

## **Bulletin to Property Owners – September 2021**

Dear Property Owners,

The Department of Housing Preservation and Development (HPD) periodically provides updates on new legislation and information on available materials and resources to residential building owners to support compliance with the New York City Housing Maintenance Code, the New York State Multiple Dwelling Law and other relevant city codes. Visit the [HPD website](#) to read this bulletin (and past bulletins) in other languages.

*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 duties of owners and tenants regarding laws and rules relating to housing in New York City.*

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### **Heat season arrives in NYC**

Heat season in New York City starts on October 1<sup>st</sup> and ends on May 31<sup>st</sup>. Between these two dates, property owners are required to ensure that heat is maintained at a minimum temperature of 68 degrees inside whenever the temperature falls below 55 degrees during the day (between 6:00 am and 10:00 pm). Between 10:00 pm and 6:00 am, the minimum temperature that must be maintained inside is 62 degrees, regardless of the outside temperature.

To make sure that your boiler is ready for the winter, we encourage you to take certain steps:

- If your building is required to file a Boiler Inspection report with the Department of Buildings (DOB), ensure that your boiler inspection has been completed and that you have addressed any recommended repairs. Boiler periodic filings apply to residential occupancies with:
  - o 6 or more families
  - o Less than 6 families with a boiler capacity of 350,000 btu/hr and greater
  - o Mixed use occupancies
  - o Single Room Occupancies (SRO's).

For more information about these requirements, you can review [DOB's Boiler webpage](#).

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### **Civil Penalties**

HPD may start a court proceeding for civil penalties associated with heat and hot water violations. The agency can seek the following penalties, effective on the posting date of the Notice of Violation until the date that the violation is corrected:

- \$250-\$500 dollars per day for each initial heat or hot water violation
- \$500-\$1,000 per day for each subsequent violation at the same building during the same and/or the next calendar year from the initial violation or, during the same and/or the next heat season

If the owner fails to pay the Court ordered civil penalties, HPD will enter a judgment against the owner and the property and seek to enforce that judgment.

### **Eligibility for payment in satisfaction of civil penalties**

Some owners may be eligible to satisfy the penalty by submitting a \$250 payment with a timely Notice of Correction. The Notice of Violation will clearly indicate whether the violation is eligible for payment in satisfaction of civil penalties, based on whether the heat violation is the first such violation of the current or prior heat season, or the hot water violation is the first such violation of the current or previous calendar year. An owner who chooses to submit a Notice of Correction and payment in satisfaction may do so by mail or by using [eCertification](#). The condition must be fixed within 24 hours of the violation posting (the same as the inspection date), and the \$250 payment must be made within 10 days. Payment can be made via credit card or debit card (there is a 2% convenience fee for credit cards), or by certified check or money order. If the Notice of Correction and payment are not received within the 10-day period, HPD may pursue an order to correct and civil penalties in Housing Court.

### **Inspection Fee**

HPD will charge a \$200 fee for all inspections after the first two if the inspections result in a heat violation within the same heat season (October through May) or a hot water violation within a calendar year. This fee is in addition to any civil penalties that may be imposed by the Housing Court. This fee will be billed to the owner through the Department of Finance on the quarterly bill following the inspection. All unpaid fees become a debt owed by the owner and a lien upon the premises. The tax lien will bear interest and may be sold and/or foreclosed to collect the amount owed through the City's Tax Lien Sale.

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## **FEMA: New York Remnants of Hurricane Ida:**

### **Start Your Recovery Process**

1. Take photos of your damaged home and belongings.
2. Make a list of damaged/lost items.
3. Save yourself time. If you have insurance, **you must file a claim with your insurance company**. If you do not have insurance, or if your insurance claim is denied, continue to Step Four.
4. 3 Ways to Apply:
  - Online [DisasterAssistance.gov](https://www.disasterassistance.gov)
  - Through the [FEMA mobile app](#)
  - Call (800) 621-3362, **TTY: (800) 462-7585**

### **Documents You Need to Provide to FEMA**

- Insurance determination letter. (Note: FEMA cannot provide assistance for losses that are covered by insurance.)
- Proof of occupancy or ownership
- Proof of ID

[Learn more about the application process here.](#)

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## Resources for Residential Property Owners in the Wake of COVID-19

COVID-19 has been a challenging time for owners as well as tenants. Here, we summarize resources to help you access rent payments, loans, foreclosure protections, and individualized assistance.

First, a quick reminder: **All tenants have the right to remain in their apartments unless an eviction is ordered in housing court by a judge and executed by a city marshal, or the Office of the City Sheriff.** It is illegal to evict a tenant by changing the locks, using force or violence, denying essential services (heat, electricity, water, etc.), or through creating/ allowing conditions that lead to other building or health code violations. The law protects tenants who have a lease **or** have lived in the unit for 30+ consecutive days (without a lease) and applies individually to each roommate/ family member who shares the unit. The law covers one- or two-family homes and multiple dwellings.

### **Financial assistance to help tenants pay rent to you:**

You can direct your tenant(s) to these resources if they are having trouble paying rent; in the case of ERAP, you can even apply on their behalf:

1. [The Emergency Rental Assistance Program \(ERAP\)](#) will provide rental arrear payments, temporary rental assistance, and utility arrears to qualifying low- and moderate-income households. **All rent payments will be made directly to the landlord/property owner on behalf of the tenant.**

**Owners can apply for ERAP on behalf of tenants.** Applications are now open. Apply, learn about program requirements for owners, or check the status of an application via this [statewide portal](#).

Owners of eligible households can receive

- Up to 12 months of back rent
  - Up to 3 months of additional, future rental assistance
  - Up to 12 months of electric or gas payments to cover utility arrears accrued on or after March 13, 2020
2. [One Shot Deal Emergency Assistance](#) can help you pay mortgage arrears and/or your tenant pay rent arrears.

Both owners and tenants can apply for this emergency one-time assistance using the [ACCESS HRA website](#) or the [ACCESS HRA Mobile App](#). HRA will call to complete a telephone eligibility interview. For more information on the program, eligibility, and conditions contact HRA's Infoline at 718-557-1399.

*You or your tenant must prove that you can afford the mortgage or rent moving forward. Owners applying for mortgage assistance will be required to file a lien with HRA.*

3. [Homebase Homelessness Prevention](#) provides New Yorkers with homeless prevention services. **Owners can refer tenants to Homebase via the [Homebase Locator Webpage](#).** Homebase staff are available to evaluate households' specific needs and offer a variety of services, including:
  - Eviction prevention
  - Assistance obtaining public benefits
  - Emergency rental assistance

4. [Funds and Services for Tenants Experiencing Need \(FASTEN\)](#) offers financial resources, including rent relief. Immigration status is not considered. For more information or to contact a provider, call 311 or search [here](#). Individuals and families served by FASTEN must:
  - Have income that is not more than 50% of the area median income (AMI)
  - Be experiencing housing instability, such as inability to pay rent fully
  - Lost income or incurred increased expenses due to COVID-19

**Foreclosure prevention and loans for homeowners:**

5. [Hardship Declaration protections](#) can help small residential property owners avoid foreclosure, as part of the COVID-19 Emergency Eviction and Foreclosure Prevention Act (EEFPA).

[Small homeowners who lost income](#) or incurred increased costs because of COVID-19 can protect themselves against foreclosure until at least August 31, 2021 via a [Hardship Declaration form](#).

Complete, sign, and deliver this form ([available in multiple languages](#)) to your mortgage lender and any other parties that could move to foreclose on your property(ies) as a preventative measure. If you are already in foreclosure proceedings, sign the form and return it to the court. Keep a copy (or take a photograph) of the signed form for your records.

*Owners must own no more than ten total dwelling units, including their own primary residence, to be eligible. Other conditions apply. Homeowners remain responsible for any unpaid mortgage payments and fees to your mortgage lender. Keep records of what you have paid and owe.*

6. [The New York City Department of Finance](#) (DOF) can help with property taxes. It provides payment plans, exemptions, deferrals, and other assistance for eligible owners. To learn more, [contact DOF online](#) or call 311.
7. [The New York Loan Fund](#) is offering working capital loans to qualifying small residential owners who have seen a loss of rental income due to COVID-19. **Pre-applications are open.**

To view eligibility requirements, click [here](#) and scroll to the section titled “Residential Landlord Eligibility.” For an FAQ and list of organizations available to assist with applications, scroll to the bottom of [this page](#).

To complete a pre-application and match with a participating CDFI lender, go to [nyloanfund.com](#).

*These loans must be paid back over a 5-year term with 3% fixed interest.*

**City loans that can help you maintain your housing:**

8. [HomeFix](#) provides affordable low- or no-interest and potentially forgivable loans for home repairs to eligible small landlords who own and occupy a one- to four-family home. This HPD loan program offers up to \$150,000 for a four-family home. Financial assistance is paired with intensive individualized services. For more information, visit [nyc.gov/homefix](#) or call 646-513-3470 for details.

9. [The Green Housing Preservation Program](#) offers low- or no-interest loans to finance energy efficient and water conservation improvements, lead remediation, and moderate rehabilitation work to those who own and occupy a building with at least five units and less than 50,000 square feet. For more information, visit [nyc.gov/ghpp](http://nyc.gov/ghpp) or email [hpdpres@hpd.nyc.gov](mailto:hpdpres@hpd.nyc.gov) for details.
10. [The Lead Hazard Reduction and Healthy Homes Program](#) offers forgivable loans, averaging \$10,000 per unit, to address lead paint hazards and other building health and safety issues to eligible buildings built before 1960. For more information, visit [nyc.gov/lead-reduction](http://nyc.gov/lead-reduction) or email [hpdlead@hpd.nyc.gov](mailto:hpdlead@hpd.nyc.gov).

*These loans must be paid back over a 5-year term with 3% fixed interest.*

**One-on-one assistance for residential property owners:**

11. [Homeowner Helpdesk](#) is a new program that assists homeowners being displaced from their homes and communities. It currently serves neighborhoods in Central Brooklyn, Southeast Queens, and the North Bronx. Homeowners in need of support can get **free** financial, legal and technical support from community- based housing counselors and legal experts. For assistance with the following, call **1-855-HOME-456** or visit the Helpdesk [website](#):
  - Resolving housing challenges due to COVID-19
  - Protecting against contractor and mortgage scams
  - Applying to loans, grants, benefits, and exemptions
  - Avoiding foreclosure
  - Legal help and more!
12. [The Landlord Ambassador Program](#) helps property owners implement building management best practices and provides direct assistance in learning how to apply for HPD financing. If you are interested in working with a landlord ambassador, visit [this website](#) or email [hpdlap@hpd.nyc.gov](mailto:hpdlap@hpd.nyc.gov) for details.

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## Relocation Expenses

When a building receives a vacate order from a City agency, HPD may provide relocation services to tenants in the building who are ordered to leave their apartments. Owners are subject to paying the costs of relocation liens where the conditions giving rise to the need for relocation arose as a result of the negligent or intentional acts of the owner, or as a result of failure to maintain or repair the building in accordance with applicable laws. HPD previously placed a mechanics lien on buildings for the costs of relocation services provided to tenants under these circumstances, and the building owner must pay the costs incurred. In 2019, the City Council enacted amendments to the relocation law (Local Law 159 of 2019). As a result, for vacate orders that are issued on or after September 14, 2021, the City's costs for providing relocation services will still accrue against the vacated building, but if the costs remain unpaid, they will now become tax liens against the property, subject to interest and enforcement like other property taxes. Billing will take place through the owner's property tax statement of account.

