, HPD's Proactive Enforcement Bureau conducts roof-to-cellar inspections. For buildings with non-emergency distress, HPD will devise appropriate, individualized strategies to help ensure that conditions improve. Actions can include giving low-cost repair loans, financial counseling and referrals, as well as more aggressive actions involving Housing Maintenance Code enforcement and litigation.

III. Harassment

Harassment by an owner to force tenants out of their apartments, or to surrender their rights, is illegal. Examples may include:

- Not offering leases, lease renewals, or repeatedly trying to pay you to move out of your home or to give up your rights (“a buyout”).
- Offering you a buyout:
 - While threatening you, intimidating you, or using obscene language.
 - By contacting you at your place of employment without obtaining your written permission.
 - While providing false information in connection with the buyout offer.
- Contacting you about a buyout unless they provide you with the following information in writing:
 - The purpose of the contact and that the contact is on behalf of the owner.
 - That you can reject the offer and continue to live in your home.
 - That you have the right to seek advice from a lawyer and may seek information on the HPD website about legal services.
 - That, if you advise the owner in writing that you do not want to be contacted about any buyout offer, the owner cannot contact you about it for 180 days unless you advise the owner in writing at some earlier time that you are interested in discussing a buyout or unless the court permits the owner to discuss a buyout offer with you.
- Contacting you about a buyout offer prior to the 180 days, after you have notified the owner in writing that you do not want to be contacted about it.
- Unjustified eviction notices or illegal lockouts.
- Threats and intimidation, such as late-night phone calls including phone calls to encourage or ask you to move out of your home or give up your rights.
- Overcharging for a rent-regulated apartment.
- Failure to provide necessary repairs or utilities.
- Deliberately causing construction-related problems for tenants, such as working after hours, blocking entrances, or failing to remove excessive dust and debris.
- Improperly requiring you to seek, receive, or refrain from submitting to medical treatment.

For assistance and referrals to legal services for any of the above conditions, tenants should contact the Mayor’s Office to Protect Tenants at www.nyc.gov/tenantprotection or by calling 311.

Both maintenance conditions and the harassment that is being caused by a property owner’s failure to provide necessary repairs or utilities should be reported at HPD’s Anti-Harassment Unit (AHU) by calling 311. AHU will attempt to contact tenants and/or conduct inspections in response to these complaints.

Tenants in rent-controlled or rent-stabilized units who believe that their landlords are harassing them may contact HCR. HCR enforces housing laws in rent-regulated units and may levy fines against owners found guilty of harassment. Information is available at nysocr.org or 1-866-ASK-DHCR (1-866-275-3427).

Tenants may contact the Department of Buildings’ Office of Tenant Advocate (OTA) at (212) 393-2949 or TenantAdvocate@buildings.nyc.gov. This office serves as a resource to tenants who are affected by construction work in occupied multiple dwellings.



Tenants may have basis to bring legal action against the owner in Housing Court if there is harassment. Tenants may want to consult with or retain an attorney before initiating any lawsuit. See the previous page of this document for information about free and low-cost legal assistance or contact your local housing organization, community board, or elected official. The creation of dangerous conditions (such as unsafe construction) or lack of services (such as no heat/hot water or removing bathroom facilities and not replacing them in a timely manner) should be reported through **311**. Tenants can then use the reporting of this complaint, and any subsequent violations that are issued, to support either a Housing Court or HCD action.

Tenants can also file complaints directly with the Tenant Harassment Prevention Task Force by sending an email to THPT@hpd.nyc.gov if the harassment takes the form of construction or lack of basic services. The Task Force is a collaboration of HPD, the NYC Department of Buildings, the Office of the NYS Attorney General, and the NYS Homes and Community Renewal. As needed, the THPT may conduct joint inspections, issue violations and orders, and initiate additional enforcement action.

In 2018, HPD launched its Certificate of No Harassment (CoNH) Pilot Program, which targets buildings with high levels of distress and ownership change in certain community districts, findings of harassment, full vacate orders, and active participation in HPD's Alternative Enforcement Program in buildings citywide. Owners of these buildings must obtain a CoNH prior to the approval of certain permits from the Department of Buildings involving demolition or the change in use or occupancy. This new tool applies to more than 1,000 buildings in high-risk neighborhoods. If you reside in a CoNH building (either related to the above referenced pilot program or two other existing CoNH programs) and the property owner applies for a CoNH, you will receive a notice from HPD or an HPD contracted organization seeking your comments about harassment in the building.

If you are feeling threatened regarding your immigration status, please call the NY State Immigration Hotline in the NYS Office for New Americans at **1-800-566-7636** and you will be connected to the right organization to assist you.

IV. Tenant Resources

A. Initiating a Case in Housing Court

Tenants may choose to initiate legal action or seek assistance from HCR against property owners who fail to correct conditions, or for harassment. Tenants can obtain assistance with bringing these cases or filing with HCR through the following legal services providers:

- The Legal Aid Society: 212-577-3300
- Legal Services NYC: 917-661-4500
- Urban Justice Center: 646-459-3017
- Dial 311 for more information, go to nyc.gov/311 or nyc.gov/hpd.

The Housing Court Answers (HCA) hotline also provides information about Court procedures, landlord/tenant rules and regulations, enforcement of housing code violations, referrals for free legal help, and referrals to community organizations that help with housing problems. They are open from 9am to 5pm, Monday through Thursday, and can be reached at **212-962-4795**.

B. Eviction Prevention

Non-payment Eviction Proceedings: The only legal way to evict a non-paying tenant is through a non-payment eviction proceeding in Housing Court. Building owners must notify the tenant that rent is late, what the balance is, and that, if not paid, the tenant will be evicted. Three days after notice is given or oral demand for the rent is made, the owner may file a non-payment proceeding in Housing Court and serve papers on the tenant. The tenant must answer the petition in person at the Housing Court Clerk's office. The Clerk will then provide a court date to the tenant. On the court date, the tenant has an opportunity to present his or her defense to a Housing Court Judge. It is advisable for a tenant to consult an attorney whenever eviction proceedings are concerned. Owners must obtain a judgment of possession and "warrant" directing a city marshal to evict the tenant. Tenants may have a defense to a claim for rent in a building which has been illegally altered and/or for which there is no current Certificate of Occupancy indicating that the rented space can be legally occupied.

Holdover Eviction Proceedings: An owner may commence a summary proceeding for possession of an apartment for a breach of the lease. If a tenant's lease contains a provision allowing for termination for committing a "nuisance," an owner may undertake eviction proceedings for objectionable conduct. A "nuisance" is generally considered persistent and egregious conduct that threatens the health, safety, or comfort of neighboring tenants. To evict, owners must provide evidence proving that the tenant's behavior meets this standard. The landlord must serve a preliminary notice which terminates the lease prior to commencement of the proceeding. The owner may also commence holdover proceedings for other reasons such as illegal sublet, non-primary residence, illegal use, or expiration of lease where no renewal is mandated by law.

LEGAL SERVICES

There are free legal services for certain low-income persons who have been served with Housing Court documents and are in need of assistance to prevent eviction. For more information call **212-577-3300** or **311**.

RENTAL ARREARS

Families and individuals with rent arrears who may be at risk of eviction can apply for NYC HRA's One-Shot Deal rent assistance. Contact HRA's Infoline at **718-557-1399** for more information.

If you receive Cash Assistance/Public Assistance, you may be eligible for help paying your back rent. You should go to your HRA Job Center and speak to someone in the Homelessness Diversion Unit to discuss your situation.



SENIORS

Seniors who have received a Notice of Eviction or a written notice from their landlord can get eviction prevention assistance and legal referrals. The City also provides eviction assistance for persons over the age of 60 who are mentally or physically impaired. For help, call **311**.



HOMEBASE

Households on the brink of homelessness can access an extensive network of neighborhood-based services, under contract with the NYC Department of Homeless Services, to help them remain in their communities and avoid entering shelters. Among the services that may be offered are:

- Family or tenant/landlord mediation
- Household budgeting
- Emergency rental assistance
- Job training and placement
- Benefits advocacy (child care, food stamps, tax credits, public health insurance)

If you or someone you know is experiencing a household crisis, call **311** or visit [311](#) online to locate your nearest HOMEBASE office.

RENTAL ARREARS GRANTS FOR SINGLE ADULTS AND FAMILIES

The NYC Human Resources Administration (HRA) can assist tenants who have legal possession of an apartment, or applicants who have been evicted but whose landlords are willing to continue renting the apartment, by paying their arrears through a rental arrears grant. Grants are available for Public Assistance recipients and for those people ineligible for Public Assistance. Families and single adults are eligible. Contact HRA's Infoline at **718-557-1399** for more information.

Visit [311](#) online or call **311** to contact the HRA Job Center in your area and apply for a rental arrears grant.

HOUSING COURT ANSWERS

The Housing Court Answers (HCA) also has a hotline if you need help paying back rent. Call if you have a case in Housing Court and a good reason for falling behind in your rent such as a death in the family, serious illness, loss of job, or reduction in hours at work, if your income is now high enough that you can pay your future rent, and the amount of arrears is "manageable." HCA does not provide direct financial help, but refers callers to charities and provides information about NYC Human Resources Administrations rules for assistance. Staff and volunteers at information tables at all Housing Courts answer questions about court procedures and forms. They can also provide referrals to legal services providers and other eviction prevention organizations, resources, and agencies. Most staff members speak English and Spanish.

V. Other Housing Issues

A. Rent-Regulated Apartments

For detailed information regarding rent regulations, see the Mayor's Office to Protect Tenants pamphlet at <https://www1.nyc.gov/content/tenantprotection/pages/tenant-protection-laws> and the Attorney General's pamphlet *Changes in New York state Rent Law: What You Need to Know* at <https://ag.ny.gov/sites/default/files/changes-in-nys-rent-law.pdf> or if you think your landlord has broken New York's tenant protection law, contact the AG's office at **(800) 771-7755**; TDD/TTY Toll Free Line: **(800) 788-9898**.

RENT INCREASES

Owners of rent-stabilized and rent-controlled apartments are required to register rents every year online between April 1 and July 31 using HCR's automated system. Owners must also file for increases based on either individual apartments or building-wide improvements. Tenants can contact HCR regarding rent increases due to Rent Guidelines Board approvals, Individual Apartment Improvements (IAI) or Major Capital Improvements (MCI). Tenants can also seek legal counsel for help determining if rent increases are legal. For more information on any of these issues, contact HCR by dialing **718-739-6400** or go online to portal.hcr.ny.gov/app/ask.

LEASE RENEWALS

Generally, tenants in rent stabilized units must be offered renewal leases in a form approved by HCR for a term of one or two years, at the tenant's choice, and at a rate set by the Rent Guidelines Board. The owner must give written notice of renewal on a DHCR Renewal Lease form (RLF) by mail or personal delivery not more than 150 days, and not less than 90 days, before the existing lease expires. After the renewal offer is made, the tenant has 60 days to choose a lease term, sign the lease, and return it to the owner. If the tenant does not accept the renewal lease offer within a 60-day period, the owner may refuse to renew the lease and may also proceed in court to evict the tenant after the expiration of the current lease. When a tenant signs the RLF and returns it to the owner, the owner must return the fully signed and dated copy to the tenant within 30 days. A renewal should go into effect on or after the date that it is signed and returned to the tenant, but no earlier than the expiration date of the current lease. In general, the lease and any rent increase may not be retroactive.

B. Tenant Data Privacy Law

Under Local Law 63 of 2021, property owners of multiple dwellings that utilize smart access (keyless) systems, including but not limited to key fobs, electronic or computerized technology, radio frequency identification card, mobile phone application, biometric identifiers, or any other digital technology in order to grant entry to class A multiple dwelling, common areas in such multiple dwelling, or to an individual dwelling unit, must provide tenants with a data retention and privacy policy. The smart access system must have robust security and safeguards to protect the security and data of tenants and their guests.

OWNERS OF A SMART ACCESS BUILDING OR THIRD PARTY:

- Must obtain express consent either in writing, or through a mobile application to collect reference data from a user for use in a smart access system
- May collect only the following minimum amount of authentication data and reference data necessary to enable the use of the smart access system:
 - the user's name;
 - the dwelling unit number and other doors or common areas to which the user has access using such smart access system in such building;
 - the user's preferred method of contact;
 - the user's biometric identifier information (such as fingerprints, voiceprints, retina scans) if such smart access system utilizes biometric identifier information;
 - the identification card number or any identifier associated with the physical hardware used to facilitate building entry, including radio frequency identification card, bluetooth or other similar technical protocols;
 - passwords, passcodes, user names and contact information used singly or in conjunction with other reference data to grant a user entry to a smart access building, dwelling unit of the building, or common area of the building through the building's smart access system, or to access any online tools used to manage user accounts related to such building;
 - lease information, including move-in and, if available, move-out dates; and
 - the time and method of access, solely for security purposes.
- Must destroy any authentication data collected from or generated by such smart access system in their possession no later than 90 days after such data has been collected or generated, except for authentication data that is retained in an anonymized format.
- May not sell, lease or disclose data that they collect to another person unless required to by law, or if the person is the operator of the smart access system and the tenant has given consent.
- May not use any satellite navigation system or similar system in the smart access system to track user location outside of the buildings.



- May not use the smart access system to use the data collected for any purpose other than granting access and monitoring entrances and exits and access to building common areas, or to limit time of entry into the building, or require use of a smart access system to gain entry to the tenant's dwelling unit. No information may be used to harass or evict a tenant.

THE TENANT DATA PRIVACY LAW ALSO:

- Provides for a private right of action for unlawful sale of data collected through the smart access system.
- Limits retention of reference data and information and use of information regarding tenants' use of utilities and internet service.
- Prohibits misuse of the smart access system to track frequency and time of use of the system in order to harass or evict a tenant, to track the relationship status of a tenant and their guests, to collect reference data from a person who is not a tenant, and to share any data collected regarding a minor, without parental permission.

For a copy of Local Law 63, please visit www.nyc.gov/hpd.

C. Certificate of Occupancy and Rent Payments

Tenants may have a defense to a claim for rent in a building which has been illegally altered and/or for which there is no current Certificate of Occupancy indicating that the rented space can be legally occupied. Each tenant has a specific set of circumstances and tenants should always seek legal counsel to ensure that their rights are protected instead of just deciding not to pay rent.



D. Building Safety

Tenants should notify their building owners and the police of any illegal activity in their building. Owners should alert the police to illegal activity in their building. To secure buildings from drug dealers and vandals, the building manager, superintendent, or owner should immediately repair broken locks or intercoms.

For more information on how to improve safety in multiple dwellings watch HPD's video on this topic at www.nyc.gov/hpd.

E. Emergency Planning and Evacuations for Residential Building Owners/Managers

BUILDING EMERGENCIES AND EVACUATIONS

Building owners and managers are encouraged to consider and address emergency preparedness issues with building residents, as well as building staff. This includes the following key elements:

- **The New York City Fire Code requires that all owners of apartment buildings prepare and distribute a fire and non-fire emergency preparedness guide and post certain notices.** The guides provide detailed information to residents and reference websites that contain additional information and can be found at <https://www1.nyc.gov/assets/fdny/downloads/pdf/codes/nyc-apartment-building-emergency-guide.pdf>. Apartment building owners must also distribute the 2020–2021 Emergency Fire and Emergency Preparedness Annual Bulletin by January 29, 2021. The bulletin can be found here: <https://www1.nyc.gov/assets/fdny/downloads/pdf/codes/2020-2021-fep-annual-bulletin.pdf>. The Close the Door notices should be posted at the time the bulletins are sent out. Close the Door notices can be found here: <https://www1.nyc.gov/assets/fdny/downloads/pdf/codes/close-the-door.pdf>.
- **Residents with disabilities or with access and functional needs should advise building owners about any policy consideration they may need in an emergency situation;** for example, if they need to be informed if elevators are to be taken out of service. Owners/managers should be prepared to address these requests. Building residents with disabilities or with access or functional needs are also encouraged to develop their own plan and support network in the event of a building evacuation. Building owners are required to send out the

Emergency Preparedness/Evacuation Planning Checklist with the Emergency Preparedness Guide. The checklist can be found here: <https://www1.nyc.gov/assets/fdny/downloads/pdf/codes/individual-emergency-checklist.pdf>. In a fire (the most likely circumstance in which immediate evacuation may be required), building staff (also required to evacuate) may not be in close proximity and/or able to provide assistance to all building residents. Evacuation plans should consider not only disruption to elevator service, but also the impact of prolonged power and water outages. Building residents should also inform the building management if they have a particular need—especially if they use a wheelchair or other mobility device in a high-rise building or are unable to hear alarms. Evacuation devices are an option, especially for prolonged outages, although individualized planning is required. Points to consider regarding these devices can be found on the Emergency Preparedness Resources page of the Mayor’s Office for Persons with Disabilities website at www.nyc.gov/MOPD.

- **Clear communication between owners and occupants will enhance the safety of all building residents and staff during an emergency.** Owners/managers should evaluate their capability to communicate critical information to all building occupants through the use of building systems (such as intercoms and fire alarm systems), email, or text messaging. Building staff (if any) and building owners/managers need to be able to reliably communicate with each other as well. Consideration should be given to establishing alternative means of communication in the event of a power outage or other disruption of regular telephone communications. Owners should also include an accurate 24-hour confidential phone number when registering their building with HPD so they can reach you with important information during an emergency. Owners are required to post a temporary notice with emergency information in the common area of the building prior to an expected weather emergency, after a natural disaster, and after being informed that a utility outage will last for more than 24 hours. Owners should also consider posting the notices on each floor, or messaging residents directly. You can obtain a sample of the notice on HPD’s website at <https://www1.nyc.gov/assets/hpd/downloads/pdfs/services/emergency-notification.pdf>.
- **Building owners/managers and/or building staff should monitor emergency notification systems** operated by the New York City Department of Emergency Management, the New York City Police Department, and/or private notification systems to stay informed about emergencies that may affect their building(s). This will allow building owners an opportunity to take whatever actions may be appropriate to protect their residents and safeguard their property. To sign up to receive citywide updates on emergencies from NYC Emergency Management, call 311 or visit www.nyc.gov/notifynyc.
- **Elevator Notifications:** Owners and managers should communicate their building’s elevator policy to residents, particularly those reliant on elevators in advance of an emergency. Owners are encouraged to keep elevators in use as long as possible and not take them out of service until just prior to landfall of a storm or an evacuation.
- **Building owners/managers should review the Fire Department’s NYC Apartment Building Emergency Preparedness Guide (and other public and private resources) and consider how their building staff should respond to each type of emergency addressed in the guide.** Written protocols can assist to remind on-premises staff of what actions or notifications to take in the event of an emergency, including appropriate communications to 911, owners/managers, and building residents. Building staff should be trained to facilitate the response of EMS and other first responders to a medical emergency in the building, (such as recalling or holding an elevator, advising first responders, and escorting the first responders to building residents needing assistance). Building owners/managers are encouraged to check on building residents who have identified themselves in advance as requiring assistance, before and after an emergency event, to see if they need assistance.
- Building owners/managers should provide emergency preparedness information on the same schedule as the fire and emergency preparedness guide required by the Fire Department, including at the time of lease signing. Periodically conducting emergency preparedness training in the building(s) is also recommended. Planning materials are available at <http://www1.nyc.gov/site/em/ready/guides-resources.page> and hard copies are available free of charge.



For more information on emergency planning for building owners from HPD, visit: <https://www1.nyc.gov/site/hpd/services-and-information/disaster-response.page> and <https://www1.nyc.gov/site/hpd/services-and-information/emergency-preparedness.page>.



F. Discrimination

Under local, state, and federal law, property owners and their representatives (be they employees of the ownership entity, real estate brokerage firms, management firms, or agents etc.), may not deny housing to prospective tenants on the basis of race, color, religion/creed, national origin, gender (including sexual harassment), gender identity, age, marital or partnership status, disability, alienage or citizenship status, legal occupation, or lawful source of income. Furthermore, tenants may not be denied housing because they have children. Fair Housing NYC—a joint effort by HPD and the NYC Commission on Human Rights (CHR)—provides information on the protected classes under the City Human Rights Law, who can be held liable for housing discrimination, how to file a housing discrimination complaint, affordable housing opportunities, the difference between fair housing rights and tenants’ rights, and going to housing court. The Fair Housing NYC website, www.nyc.gov/fairhousing, also provides resource information, multilingual downloadable materials, and notice of upcoming fair housing events open to the public. Tenants who believe they have experienced housing discrimination may file complaints within one year of the incident by calling **311** and being directed to the New York City Commission on Human Rights (CHR).

If you have been trying to buy or rent a home or apartment and you believe your civil rights have been violated, you may file a complaint with the Law Enforcement Bureau of the NYC Commission on Human Rights (CHR), located at 22 Reade Street, New York, NY 10007, in lower Manhattan. Commission services are free of charge. Your housing discrimination complaint will be reviewed by a fair housing specialist to determine if it alleges acts that might violate the Fair Housing Act. If your complaint involves a possible violation of the Act, the specialist will assist you in filing an official housing discrimination complaint. The NYC Human Rights Law requires that the complaint be filed within one year of the last alleged act of discrimination. To schedule an appointment, please call **311** (or **212-NEW-YORK** or **212-306-7450**).

G. Foreclosure

The Center for New York City Neighborhoods (CNYCN) provides referrals to legal services, housing counseling, and consumer education to New York City residents in danger of foreclosure. For more information please go to <https://cnycn.org>, or call **311** or **646-786-0888**.

H. Tenant Associations

Real Property Law Sec. 230 protects tenants who want to organize a tenant association for the purposes of protecting their rights to repairs, services, etc. Tenants may form, join, and participate in tenant organizations to protect their rights. Landlords must permit tenant organizations to meet, at no cost, in any community or social room in the building, even if the use of the room is normally subject to a fee. Tenant organization meetings are required to be held at reasonable times and in a peaceful manner which does not obstruct access to the premises. Landlords are prohibited from harassing or retaliating against tenants who exercise their rights.

I. Pets

Unless the pet can be considered a “service animal” used by blind, deaf, or disabled people, whether pets are permitted is at the discretion of the building owner and is usually stipulated in the lease. If a tenant keeps a pet in the apartment without the building owner’s permission, it may be considered a serious violation of the lease and may be a basis for terminating tenancy. In addition, many animals cannot be kept legally as pets in the City of New York. For more information on pet regulations, call **311** to reach the DOHMH.



VI. Housing Education

HPD's Neighborhood Education and Outreach (NEO) offers free classes on a variety of topics of interest to both tenants and owners, including:

- Mold, Pests, and other Healthy Homes issues
- Lead-Based Paint Management
- Housing Code requirements for NYC property managers and the Violation Removal Processes
- First Time Homeownership
- Property repair loans and grants available to owners

Property Management Classes
▶ Introduction to Residential Property Management
▶ Introduction to Rent Regulations and Housing Court
▶ Housing Maintenance and Safety Requirements
▶ Financing Capital Improvements and Improving Operations: HPD Programs Explained
▶ Identifying and Managing a Lead-Based Paint Problem
▶ Pests and Mold: An Owners' Guide to Indoor Allergen Laws

For a full catalogue of offerings, and to learn about upcoming events, please visit www.nyc.gov/hpd, or call 212-863-8830. Recorded versions of HPD's Lead-Based Paint Management Webinars can be viewed online: go to www.nyc.gov/lead-based-paint, scroll to Owner Responsibilities, and then click on education. To view a recorded webinar of Indoor Allergens (Mold and Pests), go to: <https://www1.nyc.gov/site/hpd/services-and-information/indoor-allergen-hazards-mold-and-pests.page> and click on Education.

NEO also works with elected officials and non-profit community organizations to sponsor Landlord/Owner and Tenant Housing Fairs in every borough. To find upcoming events, go to "Event" at the top of HPD's landing page. To plan such an event in partnership with HPD, please email neo@hpd.nyc.gov.

Resources for Affordable Housing Seekers

I. How to Apply for Affordable Housing

NYC HPD and HDC create affordable housing opportunities for New Yorkers at many household income levels and sizes. In order to ensure fair and equitable distribution of affordable housing, these subsidized apartments are offered for rent or purchase through a randomized lottery system.

APPLICATION PROCESS

[NYC Housing Connect](#) is your online portal to find and apply for affordable rental and homeownership opportunities across the five boroughs of New York City. Prospective renters and homebuyers can find ads for affordable housing on NYC Housing Connect and in citywide and local publications. The ads contain instructions on how to apply via Housing Connect or paper, as well as the income and household size requirements for the affordable units, which can vary between developments. Ads also contain information on set-asides and preferences for selection.



ELIGIBILITY

Anyone can apply for affordable housing, but in order to qualify, you must be at least 18 years old and your household income needs to be in a specific range for each affordable housing opportunity, or you need to have a voucher that covers your rent. Applicants are required to meet additional eligibility requirements, including asset limits, to qualify. See HPD's "Do You Qualify?" page for more information: www.nyc.gov/hpd/findhousing.

HOUSING AMBASSADORS

HPD's Housing Ambassador Program is a network of community organizations that help people prepare and apply for affordable housing lotteries. HPD partners with Housing Ambassadors to ensure that affordable housing seekers throughout the city's many diverse communities have access to up-to-date and consistent information, materials, and assistance with the affordable housing application process.

For more information, or to schedule an appointment with a Housing Ambassador, please visit www.nyc.gov/housing-ambassadors.

ADDITIONAL RESOURCES

HPD offers a number of resources to help New Yorkers throughout their affordable housing journey:

- Visit the **Learn page on NYC Housing Connect** to access training videos that will teach you how to create your account, complete your profile, and start applying for affordable housing: <https://housingconnect.nyc.gov/PublicWeb/about-us/training>.
- Visit the **About page on NYC Housing Connect** to learn more about the application process and resources available to help you: <https://housingconnect.nyc.gov/PublicWeb/faq>.
- Read HPD's **Housing Connect Application Guides** that can help you understand how to prepare and apply for affordable housing: www.nyc.gov/hpd/findhousing.

II. Rent Increase Exemption



Tenants who qualify for the Senior Citizen Rent Increase Exemption (SCRIE) Program or the Disability Rent Increase Exemption (DRIE) Program can have their rent frozen at their current level and be exempt from future rent increases.

For both programs, the total annual household income must be \$50,000 or less, the applicant must pay more than one-third of the household's total monthly income for rent, and rent an apartment that is regulated by HCR (i.e., rent-controlled or rent-stabilized apartments or hotel-stabilized). HPD administers SCRIE for the non-rent stabilized projects, such as Mitchell Lama rentals/ cooperatives and HDFC cooperatives.

To be eligible for SCRIE, the applicant must be at least 62 years old. To be eligible for DRIE, the applicant must be at least 18 and receive Federal Supplemental Security Income (SSI), Federal Social Security Disability Insurance (SSDI), U.S. Department of Veterans Affairs disability pension or compensation, or disability-related Medicaid if the applicant has received either SSI or SSDI in the past; and be named on the lease or rent order, or have been granted succession rights to the apartment.

For more information, visit the Department of Finance's NYC Tenant Access Portal website, www.nyc.gov/nyctap, or our Rent Freeze homepage at www.nyc.gov/rentfreeze. You can also send an inquiry to www.nyc.gov/contactscrie or www.nyc.gov/contactdrie, or call 311. You can now schedule an appointment to visit our Rent Freeze Program office at 66 John Street, 3rd Floor, in Manhattan, or one of our other offices, at www.nyc.gov/dofappointments.

Resources for Owners

I. Division of Neighborhood Preservation (DNP)

HPD's Division of Neighborhood Preservation (DNP) understands the challenges of managing and maintaining residential property. Every building has its own financial, physical, and management challenges, and property is one of the biggest investments that a small property owner will ever make. DNP offers short- and long-term one-on-one counseling tailored to a building's specific needs. DNP can help a property owner to:

- Understand the requirements in the Housing Maintenance Code (HMC) for properly maintaining property so that the property will provide safe housing for all tenants. Technical staff knowledgeable about HMC requirements can walk through the property to provide guidance on addressing building conditions according to the Housing Maintenance Code **before** violations are issued.
- Navigate the processes related to violation dismissal.
- Become aware of the numerous loans, grants, and tax abatements or exemptions that can help maintain the property, especially when a property has significant physical or financial needs. This will be based on the specific type of building and the physical needs of the property.

II. Low Interest Loans or Tax Exemptions

HPD's Office of Development administers multiple financing programs that provide low interest loans and/or property tax exemptions to facilitate the physical and financial sustainability and affordability of privately-owned multi-family and owner-occupied buildings. Programs are available for buildings of all sizes and with various needs. For information about financial assistance for owners, visit nyc.gov/letsinvest.

III. Homeowner Helpdesk

The New York City Department of Housing Preservation and Development (HPD) and the Center for NYC Neighborhoods (the Center) announced funding for an expanded Homeowner Help Desk to assist especially homeowners of color at risk of displacement. With new funding from Enterprise Community Partners (Enterprise) and the Office of the New York State Attorney General (OAG), the Help Desk will feature proactive outreach in Southeast Queens, Central Brooklyn, and the North Bronx.

In addition to continuing to connect struggling homeowners with housing counseling, financial assistance, and legal services, the Help Desk will develop creative outreach strategies to raise awareness about the signs of deed theft and scams. Historically, the selected areas have been disproportionately impacted by predatory lending practices, scams, and racially discriminatory public policies. By expanding their outreach efforts, HPD and the Center will work together to stabilize communities and help stop a harmful cycle of displacement.

The Help Desk will officially launch in Spring of 2021. Interested homeowners can learn more by calling the CNYCN hotline at **1-855-HOME-456**.

IV. Filing Buyout Agreement Requirements

As underlined under the Harassment section on page 15, landlords are required to follow certain regulations when offering tenants buyouts for their apartments. Under Local Law 102 of 2019 ("Buyout Agreement Law"), owners who enter into a buyout agreement with a lawful occupant of their building must inform the Department of Housing Preservation and Development (HPD) about the terms of the buyout agreement via email at buyoutagreement@hpd.nyc.gov. Please visit HPD's Buyout Agreement Law page for more information.





Useful Contact Information for Other Housing-Related Issues

NYC Department of Buildings: 311

NYC Residential Mortgage Insurance Corporation: 212-227-5500

HPD Registration Assistance Unit: 212-863-7000 or register@hpd.nyc.gov

NYC Commission on Human Rights: www.nyc.gov/cchr or call 311. See Section V–D on Housing Discrimination for more information.

311 is New York City's phone number for government information and services. All calls to 311 Customer Contact Center are answered by an operator, 24-hours-a-day, seven-days-a-week, and information is provided in over 170 languages. Dial **311** from within the City or **212-NEW YORK** when outside of the five boroughs, or use the online option of nyc.gov/311.TTY. Service is available at **212-504-4115**. You can also use the **NYE 311** Mobile App for some services.

The New York City Council welcomes any questions, comments, or feedback. Call **311** or go to council.nyc.gov to find the members of New York City Council and the areas they cover. You can search by address to find your member and their contact information.

New York State Attorney General can be contacted for information on rights and obligations of building owners, tenants, and real estate brokers. The Information and Complaint Line is 1-800-771-7755.

NYS Division of Homes and Community Renewal (NYSHCR) can be contacted for information on rent and services for rent-controlled and rent-stabilized apartments. The information and complaint line is 1-866-ASK-DHCR (1-866-275-3427).

NYC Mayor's Office for Persons with Disabilities (MOPD) works to assure that City programs and policies address the needs of peoples with disabilities and offers informative brochures and directories that detail programs, services, activities, and other resources that are accessible to people with disabilities. The MOPD can be found at 100 Gold Street, 2nd Floor, New York, NY 10038 or by calling **311**, **212-NEW YORK** (OUT OF THE CITY) or **711** (Relay Service for Deaf/Hard of Hearing).

NYC Mayor's Office to Protect Tenants (MOPT) works across City agencies to make existing anti-harassment and anti-displacement programs better, and create new strategies to root out abuse. The MOPT can be found at 100 Gold Street, 2nd Floor, New York, NY 10038 or by calling **311** or visit nyc.gov/tenantprotection.

The Office of the Public Advocate assists with complaints and inquiries involving government-related services and regulations. From resolving housing complaints to combating abuse by agencies, the Office helps thousands of New Yorkers annually by improving transparency and accountability of City government. You can access the Public Advocate's Constituent Help Desk Intake Form at <http://pubadvocate.nyc.gov/constituent-help-desk> or contact the Office of the Public Advocate by phone at **212-669-7250**.

HPD Borough Offices

BROOKLYN

Brooklyn, Queens & Staten Island/Neighborhood Preservation Office
212-863-7400

Code Enforcement Office
212-863-8060
210 Joralemon Street
Brooklyn, NY 11201

Code Enforcement Office
212-863-6620
701 Euclid Avenue
1st Floor
Brooklyn, NY 11208

BRONX

Bronx and Manhattan Neighborhood Preservation Office
212-863-7100

Code Enforcement Office
212-863-7050
1932 Arthur Avenue
3rd Floor
Bronx, NY 10457

MANHATTAN

Code Enforcement Office
212-863-5030
94 Old Broadway
7th Floor
New York, NY 10027

QUEENS

Code Enforcement Office
212-863-5990
120-55 Queens Blvd.
Queens Borough Hall
Kew Gardens, NY 11424

STATEN ISLAND

Code Enforcement Services
212-863-8100
Staten Island Borough Hall
Staten Island, NY 10301

LEAD BASED PAINT INSPECTION PROGRAM

212-863-5501

ALL OFFICES SERVICE THE PUBLIC:

Monday to Friday
9am to 4pm
Except Manhattan NPO



New York State Homes and Community Renewal (HCR) Borough Offices

Rent-regulated tenants can get more information and file complaints by going to one of the NYSHCR borough offices.

BROOKLYN

55 Hanson Place
5th Floor
(near Atlantic Terminal)

BRONX

2400 Halsey Street
(near Zerega Avenue)

MANHATTAN

25 Beaver Street
(near Broad Street)
163 W. 125th Street
5th Floor
(near Seventh Avenue)

QUEENS

Gertz Plaza
92-31 Union Hall Street
(near Jamaica Avenue)



Housing Information Guide Signage Sample

Local Law 45 of 2014 of the New York City Administrative Code, Section 26-1103, requires posting the notice below regarding the availability of this housing information guide—the *ABCs of Housing*—for tenants and owners. This notice must be in a conspicuous place within view of the area to which mail is delivered in a multiple dwelling. Inspectors will be verifying that the signage is appropriately posted on all inspections. Failure to post the notice will result in a class A violation, and a civil penalty of \$250 may be imposed.

HOUSING INFORMATION GUIDE FOR TENANTS AND OWNERS

A housing information guide, the *ABCs of Housing*, is available on the New York City Department of Housing Preservation and Development's website at www.nyc.gov/hpd. This guide is also available in print by calling 311.

The guide contains information about the following topics:

- Eviction
- Heat and hot water
- Pest management
- Tenant organizations
- Rent-regulated leases
- Rental assistance for elderly or disabled tenants
- Housing discrimination
- Repairs and maintenance
- Tenant response to owner notifications
- Access for owner inspections and repair
- Free and low-cost legal services

GUÍA DE INFORMACIÓN DE VIVIENDA PARA INQUILINOS Y DUEÑOS

Un guía de información de vivienda los "ABCs de Vivienda" está disponible en la página web del Departamento de Preservación de Viviendas y Desarrollo de la Ciudad de Nueva York en www.nyc.gov/hpd. Este guía imprimido también está disponible llamando al 311.

El guía contiene información sobre los siguientes temas:

- Desalojo
- Calefacción y agua caliente
- Manejo de plagas
- Organización de inquilinos
- Alquilar de arrendamientos regulados
- Asistencia de alquiler para ancianos o inquilinos deshabilitados
- Discriminación de vivienda
- Reparaciones y mantenimiento
- Respuesta de Inquilinos a notificaciones del dueño
- Acceso para inspecciones de dueños para reparaciones
- Servicios legales gratis y a bajo costo

Important Dates to Remember

ABCs of HOUSING

www.nyc.gov/hpd

January

- Annual Notice for Window Guards
- Annual Notice for Installation of Stove Knob Covers
- Annual Allergens Inspection
- Jan 16th—Feb 15th
Provide Tenants Annual Notice for Prevention of Lead-Based Paint Hazards
- Jan 29th
Deadline for Emergency Fire & Emergency Preparedness Annual Bulletin
- Jan 31st
Alternative Enforcement Program Round Selection



February

- Feb 15th
Deadline to Receive Annual Notice from Tenants
- February 16th—Mar 1st
Investigate Units That Did Not Provide Annual Notice



April

- Apr 1st—July 31st
Homes & Community Renewal Annual Rent Registration



June

- Jun 1st—Aug 31st
HPD Property Registration
- Boiler Inspection

July

- Heat Sensor Program
Bi-Annual Selection



October

- Oct 31st—May 31st
Heat Season



December

- Dec 1st—Dec 31st
Annual Bedbug Report Filing

September

- Check for Required Signage:
 - Gas Leak Notice
 - Fire Safety Notice
 - "Shut the Door" Signs
 - Certificate of Inspection Visits
 - Sign for Garbage Collection
 - Name & Location of Person with Keys to Boiler Room
 - Floor Sign
 - Street Number on Dwelling
 - Janitor Name & Address
 - Smoke Detecting Devices Notice
 - Maximum Occupancy in Rooms
 - Housing Information Guide Notice
 - Disaster Response Signage
 - Bedbug Annual Filing Receipt
 - Maximum Occupancy in Rooms
 - Serial Number Signage

Information Regarding the Implementation of Local Law 66 of 2019: Amendment to the Definition of Lead-based Paint under Article 14 of the Housing Maintenance Code

This document is for informational purposes only and does not constitute legal advice. This document is not a complete statement of building owners' responsibilities relating to lead-based paint or any other topic. For information on lead-based paint compliance under NYC's Childhood Lead Poisoning Prevention Act of 2003, also known as Local Law 1 of 2004 (Local Law 1) and an owner's obligation to address lead-based paint issues, please go to HPD's website at www.nyc.gov/lead-based-paint.

The Department of Housing Preservation and Development (HPD) has adopted amendments to Chapter 11 of Title 28 of the Rules of the City of New York, including an amended definition of lead-based paint. The amended definition takes effect on December 1, 2021. The amendments to Chapter 11 of Title 28 of the Rules of the City of New York implement Local Law number 66 for the year 2019 (Local Law 66), which provides for an amended definition of lead-based paint when HPD promulgates a rule stating that the federal Department of Housing and Urban Development (HUD) has provided at least one performance characteristic sheet (PCS) approving a commercially available x-ray fluorescence analyzer (XRF) tested at the level of 0.5 milligrams of lead per square centimeter. HUD has approved a PCS which provides for use of an XRF (currently Viken Detection Model Pb200i) to test for lead paint using the action level of 0.5 milligrams of lead per square centimeter. Therefore, HPD has amended its lead paint rules to include a statement about HUD's approval and to incorporate the amended definition of lead-based paint, as required by Local Law 66. Local Law 66 defines lead-based paint as "0.5 milligrams of lead per square centimeter or greater, as determined by laboratory analysis, or by an x-ray fluorescence analyzer."

APPROVED PERFORMANCE CHARACTERISTIC SHEET FOR XRF TESTING DEVICE

In December 2020, the Department of Housing and Urban Development (HUD) approved a Performance Characteristic Sheet (PCS) for the Viken Detection Model Pb200i tested at a 0.5mg/cm² action level. According to the December 2020 PCS for the Viken Pb200i tested at 0.5 mg/cm², XRF results are classified as:

- **positive** if they are greater than or equal to 0.6 mg/cm²
- **negative** if they are less than or equal to 0.4 mg/cm²
- **inconclusive** if they are equal to 0.5 mg/cm². HPD will presume a surface with an XRF result of 0.5 mg/cm² is lead-based paint based on the definition unless the analysis of a paint chip sample shows the results to be negative for lead-based paint.

TIMELINE FOR IMPLEMENTATION

Beginning December 1, 2021, all lead-based paint testing must be performed using an XRF instrument with an approved PCS (currently the Viken Detection Model Pb200i) at an action level of 0.5 mg/cm² issued by HUD. This change affects multiple processes related to lead-based paint that affect owners and tenants, including:

- HPD **violation** issuance
- HPD violation contestation
- XRF testing required of all apartments subject to LL1 by August 2025
- XRF testing related to **turnover** compliance verification showing that window and door friction surfaces do not need to be abated
- XRF testing performed for applications for **exemption** from the presumption of lead-based paint under Local Law 1

1. Can landlords begin testing using XRF machines that measure the 0.5 mg/cm² action level earlier than December 1, 2021?

Yes. Since this standard is stricter than the current standard, test results from instruments that have an approved PCS issued by HUD at the 0.5 mg/cm² action level and have been reprogrammed to test at the 0.5 mg/cm² action level will be accepted. These XRF test results may be used prior to December 1, 2021 for testing processes such as contestation of HPD violations where lead-based paint is presumed to exist (violation orders #616 and #621), Local Law 31 compliance, and Exemptions (see caveat below in the Exemptions section). Currently, the only XRF machine approved to test at the 0.5 mg/cm² action level – once reprogrammed appropriately by the manufacturer – is the Viken Detection Model Pb200i.

2. If testing is being done now using a device that measures at a standard of 1.0 mg/cm² but the result of the test is 0.4 mg/cm² or below, can I use that result to meet the new standard after December 1, 2021?

No. An XRF instrument testing at an action level of 1.0 mg/cm² has not been proven to accurately test lower levels of lead in paint as has an XRF instrument with a HUD-approved PCS that has been programmed at an action level of 0.5 mg/cm². The Viken Detection Model Pb200i instrument has been issued an approved PCS to test at the action level of 0.5 mg/cm² but must be reprogrammed by the manufacturer to test accurately at that action level.

HPD VIOLATIONS

HPD currently conducts lead-based paint inspections whenever there is an inspection of a unit where a child under age six routinely spends 10 or more hours a week and the building was built prior to 1960. In most cases where peeling paint is observed, the HPD inspection includes XRF testing of the compromised painted surfaces. Beginning December 1, 2021, HPD will

conduct inspections using the HUD-approved Viken Detection Model Pb200i reprogrammed to test at the 0.5 mg/cm² action level. Violations will be issued using the new definition of lead-based paint based on the readings from this device.

1. What violation will be issued by HPD if the XRF reading is 0.5 mg/cm²?

According to the HUD-approved PCS for the Viken model XRF instrument, a result of 0.5 mg/cm² is classified as inconclusive when tested using the reprogrammed instrument. HPD will issue a violation for a lead-based paint hazard testing at 0.5 mg/cm² but allow the owner to contest the violation by providing paint chip analysis results that would determine the paint to be negative. An owner cannot provide XRF testing to contest the violation issued at 0.5 mg/cm².

2. Will an XRF reading of 0.4 mg/cm² result in a lead-based paint violation from HPD?

No. A result at or below 0.4 mg/cm² is below the definition threshold for the issuance of a lead-based paint violation.

3. Will an XRF reading of 0.6 mg/cm² result in a lead-based paint violation?

Yes. A result at or above 0.6 mg/cm² will be positive. As such, owners will not be able to contest a violation issued at or above 0.6 mg/cm² with a paint chip analysis or additional XRF testing.

4. Will property owners be required to contest a violation order #616 (presumed lead-based paint hazard violations) issued prior to December 1, 2021 with an XRF reading that is below 0.5 mg/cm²?

For violations **issued as an order #616 prior to December 1, 2021**, property owners will be able to contest the violation using 1.0 mg/cm² as the definition of lead-based paint. Property owners must use XRF testing performed by an instrument set to the action level of 1.0 mg/cm² to contest these pre-December 1, 2021 violations.

TURNOVER

All property owners of pre-1960 rental housing are required by law to conduct and document an inspection at turnover (vacancy, prior to re-occupancy), and have been required to abate painted window and door friction surfaces upon the first turnover since August 2004 and remediate lead-based paint hazards on any other painted surface in the apartment at every turnover, along other obligations. If you need more information on this requirement, see our webpage: www.nyc.gov/lead-based-paint.

1. If the property owner has not been conducting turnover inspections because previous testing indicated no lead-based paint, will the owner have to test again at the new action level?

Starting December 1, 2021, any unit that has been granted an exemption under the action level of 1.0 mg/cm² loses that exemption status at the first turnover of that unit and must perform the turnover requirements as well as report that turnover to HPD for revocation of the exemption. The owner would be required to submit a new exemption application for the unit and be granted a new “Lead Free” Exemption status based on testing conducted with an XRF machine that is set to the action level of 0.5 mg/cm² (see below section on Exemptions for more information) in order to not have to perform the required turnover activities.

Sample forms for documenting turnover and a full explanation of turnover requirements can be found on our webpage: www.nyc.gov/lead-based-paint.

XRF TESTING REQUIREMENT – ALL UNITS (LOCAL LAW 31 COMPLIANCE)

Conducting XRF testing in all units is required and must be documented by all property owners of pre-1960 rental housing, and in all housing built 1960-1978 where the owner has knowledge of lead-based paint, by August 2025. If you need more information about this requirement, see our webpage: www.nyc.gov/lead-based-paint

1. If the apartment was tested for compliance with Local Law 31 using an XRF machine which tested at the 1.0 mg/cm² action level, will another full apartment test be required at the 0.5 mg/cm² action level on December 1, 2021?

The apartment is not required to be tested again for compliance with Local Law 31, but you may wish to do so. After December 1, 2021, the results of the testing performed at the 1.0 mg/cm² level: 1) cannot be used to determine that components are negative for lead-based paint under Local Law 31; 2) cannot be used to satisfy the turnover requirements; and 3) do not relieve the owner of completing work using safe work practices.

Apartments tested for Local Law 31 compliance starting on December 1, 2021 must be tested by an instrument with the HUD-approved PCS at the 0.5 mg/cm² action level.

2. Can Local Law 31 compliance inspections be used to apply for an exemption?

HPD encourages owners to apply for a Lead Free or Lead Safe Exemption based on the results of a Local Law 31 compliance inspection. HPD will start accepting testing performed at the 0.5 mg/cm² action level using a HUD-approved instrument on November 1, 2021. If all results are negative when tested using a HUD-approved instrument at the 0.5 mg/cm² action level, the owner may apply for a Lead Free Exemption without further work. If there are positive results (or inconclusive results not proven negative with a paint chip analysis), the owner may apply for a Lead Free Exemption if abatement work is done on the positive or inconclusive surfaces to permanently remove the paint or replace the component. If containment or encapsulation is used as a part of the abatement, an owner may apply for a Lead Safe Exemption. As a reminder, the owner must complete an Exemption Application and must submit all required documents (this includes additional documents beyond the

XRF test results) before HPD will verify the documentation is appropriate and complete in order to receive an Exemption.

Note: Local Law 31 testing conducted prior to December 1, 2021 based on testing at the 1.0 mg/cm² action level can also be used to apply for an exemption for a limited period of time; however, exemptions granted based on testing at the 1.0 mg/cm² action level are no longer in effect upon turnover – see below section on Exemptions for more information.

EXEMPTIONS

Property owners may file with HPD for an exemption from some of the provisions of Local Law

1. The change to the definition of lead-based paint will affect exemptions filed based on XRF testing conducted at the 1.0 mg/cm² action level. The Exemption Application can be found on the HPD website at: www.nyc.gov/lead-based-paint

1. What will happen to my current exemption based on the change in the lead-based paint testing level?

Any exemptions granted at the 1.0 mg/cm² action level will no longer be in effect on the first turnover occurring on or after December 1, 2021.

2. How will the Exemption revocation process work?

Owners are obligated to notify HPD when turnover occurs on exempt apartments (either granted individually for the unit or granted for the units of the building under one exemption). HPD will be notifying owners in October/November 2021 with a list of their existing HPD-issued exemptions and will provide them with information about the process on how to notify HPD about the turnover when it occurs. HPD will also post the required form owners must use for this notification process on the HPD webpage. When HPD receives notice of turnover from a property owner, or if HPD becomes aware of the turnover, HPD will revoke the exemption. However as of the date of the turnover, notwithstanding the issuance of a notice from HPD of the revocation, the unit will again be subject to Local Law 1, including the requirements for that turnover. HPD will send a notice of revocation to the owner along with information on how to apply for a new exemption.

The owner may submit a new exemption application with testing completed at the 0.5 mg/cm² action level using an instrument with the HUD-approved PCS at that action level and any abatement work completed as required to obtain the exemption.

3. Will any apartment that is vacant on December 1, 2021 have its exemption no longer in effect, or will only an apartment that turns over (becomes vacant) after that date have its exemption no longer in effect? If an apartment is leased but not occupied on that date, will the exemption remain?

Any apartment with a **new lease occupancy date after December 1, 2021** (therefore vacant on December 1, 2021) will have its exemption no longer in effect as of December 1, 2021 or the date of vacancy, whichever date is later, and the owner must notify HPD of this turnover. The unit is once again subject to compliance with the turnover requirements (for

that turnover) and all other Local Law 1 requirements from which it was previously exempt. Any lead-based paint testing that is performed to ensure compliance with the turnover requirements or to submit for a new exemption must use the new 0.5 mg/cm² action level for lead-based paint and be tested by an XRF instrument with the HUD-approved PCS at that action level.

4. When will HPD begin accepting exemption requests for testing completed at the 0.5 mg/cm² action level?

HPD will begin accepting exemption applications that includes testing at the 0.5 mg/cm² action level using an instrument with the HUD-approved PCS at that action level on November 1, 2021. However, property owners may begin testing at the new action level before this date with an approved instrument reprogrammed to test at the new action level of 0.5 mg/cm².

5. Will exemptions at the 1.0 mg/cm² action level continue to be accepted by HPD after December 1, 2021?

HPD will continue to accept applications at the 1.0 mg/cm² action level until March 1, 2022 **ONLY IF** the testing was conducted at the 1.0 mg/cm² action level prior to December 1, 2021 **AND the** unit will not turnover before March 1, 2022. As a reminder, any exemptions granted prior to December 1, 2021 at the 1.0 mg/cm² action level are only valid until the unit is vacated at the first turnover after December 1, 2021. Any exemptions granted at the 1.0 mg/cm² action level between December 1, 2021 and March 1, 2022 will also only remain in effect until the first turnover. The unit may have been granted an individual exemption or the exemption may have been granted for the units of the building as a whole under one exemption. See questions 1 and 2 in this section for more information about the process for notifying HPD of the turnover of exempted unit at the 1.0 mg/cm² action level.