

# THE ABCs OF HOUSING

**HOUSING RULES AND REGULATIONS FOR OWNERS AND TENANTS**

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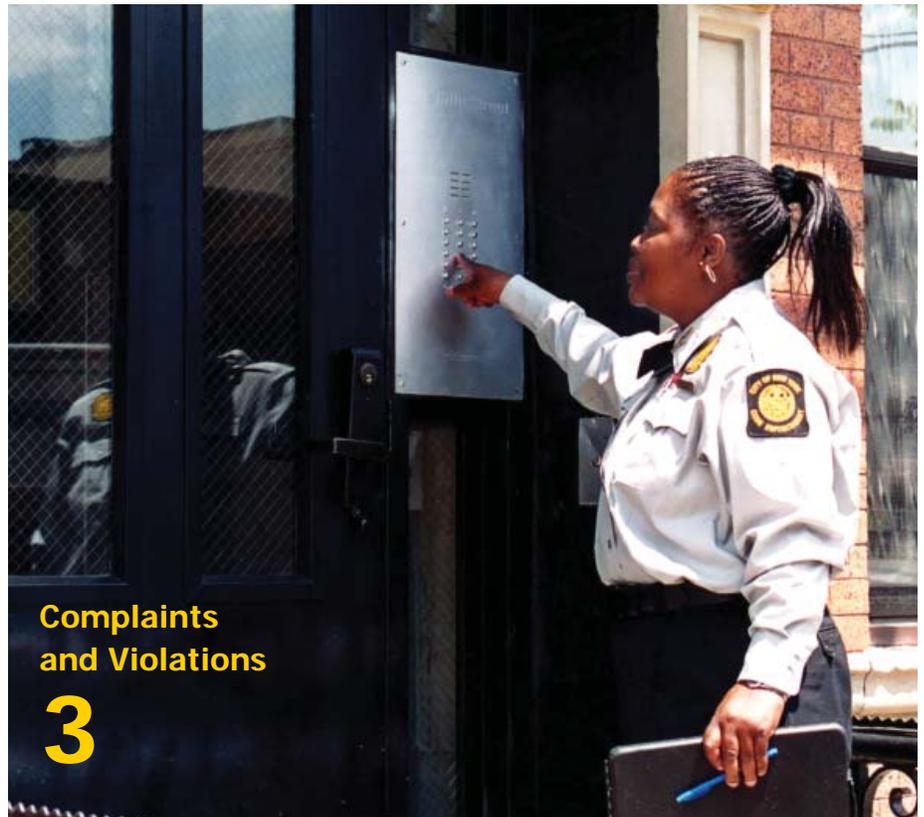
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For information about New York City government, please call 311 – 24 hours a day, seven days a week.



## **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 completed the construction or rehabilitation of more than 300,000 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, fire protection, light, ventilation, cleanliness, maintenance and occupancy in residential apartments in New York City. HPD's responsibilities include dispatching housing inspectors in response to HPD's own Division of Neighborhood Preservation (DNP) surveys and/or complaints about housing conditions reported through the City's 311 call network. In the course of conducting these inspections, HPD may issue HMC violations, employ contractors to make critical repairs in response to landlord or owner neglect and immediately hazardous conditions, and bring or join tenants in Housing Court actions.

Obviously, there are many rules and regulations that you need to be aware of and this booklet is designed to help you, whether you are an owner or a tenant, gain an understanding of your basic rights and responsibilities.

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

## **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 safe egress, heat, hot and cold water, good lighting and make repairs to keep the building in good repair.

### **Tenants**

Tenants may not damage the building, intentionally or through neglect. Tenants are also responsible for the actions of their guests. Finally, tenants must obey the terms of their leases, pay rent on time and honor the rights of other tenants.

### **Owner Entry**

In New York City, an owner may enter a tenant's apartment for three general reasons: to make emergency repairs, non-emergency repairs or improvements, and apartment inspections. Emergency repair requires no advance notice to the tenant. So long as the owner's right of entry is exercised at a reasonable time and in a reasonable



manner, tenants may not refuse to permit the owner, or his or her agent or employee, to enter the apartment or other space under the tenant’s control to make repairs or improvements required by law or to inspect the apartment or other space to determine compliance with the code.

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

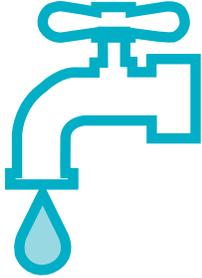
**Complaints and Violations**

Tenants in privately owned buildings with maintenance problems should first notify the building owner or manager. If verbal notification does not resolve 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 with 311, which is open 24-hours-a-day, seven-days-per-week.

The 311 operator forwards the complaint to HPD, where a notification call is made to the registered owner and a call may also be made to the tenant to confirm whether the condition has been corrected. If there is no confirmation of correction, an inspector may be dispatched. If HPD inspectors determine that a building has violations, the owner has a certain amount of time to correct them, depending on their severity. The Housing Maintenance Code provides for three classes of code violations: A, B and C.

Violation type	Class	Correction date
Class A	Non-hazardous	90 days from HPD’s mailing of the Notice of Violation
Class B	Hazardous	30 days from HPD’s mailing of the Notice of Violation
Class C	Immediately Hazardous	24 hours from HPD’s mailing of the Notice of Violation
Class C Lead-Based Paint	Immediately Hazardous	21 days from HPD’s mailing of the Notice of Violation
Class C Heat Violations	Immediately Hazardous	24 hours from the time a violation is posted at the building

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. You can also certify violations as corrected through a new application called *eCertification*. *Ecertification* is a new online application 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 and allows you 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*, you can go on-line to <http://www.nyc.gov/hpd>.



### Heat and Hot Water

The HMC requires building owners to heat tenants' apartments between October 1st and May 31st. 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.

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, visit our website:

<http://www.nyc.gov/html/hpd/html/contact/Daily-Heat-Complaints.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 an owner does not correct the problem, 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.

### Property Registration

The Housing Maintenance Code (HMC) requires owners of buildings with three or more residential units (multiple dwellings) to register their buildings with HPD annually. One- and two-family dwellings need to be registered if the owner or the owner's family does not live in the building. Owners of buildings with six or more units must re-register by April 1 of each year, and owners of buildings with five or fewer units must re-register by October 1 of each year. The maintenance of accurate building registrations is essential to emergency notifications and the enforcement of housing laws. Since various HPD notices are sent to property owners at their last registered address, 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.. You can register your property online at HPD's website, <http://www.nyc.gov/html/hpd/html/owners/property-reg-unit.shtml>, or contact the Registration Assistance Unit at 212-863-7000 for a blank registration form.



### Carbon Monoxide and Smoke Detectors

Carbon Monoxide (CO) is a highly toxic gas that is very dangerous because it is colorless, odorless, tasteless, and non-irritating. Landlords are required to provide and install at least one approved carbon monoxide detector within each dwelling unit and provide written information about how to test and maintain them. The carbon monoxide detector must be installed within 15 feet of the primary entrance to each sleeping room.

Landlords must install smoke detectors in each apartment but 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. 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
- ✓ You will hear an alarm sound when the battery is low. Replace the battery immediately
- ✓ Use only the type of batteries recommended on the detector
- ✓ Never paint over carbon monoxide detectors
- ✓ Replace carbon monoxide detectors as recommended by the manufacturer

Landlords may charge tenants a fee for each carbon monoxide detector installed.

### Double Cylinder Locks

Double cylinder locks, which require a key to open the door from the inside, are dangerous and illegal. In case of a fire or other emergency, you could be trapped inside if you need a key to get out. Remove any double cylinder lock from your apartment entrance door (whether you use it or not) 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 the New York State Department of Housing and Community Renewal (DHCR). DHCR enforces the housing laws regarding such rent-regulated apartments and may levy fines against owners guilty of harassment. Information is available on their website at <http://nysdhcr.gov/index.htm> 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.

### 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 the Citywide Task Force on Housing Court, Monday through Friday, 9 a.m. to 5 p.m. Dial 311 for information. 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).

**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 complainant'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.

**Nonpayment 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 defenses 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. A basement is a story partly below curb level but having 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 received approval by the City's Department of Buildings.

Cellars in private dwellings can NEVER be lawfully rented or occupied for residential use. Basements in private dwellings 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 entire building is in compliance with the New York State Multiple Dwelling Law.

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 illegal basement or cellar apartment.

For more information concerning illegal basement or cellar apartments, you can obtain a pamphlet from HPD's website, <http://www.nyc.gov/hpd>. For complaints regarding illegal apartments, call 311. Complaints will be directed to the New York City Department of Buildings. For more information, please refer to their website at <http://www.nyc.gov/html/dob/html/home/home.shtml>.

### 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 escaping injury.

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

### Lead-Based Paint

Local Law 1 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 reside in these buildings 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 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, sample documents and the availability of training classes on Local Law 1 can be found on HPD's website at [http://www.nyc.gov/html/hpd/html/homeowners/lead\\_paint.shtml](http://www.nyc.gov/html/hpd/html/homeowners/lead_paint.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, 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 child tested or order brochures and materials on lead poisoning prevention.

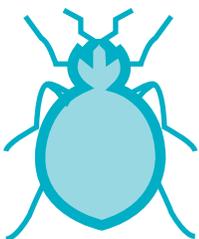
### Mold

Mold is a type of fungi that can grow almost anywhere there is water, high humidity and damp conditions. If there is less than 10-square-feet of mold in your apartment on walls or other hard surfaces, you may 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, visit the City Department of Health and Mental Hygiene's website at <http://www.nyc.gov/doh>.

### 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 since bedbugs travel through small crevices and 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" E-learning course at <http://www.nyc.gov/hpd>.

The Department of Health and Mental Hygiene recommends that landlords only hire 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 <http://www.nyc.gov/doh>.



### Window Guards

The landlord is required to provide, install and maintain approved window guards in all apartment and public hallway windows in buildings with three or more apartments where a child 10 years or younger resides, or if you request them. Only windows that open to fire escapes and one window in each first floor apartment where there is a fire escape on the outside of the building are legally exempt from this requirement.

If window guards have not been installed or if they appear to be improperly installed, are shaky, or have more than 4 ½ inches of open unguarded space, tenants should first contact their landlord and then, if there is no response, call 311. For more information on approved window guards and proper installation visit the website for the City's Department of Health and Mental Hygiene at <http://www.nyc.gov/doh>.

### DIVISION OF NEIGHBORHOOD PRESERVATION

The Division of Neighborhood Preservation (DNP) conducts site assessments of thousands of buildings each year to determine whether buildings are at risk, develop individual treatment plans for the buildings, and coordinate the implementation of the treatment plans. DNP activities encourage owners to pay their taxes, refer owners to education and support programs, provide referrals for rehabilitation loans, refer buildings for targeted code enforcement when necessary, and review distressed properties for exclusion from Department of Finance tax lien sales. For more information on the Division of Neighborhood Preservation, you can go to HPD's website at <http://www.nyc.gov/html/hpd/html/about/neighborhood-preservation.shtml> or visit one of our offices (see information at the end of this document).



### Housing Education

HPD's Public Outreach and Education Unit offers in-person classes, e-learning classes and podcasts on a variety of topics, including:

- Heat and Hot Water Requirements
- Bedbug Detection and Control
- Lead-Based Paint
- Basic Property Management



- Healthy Homes
- Violation Removal Processes

Please check online at <http://www.nyc.gov/hpd> for a full catalogue of classes, as the content is frequently updated. E-learning classes are interactive sessions which can be completed online at your own pace and can take as little as 30 minutes.

### ALTERNATIVE ENFORCEMENT PROGRAM

Local Law No. 29 of 2007, passed by the New York City Council and signed into law by Mayor Michael R. Bloomberg, created the Alternative Enforcement Program (“AEP”). The AEP provides HPD with the ability to identify distressed multiple dwellings for enhanced enforcement, including the imposition of fees, the issuance of Orders to Correct and the authority to replace building systems if the owner fails to act. Using criteria set forth in the statute, each year HPD designates 200 different multiple dwellings for participation in the AEP. For more information on AEP, you can go to HPD’s website at <http://nyc.gov/html/hpd/html/owners/aep.shtml> 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 the New York City Commission on Human Rights <http://www.nyc.gov/html/cchr/home.html> at 311.

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

BOROUGH	ORGANIZATION	NUMBER
Bronx	South Bronx Action Group (English Spanish)	(718) 993-5869
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	New York Urban League (English only)	(718) 739-6600 x413
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.

## 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), which provides legal services, housing counseling, and consumer education to New York City residents in danger of foreclosure. For more information please go to <http://www.cnycn.org/>

**Mortgage Assistance Program (MAP) Loans for Households in Need:** HPD has launched the Mortgage Assistance Program (MAP) to assist approximately 750 to 1,000 homeowners in those neighborhoods most affected by the foreclosure crisis. MAP provides multi-faceted, direct assistance to families who would otherwise not be able to stay in their homes. MAP loans help households repay arrears, reduce principal, extinguish second 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 go to <http://www.nyc.gov/html/hpd/html/homeowners/Mortgage-assis-prog.shtml>

**Restored Homes for Purchase:** HPD and a non-profit organization called Restored Homes (RH) have partnered to facilitate the purchase, rehabilitation and sale of distressed properties to create affordable homeownership opportunities for low- and moderate-income families. These homes are in specified revitalization areas throughout New York City that have suffered high foreclosure rates. For more information visit HPD's website at <http://www.nyc.gov/html/hpd/html/homeowners/ACA-program.shtml> or contact Restored Homes at (212) 584-8981. <http://www.neighborhoodrestore.com/aca.html>

## 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 Health Department's Dog License Department.

## PROACTIVE PRESERVATION PROGRAM

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 is an aggressive approach to identify and address substandard physical conditions in multifamily buildings throughout the City 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 incent owners to maintain their buildings in safe condition.





Through the Proactive Preservation Initiative, 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. Buildings targeted for the initiative are identified based on an increase in both distress and rate of decline – measured by indicators such as a rise in the number of emergency housing code violations (“C” violations) over the past two years. 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 (PEB) 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, litigation, moving properties into receivership, and transferring ownership to more responsible, experienced hands. For more information about Proactive Preservation, please contact [hpdproactive@hpd.nyc.gov](mailto:hpdproactive@hpd.nyc.gov).

## 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 Division of Housing and Community Renewal (DHCR) annually. Registration with DHCR 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 Department of Housing and Community Renewal (DHCR) administers rent regulation laws. For more information, dial 718-739-6400 or go online to <http://www.nyshcr.org>.

**Rent Stabilization:** Generally, apartments are rent stabilized when they are in buildings that have six or more units and were built between 1947 and 1973. Some apartments in buildings built before 1947 are rent stabilized if the renter established residency after 1971.

**Rent Deregulation:** Rent-stabilized units that become vacant can be deregulated if the rent after vacancy reaches \$2,000 or more. Occupied units renting for \$2,000 or more can also become deregulated by order of DHCR if the tenant’s adjusted income reaches or exceeds \$175,000 for two consecutive years.

**Rent Control:** Generally, apartments are rent controlled when they are in buildings that have three or more units, were built before 1947 and have had a tenant living there continuously since June 1971. When a rent-controlled tenant dies and leaves no legal successors, voluntarily moves out, or is lawfully evicted, the unit automatically becomes “vacancy decontrolled”, and is no longer subject to rent control laws and regulations. However, the unit may be subject to rent stabilization if the unit is located in a building built before 1974 and the building contains six or more units.

**Problems in Rent Regulated Apartments:** In addition to calling HPD to report code violations, tenants in rent regulated apartments who have problems with their



building owners may contact DHCR and file complaints on forms prescribed by DHCR. After obtaining evidence from owners and tenants DHCR 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. For more information, tenants may contact DHCR by dialing 718-739-6400 or go online to <http://www.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 a live operator, 24-hours-a-day, seven-days-a-week, and services are provided in over 170 languages. Dial 311 from within the City or (212) NEW YORK outside of the five boroughs. TTY service is also available by dialing (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:

#### Housing Registration Unit

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

#### Section 8

For Owners: HPD's Section 8 Owner Hotline 917-286-4300

For Tenants: In person: 100 Gold Street, NY New York 10038

By phone: Section 8 Hotline 917-286-4300

### 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

**Neighborhood Preservation Office** - (718) 802-4503

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

210 Joralemon Street, 13th Floor

Brooklyn, NY 11201

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

**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

Tuesday and Thursday, 12 p.m. to 4 p.m.

(Call for an appointment)

**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

**Neighborhood Preservation Office** - (718) 286-2758

Tuesday and Thursday 12 p.m. to 4 p.m.

(Call for an appointment)

**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)

94 Old Broadway, 7th Floor

New York, NY 10027

(212) 694-2381 or

(212) 694-2833

## 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

### State Division of Housing and Community Renewal (DHCR)

(Information on rent and services for rent controlled and rent stabilized apartments)..... 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

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.

## 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.

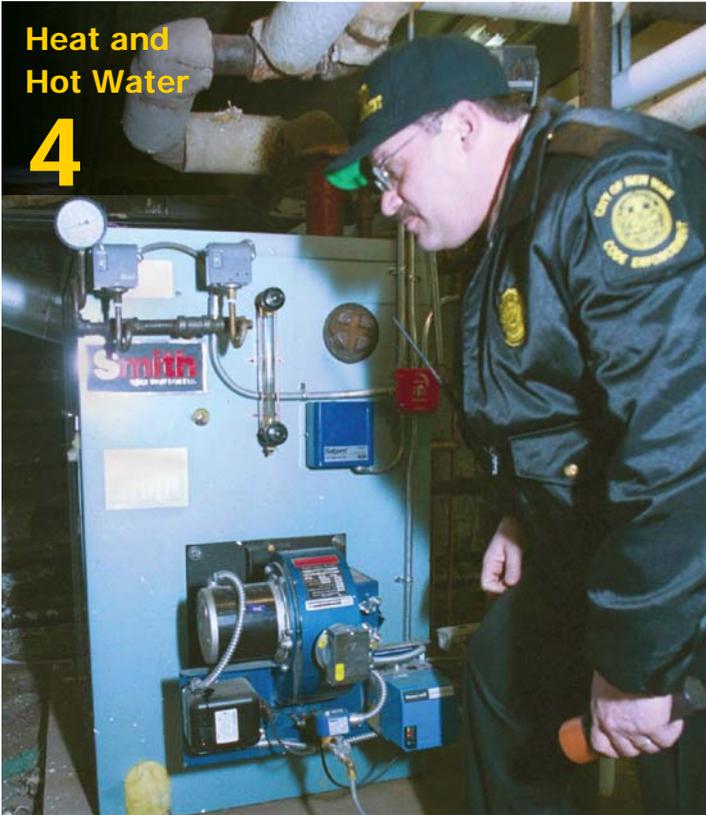
**Without Prejudice:**

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.



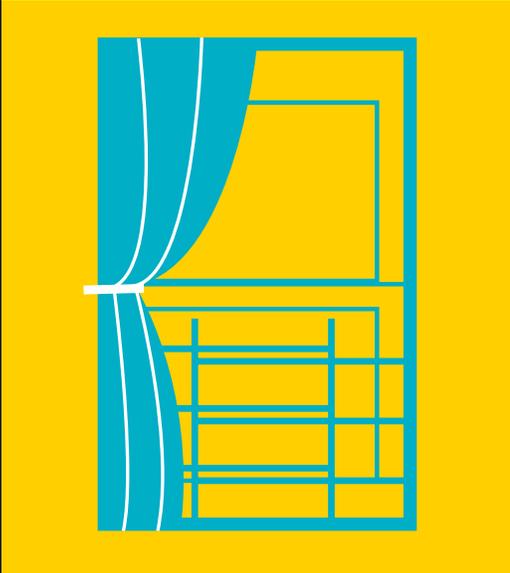
Lead-Based Paint

7



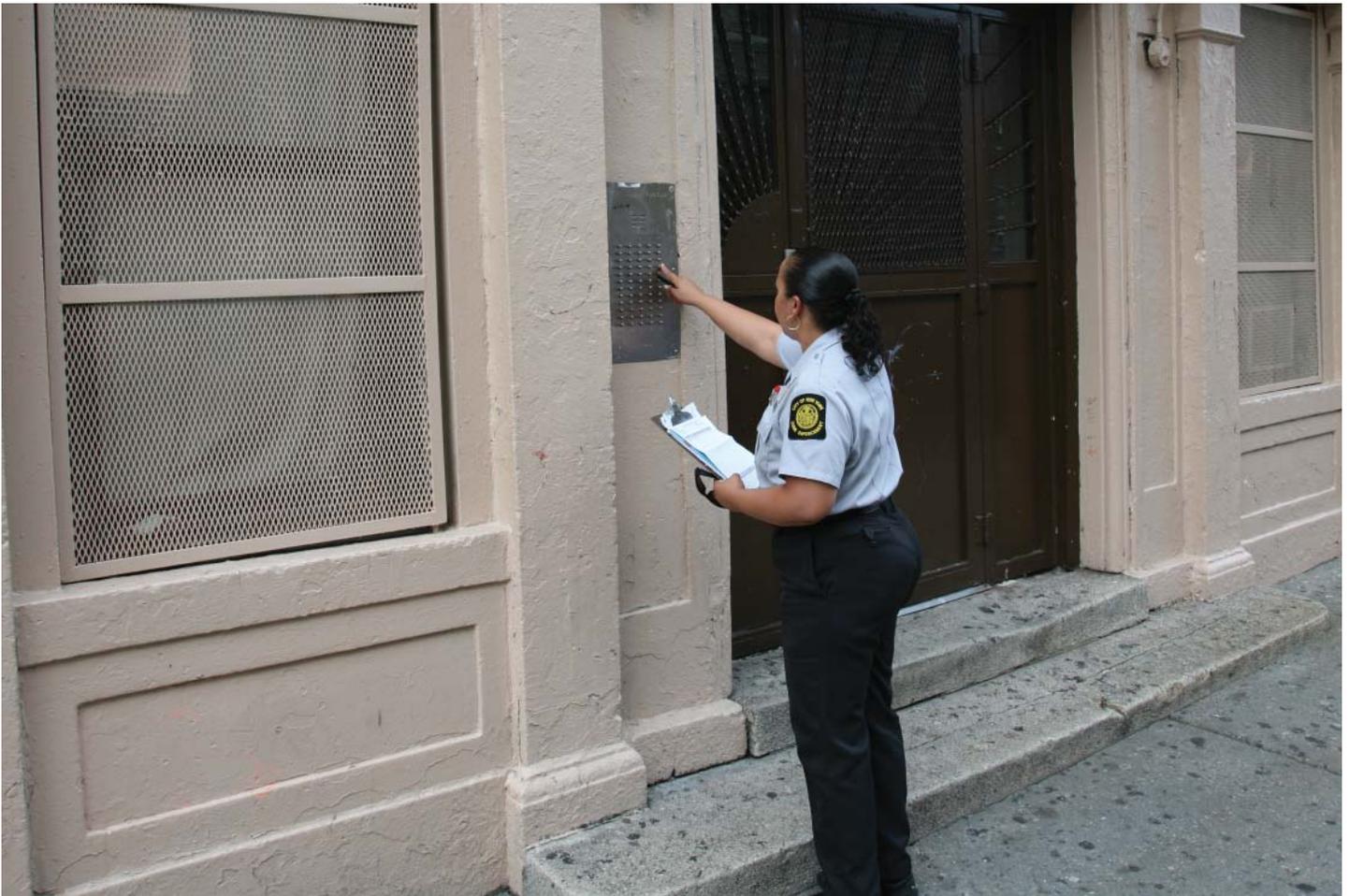
Heat and Hot Water

4



Window Guards

9



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

