

Bulletin to Property Owners – February 2020

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

This Bulletin highlights property owners' responsibilities regarding Emergency Repairs, Window Guards Annual Notice, Stove Knob Covers Annual Notice, Bedbug Annual Filing, Indoor Allergen Hazards, Alternative Enforcement Program and more.

This publication is intended for informational purposes only and is not intended as legal advice. This information is not a complete or final statement of all of the duties of owners and tenants with regard to laws and rules relating to housing in New York City.

HPD Emergency Repairs:

Property owners should respond promptly to Class C immediately hazardous violations issued by HPD. When residential owners do not correct immediately hazardous violations, HPD may take action to correct the conditions through the [Emergency Repair Program \(ERP\)](#).

HPD may conduct emergency repair work to address:

- Hazardous Class "C" violations and Orders,
- [NYC Department of Buildings \(DOB\)](#) Orders and Declarations of Emergency and referrals of certain elevator violations,
- [NYC Department of Health and Mental Hygiene \(DOHMH\)](#) Commissioner's Orders,
- and violations of other housing related conditions.

All such work is charged to the building where it occurs. The city is subject to laws governing procurement, contracting, and wages. This coupled with the administrative fees, added to the repair costs, guarantees that such work will be significantly more expensive than the price the owner could obtain independently. The city will bill the property through [the NYC Department of Finance \(DOF\)](#) 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 city will file a tax lien against the property. The tax lien will bear interest and, if it remains unpaid, may be sold and/or foreclosed to collect the amount owed.

Window Guards Annual Notice:

Between January 1 and January 15, you were also required to send all of your tenants a [Window Guard Annual Notice](#) requesting that the tenant notify you if there is a child 10 years of age or

younger living in the apartment. If there is a child 10 years of age or younger, or if the tenant otherwise requests a window guard, you are required to provide and properly install approved window guards on all windows, including first floor bathrooms and windows leading onto a balcony or terrace in an apartment and in each common area window, if any, in such buildings. 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 in a building in which there are fire escapes on the second floor and up. Note that if your building is built prior to 1960, you may send your tenants the [Annual Notice](#) which inquiries both about a child under 6 residing in the unit related to lead-based paint notice requirements and a child 10 or younger residing in a unit related to window guards.

If you have not received a response to the form from your tenant by February 15, you must inspect the apartment to determine if a child 10 or younger lives there. If a child does live there, you must check that approved window guards are properly installed and maintained. You must make reasonable efforts to find a suitable time for the inspection, and then if needed, the installation or repairs. If the tenant refuses you access and you cannot get into the apartment to inspect and make any necessary window guard installations or repairs by March 1, you must describe the situation in a letter and send it to:

Department of Health and Mental Hygiene — Window Falls Prevention Program
125 Worth Street, Ninth Floor, CN59A
New York, NY 10013

The letter should include a roster of tenants in your building(s) who did not comply. It must also include:

- Your name and contact information.
- Dates and times, you notified the tenant that you needed to inspect the apartment.
- Dates and times when you attempted to visit the apartment (including any weekends and evenings).
- Apartment number(s) and names of tenants who did not comply and their contact information.

For more information for landlords on window guards, go to the [Department of Health and Mental Hygiene website](#).

Stove Knob Covers Annual Notice:

Property owner of multiple dwellings also are required to provide tenants with an [Annual Notice](#) (available in multiple languages on HPD's website page on [Stove Knob Covers](#)) which must inform tenants that:

- Stove knob covers will be made available within thirty days of distributing the annual notice;
- The owner must provide stove knob covers to any household that requests them, regardless of whether a child under six lives in the unit; and
- Tenants can forego stove knob covers through written refusal to the landlord. If a tenant does not submit written refusal to the owner, the owner is still obligated to provide stove knob covers to any household where the owner knows or reasonably should know that a child under age six resides

It is the owner's obligation to keep documented proof of any notification of refusal for stove knob covers, notification from dwelling units that requested stove knob covers, and documented proof that the owner attempted to provide stove knob covers to a household where the owner knows or reasonably should know that a child under age six resides. Owners are not required to submit notices to HPD.

Bedbug Reporting Requirements:

The due date to submit your Bedbug Annual Report has passed. If you have not filed between December 1, 2019- December 31, 2019, you may receive a violation. You can address the violation by filing at any time.

1. File an Annual Bedbug Report with HPD

All multiple dwelling property owners must attempt to obtain the bedbug infestation history from the tenant or unit owner, including whether eradication measures were employed for a bedbug infestation and whether the condition reoccurred. This information must be filed annually with HPD through the [Annual Bedbug Report](#) filing application.

2. Provide the tenant with a copy of the Annual Report

Once the Annual Report is completed, the owner must either provide the filing to each tenant, upon commencement of a new lease and with each renewal lease or post the notice in a prominent location within such multiple dwelling. The owner must also either distribute or post a [brochure](#) that provides information about the prevention, detection, and removal of bedbugs.

3. Provide a Bedbug Disclosure Form to new tenants under New York State law

Please note that New York State law requires property owners to disclose bedbug infestation history dating back one year to new tenants through this [Disclosure Form](#). For more information, visit the [NYS Homes and Community Renewal](#) website.

Note that a form for filing is also available online at <https://www1.nyc.gov/site/hpd/services-and-information/bedbugs.page> if you cannot file online.

Indoor Allergen Hazards:

Owners of multiple dwellings are required by [Local Law 55 of 2018](#) to:

- Annually inspect units for indoor allergen hazards such as mice, cockroaches, rats and mold, and respond to any complaints received directly from tenants or HPD. Make sure vacant apartments are thoroughly cleaned and free of pests and mold before a new tenant moves in.
 - [Sample Investigative Report](#)
- Provide the [What Tenants and Landlords Should Know About Indoor Allergens and Local Law 55 fact sheet](#) and a Notice with each tenant's lease that clearly states the property owner's responsibilities to keep the building free of indoor allergens.
- Remediate pest infestation. Use **Integrated Pest Management (IPM)** to address pest infestations. The safe work practices in Section 27-2017.9 of Local Law 55 and 28 Rules of the City of New York section 54-04 must be followed when assessing and correcting any underlying defects (such as moisture) that may have caused the infestation. [IPM Requirements](#).
- Remediate mold conditions. For more information on mold remediation and the specific requirements for your building (work practices and required contractors), see our [Allergen Hazards](#) webpage.

Alternative Enforcement Program (AEP):

On or about January 31st of each year, HPD designates 250 severely distressed multiple dwellings for participation in the [Alternative Enforcement Program](#) (AEP). Selection criteria include the number of class "B" hazardous and class "C" immediately hazardous housing maintenance code violations and the dollar value of emergency repair charges incurred as a result of the work performed by HPD. Failure to correct the qualifying conditions may result in emergency repair charges, liens, and significant fees.

Being selected for this program subjects the building to frequent inspections, the issuance of Orders to Correct which require system replacements and significant fees. Keeping your violation record accurate and correcting Class C violations will keep your building from being selected for this program.

Reminders:

[Lead-Based Paint Annual Notices](#) are required to be distributed in January and collected in January and February. HPD has created samples of the required notices and forms to track your compliance with these requirements, which are all available on our website.

[Heat Season](#) is in full affect in New York City. The Heat season starts on October 1st and ends on May 31st. Between these two dates, property owners are required to ensure that heat is maintained at a minimum temperature of 68 degrees inside whenever the temperature falls below 55 degrees during the day (between 6:00am and 10:00 pm). Between 10:00 pm and 6:00am, the minimum temperature that must be maintained inside is 62 degrees, regardless of the outside temperature.

[Property Registration](#) is overdue and Orders have been issued for failure to file. For more information on who is required to register and how to register, go to HPD's webpage or call the Registration Assistance Unit at 212-863-7000.

Enroll in [Notify NYC](#), the City of New York's official source for information about emergency events, to receive notifications that can help you be prepared for any emergency in your area. You can also enroll in Notify NYC by calling 311 or downloading the Notifying NYC app on your iOS or Android device.

Join our [Upcoming Trainings](#)! Under the Asthma-Free Housing Act (Local Law 55 of 2018), residential NYC building owners are required to take steps to keep their buildings free of mice, rats, roaches and mold, collectively defined as Indoor Allergens. Join us on Tuesday, February 18th or Monday, March 23rd for an in-depth training session where we will discuss the owner's responsibilities to identify and eliminate indoor allergen hazards and other pests, as well as review the annual inspection requirements, when to use a licensed contractor, and how to clear HPD violations. Please visit [HPD's Events page](#) for registration information.