

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 a building owner is found to have harassed occupants and is therefore denied a CONH, owners of eligible buildings can choose to either wait out the denial period or Cure the harassment by providing a percentage of floor area as permanently Low Income Housing overseen by the HPD Inclusionary Housing unit.

WHERE DOES CONH APPLY: The Cure Program applies to eligible residential properties that have applied for and been denied a [Certification of No Harassment \(CONH\)](#). Buildings that fall into the below categories must apply for a CONH before being able to obtain an initial permit or a reinstated permit 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 ([§96-110](#))
 - The Special Hudson Yards District ([§93-90](#))
 - The Special Garment Center District ([§121-60](#))
 - The Greenpoint-Williamsburg anti-harassment area ([§23-013](#))
 - The Special West Chelsea District ([§98-70](#))
- **Multiple dwellings participating in the CONH Pilot Program**, enacted by [Local Law 1 of 2018](#), expands the Cure Program to buildings on the [Pilot Program List](#), subject to [RCNY Title 28, Ch. 53](#).
- **Single room occupancy multiple dwellings** located anywhere in the City. (Note, however, that SRO multiple dwellings that are not located in a special district are not eligible for HPD Cure Agreements.)

WHEN DOES CONH APPLY: Full or partial demolitions, 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 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. If the owner of a building located in the above-listed special districts or of a building on the Pilot Program List is denied a CONH, they may enter into an HPD Cure Agreement in order for DOB to approve permits before the end of the denial period.

CONH APPLICATION PROCESS: Once an application for a CONH is submitted, the HPD Housing Litigation Division will review the application, conduct an investigation, and receive public comments. HPD 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, commence an administrative proceeding on the issue with a hearing before an administrative tribunal, and base its final determination on whether to grant or deny the application on the tribunal's report.

If an application for a CONH 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 the specified denial period. The building owner may apply to **Cure** the record of harassment with HPD if eligible.



1. CHECK IF BUILDING QUALIFIES

2. CHECK IF WORK QUALIFIES

3. APPLY FOR CONH

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If HPD denies a CONH or if the building owner elects to comply with Cure provisions in lieu of seeking a CONH (only applicable to buildings on the Pilot Program List), the building owner may apply to the HPD Inclusionary Housing unit to Cure the record of harassment by entering into a Cure Agreement with HPD.

4. CURE WITH HPD

HOW TO CURE: Apply to the Cure Program with the HPD Inclusionary Housing unit. To satisfy the requirements of Curing with HPD, 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. RECEIVE CURE CERTIFICATE

Once the Project has completed the Cure Application process and the Cure Agreement is executed, the HPD Inclusionary Housing unit will issue a **Cure Certificate**, allowing the building owner to request and receive permits from DOB.

6. RECEIVE COMPLETION CERTIFICATE

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

RESTRICTIONS/CAVEATS

- The Pilot Program Cure 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 to Cure.
- If a building owner is denied a CONH and does not seek to or is not eligible to Cure, they must wait out their denial period and reapply for a CONH at the end of the period before applying for DOB permits.
- No portion of the Low Income Housing required to Cure shall increase the floor area ratio pursuant to other provisions of the Zoning Resolution (e.g. MIH, VIH, AIRS) or satisfy an eligibility requirement of any tax abatement or exemption program (e.g. 421-a). 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 Certification of No Harassment requirements in New York City.