



# THE ABCs OF HOUSING

HOUSING RULES AND REGULATIONS FOR OWNERS AND TENANTS

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THIS INFORMATION 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.



## The Department of Housing Preservation and Development (HPD): An Overview

As the nation's largest municipal housing development agency, HPD's primary goals are improving the affordability, availability and quality of housing in New York City. Since 1987, the agency has financed the construction or rehabilitation of more than 400,000 affordable apartments and homes.

Using a variety of preservation, development and enforcement strategies, we work with private, public and community partners to strengthen neighborhoods, expand the supply of new affordable housing and keep families in their homes. Among its critical missions, HPD is responsible for enforcing the New York City Housing Maintenance Code (HMC) and the New York State Multiple Dwelling Law (MDL).

The HMC establishes the minimum standards for health, safety, light, ventilation, cleanliness, maintenance, and occupancy in residential apartments in New York City. HPD's responsibilities include dispatching housing inspectors in response to complaints about housing conditions reported through the City's 311 customer service center. As a result of these inspections, HPD may issue violations, employ contractors to make critical repairs if landlords fail to address immediately hazardous violations, and bring Housing Court actions.

First of all, and most important, owners and tenants have legal responsibilities to their buildings and to each other.

This booklet is designed to help you, whether you are an owner or a tenant, gain an understanding of the rules and regulations, and your basic rights and responsibilities. It is not meant to be a complete or final statement of your rights and duties.

## OWNERS' AND TENANTS' RIGHTS AND RESPONSIBILITIES

### Building Owners

Owners must ensure that buildings are safe, clean and well maintained, in both common areas and in individual apartments. Among other responsibilities, owners must provide and maintain security measures, heat, hot and cold water, good lighting, make repairs to keep the building in good repair, and provide smoke detectors, carbon monoxide detectors, and window guards (where required or requested). The owner must be in compliance with the HMC and MDL. Owners must register the property annually with HPD. If the building is rent-stabilized, the owner must register rents annually with the NYS Homes and Community Renewal (HCR) agency.

### Tenants

Tenants have responsibilities to their building owners and their apartments. They may not damage the building, intentionally or through neglect. Tenants are also responsible for the actions of their guests. They have a responsibility to respond to annual owner inquiries related to window guards and lead paint, and to maintain smoke and carbon monoxide detectors. Tenants must obey the terms of their leases, pay rent on time, and honor the rights of other tenants.

## Owner Entry

Generally, the landlord can enter a tenant's apartment at a reasonable time, after providing reasonable notice, if the entry is either to provide necessary or agreed upon repairs or services, or in accordance with the lease, or to show the apartment to prospective tenants or purchasers.

In case of an emergency, the landlord may enter at any time and without notice.

## HOUSING MAINTENANCE CODE AND MULTIPLE DWELLING LAW REQUIREMENTS AND ENFORCEMENT

### Complaints and Violations

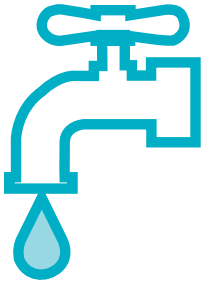
Tenants in privately owned buildings with maintenance problems should first notify the building owner or manager. If verbal notification does not result in a resolution to the problem, tenants may wish to send written notification through certified mail, with a return receipt requested. If the problem persists, or the condition constitutes an emergency, tenants may file a complaint by calling 311, which is open 24-hours-a-day, seven-days-per-week. Complaints regarding heat and hot water may also be filed through 311 Online ([nyc.gov/311](http://nyc.gov/311)).

311 forwards the complaint to HPD, where a notification call and/or email is made to the registered owner. (Note to owners: if you are not properly registered, you may miss this important notification from HPD! See page 5 of this booklet for more information.) A call may also be made to the tenant to confirm whether the condition has been corrected. If there is no confirmation of correction by the tenant, an inspector may be dispatched. In addition to responding to the complaint, HPD will inspect for six safety issues: the presence of operational smoke and carbon monoxide detectors, illegal gates on the windows, door locks that require a key to exit, window guards if a child under age 11 is present, and non-peeling intact paint if child under age six is present. If HPD inspectors determine that a building has violations, the time the owner is given to correct them depends on their severity. The Housing Maintenance Code has three classes of code violations: A, B and C.

Violation Type	Class	Time owner has to correct from date of HPD Mailing the Notice of Violation
Class A	Non-Hazardous	90 days
Class B	Hazardous	30 days
Class C Lead-Based Paint or Window Guards	Immediately Hazardous	21 days
Class C Heat and Hot Water Violations	Immediately Hazardous	Immediately
Class C (all others)	Immediately Hazardous	24 hours

Once a violation condition has been corrected, it is the property owner's responsibility to notify HPD that the condition has been corrected through the certification process. Owners/Agents can also certify violations as corrected through *eCertification*, which allows validly registered property owners and managing agents to certify correction of HPD violations online.





*ECertification* reduces the use of paper and saves money on postage, printing, notary fees, and other administrative fees while allowing owners or agents to notify HPD immediately of the correction of a violation. *ECertification* is free to enroll in and easy to use. To find out more about *eCertification*, the owner can go online to [nyc.gov/hpd](http://nyc.gov/hpd).

If the owner fails to correct the class C violations, the City may perform or contract for emergency repairs to correct the violation at the owner's expense. The City is subject to laws governing procurement, contracting, wages, and other matters that may make such work significantly more expensive than the price that the owner could obtain if he/she performs or contracts for the work.

The City will bill the property through the Department of Finance 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 may be sold and/or foreclosed to collect the amount owed. Failure to correct violations may also result in civil penalties imposed by the Housing Court.

### Heat and Hot Water

The City Housing Maintenance Code and State Multiple Dwelling Law require building owners to provide heat and hot water to all tenants. Between October 1st and May 31st, a period designated as "Heat Season," building owners are required to provide tenants with heat under the following conditions:

During these months, between the hours of 6:00 a.m. and 10:00 p.m., if the outside temperature is below 55 degrees Fahrenheit, building owners must heat apartments to at least 68 degrees Fahrenheit.

Between the hours of 10:00 p.m. and 6:00 a.m., if the outside temperature falls below 40 degrees Fahrenheit, building owners must heat apartments to at least 55 degrees Fahrenheit.

Since June 2012, an owner may be eligible to satisfy a heat/hot water civil penalty by submitting a \$250 payment with a timely Notice of Correction. The payment must be submitted to HPD with the Notice of Correction within 10 days of the affixing the Notice of Violation on the building. Owners should be aware that for a third or any subsequent inspection that results in a heat violation within the same heat season (October through May) or a hot water violation within a calendar year, HPD will charge a fee of \$200 for the inspection.

By law, building owners also must ensure that tenants have hot water 24 hours a day, 365 days a year, at a minimum constant temperature of 120 degrees Fahrenheit. For more information on heat and hot water requirements, visit our website: [nyc.gov/html/hpd/html/tenants/heat-and-hot-water.shtml](http://nyc.gov/html/hpd/html/tenants/heat-and-hot-water.shtml)

Tenants in privately owned buildings whose owners fail to provide adequate heat or hot water should first speak with the building owner or manager about the problem. If the problem is not corrected, tenants may call 311, 24-hours-a-day, seven-days-per-week, to lodge a complaint. For the hearing impaired, the TTY number is (212) 504-4115. These complaints may also be filed with 311 online at [nyc.gov/311](http://nyc.gov/311).

## Property Registration

The HMC requires owners of buildings with three or more residential units (multiple dwellings) to register their buildings annually with HPD. One- and two-family dwellings also need to be registered if the owner or the owner's family does not live in the building. Accurate building registrations are essential to making emergency notifications and the enforcement of housing laws. As HPD notices are sent to property owners at their last registered addresses, property owners who fail to register may not receive such notices about conditions at their building or about actions that HPD may be taking to alleviate immediately hazardous violations. For more information about Property Registration, go to [nyc.gov/html/hpd/html/owners/property-reg-unit.shtml](http://nyc.gov/html/hpd/html/owners/property-reg-unit.shtml), or contact the Registration Assistance Unit at 212-863-7000 or via e-mail at [register@hpd.nyc.gov](mailto:register@hpd.nyc.gov).

## Carbon Monoxide and Smoke Detectors

Carbon monoxide (CO) is a highly toxic gas that is colorless, odorless, tasteless, and therefore very dangerous. Landlords are required to provide and install at least one approved carbon monoxide detector in each dwelling unit and provide written information about how to test and maintain them. The detector must have an audible end-of-useful-life alarm. A carbon monoxide detector must be installed within 15 feet of the primary entrance to each sleeping room.

While landlords must install smoke detectors in each apartment, tenants are responsible for maintaining them. If a tenant has removed the smoke detector or failed to replace its battery, he/she must return it to proper working order.

### For safety's sake, tenants should:

- Test all carbon monoxide and smoke detectors at least once a month
- Replace the batteries in carbon monoxide and smoke detectors at least twice a year
- Listen for an alarm sound when the battery is low, and replace the battery immediately
- Use only the type of batteries recommended on the detector
- Never paint over detectors

Landlords may charge tenants a fee for each carbon monoxide detector installed. Landlords are required to file a certificate of satisfactory installation with HPD for both CO and smoke detectors. Landlords can file online at [HPDOnline](http://HPDOnline) or obtain a form at [nyc.gov/html/hpd/html/owners/owner-forms.shtml](http://nyc.gov/html/hpd/html/owners/owner-forms.shtml).

## Double Cylinder Locks

Double cylinder locks that require a key to open from the inside are dangerous and illegal. Occupants can be trapped inside in case of a fire or other emergency. Remove any double cylinder lock from apartment entrance doors or contact your landlord to have it removed.

## Harassment

Harassment by an owner to force tenants out of their apartments is illegal. Examples of harassment include consistent withholding of services and persistent physical or psychological intimidation such as turning off the heat or changing locks without providing keys.





Tenants in rent-controlled or rent-stabilized apartments who believe their building owners are harassing them should contact New York State Homes and Community Renewal (HCR). HCR enforces housing laws regarding such rent-regulated apartments and may levy fines against owners guilty of harassment. Information is available on their website at [nyshcr.org](http://nyshcr.org) or by calling 1-(866)-ASK-DHCR (1-(866)-275-3427).

All tenants may have a basis to bring legal action against the owner in Housing Court and may be able to collect damages if conditions are poor or if there is harassment. Tenants may want to consult with or retain an attorney before initiating any lawsuit. Tenants who cannot afford representation may be eligible for free or inexpensive legal assistance from the Legal Aid Society or Legal Services of New York. For more information about free or low-cost legal assistance, call 311 or go to [nyc.gov/311](http://nyc.gov/311).

### Housing Court

Housing Court is the forum where building owners and tenants resolve many of their legal disputes. For questions about Housing Court issues not discussed below, tenants and owners may contact a not-for-profit Citywide organization called Housing Court Answers (HCA), Monday through Friday, 9 a.m. to 5 p.m. Dial 311 for information or go to [nyc.gov/311](http://nyc.gov/311). Tenants and owners may also find assistance at information tables set up in Housing Court.

Both tenants and owners may want to consult with and secure the services of an attorney before bringing disputes to court. Tenants who cannot afford legal representation may be eligible for free or inexpensive assistance from the Legal Aid Society or Legal Services of New York or other agencies providing legal services (dial 311 for more information or go to [nyc.gov/311](http://nyc.gov/311)).

**Tenant Actions:** Tenants in privately owned buildings who have apartment maintenance or other housing problems should first report them to their building owners. If that fails, they may call 311 to file a complaint that may result in an inspection. If the problem persists, tenants may initiate legal action in Housing Court. Copies of a tenant's correspondence with the owner can be important in Housing Court.

At court, tenants are assisted in preparing an Order to Show Cause and obtaining a court date, which is usually about ten days later. They are given instructions about how to serve the Order to Show Cause on both the owner and HPD. On the return court date, the tenant and the owner each get an opportunity to present their positions with an HPD attorney present to assist. If the judge believes that violations exist in the building, he or she may order the owner to correct them within a specified time frame. If the owner fails to comply with the order, the tenant may return to court to seek civil penalties or contempt of court. Judges may penalize owners who refuse to repair violations after being ordered to correct the problem.

**Non-payment Eviction Proceedings:** The only legal way to evict a nonpaying tenant is through a nonpayment eviction proceeding in Housing Court. Building owners must notify the tenant that rent is late, what the balance is, and that, if not paid, the tenant will be evicted. Three days after notice is given or oral demand for the rent is made, the owner may file a nonpayment proceeding at Housing Court and serve papers on the tenant. The tenant must answer the petition in person at the Housing Court



Clerk's office. The Clerk will then give a court date to the tenant. On the court date, the tenant has an opportunity to present his or her defense to a Housing Court Judge. It is advisable for a tenant to consult an attorney whenever eviction proceedings are concerned. Owners must obtain a judgment of possession and "warrant" directing a city marshal to evict the tenant.

Holdover Eviction Proceedings An owner may commence a summary proceeding for possession of an apartment for a breach of the lease. If a tenant's lease contains a provision allowing for termination for committing a "nuisance," an owner may undertake eviction proceedings for objectionable conduct. A "nuisance" is generally considered persistent and egregious conduct that threatens the health, safety or comfort of neighboring tenants. To evict, owners must provide evidence proving that the tenant's behavior meets this standard. The landlord must serve a preliminary notice which terminates the lease prior to commencement of the proceeding. The owner may also commence holdover proceedings for other reasons such as illegal sublet, non-primary residence, illegal use, or expiration of lease where no renewal is mandated by law.

### **Illegal Basement and Cellar Conversions**

Basements and cellars are very different things and thus allow different legal uses. A basement is a story partly below curb level but with at least one-half of its height above the curb level. A cellar is an enclosed space having more than one-half of its height below curb level.

Basements and cellars of multiple dwellings may not be occupied unless the conditions meet the minimum requirements for light, air, sanitation, and egress, and have been approved by the City's Department of Buildings.

Cellars in one- and two-family homes can NEVER be lawfully rented or occupied for residential use. Basements in one- and two- family homes can NEVER be lawfully rented or occupied for residential use unless the conditions meet the minimum requirements for light, air, sanitation and egress, and have received approval by the Department of Buildings. (A secondary kitchen for accessory cooking may be located in the cellar so long as approval from the Department of Buildings is obtained prior to the installation of the kitchen.) The rental of a basement in a two-family dwelling would result in a conversion from a private dwelling to a multiple dwelling; basements of two-family dwellings may not be rented unless the building obtains a new certificate of occupancy.

Owners with illegally converted basements and cellars may face civil and criminal penalties. Occupants of illegal basement and cellar apartments face potential dangers such as carbon monoxide poisoning, inadequate light and ventilation, and inadequate egress in the event of a fire.

Occupants of illegal basement and cellar apartments may be ordered by the City to vacate or leave any such apartment. For more information concerning illegal basement or cellar apartments, you can download a pamphlet from HPD's website [nyc.gov/hpd](http://nyc.gov/hpd). For complaints regarding illegal apartments, call 311 or go to [nyc.gov/311](http://nyc.gov/311). Complaints will be directed to the New York City Department of Buildings (DOB). For more information, please refer to DOB's website at [nyc.gov/buildings](http://nyc.gov/buildings).



## Key-Locked Window Gates

Window gates that require a key to access the fire escape are illegal and must be removed. In case of a fire or other emergency, delay in finding or using the key can reduce a tenant's chances of escape.

Tenants can protect themselves with legal window gates, which lock by use of a latch system, and provide security against burglary. Before purchasing a window gate, check the label with the serial number on it to make sure it states that it has been approved for use in the City.

## Lead-Based Paint

Lead is a highly toxic metal found naturally in the environment that can cause serious damage to the human body. The most common sources of lead are paint and dust. However, some foods and spices, medicines, clay pots and dishes, cosmetics, and painted toys from other countries can contain lead. Some jobs and hobbies can also expose workers and their families to lead. Lead is particularly harmful to children, in whom it can cause learning and behavior problems, and delay physical growth and mental development. Local Law 1 of 2004 requires landlords to identify and remediate lead-based paint hazards in the apartments of young children using trained workers and safe work practices. Lead-based paint hazards are presumed to exist if:

- The building was built before 1960 (or between 1960 and 1978 if the owner knows that there is lead-based paint)
- The building has three or more apartments
- A child under the age of six lives in the apartment

Local Law 1 requires owners of such buildings to inquire whether children under the age of six are in residence and to visually inspect the apartments and common areas for lead hazards once a year. There are specific requirements for maintaining records about these inspections and inspections that are required upon turnover of the apartment. Penalties can be imposed if these records are not maintained properly. Property owners can hire qualified companies to conduct testing to determine whether there is lead-based paint in their buildings and work proactively to reduce the liability associated with lead-based paint. Lead-based paint violations must be repaired using safe work practices, within the timeframes specified by law and HPD rules. Further information on the requirements regarding lead-based paint and sample documents can be found under "L" at [nyc.gov/hpd](http://nyc.gov/hpd), site index A-Z; and details about the availability of online and instructor-led training classes on Local Law 1 can be found at [nyc.gov/html/hpd/html/buyers/courses.shtml](http://nyc.gov/html/hpd/html/buyers/courses.shtml)

Tenants should report peeling paint in an apartment to the landlord. If the landlord does not fix peeling paint or if work is being done in an unsafe manner (for example, creating dust that is not being contained), tenants should call 311. Tenants are required to:

- Fill out and return the Annual Notice regarding lead-based paint that you receive from the landlord
- Notify the landlord in writing if a child under six comes to live with you or if you have a baby

The New York City Department of Health and Mental Hygiene recommends that tenants:

- Wash floors, window sills, hands, toys, and pacifiers often
- Remind your doctor to test your children for lead poisoning at ages one and two

Tenants may also call 311 to report unsafe work practices, learn how to prevent lead poisoning, find out where to get your children tested or order brochures and materials on lead poisoning prevention.

The incidence of lead-based paint poisoning has continued to decrease in New York City each year, according to the City's Department of Health and Mental Hygiene (DOHMH). HPD and DOHMH both have an interest in helping owners maintain property lead-safe and in enforcing Local Law 1. For information on free training on lead-safe home repair, please call DOHMH at 212 226-5323. For brochures on low interest loans and grants to help owners fix lead paint and other health and safety repairs, call 311.

### Mold

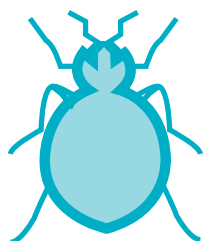


Mold is a type of fungus that can grow almost anywhere there is water, high humidity and damp conditions. If there is less than 10 square feet of mold in the apartment on walls or other hard surfaces, use soap and water to clean the area. Make sure to wear gloves and dry the area thoroughly.

If the mold spreads or returns quickly, or more than 10 square feet of mold is visible, the landlord should be notified. There may be an underlying condition such as a water leak that needs repair. If the landlord does not fix the condition, the tenant should call 311. To learn more about mold, listen to the HPD podcast on mold at [nyc.gov/html/hpd/html/buyers/courses.shtml](http://nyc.gov/html/hpd/html/buyers/courses.shtml) or visit the City Department of Health and Mental Hygiene's website at [nyc.gov/doh](http://nyc.gov/doh).

In January 2013, the City Council passed and Mayor Bloomberg signed Local Law 6 of 2013. The Local Law authorizes HPD to issue an Order to Correct the underlying conditions that cause mold or water leak violations. HPD may seek significant civil penalties if a landlord fails to comply with the Order. Buildings will be selected based on outstanding mold or water leak violations in multiple areas of the building; address these types of violations timely and properly to keep the building maintained and avoid an issuance of this Order.

### Bedbugs



Bedbugs are rusty-red colored insects that can grow to the size of apple seeds. Bedbugs feed on human blood, but do not carry disease. Infestations can spread among apartments when bedbugs crawl through small crevices or cracks in walls and floors. Early detection of bedbugs is the key to preventing a severe infestation. For more information on bedbugs and detection, take HPD's free "Bedbug Management" course online in English or Spanish at [nyc.gov/html/hpd/html/buyers/courses.shtml](http://nyc.gov/html/hpd/html/buyers/courses.shtml).

When calling 311 to lodge a bedbug complaint, the caller may be asked by the 311 operator about whether it would be acceptable for HPD to bring a dog trained to sniff out bedbugs to participate in an inspection. If the dog is not allowed, an HPD Inspector will conduct a visual inspection. Violations will be issued if the Inspector is able to visually confirm the presence of live bedbugs. If the caller is willing to have the dog assist with the inspection, the caller will be asked if any pesticides have been applied within the last 30 days. Because pesticides can be harmful to dogs, HPD cannot send a canine inspector if there was a pesticide treatment, and a visual inspection



will suffice. If the tenant is willing to have the dog assist with the inspection and has not used pesticides, HPD will request that the tenant prepare for the inspection by reducing clutter and odors. Multiple bedbug violations in a building may lead to enhanced enforcement. Go to HPD's website for more information on enforcement.

The City's Department of Health and Mental Hygiene recommends that landlords hire only pest control professionals licensed by the NY State Department of Environmental Conservation (DEC) to treat apartments for bedbugs. The pest control professional should perform an inspection to confirm the presence of bedbugs, locate and eliminate hiding places, treat the apartment with cleanings or pesticides and make follow-up visits to ensure that the bedbugs are gone. For more information on bedbugs, visit the City Department of Health and Mental Hygiene's website at [nyc.gov/doh](http://nyc.gov/doh).

### Window Guards

Each year, young children are injured or die in falls from unguarded windows. These are preventable deaths and injuries. Owners have a responsibility to ensure that window guards are properly installed. Local Law 57 of 2011 authorizes HPD to issue violations for failure to install proper window guards, and to seek penalties for noncompliance. The window guard law requires owners to send an annual notice to tenants of multiple dwellings (buildings of three or more apartments) regarding window guards. It also requires owners to provide and properly install approved window guards on all windows, including first floor bathrooms, windows leading onto a balcony or terrace in an apartment where a child 10 years of age or younger resides, and windows in each common area, on any floor. 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, since the fire escapes start on the second floor.

If tenants or occupants want window guards for any reason, even if there are no resident children 10 years of age or younger, the tenant can request the window guards in writing and the landlord must install them. For example, occupants who have visiting grandchildren, parents who share custody and occupants who provide child care may wish to request window guards.

Call 311 if required or requested window guards have not been installed or if they appear to be insecure or improperly installed, or if there is more than 4½ inches of open unguarded space in the window opening.

As noted above, owners are required to send Annual Notices to tenants or occupants of multiple dwellings to determine if window guards are required. The Department of Health and Mental Hygiene's website can provide additional information on:

- Annual notices
- Installation requirements for approved window guards
- Variances

Tenants can call 311 for more information about window guards.

### Removing Violations

Anyone can check for open HPD violations online at [nyc.gov/hpd](http://nyc.gov/hpd). Enter the building address on the right hand toolbar. Building owners can have corrected violations removed from the record by certifying, either by mail or by using online eCertification, that the violations were corrected within the required time period specified on the Notice of Violation. To find out more about eCertification go to [nyc.gov/hpd](http://nyc.gov/hpd), "Site



index A-Z” and find “eCertification of violations” under letter “E.”

After the specified time period has passed, building owners may file, for a fee, a Dismissal Request form with their Borough Code Enforcement office. All the information needed to correct a violation can be found on the HPD website by going to [nyc.gov/hpd](http://nyc.gov/hpd) and clicking on “Residential Building Owners” on the left hand side of the HPD homepage, and then choosing “How to Correct Violations.”

## **DIVISION OF NEIGHBORHOOD PRESERVATION**

The Division of Neighborhood Preservation assesses thousands of buildings each year to determine whether buildings are at risk of further deterioration, to develop individual treatment plans for the buildings, and to coordinate the implementation of the treatment plans. DNP works to refer owners to education and support programs, provide referrals for rehabilitation loans, and refer buildings for targeted code enforcement when necessary. For more information on the Division of Neighborhood Preservation, you can go to HPD’s website at [nyc.gov/html/hpd/html/about/neighborhood-preservation](http://nyc.gov/html/hpd/html/about/neighborhood-preservation) or visit one of our offices listed at the end of this document.

## **HOUSING EDUCATION**

HPD’s Public Outreach and Education Unit (POE) offers free in-person classes such as our five-part Introduction to Property Management, E-learning classes such as First Time Home Ownership, and audio podcasts and videos on a variety of topics of interest to both tenants and owners, including:

- Heat and Hot Water Requirements
- Mold
- Bedbug Detection and Control
- Lead-Based Paint
- Increasing safety in your apartment house
- How the HPD/HDC Housing Lotteries work
- Violation Removal Processes

Please check online at [nyc.gov/html/hpd/html/buyers/courses](http://nyc.gov/html/hpd/html/buyers/courses) for a full catalogue of offerings, as the content is frequently updated. E-learning classes are interactive sessions that can take as little as 30 minutes.

POE also works with Councilmembers and non-profit community organizations to sponsor Owner and Tenant Housing Forums in communities around the City. To get the schedule, please call (212) 863 8830 or go to HPD’s website.

## **ALTERNATIVE ENFORCEMENT PROGRAM**

Local Law No. 29 of 2007 created the Alternative Enforcement Program (AEP). The AEP provides HPD with the ability to identify distressed multiple dwellings for special attention, including the imposition of fees, the issuance of Orders to Correct and the authority to replace building systems if the owner fails to act.

Each year HPD designates 200 different multiple dwellings for participation in the AEP. Property owners can avoid AEP by correcting and certifying violations in a timely manner and correcting Class C violations before HPD has to step in to correct the conditions. For more information on AEP, go to HPD’s website at [nyc.gov/html/hpd/html/owners/aep](http://nyc.gov/html/hpd/html/owners/aep) or obtain a Frequently Asked Questions brochure at any Code Enforcement Borough Office (see location information at the end of this document).



## DISCRIMINATION

By law, owners may not deny prospective tenants housing because of race, color, religion, nationality, gender, sexual preference, age, marital status, disability, immigrant status, legal occupation, or source of income. Furthermore, tenants may not be denied housing because their children are or will be residing with them. Tenants who believe they have experienced housing discrimination may file complaints within one year of the incident by calling 311 and being connected to the New York City Commission on Human Rights (CCHR). Learn more by going to the website: [nyc.gov/html/cchr/home.html](http://nyc.gov/html/cchr/home.html).

HPD works with not-for-profit organizations that provide fair housing services throughout the City. These organizations can counsel building owners and tenants on their rights and responsibilities under various housing and discrimination prevention laws; explain Housing Court procedures; assist senior citizens in filling out Senior Citizen Rent Increase Exemption applications; help low- and moderate-income tenants find housing and conduct fair housing workshops. Fair Housing Counselors also can assist in resolving building owner/tenant disputes.

BOROUGH	ORGANIZATION	NUMBER
Bronx	NYC Commission on Human Rights, 1932 Arthur Ave., Rm 203 A	(718) 579-6900
Brooklyn	Brooklyn Housing & Family Services (English, Russian, Spanish)	(718) 435-7585
Manhattan	Chinese-American Planning Council (English, Spanish, Mandarin and Cantonese)	(212) 431 7800
Manhattan	New York Urban League (English only)	(212) 926 8000
Queens	NYC Commission on Human Rights, 153-01 Jamaica Ave., RM 203	(718) 654 2465
Staten Island	Residents can call any of the offices listed above	

## DRUGS

Tenants should notify their building owners and the police of any illegal activity in their building. Owners should alert the police to illegal activity in their building. To secure buildings from drug dealers and vandals, the building manager, superintendent or owner should immediately repair broken locks or intercoms. For more information on how to improve safety in multiple dwellings, watch the videos at [nyc.gov/hpd/buyers/courses](http://nyc.gov/hpd/buyers/courses).

## FORECLOSURE

**The Center for New York City Neighborhoods:** In 2007, Mayor Michael R. Bloomberg and HPD, in partnership with the City Council, responded to the rise in mortgage foreclosures by establishing a new non-profit organization, the Center for New York City Neighborhoods (CNYCN). CNYCN provides referrals to legal services, housing counseling, and consumer education to New York City residents in danger of foreclosure. For more information please go to [cnycn.org](http://cnycn.org), or call 311 or (646) 786-0888.



**Mortgage Assistance Program (MAP) Loans for Households in Need:**

Through CNYCN, HPD has launched the Mortgage Assistance Program (MAP) to assist approximately 750 to 1,000 homeowners in City neighborhoods most affected by the foreclosure crisis. MAP loans help households repay arrears, reduce principal, extinguish secondary liens, and take other steps that increase their chances of remaining in their homes and maintaining a stable housing cost burden. For more information please call 311 or CNYCN at (646) 786-0888 or go to [nyc.gov/hpd/homeowners/Mortgage-assis-prog](http://nyc.gov/hpd/homeowners/Mortgage-assis-prog)

**Restored Homes for Purchase:** HPD and a non-profit organization called Restored Homes (RH) have joined together to facilitate the purchase, rehabilitation and sale of small residential distressed properties to create affordable homeownership opportunities for low- and moderate-income families. For more information visit HPD's website at [nyc.gov/html/hpd/html/homeowners/ACA-program](http://nyc.gov/html/hpd/html/homeowners/ACA-program) or contact Restored Homes at (212) 584-8981 or [neighborhoodrestore.com/aca](http://neighborhoodrestore.com/aca)

**HOUSING LOTTERIES**

The City of New York requires that subsidized apartments be rented through an Open Lottery system to ensure fair and equitable distribution of housing to eligible applicants. Marketing of the apartments and the application process for the lottery typically begin when construction is approximately 70 percent complete. For more information regarding the lottery process, current housing lotteries, how to apply to an open lottery or to receive an e-mail when HPD updates its available apartment and home website listings for City-subsidized housing in the five boroughs, please visit the Apartment Seekers and Homebuyers pages at [nyc.gov/hpd](http://nyc.gov/hpd).

Prospective renters can also find out about these units by looking for ads in Citywide, local and ethnic publications, as well as on HPD's website [www.nyc.gov/hpd](http://www.nyc.gov/hpd) by clicking on "Apartment Seekers" and then click on the link for "Open Housing Lotteries." They may also sign up for e-mail alerts or call 311 for HPD's Affordable Housing Hot Line. The ads and the HPD website contain instructions on how to apply and whether there are preferences for selection. In most cases, there are income and household size limits for each of these publically-subsidized units, and these limits will vary slightly building to building. It is important to note that there is typically a wait of eight months between the building's application deadline and move-in.

In the summer of 2013, NYC Housing Connect ([nyc.gov/housingconnect](http://nyc.gov/housingconnect)) will offer a simple and secure online application option. Users of NYC Housing Connect will be able to view current and upcoming housing lotteries, fill out a single on-line application, and apply to and track multiple lotteries.

**PETS**

Unless the pet can be considered a "service animal" used by blind, deaf or disabled people, whether pets are permitted is at the discretion of the building owner and is usually stipulated in the lease. If a tenant keeps a pet in the apartment without the building owner's permission, it may be considered a serious violation of the lease and may be a basis for terminating tenancy. In addition, many animals cannot be kept legally as pets in the City of New York. For more information on pet regulations, call 311 to reach the DOHMH Dog License Department.



## PROACTIVE PRESERVATION INITIATIVE

Deteriorating conditions in multifamily buildings can be hazardous to the families who live there and deleterious to adjoining properties and the neighborhood as a whole. HPD's Proactive Preservation Initiative (PPI) is an aggressive approach to identify and address substandard physical conditions in multifamily buildings before they reach a state that endangers the health and safety of residents and threatens the quality of the surrounding neighborhood. This initiative employs a coordinated strategy between HPD's enforcement and preservation functions, using a combination of "carrots and sticks" to encourage owners to return their buildings to safe condition.

Through the PPI, HPD identifies troubled buildings preemptively and, through a variety of programs, provides the tools or incentives to owners to address housing quality issues. Every year, HPD will evaluate roughly 500 distressed buildings with the goal of putting them on a path to stability. HPD will survey both the buildings and their neighborhoods to evaluate needs, and will actively reach out to help owners address at-risk buildings. In buildings that exhibit serious physical distress, HPD's dedicated Proactive Enforcement Division will conduct roof-to-cellar inspections. For buildings with non-emergency distress HPD will devise appropriate, individualized strategies to help ensure that conditions improve. Actions could include giving low-cost repair loans, financial counseling and referrals as well as more aggressive, punitive tactics involving Housing Maintenance Code enforcement and litigation.

## RENT REGULATION

State and local law also require owners of buildings containing rent controlled or rent stabilized apartments to register those apartments with the New York State Homes and Community Renewal (HCR) annually. Registration with HCR facilitates rent regulation and code enforcement. The law provides for penalties for an owner's failure to register. Rent regulation laws limit the rate of rent increases and the methods and reasons for eviction. They also require that building owners maintain services in their apartments. New York State's Homes and Community Renewal administers rent regulation laws. For more information, dial (718)-739-6400 or go online to [nyshcr.org](http://nyshcr.org).

### HRC can provide information about:

- Rent Stabilization
- Rent Deregulation
- Rent Control
- Major Capital Improvement increases (MCI)

In addition to calling HPD to report code violations, tenants in rent-regulated apartments who have problems with their building owners may contact HCR and file complaints on forms prescribed by HCR. After obtaining evidence from owners and tenants, HCR can issue written orders that can lower rents for lack of services or overcharges, direct the terms of a lease renewal, or fine an owner if found guilty of harassment. Tenants can contact HCR regarding rent increases due to annual approvals or MCIs. Owners are required to register annually if the building is rent stabilized or rent controlled and must apply for rent increases due to Major Capital Improvements with HCR. For more information on any of these issues, contact HCR by dialing 718-739-6400 or go online to [nyshcr.org](http://nyshcr.org)





## USEFUL CONTACT INFORMATION

311 is New York City's phone number for government information and services. All calls to 311 are answered by an operator, 24-hours-a-day, seven-days-a-week, and information is provided in over 170 languages. Dial 311 from within the City or (212) NEW YORK when outside of the five boroughs or use the on-line option of [nyc.gov/311](http://nyc.gov/311). TTY service is available at (212) 504-4115.

311 provides New Yorkers with one easy-to-remember number to access non-emergency City government services. Remember, for emergencies dial 911.

### HPD Services:

#### Registration Assistance Unit

(212) 863-7000 [register@hpd.nyc.gov](mailto:register@hpd.nyc.gov)

#### Section 8

HPD's Section 8 Hotline for Landlords and Tenants: 917-286-4300

For Tenants: In person: 100 Gold Street, Rm. 1-0, NY, NY 10038

### HPD Borough Offices

#### Bronx

**Neighborhood Preservation Office** - (718) 579-2930

**Code Enforcement Office** - (718) 579-6790

1932 Arthur Avenue, 3rd Floor

Bronx, NY 10457

Monday-Friday, 9 a.m. to 4 p.m.

#### Brooklyn

**Brooklyn West & Staten Island/Neighborhood Preservation Office**

(718) 802-4503

**Code Enforcement Office** - (718) 802-3662

210 Joralemon Street,

Brooklyn, NY 11201

Monday-Friday, 9 a.m. to 4 p.m.

**Brooklyn East & Queens/Neighborhood Preservation Office** (718) 348-2550

**Code Enforcement Office** - (718) 827-1942

701 Euclid Avenue, 1st Floor

Brooklyn, NY 11208

Monday - Friday, 9 a.m. to 4 p.m.

#### Manhattan

**Neighborhood Preservation Office** - (212) 281-2475

Thursdays and Fridays, 9 a.m. to 5 p.m.

**Code Enforcement Office** - (212) 234-2541

Monday - Friday, 9 a.m. to 4 p.m.

94 Old Broadway, 7th Floor

New York, NY 10027

### Queens

**Code Enforcement Office** - (718) 286-0800

Monday - Friday, 9 a.m. to 4 p.m.

120-55 Queens Blvd./Queens Borough Hall, Kew Gardens, NY 11424

### Staten Island

**Code Enforcement Services** - (718) 816-2340

Staten Island Borough Hall

Staten Island, NY 10301

Monday - Friday, 9 a.m. to 4 p.m.

### All Boroughs

**The Division of Asset & Property Management** - (for City-Owned Buildings)

(212) 694-2382 or (212) 694-2833

94 Old Broadway, 7th Floor

New York, NY 10027

## Other Government Housing and Housing-Related Agencies:

### New York State Attorney General

Information on rights and obligations of building owners, tenants and real estate brokers

Information and Complaint Line: ..... 1-800-771-7755

### NYS Division of Homes and Community Renewal (NYSHCR)

Information on rent and services for rent controlled and rent stabilized

apartments ..... 1-866-ASK-DHCR(1-866-275-3427) or 311

**NYC Housing Development Corporation (HDC)** ..... (212) 227-5500

**NYC Residential Mortgage Insurance Corporation (REMIC)**... (212) 227-5500

**U.S. Department of Housing and Urban Development (HUD)**.. (212) 264-8000

**New York City Housing Authority (NYCHA)** ..... 311

**NYC Department of Buildings** ..... 311

## Common Housing Court Terms

### Adjournment:

When the Court temporarily halts proceedings in a given case at either party's request or for the court's own reasons and sets a date for the parties to return to Court to continue the proceeding.

### Default:

Failure to appear in Court or fulfill an agreement. A default by either party can result in a judgment in their opponent's favor.

### Inquest:

A Court proceeding that takes place after a party has failed to appear. The opposing party may present his or her case to the judge despite the absence of the opposing party.

**Mediation:**

The process through which Court-appointed mediators assist parties in a legal dispute to make a mutually fair agreement and to understand its terms and conditions.

**Order to Show Cause (OTSC):**

A legal document used to initiate a special proceeding, or to request the entry or the return of a case to the Court calendar. Among other reasons, tenants may request an OTSC to hold owners accountable for defaulting on an agreement, request more time to pay arrears, or stop an eviction. The OTSC may have the effect of bringing the case to Court more rapidly or staying certain actions by a party until the case is heard in Court.

**Petition:**

A legal document that sets out the petitioner's claim for judicial relief.

**Petitioner:**

The party who initiates the case.

**Pro Se:**

This Latin term means "by yourself" and refers to parties in a legal dispute that represent themselves in court, without legal counsel.

**Rent Abatement:**

A reduction in rent to compensate tenants for an owner's failure to make repairs; rent abatements can be awarded in court orders or stipulations.

**Respondent:**

The party in a Court case who must answer the special proceeding begun by the petitioner.

**Stipulation:**

A Court document that lists the terms and conditions of an agreement between a tenant and an owner.

**Three-Day Notice:**

Refers to the amount of time tenants have to pay arrears after receiving a written request for payment from the owner. If a tenant fails to pay arrears after three days, the owner may be able to initiate legal action against the tenant.

**Traverse Hearing:**

A Court hearing held to determine whether a party properly served court papers to another party.

**Warrant of Eviction:**

A legal document issued by the Court that empowers a marshal to remove a tenant from an apartment after the appropriate five day notice expires. Only the marshal's office may serve and execute a warrant of eviction.

**With Prejudice:**

When a party gives up the right to commence further legal action or assert a claim at a later date. If a case or a claim is discontinued with prejudice, it may not be brought or asserted again.

**Without Prejudice:**

When the petitioner reserves the right to seek further legal action or assert a claim at a later date. If a case or a claim is discontinued without prejudice, it may be brought or asserted again.



Department of  
Housing Preservation  
& Development  
[nyc.gov/hpd](http://nyc.gov/hpd)

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