

## 2021-2022 “Heat Season”

October 1, 2021 marks the beginning of the 2021-2022 “heat season.”

Pursuant to 29 RCNY § 2-04, from October 1 through May 31, owners of IMD buildings are legally obligated to provide residentially-occupied IMD units with heat and maintain the indoor temperature as follows:

Between the hours	If Temperature Outside Is...	Indoor Temperature Must Be...
6:00 A.M. - 10:00 P.M.	Below 55°F	At least 68°F
10:00 P.M. - 6:00 A.M.	Below 40°F	At least 55°F

Except where individual heaters have been previously installed and the responsibility for operation has been assumed by the residential occupant, landlords are also required to provide hot water at 120 degrees Fahrenheit in all residentially occupied IMD between the hours of 6AM to midnight.

The 2021-2022 “heat season” continues through Tuesday, May 31, 2022. If a residentially-occupied IMD unit lacks appropriate heat and/or hot water, occupants should first attempt to notify the building owner, managing agent or superintendent. If service is not restored, occupants may file a complaint with the Loft Board via [nycloftboard@buildings.nyc.gov](mailto:nycloftboard@buildings.nyc.gov) or by calling (212) 393 – 2616. The Loft Board inspector will arrange an inspection of the residentially-occupied IMD unit and issue violations if warranted.

Owners who fail to maintain adequate temperatures for heat and hot water may be subject to enforcement proceedings.

For a first finding of failure to provide adequate heat, the Loft Board may impose civil penalties of \$750 - \$2,000 per violation plus \$250 - \$500 per day. For subsequent findings during the same October – May period, the Loft Board may impose \$3,000 - \$4,000 per violation plus \$500 - \$1,000 per day. See 29 RCNY § 2-04(b)(2); 29 RCNY § 2-04(e).

For a first finding of failure to supply hot water, Loft Board may impose civil penalties of \$750 - \$2,000 per violation plus \$250 - \$500 per day. For subsequent findings within 12 months, the Loft Board may impose \$3,000 - \$4,000 per violation for subsequent finding within 12 months plus \$500 - \$1,000 per day. See 29 RCNY § 2-04(b)(3); 29 RCNY § 2-04(e).

**29 RCNY § 2-04 Minimum Housing Maintenance Standards.**

(b) *Basic services.*

...

(2) *Heat.*

(i) Except as provided below, where there is a central heating system in an IMD building, the landlord must provide every residentially-occupied IMD unit with heat from that system. As illustrated in the chart below, during the period from October 1 through May 31, centrally supplied heat shall be provided so as to maintain every portion of the dwelling used or occupied for living purposes, between the hours of 6:00 AM and 10:00 PM at a temperature of at least 68 degrees Fahrenheit whenever the outside temperature falls below 55 degrees, and between the hours of 10:00 PM and 6:00 AM at a temperature of at least 55 degrees Fahrenheit whenever the outside temperature falls below 40 degrees Fahrenheit.

(ii) Where the landlord provides a system of gas or electric heating for a residentially-occupied IMD unit, that system may be utilized instead of a central heating system in the instances where a central heating system is lacking, or may otherwise be used to supplement a central heating system. As illustrated in the chart below, during the period from October 1 through May 31, heat from individual systems of gas or electric heat where the landlord pays for operation shall be provided so as to maintain every portion of the residentially-occupied dwelling used or occupied for living purposes, between the hours of 6:00 AM and 10:00 PM, at a temperature of at least 68 degrees Fahrenheit whenever the outside temperature falls below 55 degrees Fahrenheit, and between the hours of 10:00 PM and 6:00 AM at a temperature of at least 55 degrees Fahrenheit whenever the outside temperature falls below 40 degrees Fahrenheit.

Between the hours	If Temperature Outside	Landlord Must Provide Central Heat
6:00 A.M. - 10:00 P.M.	Below 55°F	At least 68°F
10:00 P.M. - 6:00 A.M.	Below 40°F	At least 55°F

(iii) To meet his or her obligations to provide heat, the landlord may install individual heating systems within the IMD units to supply all the heat required pursuant to these rules or to supplement the heat supplied by an existing building system, provided that the installation and system are approved for residential use by appropriate City agencies.

(iv) The landlord must not object to the installation by a residential occupant of an individual heating system, provided that:

(A) The installation does not conflict with the landlord's legalization alteration plans approved by the Department of Buildings or certified by the Loft Board;

(B) The installation and system are approved for residential use by the appropriate City agencies; and

(C) The residential occupant has requested in writing that the landlord install the system and the landlord has refused to comply with the request within 45 days from the date of the request.

(v) The landlord must maintain the IMD building's central heating systems and the IMD building's gas or electric heating fixtures and systems supplied to residentially occupied IMD units in proper working order unless the parties otherwise agreed in writing that the residential occupant(s) will be responsible for maintenance of the gas or electric heating fixtures and systems used to heat his or her unit.

(3) *Hot water.* The landlord must, at all times between the hours of 6:00 a.m. and midnight, supply every bath, shower, washbasin and sink with hot water at a constant minimum temperature of 120 degrees Fahrenheit in all residentially occupied IMD units from a central source of supply or from

individual gas or electric hot water heaters, except where such individual heaters have been previously installed, and where responsibility for operation has been assumed by the residential occupant.