

CONH & Cure Program | Fact Sheet

WHAT IS A CONH: A Certification of No Harassment (CONH) is required for covered categories of work and is intended to ensure that a building owner did not further a proposed project by harassing occupants into vacating or otherwise depriving occupants of their rights. If harassment is found and a CONH denial issued, the owner may choose, for buildings other than Single Room Occupancy (SRO), to either wait out the denial period or apply to Cure the harassment by providing a percentage of floor area as permanent Low Income Housing with the Office of Development. Owners of buildings, except for SRO buildings, may also directly seek to Cure in lieu of applying for a CONH.

1. CHECK IF BUILDING QUALIFIES

WHERE DOES CONH APPLY: CONH applies to certain eligible buildings covered in the below categories. These buildings must apply for either a CONH or an exemption from CONH with the [Office of Enforcement and Neighborhood Services](#) (ENS) before being able to obtain a permit for covered categories of work, outlined below, from the Department of Buildings (DOB):

- **Multiple dwellings** located in one of the following special geographic districts (as specified in the New York City Zoning Resolution):
 - The Special Clinton District ([§96-107](#))
 - The Special Hudson Yards District ([§93-90](#))
 - The Special Garment Center District ([§121-60](#))
 - The Greenpoint-Williamsburg anti-harassment area ([§27-20](#))
 - The Special West Chelsea District ([§98-70](#))
- **Multiple dwellings subject to the CONH Pilot Program**, enacted by [Local Law 1 of 2018](#), as amended by [Local Law 140 of 2021](#), creates and expands the CONH program to buildings on the [Pilot Program List](#), subject to [Chapter 53 of Title 28 of the Rules of the City of New York](#).
- **Single room occupancy multiple dwellings** located anywhere in the City.
 - SRO multiple dwellings not located in one of the special districts above are not eligible for a Cure Agreement with HPD.

2. CHECK IF WORK QUALIFIES

WHEN DOES CONH APPLY: Full or partial demolitions, material alterations, approval of construction documents, permits, and reinstated permits for covered categories of work, and use/occupancy changes that trigger a new Certificate of Occupancy in multiple dwellings covered in the above categories require a CONH to certify that there has not been harassment of the lawful occupants of a building prior to receiving approval for DOB permits. See applicable statutes for listed material work and covered categories of work. Certain multiple dwellings may apply for an exemption of the applicable CONH provisions as described on HPD's CONH exemption applications for either (1) Pilot Program buildings or (2) special district and SRO buildings.

3. APPLY FOR CONH

CONH APPLICATION PROCESS: Once an application for a CONH is submitted to the ENS Housing Litigation Division (HLD), HLD will review the application, conduct an investigation, and receive public comments. HLD may thereafter (1) grant the application, (2) deny the application, or (3) issue an initial determination that there is reasonable cause to believe that harassment occurred and (i) commence an administrative proceeding on the issue with a hearing before an administrative tribunal. At the conclusion of the hearing, the trial Judge will issue a Report and Recommendation to the Commissioner, and (ii) the Commissioner will decide whether to grant or deny the application upon the tribunal's Report.

If an application for a CONH or CONH exemption is approved, the building owner can proceed with submitting to DOB.



If an application for a CONH is denied, the owner will be precluded from receiving a permit for covered work during the specified denial period. The building owner may apply to Cure the record of harassment with HPD if eligible.



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If HPD denies a CONH, or if the owner of an eligible building elects to comply with Cure provisions in lieu of seeking a CONH, the building owner may apply to Cure with the Office of Development's Division of Housing Incentives and enter into a Cure Agreement with HPD.

4. CURE WITH HPD

HOW TO CURE: Apply to Cure with the [Inclusionary Housing Program](#) within the Division of Housing Incentives. To satisfy the requirements of Cure, the building owner must go through the application process and then enter into a Cure Agreement with HPD that stipulates the construction of permanently affordable Low Income Housing as follows:

Special Districts: Low Income Housing restricted to households earning at or below 80% AMI covering the greater of:

- 28% of the total residential floor area of any multiple dwelling to be altered or demolished in which harassment has occurred
- 20% of the total floor area of any new or altered building on the Cure lot

CONH Pilot Program: Low Income Housing restricted to 1/3 at 40% AMI, 1/3 at 50% AMI, and 1/3 at 60% AMI, the sum covering the greater of:

- 25% of the total residential floor area of the Pilot Program building in which harassment occurred
- 20% of the total floor area of any new or altered Pilot Program building on the lot containing the Pilot Program building.

5. EXECUTE CURE AGREEMENT

Once the Project has completed the Cure Application process, the owner will enter into a Regulatory Agreement pursuant to Cure with HPD, allowing the owner to request and receive permits for covered categories of work from DOB.

6. RECEIVE CURE COMPLETION CERTIFICATE

To receive a permanent certificate of occupancy from DOB, the Project must first obtain its Cure Completion Certificate from the Inclusionary Housing Program. The Project must confirm the square footage of the Floor Area of the Low Income Housing and review the Project's compliance with the completion section of the Cure Agreement. If the Project is in compliance with the Cure requirements and the executed Cure Agreement, the Inclusionary Housing Program shall issue a Cure Completion Certificate.

RESTRICTIONS/CAVEATS

- The Pilot Program process requires that lawful occupants of the Pilot Program Building during the 60-month period prior to the denied CONH shall have priority in the allocation of Low Income Housing constructed for Cure.
- If a building owner is denied a CONH and does not seek to or is not eligible for Cure, they must wait out their denial period and reapply for a CONH at the end of the period before obtaining DOB permits for covered categories of work or material work.
- No portion of the Low Income Housing required for Cure shall increase the floor area ratio pursuant to other provisions of the Zoning Resolution (e.g. MIH, UAP, VIH, AIRS) or satisfy an eligibility requirement of any tax abatement or exemption program (e.g. 421-a, 485-x). Such required Cure floor area shall be in addition to Low Income Housing floor area that may be used to satisfy such additional requirements.
- No city, state or federal subsidy shall be used for the construction of Low Income Housing required to complete a Cure Agreement.

Disclaimer: This publication is intended for informational purposes only and is not intended as legal advice. This information is not a complete or final statement of all the laws and rules relating to either Certification of No Harassment or Cure requirements in New York City.