

## **Bulletin to Property Owners – June 2019**

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 HPD's auditing of lead-based paint related records, a property owner's obligations under recent anti-displacement bills and information regarding how property owners can protect tenants and their buildings during coastal storm season. It also includes reminders about lead-based paint responsibilities, annual Property Registration (required by September 1, 2019), self-closing door violations and the Annual Bedbug Filing (overdue if not already submitted).

*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.*

### ***Lead-Based Paint Record Keeping: Auditing by HPD***

In accordance with [Local Law 70 of 2019](#), HPD will begin proactively auditing lead-related records to determine a property owner's compliance with Local Law 1 of 2004. HPD will identify multiple dwelling buildings built prior to 1960 for audits (in the categories identified in the law) and issue a Record Production Order.

The Record Production Order requires property owners to submit the following documentation for their property within 45 days of the request:

- Copies of the annual inquiry notice delivered to the occupant of each dwelling unit;
- Copies of the response received from the occupant of each dwelling unit;
- Copies of records for all work performed to correct lead-based paint hazard violations including documentation of work practices used;
- Copies of records for all non-violation work that disturbed lead-based paint or paint of unknown lead content in a dwelling unit where a child under six years of age resides or in the common area of the building, including documentation of the work practices used;
- Copies of records for all work performed at turnover of any unit that was the subject of a new tenancy including documentation of work practices used and lead-contaminated dust clearance test results.

A property owner that does not respond to the Record Production Order will be issued an immediately hazardous Class "C" violation. Property owners will be liable for a civil penalty of no less than \$1,000 and not more than \$5,000 for this violation. A property owner is also subject to civil penalties specifically for failure to conduct the annual notification and inspection and for failure to perform required abatement activities upon turnover.

***HPD's website will be updated by the end of the summer with additional information related to maintaining lead-based paint records, applicable civil penalties, and information on responding to a Record Production Orders.***

## ***Anti- Displacement Legislation***

[Local Law 101 of 2019](#), effective October 2019, amends existing law (Section 27-2004(a)(48)(f-2) of the Housing Maintenance Code) to include provisions that require property owners to disclose additional information when making buyout offers to tenants:

- (A)(i) the median asking rent for a dwelling unit in the same community district that when reported by HPD on its website; or (ii) the median asking rent for a dwelling unit in the same community district with the same number of bedrooms when reported by HPD on its website
- (B) that there is no guarantee that such person will be able to rent a dwelling unit in the same community district with the same number of bedrooms as the dwelling unit that such person is currently lawfully entitled to occupancy of, for the same rent such person is paying at the time of such contact, and
- (C) that additional factors may impact the ability of such person to rent a dwelling unit, including, but not limited to, the current employment and credit history of such person;

HPD will make available on its website a listing of median asking rents for dwelling units, disaggregated by community district and by the number of bedrooms if it determines that that information is statistically significant.

For more information on buyout offer requirements, see the [ABCs of Housing](#) or HPD's webpage on [Tenant Harassment](#).

[Local Law 104 of 2019](#) requires the Department of Buildings (DOB) to deny permits when there are a certain number of open hazardous and immediately hazardous HPD and DOB violations. Removing violations from HPD's records is a process that takes time, so it is extremely important that you act immediately to clear your property's violation record before you are ready to apply for permits. During the winter, violation removal inspections by HPD can take up to 90 days.

Specifically, DOB must deny permits when:

- a building of fewer than 35 units has an average of at least three open, immediately hazardous or hazardous housing maintenance code violations or immediately hazardous or major construction code violations per unit, or,
- a building has 35 units or more, it has an average of at least two open, immediately hazardous or hazardous housing maintenance code violations or immediately hazardous or major construction code violations per unit.

The bill does not apply to condominiums or cooperatives, and exempts permits sought to correct outstanding DOB or HPD violations, permits necessary to protect public health and safety, properties that are the subject of certain court proceedings, and permits for work required for certain DOB or HPD programs.

In order to remove old violations from your HPD property record, we encourage you to do the following immediately:

- If you do not know if your building has the number of violations to meet the criteria above, you can go to HPDONLINE to review open violations.
- Once violations have been corrected, apply for either a dismissal Request inspection or a violation reissuance. All of the information about these programs can be found at [Clear Violations and Orders](#).

## **Coastal Storm Season**

Coastal Storm season for New York City spans from June 1 to November 30 with peak season from August through October. The attached documents can help you and your tenants both prepare for and recover from an emergency: 1) [Get Ready for An Emergency](#), 2) [Before and After a Storm: What You Need to Know](#), and 3) [Ready New York Hurricane Brochure](#). These documents provide information on what you, as a property owner, can do both before and after a storm and how to ensure that your building and tenants are prepared for an emergency, particularly a coastal storm.

Property owners are required by law to post a temporary notice with emergency information in the common area of the building prior to a weather emergency, after a natural disaster, and after being informed of a utility outage to last more than 24 hours. View this [sample](#) notification.

Property owners and managing agents should also consider and address emergency planning and evacuation issues with building residents and staff. For more information, please see the [Emergency Planning and Evacuations for Residential Building Owners/Managers guide](#). The guide includes information on communication emergency and evacuation information to tenants, including specific information for tenants with disabilities or access and functional needs.

For more information on property owner disaster response responsibilities, please visit this HPD webpage: <https://www1.nyc.gov/site/hpd/owners/disaster-response.page>

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

## **Reminders**

### **Lead-Based Paint**

- All vacancy leases offered to prospective tenants must contain the [Lease/Commencement of Occupancy](#) notice in both [English](#) and [Spanish](#) (property owners are required to distribute both). Property owners are required to provide tenants with the [pamphlet about lead-based paint](#) in both [English](#) and [Spanish](#). You can find the pamphlet by visiting [HPD's Lead-based Paint landing page](#).
- Owners have obligations to address all lead-based paint hazards including remediating friction and impact surfaces, including but not limited to doors and windows, upon turnover of the apartment using safe work practices and trained workers. For more information on the safe work and turnover obligations practices read the [Guide to Local Law #1 of 2004 Work Practices](#).
- More information about your responsibilities to address lead-based paint is available.

**[Property Registration](#)** is due September 1, 2019.

**Self-Closing Doors:** Apartment entrance doors and public hallway doors in multiple dwellings are required by law to be self-closing, as a means of containing fire. Violations for self-closing doors are class C immediately hazardous violations effective June 12, 2019. An owner's failure to correct this violation timely may result in [emergency repairs](#) through HPD, which results in charges being billed to the property through the Department of Finance.

**[Annual Bedbug Filing](#)** is overdue. If you have not already filed, file now.