

APPLICATION FOR A CERTIFICATION OF NO HARASSMENT ("CONH")

FILING INSTRUCTIONS

Requirements: A certification of no harassment ("CONH") may be required to obtain a permit from the Department of Buildings for certain types of work based on either or both of the following:

- the type of building (an SRO multiple dwelling) pursuant to Administrative Code §28-107.2 and §27-2093; and/or
- the location of the property pursuant to New York City Zoning Resolution §96-110, §93-90, §98-70, and/or §23-013.

One application may be filed if the building is both an SRO multiple dwelling and located within one of the areas required to file for a Certification of No Harassment by the Zoning Resolution.

Regardless of why a CONH is required, (i) the application process is governed by rules set forth in Chapter 10 of Title 28 of the Rules of the City of New York, and (ii) you must use this form to apply for the CONH.

Property: You should only seek a CONH if the property for which you seek a CONH is:

1. A Single Room Occupancy ("SRO") multiple dwelling)

For the purposes of this application, "SRO multiple dwelling" has the meaning specified in Administrative Code §28-107.2. A single room occupancy multiple dwelling means:

- A "class A multiple dwelling" used in whole or part as a "rooming house" or "furnished room house," or for "single room occupancy" pursuant to section 248 of the New York state multiple dwelling law;
- A "class A multiple dwelling" containing "rooming units"; or
- A "class B multiple dwelling."

And/Or

2. A multiple dwelling or interim multiple dwelling located in one of the following geographic areas (as specified in the New York City Zoning Resolution):
 - The Special Clinton District - § 96-110; or
 - The Special Hudson Yards District – § 93-90; or
 - The Special Garment Center District – § 93-90; or
 - The Greenpoint-Williamsburg anti-harassment area – § 23-013; or
 - The Special West Chelsea District – § 98-70 and § 93-90.

If the property fits one of the SRO exceptions as outlined in Administrative Code §28-107.2 and is not located in any of the geographic areas specified above, you may file an "Application for an Exemption from the Certification of No Harassment Requirement." This application can be found at nyc.gov/hpd.

If the property does not fall into any of these categories, a CONH is not required.

Work: Regardless of the type or location of the property, a CONH is not required for all types of work. You should refer directly to the Administrative Code and/or the New York City Zoning Resolution to determine whether a CONH is required. You may also consult with the Department of Buildings.

Completing the Application: *All sections must be fully completed.* You must enter the BIN in question 1. The BIN can be found by searching the address through the Department of Building's Building Information system at nyc.gov/buildings. This version of the application must be used effective August 1, 2018.



Who May Apply: The applicant must be an individual natural person and must be either (i) a title holder, a contract vendee in possession, or a net lessee under a lease with at least 10 years remaining in its term ("owner"), or (ii) a principal or officer of an owner who is authorized to sign on behalf of and bind such owner. If the applicant does not have legal authority to authorize the Department of Housing Preservation and Development ("HPD") to enter all common areas of the property (for example, if the applicant is a contract vendee or is an owner who has leased the property to someone else), then the application must also be signed by an individual natural person who has such authority. If the applicant is a contract vendee, then the application must also be signed by an individual natural person who is authorized to sign on behalf of the title holder.

Opinion of Counsel: If title to the property is held by an entity rather than by a natural person, submit a letter from an attorney stating that:

- Based on the examination of the Company's organizational documents such as (specify which documents were consulted), you represent that the entity (name of entity) is in good standing with the Department of State, New York State.
- The applicant's relationship (official title) to the Entity.
- The applicant (name of applicant) is authorized to make all representation before DHPD on behalf of the Entity and is authorized to file the Application for Certificate of No Harassment on behalf of the Entity.
- The applicant (name) is authorized to bind the Entity (name) with regard to the filing of the Application for CONH.

Number of Copies: Submit one original and one copy of this application and all supporting documents.

Fee: Enclose a certified or bank check or a money order payable to "NYC Commissioner of Finance" for the following amount: \$160 per dwelling unit in the building. (The total dwelling unit count used to calculate the total fee for the building should match the certificate of occupancy, original certified letter from the Department of Buildings submitted with the application or HPD's record of the building configuration.

Inquiry Period: As used below, "inquiry period" means:

- Three years before the date of the application if the property contains an SRO multiple dwelling, unless it is located in one of the five geographic areas described below (in which case the "inquiry period" as used in this application is the date specified for that geographic area);
- September 5, 1973 if the property is located in the Special Clinton District;
- June 21, 2004 if the property is located in the Special Hudson Yards District;
- June 21, 2004 if the property is located in Preservation Area P-2 of the Special Garment Center District;
- October 4, 2004 if the property is located in the Greenpoint-Williamsburg anti-harassment area; or
- December 20, 2004 if the property is located in the Special West Chelsea District.

You must indicate if a building is BOTH an SRO AND located in one of the Special Zoning Districts by checking each applicable box in question 1 of the application. You must use the earliest inquiry period start date as the date from which to provide applicable information.

Required Documents: Please submit the following documents with your application. Please note that if any of the required documentation is missing, HPD may reject the application.

- In conjunction with questions 8 and 9:
 - Original certified copies of all recorded deeds from the Department of Finance for current and prior owners who owned the property since the inquiry period start date.
- In conjunction with question 8, if the current title to the property is held by an entity, provide documentation in support:
 - Articles of Organization, operating agreement or LLC resolution, as well as the NYS filing receipt for the entity and a Certificate of Good standing.
- Copy of your permit application to the Department of Buildings ("DOB") (if one was submitted).
- Original certified copy of the Certificate of Occupancy, if one exists.
 - If no Certificate of Occupancy exists, attach an original certified letter from the DOB stating that the building does not have one.
- Original documentation of mortgages and any net leases for the subject property during the inquiry period.



- Supporting documentation of any criminal convictions and proceedings (see question 17).
- HPD, at its discretion, may require a copy of the architectural plans.
- Rent registrations filed with HCR within the inquiry period.

Submission Method: Submit the application and fee by mail (regular, certified, or registered), private courier, or hand delivery. **Hand deliveries are only accepted Monday through Friday from 9 a.m. to 11 a.m.**

Submission Location: Submit the application and fee to Anti-Harassment Unit, Department of Housing Preservation and Development, 100 Gold Street, Room 6Z New York, NY 10038, Attention: Rhonda Waldon.

Inquiries: Direct all inquiries regarding this application to: **(212) 863-8266**.

Additional Pages: If the answer to any question in this application requires additional space, please add pages to the application as necessary. For each such page, (i) clearly indicate the number of the question to which it pertains at the top of the page, and (ii) insert the page into the application immediately following that question.

Obligation to Update: If any information stated in the application changes at any time before HPD makes a final determination regarding whether harassment occurred, the applicant must promptly update the application with such new information and submit it to HPD. If the new information includes a change of ownership or any other facts that make the original applicant ineligible to submit the application, HPD may require that the amended application be executed by an eligible individual.

Withdrawal: An application may not be withdrawn after HPD issues either (i) an initial determination that there is reasonable cause to believe that harassment occurred, or (ii) a final determination that harassment occurred.



Obligation to Update: If any information stated in the application changes at any time before HPD makes a final determination regarding whether harassment occurred, the applicant must promptly update the application with such new information and submit it to HPD. If the new information includes a change in ownership or other facts that renders the original applicant ineligible to submit the Application, a new Application, including a new signature page executed by an eligible individual, and all supporting documentation must be submitted to HPD- in such an event, no new processing fee will be collected.

1. **Property:** Identify the property that is the subject of this application ("property").

Borough: Manhattan Brooklyn Bronx Queens Staten Island

Block: _____ Lot: _____ HPD Registration ID: _____ BIN: _____

Street Address: _____

Check every box that applies (check both SRO and a Special Zoning District if applicable):

- The property contains a Single Room Occupancy multiple dwelling.
- The property is located in the Special Clinton District.
- The property is located in the Special Hudson Yards District.
- The property is located in Preservation Area P-2 of the Special Garment Center District.
- The property is located in the Greenpoint-Williamsburg anti-harassment area.
- The property is located in the Special West Chelsea District.

2. **Building Configuration:** Attach either an original certified copy of the certificate of occupancy or original certified letter from the Department of Buildings stating that the building does not have a certificate of occupancy. Describe the legal and actual configuration of the building below.

| Type of Unit | Legal Configuration - Number of Units | Actual Configuration - Number of Units |
|--------------------------|---------------------------------------|--|
| Apartment Dwelling Units | | |
| SRO Dwelling Units | | |
| Total Dwelling Units | | |
| Commercial Units | | |

What is the basis of the legal configuration described above?

- Certificate of Occupancy (must attach if this is the basis of the legal configuration)
- Original certified letter from the Department of Buildings

3. **Building Occupancy:** Is the building currently vacant?

- Yes (How long has the building been vacant?) _____
- No (Describe the current occupancy below).

| Type of Unit | Occupied | Vacant | Total |
|--------------------------|----------|--------|-------|
| Apartment Dwelling Units | | | |
| SRO Dwelling Units | | | |
| Total Dwelling Units | | | |
| Commercial Units | | | |

4. **Applicant(s):** Identify the applicant(s). An applicant must be a natural person, not an entity. If the building is owned by more than one deed owner, all the owners need to be named as applicants or a notarized letter signed by each additional deed owner has to be submitted authorizing the applicant to file the application for certificate of no harassment on behalf of that owner. If the application is filed by a Net Lessee, the deed owner has to provide a notarized letter signed by the deed owner authorizing the Net Lessee to file the application for certificate of no harassment on behalf of that owner. In case of a multiple dwelling owned by an entity, the letter has to describe the corporate relationship of the person signing the letter on behalf of the entity.

Name (1) _____ Name (2) _____
 Social Security Number: ____/____/____ Social Security Number: ____/____/____
 Date of Birth: ____/____/____ Date of Birth: ____/____/____
 Mailing Address: _____
 Business Telephone Number: _____ Mobile Telephone Number: _____
 Email Address: _____ Fax Number: _____
 Relationship to the property (attach documentation): _____
 Deed Owner: _____
 Deed Owner Address: _____

5. **Access Authorizer:** Does the applicant identified in response to Question 4 have legal authority to authorize the Department of Housing Preservation and Development ("HPD") to enter all common areas of the property?
- Yes.
- No (Identify the person who will sign this application to authorize such access below).

The Access Authorizer listed shall be an individual natural person who either has legal possession of all common areas of the building, or is authorized to sign on behalf of and bind the persons or entities who have legal possession of all common areas of the building.

Name: _____
 Social Security Number: ____/____/____ Date of Birth: ____/____/____
 Mailing Address: _____
 Business Telephone Number: _____ Mobile Telephone Number: _____
 Email Address: _____ Fax Number: _____
 Relationship to the property: _____



7. **Prior Applications For The Property:** Has anyone ever submitted an application for a certification of no harassment (or an exemption or waiver from the requirement for a certification of no harassment) to HPD with respect to the property?
- No.
 - Yes (Indicate the date of the application, whether HPD granted or denied the certification of no harassment, and any other relevant details).

| Date of the Application | Applicant | Granted, Denied, Withdrawn | Other Relevant Detail |
|-------------------------|-----------|----------------------------|-----------------------|
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8. **Current Ownership**
A. Current Owners: List each current holder of title to the property including individual owners, joint owners and corporate entity:

| Name | Date of Birth | SSN or EIN | Address |
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C. Current Management: List each person who served as a managing agent, a superintendent, collected rents, supervised or ordered repairs, or exercised any other discretion in the management of the property under the current ownership.

| Name and Address | Employer and Role | Period of Service |
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9. Prior Ownership

A. Prior Owners: Have you been the owner for the entire inquiry period?

- Yes
- No (Complete the appropriate sections below).

List each prior holder of title to the property including individual owners, joint owners and corporate owners:

| Name | Period of Ownership | Tax ID (if corporate entity) |
|------|---------------------|------------------------------|
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14. **Relocation:** Will any occupants be relocated or displaced as a result of the alteration or demolition work to be performed at the property?
- No.
- Yes (Provide details below).

| Name | Unit | Monthly Rent | Reason For Relocation or Displacement | Phone Number | Relocated to What Location |
|------|------|--------------|---------------------------------------|--------------|----------------------------|
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If needed, please add additional pages.

Additional pages added? _____ YES _____ NO

15. Has the building been registered annually with New York State Homes and Community Renewal (HCR) during the inquiry period?
- No.
- Yes (Provide all rent registrations for each unit filed within the inquiry period).

16. **HCR Proceedings:** During the inquiry period, have there been any harassment proceedings, decrease in service proceedings, or other proceedings with regard to the property before the New York State Homes and Community Renewal (HCR)?
- No.
- Yes (Provide details below and attach a copy of each complaint and final disposition, if any).

| Party Names | Dates | Docket Number | Nature of Proceeding | Attorneys for Parties | Disposition or Current Status |
|-------------|-------|---------------|----------------------|-----------------------|-------------------------------|
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17. **Other Administrative Proceedings:** During the inquiry period, have there been any administrative proceedings with regard to the property before any governmental or quasi-governmental authority other than the New York State Homes and Community Renewal?
- No.
- Yes (Provide details below and attach a copy of each complaint and final disposition, if any).

| Party Names | Dates | Docket Number | Nature of Proceeding | Attorneys for Parties | Disposition or Current Status |
|-------------|-------|---------------|----------------------|-----------------------|-------------------------------|
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18. **Litigation:** During the inquiry period, has there been any litigation with respect to the property?
- No.
- Yes (Provide details below and attach a copy of each petition and final disposition documents, if any).

| Title and Type of Action | Index No. and Court | Plaintiff/ Petitioner's Attorney | Defendant/ Respondent's Attorney | Disposition or Current Status |
|--------------------------|---------------------|----------------------------------|----------------------------------|-------------------------------|
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21. **Vacate Orders:** Has any governmental agency issued any vacate orders (full or partial) with respect to all or part of the property during the inquiry period or active if issued prior to the inquiry period?

- No.
- Yes (Provide details below and attach certified copies of each vacate order).

Vacate Order Number: _____

Issuing Agency:

- HPD
- Department of Buildings
- Fire Department
- Department of Health and Mental Hygiene
- Other (Identify): _____

Date Issued: _____

Date Lifted: _____

Basis of Order: _____

Number of Occupants Displaced: _____

Number of Occupants Returned (who were displaced): _____

Describe any other relevant information:

Vacate Order Number: _____

Issuing Agency:

- HPD
- Department of Buildings
- Fire Department
- Department of Health and Mental Hygiene
- Other (Identify): _____

Date Issued: _____

Date Lifted: _____

Basis of Order: _____

Number of Occupants Displaced: _____

Number of Occupants Returned (who were displaced): _____

Describe any other relevant information:



Applicant Consent: The owner of the property hereby consents to permit HPD unfettered access to the property that is the subject of this application at all times and without prior notice. The purpose of such access is for the investigation of all facts relevant to this application from the date hereof until the date upon which HPD makes a final determination with respect to the grant or denial of the certification pursuant to the application of a Certification of No Harassment.

It is understood that the failure to provide such access when requested will prevent the processing of this application and, in the discretion of HPD, may result in the denial of the issuance of a Certification.

Further, it is understood that the application may be denied if it contains any false or misleading statements, or material omissions.

Further, it is understood that the applicant and/or undersigned must first obtain a Certification of No Harassment from HPD and all necessary permits from the DOB prior to commencing the work at the subject premises, which is the subject of this application.

I, the applicant, have read the within application and attest that its entire contents are true and complete.

Applicant's Signature (1)

Applicant's Signature (2)

Print Name Above

Print Name Above

Relationship to the Property

Relationship to the Property

Corporate Entity Designee Signature

Access Authorizer Signature

Print Name Above

Print Name Above

Relationship to the Owner (title)

Relationship to the Owner (title)

Sworn to this _____ day of _____, 20__.

Notary