



APPLICATION FOR AN EXEMPTION FROM THE CERTIFICATION OF NO HARASSMENT (“CONH”) REQUIREMENT

INSTRUCTIONS

This is an application for an Exemption from the requirement of obtaining a Certification of No Harassment (“CONH”). Below is a summary of the possible exemptions for Single Room Occupancy (“SRO”) multiple dwellings and multiple dwellings located in a Special Zoning District. Be sure to indicate the requirement type (SRO, Special Zoning District) and number designation of the exemption you are seeking in question 2.

You may seek an exemption from the CONH requirement for SRO buildings if the subject building is one of the following exceptions, as defined in §28-107.2 of the New York Administrative Code:

1. A College or School Dormitory;
2. A Clubhouse;
3. A Luxury Hotel. This is defined as a single room occupancy multiple dwelling in which the rent on May 5, 1983, exclusive of governmentally assisted rental payment charged for seventy-five percent or more of the total number of occupied individual dwelling units was more than fifty-five dollars (\$55.00) per day for each unit rented on a daily basis, or more than two hundred and fifty dollars (\$250.00) per week for each unit rented on a weekly basis or more than eight hundred and fifty dollars (\$850.00) per month for each unit rented on a monthly basis;
4. Residence whose occupancy is restricted to an institutional use such as housing intended for use primarily or exclusively by the employees of a single company or institution;
5. A City-owned multiple dwelling;
6. Any multiple dwelling containing fewer than nine class B dwelling units used for single room occupancy unless the total number of such units is more than fifty percent of the total dwelling units in such multiple dwelling. For example, a building containing eight single rooms and eight apartments would qualify, but one containing eight single rooms and fewer than eight apartments would not qualify; and
7. Any class A or B multiple dwelling which is (a) the subject of a program approved by the Commissioner of Housing Preservation and Development and related to the rehabilitation of a single room occupancy multiple dwelling or the provision of housing for persons of low or moderate income, other than a program consisting solely of real property tax abatement or tax exemption and (b) exempted from the provisions by the Commissioner of housing preservation and development.

You may seek an exemption from the Special Zoning District CONH requirement if the subject building is one of the following, as defined in §96-110 (b)(2) of the Zoning Resolution of the City of New York:

1. Any city-owned multiple dwelling;
2. Any multiple dwelling which is the subject of a program approved by the Department of Housing Preservation and Development for the provision of housing for persons of low or moderate income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development;
3. Any multiple dwelling initially occupied for residential purposes after January 1, 1974, except for buildings which are or have been interim multiple dwellings pursuant to Article 7C of the Multiple Dwelling Law;
4. Any exempt hotel (for further clarification, see §96-110(a)(6)(i) and (ii));
5. Any multiple dwelling in which occupancy is restricted to clubhouse or school dormitory use and occupancy was restricted to clubhouse or school dormitory use on the referral date; and
6. Any exempt institutional residence (for further clarification, see §96-110(a)(7) (i) and (ii))



Special Zoning Districts include:

- The Special Clinton District- § 96-110; or
- The Special Hudson Yards District- § 93-90; or
- The Special Garment Center District- § 93-90; or
- The Greenpoint-Williamsburg anti-harassment area- § 23-013; or
- The Special West Chelsea District- § 98-70 and § 93-90.

Required Documents: Please submit the following documents with your application. Please note that if any of the required documentation is missing, HPD may reject the application.

- Original certified copies of all deeds for all current and prior owners who owned the property since the inquiry period start date.
- If the current title to the property is held by an entity, provide documentation in support:
 - Articles of Organization, operating agreement or LLC resolution, as well as the NYS filing receipt for the entity and a Certificate of Good standing.
- Original certified copy of the Certificate of Occupancy, if one exists.
 - If no Certificate of Occupancy exists, attach an original certified letter from the DOB stating that the building does not have one.
- Original documentation of any net leases for the subject property during the inquiry period.
- HPD, at its discretion, may require a copy of the architectural plans.

Work: Regardless of the type or location of the property, a CONH is not required for all types of work. You should refer directly to the Administrative Code and/or the New York City Zoning Resolution to determine whether a CONH is required. You may also consult with the Department of Buildings.

Completing the Application: *All sections must be fully completed.* You must enter the BIN in question 1. The BIN can be found by searching the address through the Department of Building's Building Information system at nyc.gov/buildings. This version of the application must be used effective March 1, 2018.

Who May Apply: The applicant must be an individual natural person and must be either (i) a title holder, a contract vendee in possession, or a net lessee under a lease with at least 10 years remaining in its term ("owner"), or (ii) a principal or officer of an owner who is authorized to sign on behalf of and bind such owner. If the applicant does not have legal authority to authorize the Department of Housing Preservation and Development ("HPD") to enter all common areas of the property (for example, if the applicant is a contract vendee or is an owner who has leased the property to someone else), then the application must also be signed by an individual natural person who has such authority. If the applicant is a contract vendee, then the application must also be signed by an individual natural person who is authorized to sign on behalf of the title holder.

Opinion of Counsel: If title to the property is held by an entity rather than by a natural person, submit a letter from an attorney stating that:

- Based on the examination of the Company's organizational documents such as (specify which documents were consulted), you represent that the entity (name of entity) is in good standing with the Department of State, New York State.
- The applicant's relationship (official title) to the Entity.
- The applicant (name of applicant) is authorized to make all representation before DHPD on behalf of the Entity and is authorized to file the Application for Certificate of No Harassment on behalf of the Entity.
- The applicant (name) is authorized to bind the Entity (name) with regard to the filing of the Application for CONH.

Number of Copies: Submit one original and one copy of this application and all supporting documents.

Fee: There are no fees to process this application.

Submission Method and Location: Submit the application by mail (regular, certified, or registered), private courier, or hand delivery. **Hand deliveries are only accepted Monday- Friday from 9 a.m. to 11 a.m.**



Submission Location: Submit the application to the Anti-Harassment Unit, Department of Housing Preservation and Development, 100 Gold Street, Room 6P6 New York, NY 10038, Attention: Rhonda Waldon.

Inquiries: Direct all inquiries regarding this application to: **(212) 863-8266**.

Additional Pages: If the answer to any question in this application requires additional space, please add pages to the application as necessary. For each such page, (i) clearly indicate the number of the question to which it pertains at the top of the page, and (ii) insert the page into the application immediately following that question.



1. **Property:** Identify the property that is the subject of this application ("property").

Borough: Manhattan Brooklyn Bronx Queens Staten Island

Block: _____ Lot: _____ HPD Registration ID: _____ BIN: _____

Street Address: _____

2. **Exemption Sought:** Please indicate the requirement and number designation of the exemption you are seeking. (See instructions.) Please check every box that applies.

- Single Room Occupancy multiple dwelling. Exemption Number _____
- Special Clinton District. Exemption Number _____
- Special Hudson Yards District. Exemption Number _____
- Preservation Area P-2 of the Special Garment Center District. Exemption Number _____
- Greenpoint-Williamsburg anti-harassment area. Exemption Number _____
- Special West Chelsea District. Exemption Number _____

3. **Building Configuration:** Attach either an original certified copy of the certificate of occupancy or original certified letter from the Department of Buildings stating that the building does not have a certificate of occupancy. Describe the legal and actual configuration of the building below.

Type of Unit	Legal Configuration - Number of Units	Actual Configuration - Number of Units
Apartment Dwelling Units		
SRO Dwelling Units		
Total Dwelling Units		
Commercial Units		

What is the basis of the legal configuration described above?

- Certificate of Occupancy (must attach if this is the basis of the legal configuration)
- Original certified letter from the Department of Buildings

4. **Building Occupancy:** Is the building currently vacant?

- Yes (How long has the building been vacant?) _____.
- No (Describe the current occupancy below).

Type of Unit	Occupied	Vacant	Total
Apartment Dwelling Units			
SRO Dwelling Units			
Total Dwelling Units			
Commercial Units			

5. **Applicant(s)**: Identify the applicant(s). An applicant must be a natural person, not an entity.

Name (1) _____ Name (2) _____

Social Security Number: ___/___/_____ Social Security Number: ___/___/_____

Date of Birth: ___/___/_____ Date of Birth: ___/___/_____

Mailing Address: _____

Business Telephone Number: _____ Mobile Telephone Number: _____

Email Address: _____ Fax Number: _____

Relationship to the property (attach documentation): _____

Deed Owner: _____

Deed Owner Address: _____

6. **Basis for Exemption**: Please provide a statement detailing the basis for the exemption and all documentation substantiating the claim.

7. **Prior Applications for the Property:** Has anyone ever submitted an application for an exemption or waiver from the requirement for a certification of no harassment to HPD with respect to the property?
- No.
 - Yes (Indicate the date of the application and any other relevant details).

Date of the Application	Applicant	Details

8. **Current Ownership**
A. Current Owners: List each current holder of title to the property including individual owners, joint owners and corporate owners:

Name	Date of Birth	SSN or EIN	Address

B. Current Principals and Officers: If title to the property is held by an entity rather than by a person, list (i) every director, general partner, managing partner, or managing member of such entity, (ii) every officer of such entity, (iii) every other person authorized to sign for and bind such entity, and (iv) every person or entity holding a 10% or more economic interest in such entity. Provide an opinion of counsel letter which authorizes the individual to file the application. An opinion of counsel letter is a letter by an attorney stating that the person signing the application for the corporation, partnership or limited liability corporation, is entitled to file and act on behalf of the entity and to make all of the representations and commitments therein. **You must also provide the supporting documentation as listed in the Instructions to support the below.**

Name	Date of Birth	SSN or EIN	Relationship to Owner	Address and Telephone Number

C. Current Management: List each person who served as a managing agent, a superintendent, collected rents, supervised or ordered repairs, or exercised any other discretion in the management of the property under the current ownership.

Name and Address	Employer and Role	Period of Service	Nature of Service

9. **Reason for Application:** Briefly describe the reason for this application (e.g., the alteration or demolition work to be performed at the property).

- A.** Have any applications for permits been filed with the Department of Buildings for work at the property which would require a certification of no harassment?
- No (Even if no such applications for permits have been filed with the Department of Buildings, HPD may request copies of architectural plans).
 - Yes (Attach a copy of each such application, stamped by the Department of Buildings, and all attachments thereto).

- B.** Is any construction work currently in progress?
- No.
 - Yes (Provide details below).

Applicant Consent: The owner of the property hereby consents to permit HPD unfettered access to the property that is the subject of this application at all times and without prior notice. It is understood that the failure to provide such access when requested will prevent the processing of this application and, in the discretion of HPD, may result in the denial of an Exemption from the requirement of obtaining a Certification of No Harassment.

Further, it is understood that the application may be denied if it contains any false or misleading statements, or material omissions.

Further, it is understood that the applicant and/or undersigned must first obtain an Exemption from the requirement of obtaining a Certification of No Harassment from HPD and all necessary permits from the DOB prior to commencing the work at the subject premises, which is the subject of this application.

I, the applicant, have read the within application and attest that its entire contents are true and complete.

Applicant's Signature (1)

Applicant's Signature (2)

Print Name Above

Print Name Above

Relationship to the Property

Relationship to the Property

Corporate Entity Designee Signature

Print Name Above

Relationship to the Property

Sworn to this _____ day of _____, 20__.

Notary