

The 18 bills that Mayor de Blasio signed on August 25, 2017, as part of the Stand for Tenant Safety, are meant to discourage harassment by construction. The new laws expand the definition of "harassment," raise penalties for violations, create an Office of Tenant Advocate in the Department of Buildings, and more. Below the laws are listed in numerical order, with their main sponsor in the City Council and a brief description taken from the City Council website. (I have this information up at <https://aff-hous.blogspot.com/2017/09/stand-for-tenant-safety-bills-become.html>.)

TENANTS GET COMPENSATORY DAMAGES IN HARASSMENT

Intro 347 (CM Helen Rosenthal) allows tenants who prevail in harassment cases to collect compensatory damages (or \$1,000) from the offending landlord, in addition to attorneys' fees and costs. This law also allows a court to issue punitive damages for such violations.

DEPT of BUILDINGS MUST AUDIT SOME APPLICATIONS

Intro 918 (CM Margaret Chin) requires the Department of Buildings (DOB) to audit 25% of professionally certified applications for rent-regulated buildings, affordable housing projects or multiple dwellings which are the subject of a rent overcharge application and which are at least 25% occupied, on a monthly basis. This also prohibits professional certified applications where buildings are listed on the Department of Housing Preservation and Development's website as having been subject to a finding of harassment.

DUE DATE FOR CURING VIOLATIONS

Intro 924 (CM Rafael Espinal) requires the Department of Buildings (DOB) to include the date by which an owner must certify the correction of any and all violations along with a written vacate order.

TASK FORCE OF MANY AGENCIES RE: CONSTRUCTION AND RENOVATION

Intro 926 (CM Dan Garodnick) creates a task force consisting of members appointed by the New York City Department of Buildings, the Department of Housing Preservation and Development, the Department of Health and Mental Hygiene, the Department of Environmental Protection, the City Council, and the Mayor. Among its primary functions, the task force would evaluate the current practices of the individual agencies represented in the task force with regards to construction and renovation by landlords in occupied residential buildings, publish a report of its findings, and provide recommendations to improve inter-agency coordination and sharing of information.

"DISTRESSED" NOW INCLUDES ENVIRONMENTAL CONTROL BD. JUDGMENTS

Intro 930 (CM Ben Kallos) expands the definition of "distressed" to include buildings which are subject to Environmental Control Board (ECB) judgments as a result of building code violations in the amount of a lien to value ratio equal to or greater than 25%. This law also requires the Department of Finance to report on tax lien activities as a result of ECB debt, including the number of buildings subject to tax liens for ECB judgment debts, the location of the buildings, the number of dwelling units in each building, and recommendations for whether a 25 percent lien to value ratio is an appropriate threshold for property to be considered distressed.

CITY TAX LIENS FOR JUDGMENTS AGAINST BUILDINGS

Intro 931 (CM Ben Kallos) allows the city to impose tax liens on buildings which contain 20 or more dwelling units where the total value of all such judgments against the building is \$60,000 or more, or a building which contains between 6 and 19 dwelling units, where the value of the judgments is \$30,000 or more. The bill contains exceptions for the Department of Housing Preservation and Development's

preservation projects.

BETTER TENANT PROTECTION PLANS FOR CONSTRUCTION

Intro 936 (CM Mark Levine) amends the information that must be included in tenant protection plans, which are required when construction work will take place in an occupied residential building, and prescribes measures that the Department of Buildings (DOB) and owners must take in order to ensure compliance with the tenant protection plan. The law also requires that DOB perform inspections to ensure that sites are complying with their applicable tenant protection plans.

DoB WATCH LIST OF CONTRACTORS WHO WORKED WITHOUT PERMITS

Intro 938 (CM Antonio Reynoso) requires the Department of Buildings (DOB) to compile and maintain a watch list of contractors who have been found to have performed work without a required permit in the preceding two years. The law also requires DOB to engage in increased oversight of any worksite where a contractor included on the watch list performs work. The law also provides a timeline under which a contractor could be removed from the watch list.

HIGHER PENALTIES FOR WORK WITHOUT PERMIT FOR ALL SIZE DWELLINGS

Intro 939 (CM Antonio Reynoso) increases the penalties for work without a permit on a one- or two-family dwelling from 4 times the amount of the fee for such permit to 6 times and for work without a permit on all other buildings from 14 times to 21 times.

HIGHER PENALTIES FOR VIOLATING STOP WORK ORDER

Intro 940 (CM Antonio Reynoso) increases the penalties for violating a stop work order from \$5,000 to \$6,000 for the initial violation and from \$10,000 to \$12,000 for subsequent violations.

HIGHER PENALTIES FOR WORK W/O PERMIT AND MORE OVERSIGHT

Intro 944 (CM Helen Rosenthal) imposes additional penalties for performing construction work without a permit and increase oversight for buildings where such work has been performed. It would also require the posting of information concerning the occupancy status of a building subject to a permit.

POSTING SAFE CONSTRUCTION BILL OF RIGHTS

Intro 960 (CM Rosie Mendez) requires that a “Safe Construction Bill of Rights” be posted for occupants of a dwelling when the owner seeks to conduct any construction work that requires a permit from the Department of Buildings.

NO PERMITS WHERE LOTS OF UNPAID CHARGES DUE CITY

Intro 1133 (CM James Vacca) requires the Department of Buildings to withhold building permits for certain properties where \$25,000 or more in unpaid charges are owed to the city or where the owners of such properties owe, in aggregate, \$25,000 or more in unpaid charges to the city. The bill provides certain exceptions to this prohibition, such as where the permit would be required to correct a dangerous condition.

DoB NEW OFFICE OF TENANT ADVOCATE

Intro 1523 (CM Helen Rosenthal) establishes an Office of the Tenant Advocate within the Department of Buildings, whose duties would include but not be limited to: monitoring tenant protection plans to ensure compliance with the administrative code; establishing a system to receive comments, questions

and complaints with respect to tenant protection plans; establishing a system to communicate with tenants who are affected by work in occupied multiple dwellings; monitoring sites where a tenant protection plan is required to ensure compliance with such plan; and publishing quarterly reports related to the responsibilities of the office.

REBUTTABLE PRESUMPTION OF HARASSMENT

Intro 1530 (Speaker Melissa Mark Viverito) Under current harassment law a tenant has to show that an owner committed a harassing act or omission which caused or was intended to cause such tenant to vacate the dwelling. This law creates a rebuttable presumption that where an owner commits one of a list of harassing acts or omissions, such act or omission constitutes harassment.

"HARASSMENT" INCLUDES ODD-TIME OWNER VISITS

Intro 1548 (CM Mark Levine) expands the definition of tenant harassment to include situations where an owner repeatedly contacts or visits the tenant at unusual hours or in a manner reasonably expected to harass the tenant, unless the tenant has given consent in writing to be contacted at such hours or in such manner

"HARASSMENT" INCLUDES REPEATED INTERRUPTIONS OF ESSENTIAL SERVICES & FRIVOLOUS COURT CASES

Intro 1549 (CM Carlos Menchaca) allows tenants to pursue harassment actions if the owner of their building engages in repeated interruptions of essential services throughout the building or commences frivolous court proceedings throughout the building (including the tenants who bring the action).

HIGHER PENALTIES FOR HARASSMENT

Intro 1556 (CM Jumaane Williams) increases the civil penalties for violations of the administrative code for tenant harassment