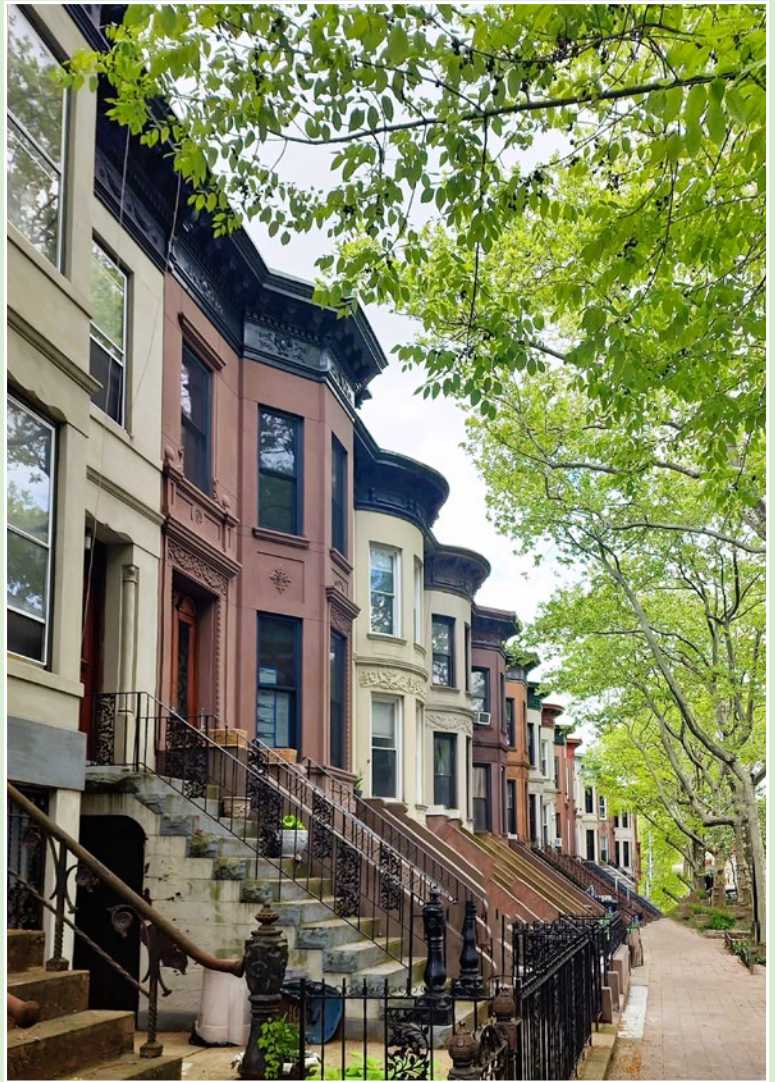


ABCs OF HOUSING

TENANTS' GUIDE

www.nyc.gov/hpd



January
2024

The photographs on this year's covers of the ABCs of Housing are winners of the Department of Housing Preservation and Development's 2023 Employee Photo Contest. Always with an eye out for their fellow New Yorkers, we thank our winners and all HPD staff for their dedication and hard work on behalf of our beautiful city.



Manhattan

Cosimo Anselmo
*Division of
Tenant Resources*



Staten Island

Salvatore Demarco
*Division of
Code Enforcement*



Brooklyn

George Kambo
*Division of
Special Enforcement*

Table of Contents

Tenants' Rights and Responsibilities	4
Staying in Your Apartment Safely	4
I. Conditions	4
Fire Safety	5
A. Self-Closing Doors	5
B. Gas Leaks	5
C. Carbon Monoxide and Smoke Detectors	6
D. Stove Knob Covers	6
E. Locks on Doors or Windows	6
Healthy Homes	8
A. Lead-Based Paint Hazards	8
B. Inadequate Heat and Hot Water	9
C. Mold	9
D. Pests	10
E. Window Guards	10
II. Complaints, Violations and Enforcement	12
A. HPD Complaint Process	12
B. How HPD Violations Work	12
C. Enhanced Enforcement Programs	13
III. Harassment	14
IV. Housing Court	15
V. Other Resources for Tenants	16
A. Rent-Regulated Apartments	16
B. Eviction Prevention	17
C. Certificate of Occupancy and Rent Payments	17
D. Illegal Activity	17
E. Discrimination	18
F. Tenant Associations	19
G. Pets	19
H. Tenant Data Privacy Law	19
Resources for Affordable Housing Seekers	20
A. How to Apply for Affordable Housing	20
B. Rent Increase Exemption	21
C. Useful Contact Information for Other Housing-Related Issues	22
D. HPD Customer Services Center	22

Tenants' Rights and Responsibilities

Tenants should expect to live in safe, well-maintained buildings, free from harassment by the owner and owner's employees.

Buildings should be:

- Free from pests, leaks, mold, and other potentially hazardous conditions.
- Provided with basic services such as heat, hot water, cold water, and electricity.

Tenants who live in rent-regulated apartments have additional rights related to this status. Tenants can find out if an apartment and/or building has been registered as rent-regulated by calling the New York State Homes and Community Renewal (HCR) at 718-739-6400 or sending an email to rentinfo@nycshr.org.

Tenants also have responsibilities to their building owners and other tenants.

- Tenants may not damage the building, intentionally or through neglect.
- Tenants are responsible for the actions of their guests.
- Tenants must respond to annual owner inquiries related to window guards and lead-based paint.
- Tenants must maintain smoke and carbon monoxide detectors.
- Tenants must obey the legal terms of leases, pay rent on time, honor the rights of other tenants, and provide access for repairs.
- Tenants must allow the owner, their agent, or their employee(s), to enter the tenant's apartment or other space under the tenant's control to inspect, make repairs, or make improvements as required by the Housing Maintenance Code (HMC) or other laws. However, the owner must notify the tenant in advance and in writing of the day and time they wish to access the apartment. The appointment must be between 9am and 5pm Monday through Friday unless otherwise agreed to by the tenant or unless there is a condition that must be addressed immediately. When repairs are urgently needed to prevent damage to property or injury to persons, such as gas leaks, water leaks, stopped-up or defective drains, leaking roofs, or broken and dangerous ceiling, no advance notice is required from the owner, agent, contractor, or workman. Any contractor or agent of the owner must be able to show the tenant that they have been authorized by the owner to enter and do the work.

Staying in Your Apartment Safely

I. Conditions

If physical conditions in a building are not safe or in good repair, tenants in privately-owned buildings should take the following steps:



1. Notify the building owner or manager verbally or by text or email.
2. Send written notification through certified mail, with a return receipt requested, or via email. Keeping these records is important if the owner does not take any action to address the issue(s).
3. File complaints with the city. To report poor conditions, including those cited in this document, call 311 or use 311ONLINE or 311Mobile. 311 will direct your complaint to the proper agency.
4. If you are a rent-stabilized or rent-controlled tenant, file a complaint with HCR at 1-866-275-3427.

Fire Safety

A fire can be one of the most destructive events to affect your life. Protect yourself and your family from fire hazards by reporting a complaint if any of the conditions listed below exist in your apartment or building. Carefully look through the **TIPS** section for other important information about fire safety.

A. Self-Closing Doors




A self-closing door is a door which, when opened and released, returns to the closed position and self-latches shut. All apartment doors and all doors in and leading to public halls should be self-closing. Tenants should not tamper with self-closing doors by blocking or propping doors open with objects, taping the latch, using wood wedge or kick-down stops, or overriding the closing device.

Self-closing doors can prevent fire and smoke from spreading from one apartment to affect an entire building. Self-closing doors should never be blocked.

If HPD issues a violation because your door or a door in your building is not self-closing, the owner should make the repair within 14 days and tenants should provide access to the owner to do so. HPD will reinspect to see if the door was fixed within 20 days of the date the owner is required to correct the violation. If the owner does not make repairs, HPD will attempt to fix the door through its Emergency Repair Program to protect your family and the other families in the building.

B. Gas Leaks

Gas leaks can create fires and explosions. It's important that you and your family know how to recognize a gas leak and what to do if you suspect a leak. Recognize a gas leak by:

 smell	 sight	 hearing
A distinctive, strong odor similar to rotten eggs	A white cloud, mist, fog, bubbles in standing water	Roaring, hissing, or whistling

If you suspect a gas leak you should:

1. Quickly open nearby doors and windows and then leave the building immediately; do not attempt to locate the leak. Do not turn on or off any electrical appliances, do not smoke or light matches or lighters, and do not use a house phone or cellphone within the building;
2. At a safe distance away from the building, call 911 immediately to report the suspected gas leak;
3. After calling 911, call the gas service provider for the building.

Gas restoration should always be completed by a licensed plumber and may require access to all apartments in the building to ensure safe restoration.

C. Carbon Monoxide and Smoke Detectors

Smoke detectors and carbon monoxide (CO) detectors are required in every apartment in a building with three or more units and one- and two-family homes which are not owner occupied.

Tenants are responsible for maintaining both devices. If a tenant has removed the detector or failed to replace its battery, they must return it to proper working order. Tenants may be required to pay for replacement devices if devices are damaged.



Tenants should:

- Test all detectors at least once a month.
- Replace the batteries in 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.

D. Stove Knob Covers

Property owners must make stove knob covers or permanent stove knobs with integrated locking mechanisms for gas-powered stoves available to tenants who have a child under six years of age. Owners must also provide either device in a unit without a child under six years of age if the tenant requests them.

E. Locks on Doors or Windows

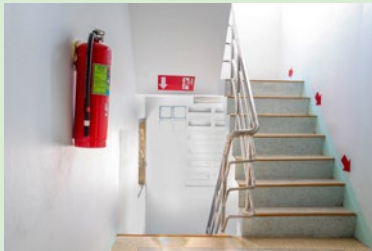
Double cylinder locks on doors and key locked window gates that require a key from inside the apartment to unlock or to access the hallway or fire escape are dangerous, illegal and must be removed. In case of a fire or other emergency, a delay in finding or using the key can reduce a tenant's chances of escape. Tenants can protect themselves with legal window gates, which lock by use of a latch system. Tenants can check the label with the serial number on it to make sure it states that it has been approved for use in New York City.

MORE TIPS: About Fire Safety

1. Have an Escape Plan – A fire escape plan is important to keep you safe in case of a fire. Everyone in your household should help make the plan and practice it regularly. Know if you live in a fireproof or non-fireproof building, which will help you determine if you should stay in your apartment or get out. Property owners must post a FIRE SAFETY NOTICE on the inside of every apartment door and common area, and must distribute them to each unit, to new tenants, and annually during fire prevention week. Visit fdnysmart.org for tips on how to develop an easy to remember plan in case of a fire.



2. Clear Exits – Help your family escape from a fire, and help first responders quickly access your apartment, by keeping exits free and clear of clutter or storage on fire escapes, hallways, and entrance doors including roof doors. If there are obstacles that block your exit that do not belong to you, notify your property owner. If the issue is not corrected, register a complaint by calling 311.



3. Keep Your Kitchen Safe – Keep the area around your stove clear of towels, paper, and potholders. Stand by your pan when cooking and never leave cooking food unattended. Enforce a kid-free zone around your stove.



4. Electric Extension Cords – When using an electric space heater, never use an extension cord. Extension cords can overheat if used for large current appliances like space heaters, refrigerators, and air conditioners.

5. Lithium-Ion Battery Safety – Fires caused by lithium-ion batteries have increased dramatically with deadly consequences. These rechargeable batteries are found in electric bikes and scooters, cars, laptops, tablets, phones, and common household devices. Lithium-ion battery fires have caused deaths, serious injuries, and devastating damage to property. For more information and safety tips and precautions on lithium-ion batteries go to [Lithium-Ion Battery Safety \(nyc.gov\)](http://Lithium-Ion Battery Safety (nyc.gov)).



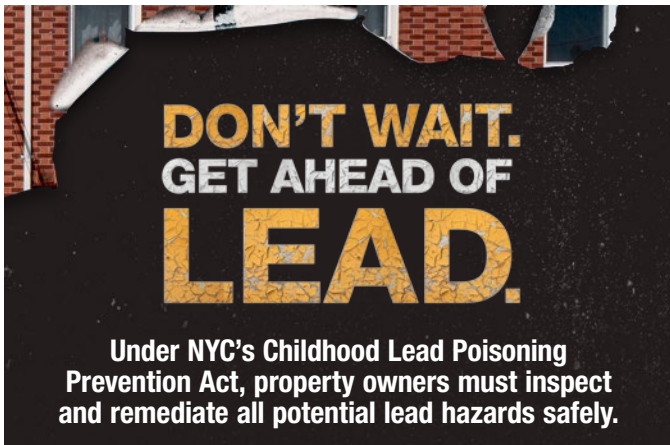
6. Give Space Heaters Space! Heaters should be placed at least three feet from any combustible material such as bedding and furniture. Inspect space heater electrical cords for damage before each use. Operate the heater only on a solid, flat surface. Keep the heater away from heavily trafficked areas in the dwelling and keep children and pets away from the heater. Only use equipment that has the Underwriters Laboratories (UL) mark. Turn off or unplug the space heater whenever you leave the room or go to sleep. When buying space heaters, choose a heater with a thermostat and overheat protection, including tip-over automatic shut-off functionality.



Healthy Homes

Your home should be a healthy one for you and your family, and you should be aware of how your property owner is required by law to create and maintain a safe space. If you see any of the following hazards in your home, and your landlord is not making safe repairs, you can file a complaint using 311.

A. Lead-Based Paint Hazards



Lead is a harmful metal often found in old paint that can be poisonous for young children and can create health hazards if it creates dust or paint chips. Young children can swallow the lead-based paint dust and chips from windowsills and floors. Lead causes behavioral and learning problems in young children. Buildings built before 1960 may still contain lead-based paint. Property owners of these buildings are responsible for keeping tenants safe from lead-based paint hazards by identifying and fixing lead-based paint hazards in the apart-

ments and the common areas of those buildings where children under six reside, using trained and appropriately certified workers and safe work practices. Tenants should report peeling paint in an apartment to the property owner. If the property owner 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 may also call 311 to learn how to prevent lead poisoning, find out where to get their children tested, find information about pregnancy and lead, or request brochures and materials on lead poisoning prevention.

Tenants are required to:

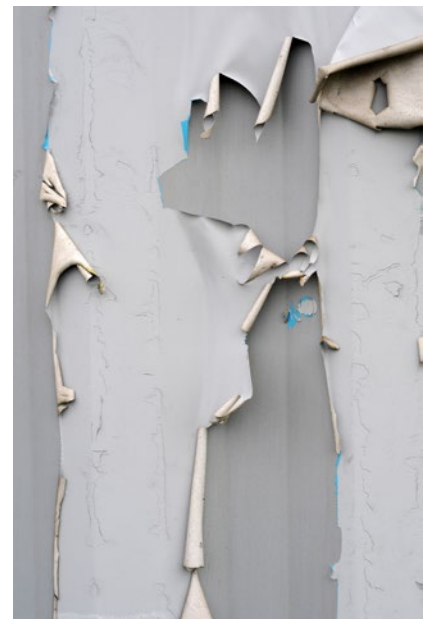
- Fill out and return the Annual Notice document regarding lead-based paint that you receive from the property owner each January.
- Notify the property owner/agent in writing if a child under six comes to live with you, or routinely spends 10 or more hours a week with you.

These documents help the property owner know that they need to do annual inspections and check for peeling paint.

Tenants with children should:

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


Removing your shoes close to your apartment entrance door can also prevent bringing lead and other dangerous substances onto a floor where your child plays.



B. Inadequate Heat and Hot Water

Heat is required between October 1st and May 31st.

- When the outside temperature is below 55 degrees Fahrenheit between the hours of 6am and 10pm, building owners must heat apartments to at least 68 degrees Fahrenheit. **HPD can only issue violations if the owner does not supply adequate heat when the outside temperature is below 55 degrees Fahrenheit at the time of the inspection.**
- Between the hours of 10pm and 6am, regardless of the outside temperature, building owners must heat apartments to at least 62 degrees.
- 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.



Effective October 2017
NYC
Department of
Housing Preservation
& Development

**COLD WEATHER
HEAT REQUIREMENTS**
October 1st-May 31st

DAY
6 a.m. – 10 p.m.
At least **68°F** inside

NIGHT
10 p.m. – 6 a.m.
At least **62°F** inside

Below **55°F** outside

No outside temperature requirement

Tenants without heat should file a complaint through the **NYC311 Mobile App**, calling **311 (TTY 212-504-4115)**, or online at **nyc.gov/311**

For more information, visit **nyc.gov/hpd**

Some things to know:

- HPD can receive multiple heat complaints for the same building within a short period of time. When this happens, the HPD inspector will not inspect every apartment. You can check your 311-complaint number either at 311ONLINE or HPDONLINE or by calling 311 to check the status of complaint to know if an HPD inspector conducted an inspection and whether a violation was issued.
- Just because the radiators are not hot all the time does not mean that heat is inadequate.
- During an inspection, the HPD inspector will check the heat temperature in whatever room you say is the coldest except the kitchen or the bathroom, since heat is not required in these rooms. You should ensure that your windows are closed, and no other heating devices are in use during the inspection.
- If the temperature inside the apartment is **less than 64** degrees at the time of the inspection, HPD may follow-up with you and the property owner to ensure that adequate heat is restored. This means that you may receive a phone call or may see an HPD technical staff person at the building. HPD may attempt to correct this condition if the owner does not.
- Never use the kitchen oven or gas range to heat your home. This improper use can result in dangerous levels of carbon monoxide, causing severe illness and possible death.
- See the **TIPS** on fire safety for more information about using space heaters safely.

C. Mold

Mold may cause allergic reactions, irritation, or trigger asthma in some people. Mold needs water or moisture to grow so it is important for tenants to report and for property owners to fix leaks promptly.

Tenants can help prevent mold growth on bathroom or kitchen surfaces by using exhaust fans or opening windows and frequently cleaning surfaces. The property owner should be annually inspecting units for mold and responding to any complaints received directly from tenants or HPD. In buildings with more than 10 units where there is more than 10 square feet of mold, special assessors and workers should be used to do repairs. In cases where these specialized workers aren't necessary, the owner should still follow work practices that protect tenants from mold. For more information, you can get the [What Tenants and Landlords Should Know About Indoor Allergens and Local Law 55 fact sheet](#) at www.nyc.gov/hpd, search mold.



D. Pests

Roaches, mice, and rats can be hazards to people with respiratory conditions, such as asthma. The first step to eliminating pests is to cut off their food and water supply. Cockroaches and mice are best controlled by sealing up holes and cracks, cleaning up droppings, and using safe pesticides. Building owners should work with their pest control contractor to identify pest infestations and ways to keep pests out. Owners can pest-proof their buildings by fixing leaks and containing garbage.

Bedbugs are rusty-red colored insects that can grow to the size of apple seeds. Bedbugs feed on human blood, but do not carry diseases. 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. When calling 311 to make 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.

E. Window Guards

Each year, young children are injured or die because of falls from unguarded windows. These are preventable deaths and injuries.

The law requires owners to send an annual notice to tenants in buildings with three or more apartments about window guards or approved limiting devices. It also requires owners to provide and properly install approved window guards or approved limiting devices on all windows in all apartments where a child 10 years of age or younger resides, including first floor bathrooms, windows leading onto a balcony or terrace, and windows in each common area on any 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 or approved limiting devices in writing and the property owner must install them. For example, occupants who have visiting grandchildren, parents who share custody, and occupants who provide childcare may wish to request window guards or approved limiting devices.

Tenants should call 311 if required or requested window guards or approved limiting devices have not been installed, if they appear to be insecure or improperly installed, or if there is more than four and a half inches of open unguarded space in the window opening.

Tenants should not remove or unscrew window guards or approved limiting devices for any reason, including to install air conditioners.



Calling 311 about a Housing Quality Issue

A General Guide for Tenants on What to Expect

1. Issue in your apartment?

Whether heat/hot water, roaches, leaks, or other needed repairs-- contact your landlord first to fix it. If they are unresponsive, contact 311 (call, online, or mobile app) to make a complaint.

Know your rights! Your immigration status does not matter!

2. 311 will send the complaint to the Dept. of Housing Preservation and Development (HPD).



Keep your service request number so you can check the status of your complaint on HPDOnline or call 311.

3. HPD notifies owner
"Please fix!"

4. HPD calls back tenant
"Did they fix it?"

"Yes!" 😊
"No!" 😞 or no response



Timeframe depends on severity of the issue. More serious, life threatening complaints will be prioritized.

7. Owner must certify to HPD that the condition was corrected, and the tenant will receive a notice of certification in the mail from HPD.

6. If a violation is found the inspector will issue the owner a Violation and send a notice to fix it. The time frame will depend on the violation class.

5. HPD sends a Code Inspector The timeframe depends on severity of the case, but should be within 30 days. If the inspector cannot access the unit, they leave a card for the tenant to call and make an appointment within 10 days. If it is a heat complaint, they try to inspect another unit.

Inspectors also check for other safety items, such as smoke detectors. If no inspector arrives after 30 days, you can check the complaint status through HPDOnline or call 311 or the Tenant Info Messaging System at 212-863-8307.

If English is not your primary language, let the inspector know and they can call an interpreter to help!

7a. If the violation is certified but not corrected, the tenant can challenge as instructed in the letter. HPD also attempts to randomly reinspect certified violations. If re-inspection finds that the condition is not corrected, the case is referred to HPD's Housing Litigation Division, which may pursue legal action against the owner.

7b. If audit and re-inspection are successful and condition has been corrected 😊

If unable to re-inspect and there is no tenant response, the violation closes after 70 days.



7c. If the owner doesn't certify the violation remains OPEN on building record. Tenants can check on HPDOnline to see all open violations or call 311. Tenants should seek legal counsel and initiate a Housing Court Action, and may contact local elected officials for help if conditions are not corrected.

If you are in a rent regulated apartment, you may be able to file for rent reduction with NYS Homes and Community Renewal (NYS HCR) call 718-739-6400.

Hazardous Conditions? Class C Violations are hazardous conditions and require emergency repairs by the owner.



HPD notifies owner
"Fix this NOW!"
(within 24 hours for most Class C violations)

Fixing!

HPD staff visits the apartment to create a scope of work*, contracts a vendor to fix the condition, and bills the owner through the Department of Finance (DOF).

Time's up? HPD calls the tenant. If still not fixed, the violation is sent to HPD's Emergency Repair Program. Appointment may be set up with tenant to get a scope for repair.

*If HPD is unable to access apartment, inspector leaves a card and sends a letter in the mail. Tenant must call to make an appointment, or else no further action is taken.

For information on your tenant rights, visit nyc.gov/tenantsrights

If you suspect corruption or collusion involving a code inspector, please report to the NYC Department of Investigation (DOI) at 212-3-NYC-DOI

Updated: 2019



II. Complaints, Violations and Enforcement

A. HPD Complaint Process

Tenants may file a complaint with HPD by calling 311, using TTY 212-504-4115, or by using 311Online (nyc.gov/311) twenty-four hours a day, seven days per week. Complaints about heat and hot water may also be filed through the 311 mobile app. HPD will always inspect for the following ten safety issues:

- The presence of operational smoke detectors.
- The presence of operational carbon monoxide detectors.
- Illegal gates on the windows.
- Door locks that require a key to exit.
- Window guards if a child 10 years of age or under resides in the unit.
- Self-closing doors.
- Peeling paint if child under age six resides in the unit or routinely spends 10 or more hours per week there.
- Mold.
- Mice, cockroaches, and rats.
- The presence of the Fire Safety Notice that is required to be posted on the inside surface of a front or main apartment entrance door.

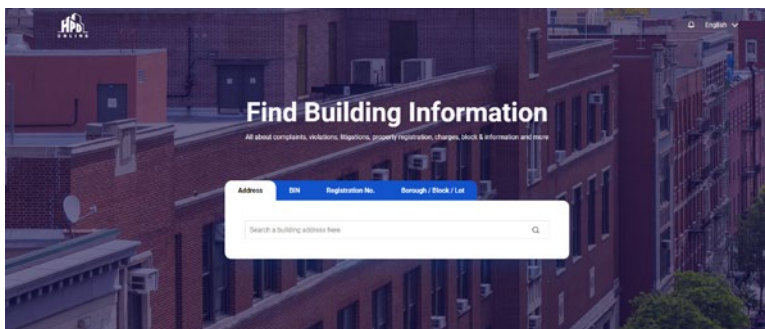
B. How HPD Violations Work

If HPD inspectors issue violations, the time the owner is given to correct them depends on the violation severity. HPD issues three classes of code violations:

A: non-hazardous

B: hazardous

C: immediately hazardous



TIP: To view a complete list of violations and information on when the violations should be corrected by, visit **HPDONLINE** at www.nyc.gov/hpd.

Tenants may initiate a tenant action against the property owner in Housing Court if violations are not corrected in a timely manner. For further information on how to go to Housing Court, please see Section IV Housing Court or contact the Citywide Task Force on Housing Court at 212-962-4795.

TIP: Class C violations that HPD may correct if the owner does not include, but is not limited to:

- Lead-Based Paint
- Self-Closing Doors
- Mold
- Window Guards

If the violation is a class C violation and it creates a condition that is immediately hazardous – such as no heat at all being provided or a lead-based paint hazard to a child - HPD will try to correct the condition if the owner does not. In this case, HPD will send the tenant a notice in the mail advising that the condition is serious enough to warrant HPD’s intervention and that the agency will be attempting to reach the tenant by phone or may need to conduct another inspection. A telephone number will be provided to the tenant to contact HPD to follow up.

C. Enhanced Enforcement Programs

When owners fail to maintain the upkeep of their property and let it fall into disrepair either through neglect or a pattern of misbehavior, HPD may take proactive measures and/or use one of the following enforcement programs to improve housing conditions.

HPD’s Division of Neighborhood Preservation (DNP) takes a proactive approach to surveying buildings which are brought to HPD’s attention by tenants, elected officials, other data sources or agency data because of poor overall conditions. DNP attempts to assess the buildings and then works with owners and tenants to move the building towards stability. In buildings that exhibit serious physical distress, DNP may initiate complaint inspections or make referrals for other enhanced enforcement programs. For buildings with non-emergency distress, DNP will devise appropriate, individualized strategies to address conditions.

Alternative Enforcement Program

The Alternative Enforcement Program (AEP) is an enhanced enforcement program. HPD identifies 250 distressed multiple dwellings each year, including the imposition of fees, the issuance of Orders to Correct, and the authority to replace building systems if the owner fails to act. Both property owners and tenants will be notified if their building is selected for AEP.

Underlying Conditions

The Underlying Conditions Program issues an administrative order to residential building owners to correct underlying conditions that have caused, or are causing, leaks and mold conditions. HPD selects 50-100 buildings for participation in the program each year based on the number of apartments affected by mold and leaks, and the number and severity of the violations. Property owners are required to have a professional investigate the cause of leak or mold conditions affecting multiple apartments in a building, and to address the conditions and related violations within four months.

Heat Sensors Program

Under the Heat Sensors Program, HPD selects 50 buildings annually with a history of heat violations and requires landlords of those buildings to install internet capable heat sensors in each dwelling unit to regularly take the temperature. HPD will conduct inspections during the heat season, without receipt of complaint, for compliance with the heat sensor installation requirements and the requirements for providing heat.

Anti-Harassment Unit

The Anti-Harassment Unit (AHU) analyzes data to identify buildings and portfolios where harassment may be occurring; initiates litigation seeking correction of tenant-harassing conditions (as defined by law); partners closely with the Department of Buildings (DOB) and other agencies to address issues in buildings where lack of maintenance is being used as harassment; and connects tenants with legal service resources. AHU performs roof-to-cellar inspections, interviews tenants and brings harassment cases in Housing Court where landlords might be withholding essential services or not making repairs.

Self-Closing Doors Proactive Inspection Program

Beginning in July 2023, HPD will proactively inspect 300 buildings a year and issue violations when necessary for self-closing doors in common areas, hallways, and corridors. Buildings are identified based on HPD, DOB, and FDNY data.

Certificate of No Harassment Program (CoNH)

The Certificate of No Harassment (CoNH) program is designed to reduce tenant harassment by requiring owners of buildings in this program to apply for a Certification from HPD before they can obtain permits for certain types of work from the Department of Buildings (DOB). A Certification is only granted after HPD investigates the recent history of the building for evidence of harassment against tenants. Owners of buildings in this program must obtain a CoNH prior to the approval of certain permits from DOB involving demolition or the change in use or occupancy. In cases where tenants are found to have been harassed, the owner cannot obtain a Certificate. Buildings may be subject to this program if they are 1) single room occupancy buildings 2) buildings in special planning districts or 3) buildings that are selected as part of the Pilot Program. If you reside in a CoNH building and the property owner applies for a CoNH, you will receive a notice from HPD seeking your comments about conditions and harassment in the building.

7A Program

Through the 7A Program, administrators are appointed by the Court (pursuant to New York State Law) to operate privately owned buildings that have conditions that are dangerous to the tenants' life, health and safety. The administrators act under Court Order to collect rents and use the money to provide essential services to the tenants and make necessary repairs. In some 7A buildings, HPD offers a limited amount of 7A Financial Assistance (7AFA) to repair or replace major systems or make other repairs. HPD monitors the activities of 7A Administrators and administers the 7AFA loan program.

For more information on these programs or to obtain a complete list of HPD's enforcement programs please visit www.nyc.gov/hpd.

III. Harassment

Harassment by an owner to force tenants out of their apartments, or to surrender their rights, is illegal. Examples may include, but are not limited to:

If you are experiencing harassment or are at risk of losing your apartment, contact the Tenant Helpline for legal assistance, city agency referrals and community resources by calling 311.

- Not offering leases, lease renewals, or repeatedly trying to pay you to move out or to give up your rights (“a buyout”).
- Offering you a buyout while threatening you, intimidating you, or using obscene language, by contacting you at your place of employment without obtaining your written permission or while providing false information in connection with the buyout offer.
- Unjustified eviction notices or illegal lockouts.
- Threats and intimidation (e.g., phone calls to encourage you to move out or give up your rights).
- Failure to provide necessary repairs or utilities.
- Deliberately causing construction-related problems for tenants (e.g., working after hours, blocking entrances, or failing to remove excessive dust and debris).

Tenants may bring legal action against the owner in Housing Court if there is harassment. Tenants may want to consult with or retain an attorney before initiating any lawsuit. The creation of dangerous conditions (such as unsafe construction) or lack of services (such as no heat/hot water or removing bathroom facilities and not replacing them in a timely manner) should be reported through 311. Tenants can then use the reporting of this complaint, and any subsequent violations that are issued, to support either a Housing Court or HCR action.

Tenants in rent-controlled or rent-stabilized units may contact HCR at nyshcr.org or 1-866-ASK- DHCR (1-866-275-3427). Tenants affected by construction work in occupied multiple dwellings may contact the Department of Buildings' Office of Tenant Advocate (OTA) at (212) 393-2949 or TenantAdvocate@buildings.nyc.gov. Tenants can also file complaints directly with the Tenant Harassment Prevention Task Force by sending an email to THPT@hpd.nyc.gov if the harassment takes the form of construction or lack of basic services, repairs or utilities. HPD's Anti-Harassment Unit may attempt to contact tenants and/or conduct inspections in response to these complaints. All of these conditions should also be reported to 311.

If you are feeling threatened about your immigration status, please call the NY State Immigration Hotline in the NYS Office for New Americans at 1-800-566-7636 and you will be connected to the right organization to assist you.

IV. Housing Court

Tenants in privately-owned buildings who have apartment maintenance problems or who have been harassed by the property owner may initiate legal action in Housing Court. This action is referred to as a Tenant Action or Housing Part (HP) Action. When tenants go to Housing Court, they will be assisted in preparing an Order to Show Cause and obtaining a date to return to court for the case to be heard.

When the tenant files a HP case, the tenant can fill out an inspection request form in order to obtain an inspection of the conditions before the Court date. The tenants are given instructions about how to serve the Order to Show Cause on both the owner and HPD. On the date that the case is returnable in Court, the tenant and the owner each get an opportunity to present their positions with an HPD attorney present. If the judge believes that violations exist in the building, the judge 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 them. Filing an HP case is a safer and faster way to address your housing issues and protect your rights than withholding of rent, which may lead to eviction. To better understand your rights, you should seek legal advice.

TIP: LEGAL SERVICES

Tenants may choose to initiate legal action or seek assistance from HCR against property owners who fail to correct conditions, or for harassment. Tenants can obtain assistance with bringing these cases or filing with HCR through the following legal services providers:

- The Legal Aid Society: 212-577-3300
- Legal Services NYC: 917-661-4500
- Urban Justice Center: 646-459-3017
- Dial 311 for more information, go to nyc.gov/311 or nyc.gov/hpd.

The Housing Court Answers (HCA) hotline also provides information about Court procedures, landlord/tenant rules and regulations, enforcement of housing code violations, referrals for free legal help, and referrals to community organizations that help with housing problems. They are open from 9am to 5pm, Monday through Thursday, and can be reached at 212-962-4795.



V. Other Resources for Tenants

A. Rent-Regulated Apartments

For detailed information regarding rent regulations, see the Mayor's Office to Protect Tenants pamphlet at <https://www1.nyc.gov/content/tenantprotection/pages/tenant-protection-laws> and the Attorney General's (AG) pamphlet *Changes in New York State Rent Law: What You Need to Know* at <https://ag.ny.gov/sites/default/files/changes-in-nys-rent-law.pdf>. If you think your landlord has broken New York's tenant protection law, contact the AG's office at (800) 771-7755; TDD/TTY Toll Free Line: (800) 788-9898.

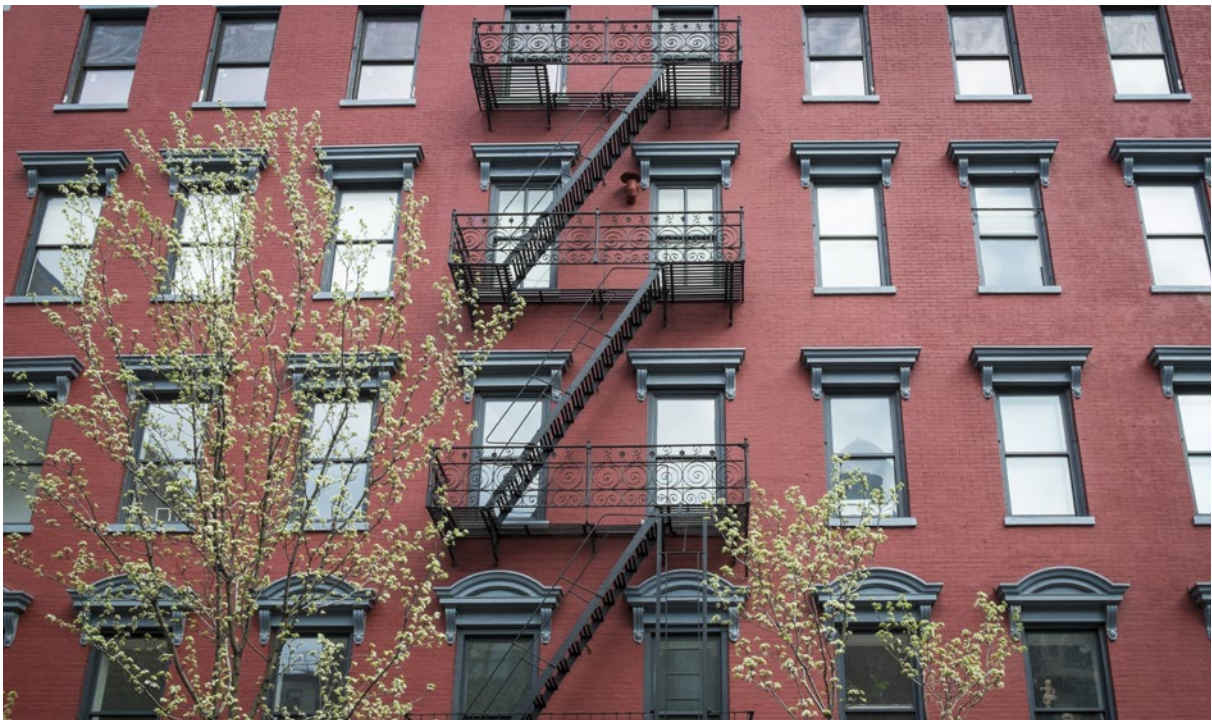
Rent Increases

Owners of rent-stabilized and rent-controlled apartments are required to register rents every year online between April 1st and July 31st using HCR's automated system. Tenants can contact HCR regarding rent increases due to Rent Guidelines Board approvals, Individual Apartment Improvements (IAI) or Major Capital Improvements (MCI). Tenants can also seek legal counsel for help determining if rent increases are legal.

For more information on any of these issues, contact HCR at 718-739-6400 or go online to portal.hcr.ny.gov/app/ask.

Lease Renewals

Generally, tenants in rent-stabilized units must be offered renewal leases in a form approved by HCR for a term of one or two years, at the tenant's choice, and at a rate set by the Rent Guidelines Board. The owner must give written notice of renewal on a DHCR Renewal Lease Form (RLF) by mail or personal delivery not more than 150 days, and not less than 90 days, before the existing lease expires. **After the renewal offer is made, the tenant has 60 days to choose a lease term, sign the lease, and return it to the owner. If the tenant does not accept the renewal lease offer within a 60-day period, the owner may refuse to renew the lease and may also proceed in court to evict the tenant after the expiration of the current lease.** When a tenant signs the RLF and returns it to the owner, the owner must return the fully signed and dated copy to the tenant within 30 days. A renewal should go into effect on or after the date that it is signed and returned to the tenant, but no earlier than the expiration date of the current lease. In general, the lease and any rent increase may not be retroactive.



B. Eviction Prevention

Non-payment Eviction Proceedings

The only legal way to evict a non-paying tenant is through a non-payment 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 non-payment proceeding in 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 provide a court date to the tenant. On the court date, the tenant has an opportunity to present their 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. Tenants may have a defense to a claim for rent in a building which has been illegally altered and/or for which there is no current Certificate of Occupancy indicating that the rented space can be legally occupied.

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 property owner 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.

Legal Services

There are free legal services for certain low-income persons who have been served with Housing Court documents and need assistance to prevent eviction. For more information call 212-577-3300 or 311.

If you or someone you know is experiencing a household crisis, call 311 or visit 311Online for more information and helpful resources.

C. Certificate of Occupancy and Rent Payments

Tenants may have a defense to a claim for rent in a building which has been illegally altered and/ or for which there is no current Certificate of Occupancy indicating that the rented space can be legally occupied. Each tenant has a specific set of circumstances and tenants should always seek legal counsel to ensure that their rights are protected instead of just deciding not to pay rent.

D. Illegal Activity

Tenants should notify their building owners and the police of any 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. Broken locks and intercoms can also be reported to 311.

E. Discrimination

Under local, state, and federal law, property owners and their representatives (be they employees of the ownership entity, real estate brokerage firms, management firms, or agents etc.), may not deny housing to prospective tenants on the basis of race, color, religion/ creed, national origin, gender (including sexual harassment), gender identity, sexual orientation, age, marital or partnership status, family status, disability, alienage or citizenship status, status as a veteran or active military service member, status as a victim of domestic violence, stalking, and sex offenses, lawful occupation, or lawful source of income. Furthermore, tenants may not be denied housing because they have children. Fair Housing NYC—a joint effort by HPD and the NYC Commission on Human Rights (CCHR)—provides information on the protected classes under the City Human Rights Law, who can be held liable for housing discrimination, how to file a housing discrimination complaint, affordable housing opportunities, the difference between fair housing rights and tenants' rights, and going to housing court. The Fair Housing NYC website, www.nyc.gov/fairhousing, also provides resource information, multilingual downloadable materials, and notice of upcoming fair housing events open to the public. Tenants who believe they have experienced housing discrimination may file complaints within one year of the incident by calling 311 and being directed to CCHR.

If you have been trying to buy or rent a home or apartment and you believe your civil rights have been violated, you may file a complaint with the Law Enforcement Bureau of CCHR. The NYC Human Rights Law requires that the complaint be filed within one year of the last alleged act of discrimination. To schedule an appointment, please call 311 (or 212-NEW-YORK or 212-306-7450).

**THERE'S
NO ROOM
FOR HOUSING
DISCRIMINATION
IN NYC**

Discrimination may sound like this:

"Installing a ramp is expensive and would ruin the appearance of the building."

"I don't accept vouchers."

"I don't have to make that repair; undocumented tenants don't have the same rights as other tenants."

"They told me the apartment was available, but then when they saw I was black, they changed their mind."

The NYC Human Rights Law makes it illegal to discriminate against a resident or housing applicant based on

- National Origin, Immigration Status, Religion
- Gender, Gender Identity, Gender Expression, Sexual Orientation
- Disability
- Occupation, Source of Income
- Presence of Children, Marital or Partnership Status, Age, Race, Color, Pregnancy Status as Victim of Domestic Violence, Sexual Violence, and Stalking (as of 7/26/16)

FAIR HOUSING. It's Your Right. It's Your Responsibility. It's the Law.

NYC Commission on Human Rights | Department of Housing Preservation and Development

If you have experienced discrimination, call 311 and ask for the Commission on Human Rights or call the Commission's Infoline at (718) 722-3131. Visit nyc.gov/fairhousingnyc. #FairHousingNYC

Facebook, Twitter, YouTube, Instagram icons | @NYCCHR @NYCHousing

F. Tenant Associations

Real Property Law Sec. 230 protects tenants who want to organize a tenant association for the purposes of protecting their rights to repairs, services, etc. Tenants may form, join, and participate in tenant organizations to protect their rights. Property owners must permit tenant organizations to meet, at no cost, in any community or social room in the building, even if the use of the room is normally subject to a fee. Tenant organization meetings are required to be held at reasonable times and in a peaceful manner which does not obstruct access to the premises. Landlords are prohibited from harassing or retaliating against tenants who exercise their rights.

G. 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.



H. Tenant Data Privacy Law

Under Local Law 63 of 2021, property owners of multiple dwellings that utilize smart access (key-less) systems, including but not limited to key fobs, electronic or computerized technology, radio frequency identification card, mobile phone application, biometric identifiers, or any other digital technology in order to grant entry to a class A multiple dwelling, common areas in such multiple dwelling, or to an individual dwelling unit, must provide tenants with a data retention and privacy policy. The smart access system must have robust security and safeguards to protect the security and data of tenants and their guests. For more information on tenant protections related to smart access systems, go to www.nyc.gov/hpd.

Resources for Affordable Housing Seekers

A. How to Apply for Affordable Housing

NYC creates affordable housing opportunities for New Yorkers at many household income levels and sizes. These apartments are offered for rent or purchase through a randomized lottery system.

Application Process

NYC Housing Connect is your online portal to find and apply for affordable rental and homeownership opportunities across the five boroughs of New York City. Prospective renters and home buyers can find ads for affordable housing on NYC Housing Connect and in citywide and local publications. The ads contain instructions on how to apply via Housing Connect or paper, as well as the income and household size requirements for the affordable units, which can vary between developments. Ads also contain information on set-asides and preferences for selection.

Additional Resources

- Visit the **Learn page on NYC Housing Connect** to access training videos that will teach you how to create your account, complete your profile, and start applying for affordable housing: <https://housingconnect.nyc.gov/PublicWeb/about-us/training>.
- Visit the **About page on NYC Housing Connect** to learn more about the application process and resources available to help you: <https://housingconnect.nyc.gov/PublicWeb/faq>.
- Read HPD's **Housing Connect Application Guides** that can help you understand how to prepare and apply for affordable housing: www.nyc.gov/hpd/findhousing.

Eligibility

Anyone can apply for affordable housing, but in order to qualify, you must be at least 18 years old and your household income needs to be in a specific range for each affordable housing opportunity, or you need to have a voucher that covers your rent. Applicants are required to meet additional eligibility requirements, including asset limits, to qualify. For more information see HPD's "Do You Qualify?" webpage at nyc.gov/hpd/findhousing.

Housing Ambassadors

HPD's Housing Ambassador Program is a network of community organizations that help people prepare and apply for affordable housing lotteries. HPD partners with Housing Ambassadors to ensure that affordable housing seekers throughout the city's many diverse communities have access to up-to-date and consistent information, materials, and assistance with the affordable housing application process.



For more information, or to schedule an appointment with a Housing Ambassador, please visit www.nyc.gov/housing-ambassadors.



B. Rent Increase Exemption

Tenants who qualify for the Senior Citizen Rent Increase Exemption (SCRIE) Program or the Disability Rent Increase Exemption (DRIE) Program can have their rent frozen at their current level and be exempt from future rent increases.

For both programs, the combined income of everyone living in the apartment must be \$50,000 or less, the applicant must pay more than one-third of the combined household's total monthly income for rent, and rent an apartment that is regulated by HCR (i.e., rent-controlled or rent-stabilized apartments or hotel-stabilized) and be named on the lease or rent order, or have been granted succession rights to the apartment.

To be eligible for SCRIE, the applicant must be at least 62 years old. To be eligible for DRIE, the applicant must be at least 18 and receive Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), U.S. Department of Veterans Affairs disability pension or compensation, certain disability pension or disability compensation benefits provided by the United States Postal Service or disability-related Medicaid if the applicant has received either SSI or SSDI in the past.

For more information, please visit www.nyc.gov/rentfreeze. You can also send an inquiry to www.nyc.gov/contactscrie or www.nyc.gov/contactdrie, or call 311. You can also schedule an appointment with the Rent Freeze Program office at www.nyc.gov/dofappointments.

C. Useful Contact Information for Other Housing-Related Issues

311 is New York City's phone number for government information and services. All calls to 311 Customer Contact Center 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 online option of nyc.gov/311. Service is available at 212-504-4115. You can also use the NYE 311 Mobile App for some services.

NYC Department of Buildings (DOB)
nyc.gov/dob

New York City Council
council.nyc.gov

NYC Mayor's Office to Protect Tenants (MOPT)
nyc.gov/tenantprotection

NYC Mayor's Office for People with Disabilities (MOPD)
nyc.gov/mopd

212-NEW YORK or 711
(Relay Service for Deaf/Hard of Hearing).

NYC Commission on Human Rights (CCHR)
nyc.gov/cchr

NYC Office of the Public Advocate
212-669-7250
<https://pubadvocate.nyc.gov/>

NYS Attorney General
1-800-771-7755.

NYS Division of Homes and Community Renewal (HCR)
1-866-275-3427
rentinfo@nyshcr.org
<http://www.nyshcr.org/Forms/Rent/>

D. HPD Customer Services Center

CODE ENFORCEMENT

MANHATTAN

94 Old Broadway, 7th Floor, New York, NY 10027
212-863-5030

BRONX

1932 Arthur Avenue, 3rd Floor, Bronx, NY 10457
212-863-7050

BROOKLYN

345 Adams Street, Brooklyn, NY 11201
212-863-8060

701 Euclid Avenue, Brooklyn, NY 11208
212-863-6620

STATEN ISLAND

10 Richmond Terrace, Staten Island, NY 10301
212-863-8100

QUEENS

120-55 Queens Boulevard, Kew Gardens, NY 11424
212-863-5990

LEAD-BASED PAINT

212-863-5501

NEIGHBORHOOD PRESERVATION

Bronx and Manhattan

1932 Arthur Avenue, 3rd Floor, Bronx, NY 10457
212-863-7100

Brooklyn, Queens & Staten Island

345 Adams Street, 10th floor, Brooklyn, NY 11201
212-863-7400

Please contact your local borough office for hours of operation.

TimeTap



TimeTap is an online appointment scheduling software that enables owners/tenants to book an appointment to speak with the selected Code Enforcement representative about Housing complaints and violations. Appointments are conducted either by telephone or virtually via Microsoft Teams. For more information and to schedule an appointment on TimeTap, please visit nyc.gov/hpd. You will receive an email confirmation once an appointment has been scheduled.

