

Housing Maintenance Code Requirements

What Every Building Owner Should Know

This presentation is for informational purposes only and is not intended as legal advice or as a statement of the law. For more information about what is required, see the Multiple Dwelling Law, Housing Maintenance Code, and the Rules of the City of New York.

September 2019

AGENDA

1. Property Registration
2. Heat and Hot Water
3. Inspections and Violations
4. Required Signs and Notices

PROPERTY REGISTRATION

- ▶ You cannot certify violations, request a Dismissal Request or request a Violation Reissuance if you are not registered with HPD.
- ▶ Registration is required annually between June and August 31st for:
 - ▶ All multiple dwellings (buildings with three or more residential units). This includes condominium buildings (not units), cooperatives, and hotels.
 - ▶ One and two family homes only if neither the owner nor any immediate family member lives there.
 - ▶ Easiest way to complete a registration form, keep track of whether your property is registered, and verify submitted information is by using HPD'S PROPERTY REGISTRATION ON LINE SYSTEM (PROS)
- ▶ There is a \$13 annual fee, payable to the Department of Finance as billed.

Registration, cont.

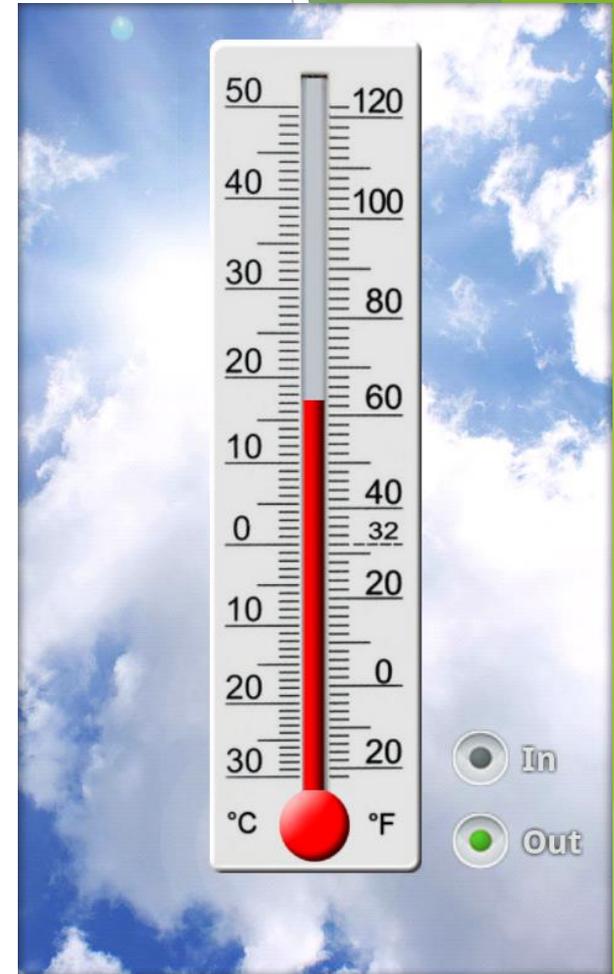
- ▶ Registration is a TWO-PART Process
 - ▶ Complete the online form and print it, or complete the form that is mailed to you. The form must be signed and dated by the OWNER and the MANAGING AGENT.
 - ▶ Pay the Registration Fee - DO NOT SEND PAYMENT FOR PROPERTY REGISTRATION TO HPD.
- ▶ If you receive a notice indicating that some information is missing or incorrect on the registration form, respond quickly because the building registration may not be valid.
- ▶ The registration form is available through the Property Registration Online System at www.nyc.gov/hpd, by emailing HPD at register@hpd.nyc.gov, by calling the Registration Assistance Unit at 212-863-7000, or at any Code Enforcement Borough office.
- ▶ Buildings without a valid property registration are subject to civil penalties of \$250-\$500, may be issued Orders, and will be ineligible to certify violations, request a Code Violation Dismissal, enter the Violation Reissuance Program, or initiate a court action to recover possession of the premises for nonpayment of rent.

HEAT AND HOT WATER REQUIREMENTS

October 1st through May 31st.

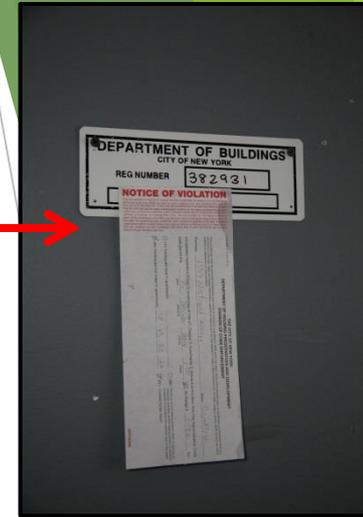
- DAYS (6 AM TO 10 PM) If temperature outside is below 55° F, it must be 68° F or above inside
- NIGHTS (10 PM to 6 AM) As of October 1, 2017, it must be 62° F or above inside regardless of the outside temperature

Hot water is required to be maintained at a minimum of 120 degrees.



WHAT DO I DO IF I RECEIVE A 'REPORT OF VIOLATIONS' FROM HPD?

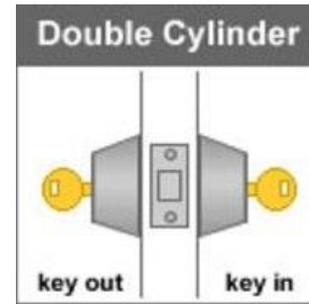
- ▶ Notice of Violation for heat and hot water violations is posted on the building the day the violation is issued and civil penalties begin to accrue immediately.
 - ▶ The agent/owner will receive a Report of Violations (ROV), not a Notice of Violation, by mail.
- ▶ **HPD seeks civil penalties in Housing Court on heat and hot water violations.**
 - ▶ **Settlement Fee option:**
 - ▶ First heat or hot water violation the property has received within a certain timeframe (consult the ROV for specifics) AND you correct the condition within 24 hours of the posted notice, pay the Civil Penalty without going to Housing Court.
- ▶ **Inspection fee: Multiple inspections resulting in violations results in automatically assessed inspection fees**



INSPECTIONS AND VIOLATIONS

Inspectors always do a visual check of the building façade for defects, check all building areas in their line of travel for violations, and check for the following nine items in the complainant's apartment:

- ▶ Smoke Detector (B)
- ▶ Carbon Monoxide Detector (B)
- ▶ Double Cylinder locks (C)
- ▶ Mold (A, B or C - if C, will be emergency repair)
- ▶ Mice (C)
- ▶ Roaches (C)



Always emergency repair:

- ▶ Self-closing doors (C)
- ▶ Window Guards (only if child under the age of eleven is a resident.) (C)
- ▶ Lead-based Paint (only if child under six is a resident.) (C)

CARBON MONOXIDE AND SMOKE DETECTORS



New York City law requires that every dwelling unit be equipped with smoke and carbon monoxide alarms.

INSTALLATION:

- Should be installed within 15 feet of the primary entrance of each bedroom.
- All detectors must be equipped with an end of life alarm
- Do not install next to bathroom, or kitchen.
- Do not place in areas likely to be damaged by children or pets.

OWNER MUST: Replace and install detectors at end of life and upon apartment turnover.

TENANT MUST: Change batteries

Replace detectors that are damaged or stolen during occupancy

Reimburse owner for replacement detectors (rates set by law)

INDOOR ALLERGENS

New York City Local Law 55 of 2018

Allergens cause asthma attacks or make asthma symptoms worse and can cause allergies or respiratory illness. Common indoor allergens include mold, cockroaches and mice.

- New York City law requires that landlords keep their tenants' homes free of pests and mold. This includes safely fixing the conditions that cause the problems.

As required by Local Law 55, property owners must:

- Inspect every apartment and the building's common areas annually
- Use integrated pest management (IPM) practices
- Remove indoor mold and the water source feeding the mold, using certain work practices or specific contractors to assess and remediate mold
 - 10 or more square feet of mold in a building with 10 or more units - **MUST** use a New York State Department of Labor-licensed mold assessor and remediator

MOLD

- Indicates that there is water penetration, leaks or dampness.
- Found primarily in warm and damp locations, such as Kitchens, Bathrooms, Basements and Cellars.

When writing a mold violation, Code Inspectors may also write a violation for the moisture source, such as a roof or pipe leak. In order to address serious Mold conditions, landlords must identify and fix the source as well as remediate the mold.

- Class A mold violations automatically upgrade to class B violations if not corrected and certified.
- Class B and class C mold violations must be reinspected by HPD, whether they are certified or not.
- Class B violations found to not be corrected on this reinspection are upgraded to class C violations and may result in emergency repair.
- Class C mold violations have a 21 day correction period.



Example of Emergency Mold Violation

New York State Mold Law and NYC Local Law 61



Under New York State Labor Law Article 32 (Labor Law), contractors are licensed to perform mold assessment and to perform mold remediation (separate licenses).

Independent contractors who are hired to assess and to remediate mold conditions must be licensed and follow the requirements of Article 32 of the Labor Law (labor.ny.gov/home, search *MOLD*) to perform the work. Remediating the mold includes addressing the source of the mold.

Under Local Law 61, the contractors must file assessment reports and remediate plans with the NYC Department of Environmental Protection. More information about the filing requirements can be found on DEP's website. Property owners who fail to have their contractors file property can be penalized by DEP.

PESTS



Most HPD pest violations are for:

- ▶ **Rodents.** Mice and rats carry diseases, bite, destroy property, may cause fires, and may trigger asthma attacks. Rats will be referred to the DOH.
- ▶ **Cockroaches.** Cockroaches may trigger asthma attacks and contaminate food.
- ▶ **Bed Bugs.** Bedbug bites are a nuisance and they are expensive to eliminate.

Local Law 55 requires owners to use **INTEGRATED PEST MANAGEMENT (IPM)** to eliminate mice and roaches.

IPM eliminates pests by conducting proactive inspections and removing their access to food, water and shelter. With IPM, pesticide/poison use is targeted and minimal. IPM relies heavily on limiting the ability of pests to travel within a building. To learn more about IPM, attend an HPD class or visit the DOHMH website.

SELF CLOSING DOORS

Self Closing doors are a critical component of fire safety. All residential buildings with three or more apartments must have self-closing doors.

Self-closing doors should never be blocked and can help contain a fire from spreading throughout a building.

In all multiple dwelling types the following doors are required to be self-closing:

- Building entrance doors
- Apartment/Unit entrance doors
- Fire stair doors
- Fire tower doors
- Bulkhead doors
- Rubbish chute closet doors
- Other doors accessing the public hall/stairs(building commercial space, garage areas, etc.)

WINDOW GUARDS

The owner of a multiple dwelling must provide window guards/limiting devices whenever:

- ▶ *A child 10 years or younger lives in the apartment.* In this case, guards/devices must be installed in both the apartment and the public area windows.
- ▶ *A tenant requests the installation of a window guard/limiting device.* In this case, guards/devices are only required in the apartment.

Exceptions:

- ▶ Windows leading to fire escapes.
- ▶ Windows with permanent air conditioners.
- ▶ In buildings with fire escapes the window guard must be left off one window in each ground floor apartment so that the window can be used as an emergency exit.



WINDOW GUARD INSTALLATION

- ▶ All approved Window Guards are labeled with a DOHMH number (Example HDWG 03-77-15) and the manufacturer's model number (Example:1123-S)
- ▶ Window guards, chains, brackets and blocks must be installed with one way screws so they may not be removed.
- ▶ The window should not present an opening of more than 4 inches (to prevent a child from sticking their head through.) L-stops and/or chains may also be necessary in addition to the Window Guard itself.



LEAD-BASED PAINT



- ▶ Lead is an extremely toxic metal that is particularly harmful to children, in whom it can cause learning and behavior problems and delay physical growth and mental development. The use of lead-based paint in residential buildings was banned in New York City in 1960.
- ▶ The current law addressing lead-based paint remediation- Local Law 1 of 2004 - is enforced in multiple dwellings by HPD. A full apartment inspection must be conducted if a child under 6 resides in an apartment, and any hazards must be remediated.
- ▶ Multiple local laws have been passed in 2018 and 2019 which change the rules around lead-based paint. All city agencies are also enhancing enforcement around lead-based paint repair, renovations involving painted surfaces and lead based paint annual notice, turnover and record keeping requirements. It is important for property owners to stay current with legal changes and check HPD's website frequently for updates.

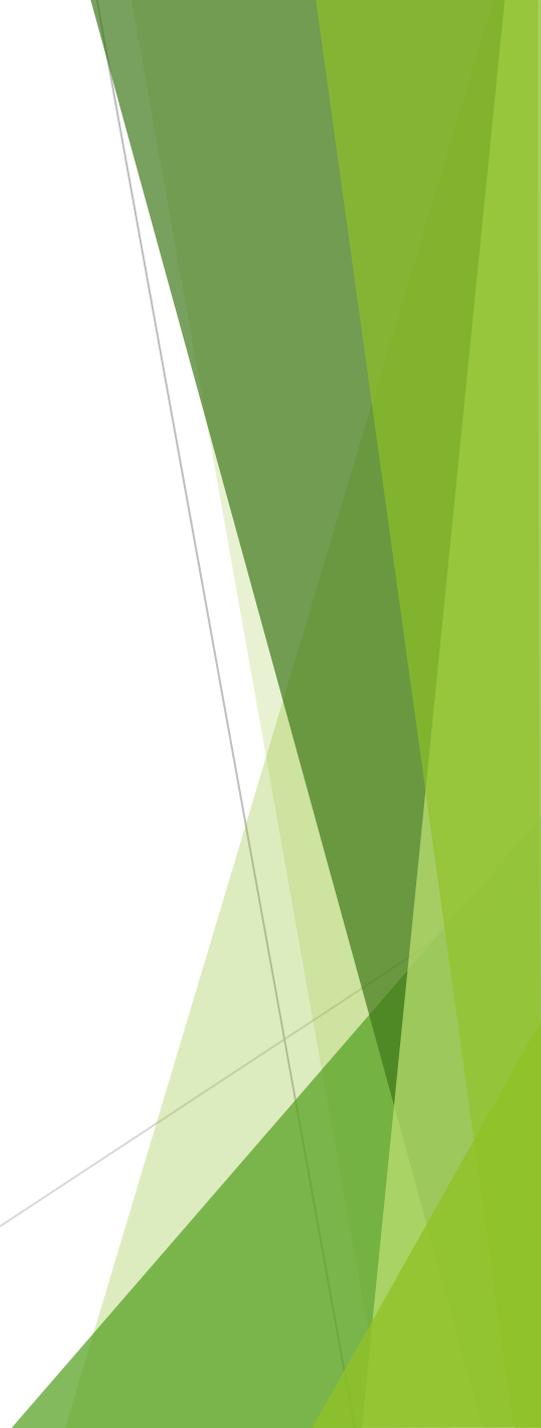
Owner Responsibilities to Address Lead-Based Paint Hazards

Under Local Law 1, owners have significant legal liability if children are lead-poisoned due to paint, especially if they fail to meet the following legal obligations:

- ▶ Make Apartments Lead Safe on Turnover
- ▶ Identify apartments with children under 6 and investigate - annual notice requirements
- ▶ Remediate Lead-Based Paint Hazards Using Appropriate Work Practices (in response to owner investigations and violations)
- ▶ Do All Repairs and Renovations Using Safe Work Practices
- ▶ Keep records

Lead-based Paint is a highly complex topic. **For more info, regarding a Lead-Based Paint requirements and violations, you can call check HPD's website at www.nyc.gov/hpd and search Lead-Based Paint.**

REQUIRED SIGNS AND NOTICES



REQUIRED SIGNS

- ▶ Housing Information Guide
 - ▶ Certificate of Inspection Visits
 - ▶ Boiler Room Key
 - ▶ Gas Leak Notice
 - ▶ Smoke Detectors
 - ▶ Carbon Monoxide Detectors
 - ▶ Property Registration number
-
- ▶ For a complete list of required signs, including size and location specifications, visit the HPD website:
<http://www1.nyc.gov/site/hpd/owners/required-signage.page>



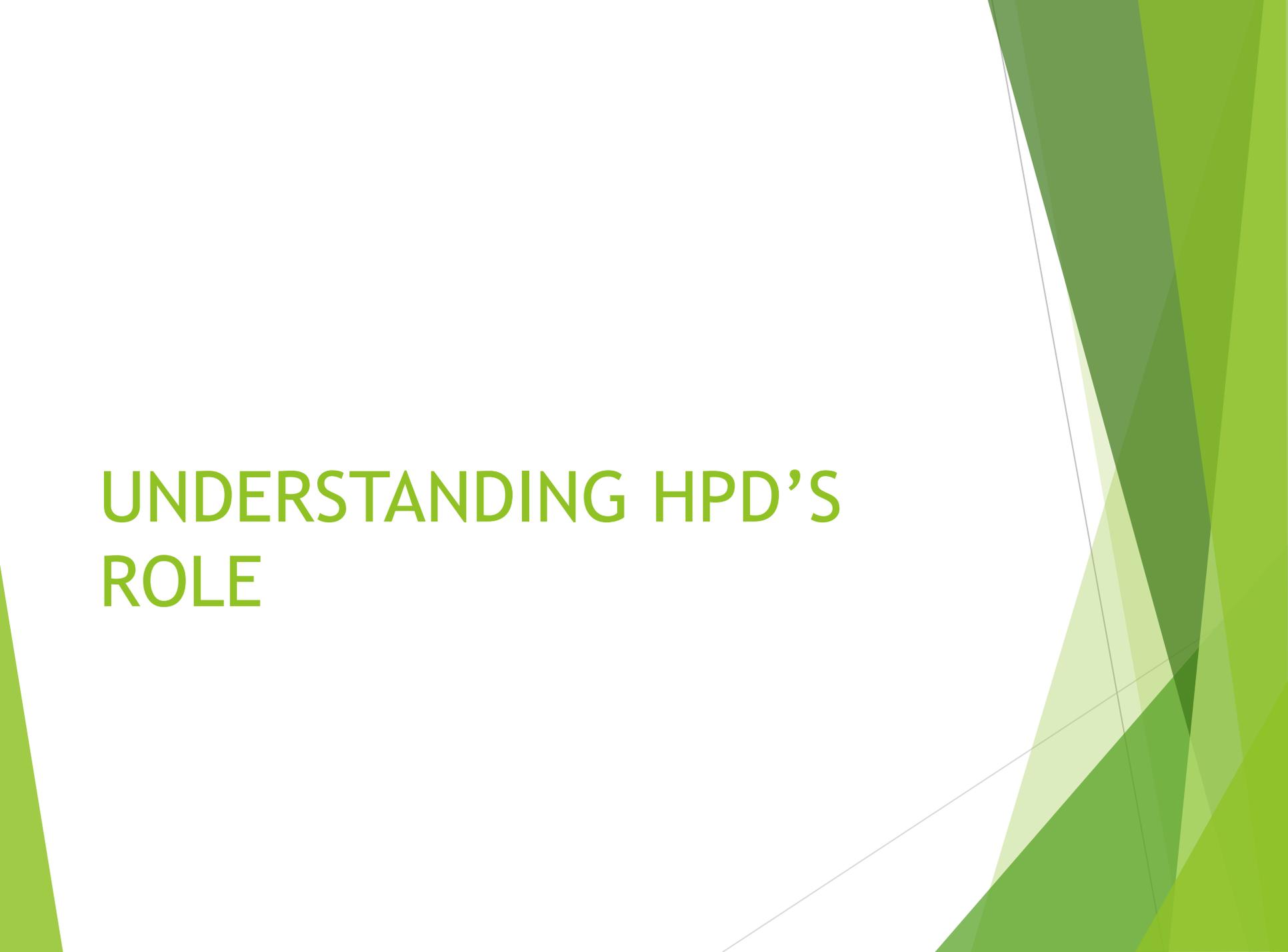
REQUIRED ANNUAL NOTICES AND FILINGS

- ▶ Notices to Tenants:
 - ▶ Window Guards - For details, visit <https://www1.nyc.gov/site/hpd/owners/window-guards.page>
 - ▶ Inquire with new occupants re: Child Under 6 and provide lead pamphlet.
 - ▶ Lead Paint - Inquire annually re: Children Under 6 and Under 11 and provide lead pamphlet. Follow-up with investigation if no answer.
 - ▶ Written Carbon Monoxide info upon replacement/installation.
 - ▶ **Stove Knob Covers** - For details, visit <https://www1.nyc.gov/site/hpd/owners/stove-knob-covers.page>
 - ▶ Indoor Allergens annual notice and pamphlet

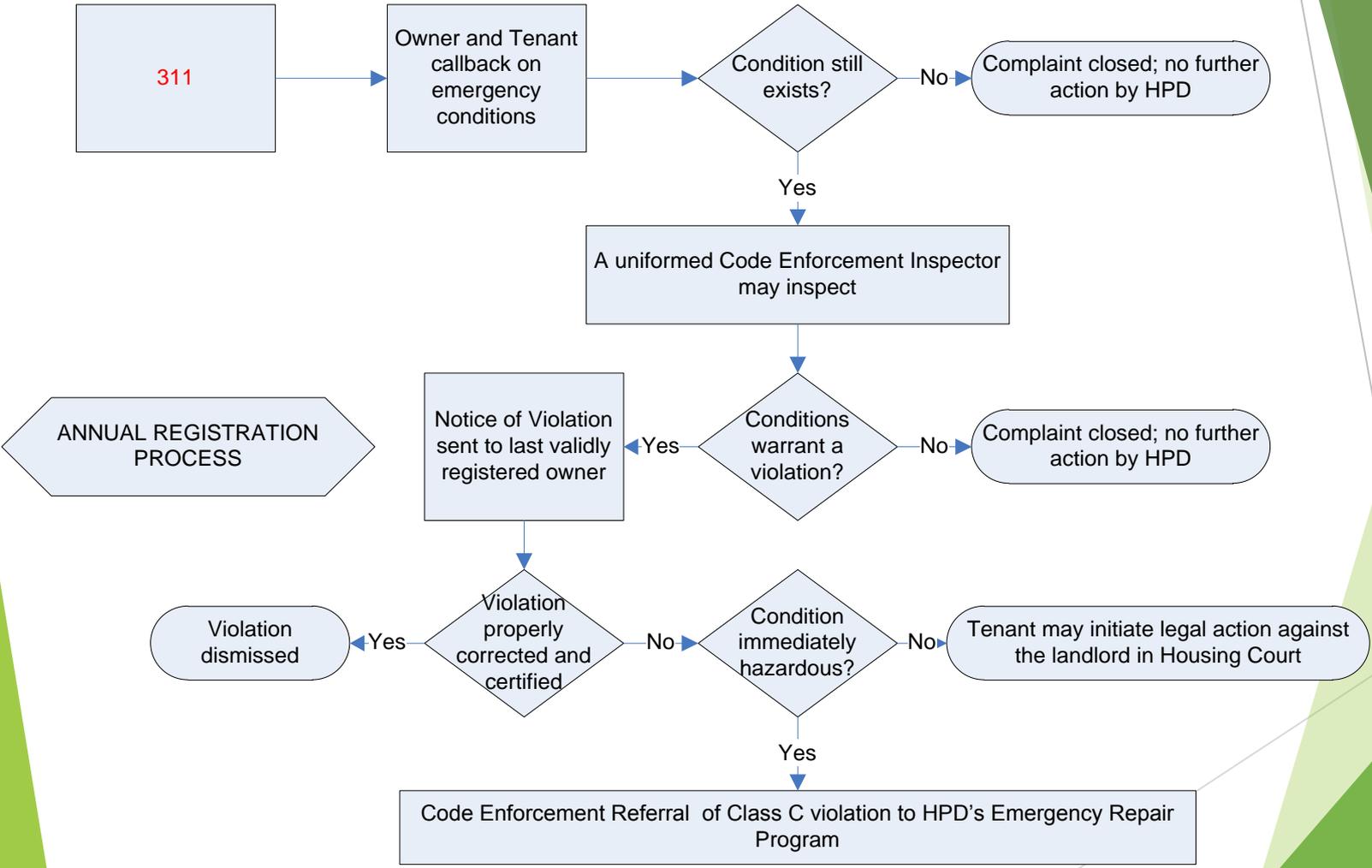
- ▶ Filings w/ HPD.
 - ▶ Property Registration.
 - ▶ Bedbugs. See HPD's website for more details on bedbug reporting requirements.

For more details, visit the HPD Website: <http://www1.nyc.gov/site/hpd/owners/required-signage.page>

UNDERSTANDING HPD'S ROLE

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HPD's Enforcement Process: An Overview



ANNUAL REGISTRATION PROCESS

COMPLAINTS

Complaint: An allegation of a breach of the Housing Maintenance Code and Multiple Dwelling Law.

After receiving a complaint, HPD always attempts to notify the building's Managing Agent that a complaint has been filed, and calls the tenant to confirm the condition still exists. **MAKE SURE YOU ARE VALIDLY REGISTERED!** We recommend providing an email address.

HPD NEVER closes the initial complaint based on the word of the building owner.

Complaints come from:

- ▶ 311 Call Center
- ▶ 311 Mobile
- ▶ 311ONLINE
- ▶ Housing Court



Violations

Violations - A citation issued to a building for not being in compliance with the law. Violations become the responsibility of whoever owns the building.

NOTE on the below chart: As of January 2019 Mold, roaches and mice are also 21 day Class C violations.

Violation Class	Type	Time owner has to correct from notice before civil penalties begin to accrue
Class A	Non-Hazardous	90 Days
Class B	Hazardous	30 Days
Class C: Lead-Based Paint or Window Guards	Immediately Hazardous	21 Days
Class C: Heat and Hot Water Violations	Immediately Hazardous	Immediately
Class C: (all others)	Immediately Hazardous	24 Hours

The logo for NYC HPD eCertification of Violations and Failures. It features a dark blue header with the text 'NYC HPD' in white, and a lighter blue section below with the text 'eCertification of Violations and Failures' in white. The logo is partially obscured by a green geometric graphic on the right side of the slide.

NYC HPD

eCertification of Violations and Failures

eCertification:

<http://www.nyc.gov/html/hpd/html/owners/e-certification.shtml>

How can I certify correction of violations online?

- ✓ Property Registration must be current.
- ✓ You must be the owner, named owner's officer, or managing agent of the building.
- ✓ You must enroll; it is better to complete this process prior to receiving any violations because it can take a couple of days!
- ✓ Just because you can eCertify does not mean you must! You can still submit paper certifications.

Why eCertify?

- eCertification can save you time and money (on postage and notarization) and can be done anytime.
- eCertification is a paperless process that provides you with an instant receipt of your certification activity.
- All violations within the certification period will be displayed and can be processed in one session. This means that violations of different classes, on different NOVs, and with different due dates can be eCertified in the same session. (On paper, a separate certification form is required to be completed for each class and date.)
- No additional information is required as compared with a paper certification! You will be required to enter the violation correction date and information about who corrected the condition.
- All violations can be eCertified except:
 - Lead-based paint violations
 - Mold violations
 - Vermin violations in Alternative Enforcement Program buildings

HPDOnline

Use HPDOnline to find out whether there are open violations pending on a property.

▶ **Rental Opportunities** ▶

QUICK LINKS

- ▶ [Apply for Affordable Housing](#)
- ▶ [Development Financing](#)
- ▶ [Home Repair Loans](#)
- ▶ [Down Payment Assistance](#)
- ▶ [MF Water Assistance Program](#)
- ▶ [Housing Complaints](#)
- ▶ [Property Registration](#)
- ▶ [Correction of Violation](#)
- ▶ [M/WBE Certification Info](#)
- ▶ [RFP, RFQ, RFO Opportunities](#)
- ▶ [Property Data](#)

HPDONLINE

Use our online lookup to get building data and information about:

- Building complaints, violation, and litigation
- Property registration data
- Block and lot information
- Charges

Select Borough

Enter house #

Enter Street Name

GO

STAY CONNECTED

Follow @NYCHousing: [Twitter](#), [Facebook](#), [Instagram](#), [Youtube](#).

 NYC HPD 
@NYCHousing

ICYMI: from IA-NY, mayors agree on importance of investing in #affordablehousing! HDC Prez @EricEnderlin in @TheHill thehill.com/blogs/congress...

 **Mayors agree, Con... OPINION | At a time... thehill.com**

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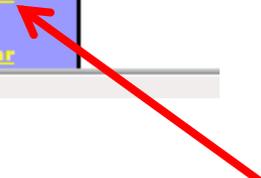
2. Search for the building

3. Click 'All Open Violations' on the left of the screen for a detailed report.

This building has filed r
at least one time from 1
apartments.

HPD# Range Bloc
347741 Active 494-508 0508

- [Other Units](#)
- [Property Owner Registration Information](#)
- [Charges](#)
- [Complaint Status](#)
- [Complaint History](#)
- [Litigation/Case Status](#)
- [Tenant Harassment Report](#)
- [All Open Violations](#)
- [prior year](#)



For Definitions of the columns indicated below, select glossary under the Services option (located at the upper right).

To sort the columns, click on their underlined headers below in the blue area.

<u>Apt Story</u>	<u>Reported Date, nov ISSUED Date</u>	<u>Hzrd Class</u>	<u>Order no</u>	<u>Violation ID, NOV ID, NOV Type</u>	<u>Violation Description</u>	<u>Status Status Date</u>	<u>Certify By Date Actual Cert. Date</u>
1	2017/07/03 2017/07/06	C	526 *	11860888 5794089 Original	§ 27-2005, 2007 adm code remove the illegal fastening unacceptable electromagnetic locking device installed at vestibule door at public hall, 1st story	NOV SENT 2017/07/06	2017/07/19
1	2017/07/03 2017/07/06	B	504	11860902 5794088 Original	§ 27-2005 adm code provide an acceptable mechanical heavy duty lock and latch set at vestibule door at public hall, 1st story	NOV SENT 2017/07/06	2017/08/24
1	2017/07/03 2017/07/06	A	1506	11860905 5794087 Original	§ 27-2005 hmc: post, in a form approved by the commissioner, and maintain a notice in a common area of the building regarding the procedures that should be followed when a gas leak is suspected at public hall, 1st story	NOV SENT 2017/07/06	2017/10/23
1	2017/07/03 2017/07/06	A	722	11860908 5794087 Original	§ 27-2053 adm code post sign on wall of entrance story bearing name, address including apartment number if any, and telephone number of superintendent, janitor or housekeeper. at public hall, 1st story	NOV SENT 2017/07/06	2017/10/23
Yards / Courts	2017/03/28 2017/03/31	A	556	11710446 5716906 Original	§ 27-2013 adm code paint with light colored paint to the satisfaction of this department at public hall stairs and all landings at all stys of north section of building at public hall	NOV SENT 2017/03/31	2017/07/18
Yards / Courts	2017/03/28 2017/03/31	A	556	11711962 5716906 Original	§ 27-2013 adm code paint with light colored paint to the satisfaction of this department at all walls at all stys at south section of building at public hall	NOV SENT 2017/03/31	2017/07/18
	2016/09/10	B	502	11708887	§ 27-2005 adm code remove the...	NOT	2016/11/09

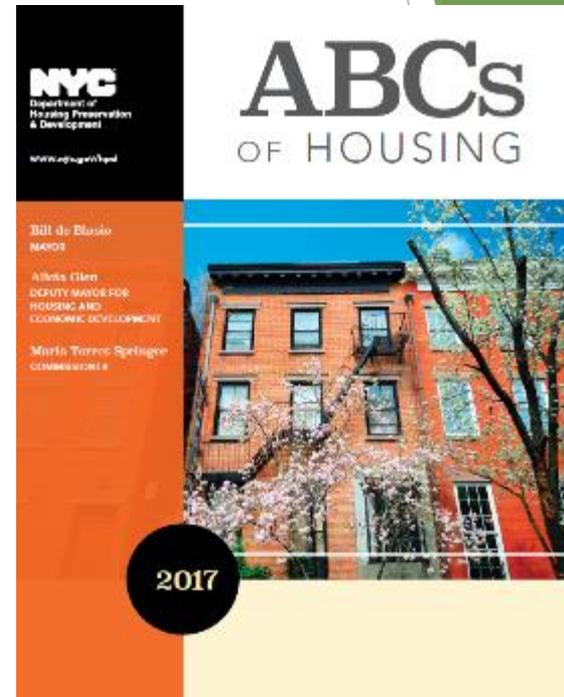
HPDONLINE: EVEN MORE!

You, your tenants and the public can also find other important HPD information about the building on HPDONLINE including:

- ▶ Litigation information
- ▶ Emergency repairs in progress (for money owed to the City for Emergency repair and fees, go to the Department of Finance website and review your property tax bill)
- ▶ Orders to Repair/Vacate Orders
- ▶ Property Registration Information
- ▶ Complaints

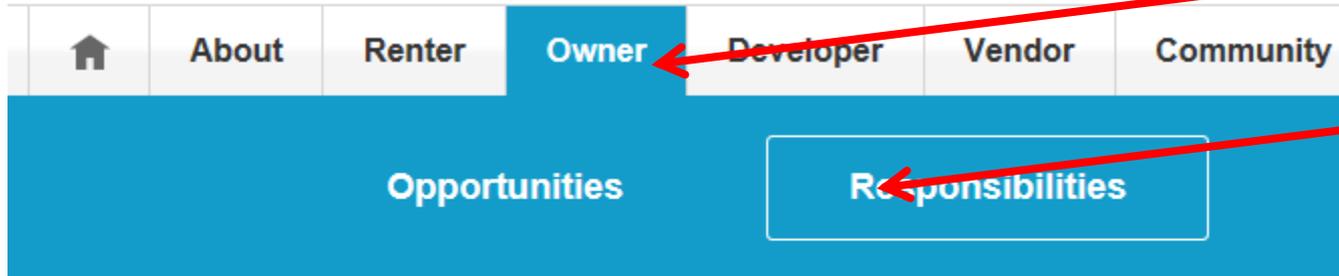
Housing Information Guide

- ▶ Contains a wealth of resources and info for owners and tenants.
- ▶ Considered so useful that **by law** all building owners must maintain a sign informing tenants that it is available.
- ▶ Available on the HPD Website.
- ▶ For print copies, call 311.



HPD Website: Owner Resources

nyc.gov/hpd



Property Registration

Violations and Orders

[Maintenance Requirements](#)

Housing Quality Enforcement Programs

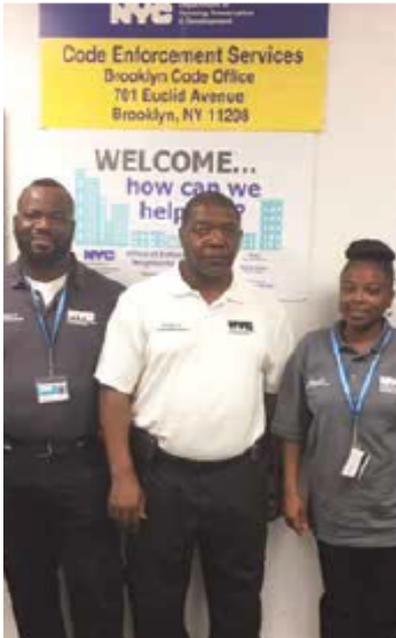
Penalties

Maintenance Requirements

In New York City, renters and landlords have rights and responsibilities. These rights and responsibilities are outlined in many laws that the city enforces, including the New York City Housing Maintenance and Safety Code and the New York City Multiple Dwelling Law.

- [Housing Information Guide Notice](#)
- [Heat and Hot Water](#)
- [Mold](#)
- [Pests](#)
- [Lead-Based Paint](#)
- [Smoke and Carbon Monoxide Detectors](#)
- [Window Guards](#)
- [Basement and Cellar](#)

HPD Borough Offices



BROOKLYN

Brooklyn West & Staten Island/Neighborhood Preservation Office
718-802-4503

Code Enforcement Office
212-863-8060
210 Joralemon Street
Brooklyn, NY 11201

Brooklyn East & Queens/Neighborhood Preservation Office
718-348-2550

Code Enforcement Office
212-863-6620
701 Euclid Avenue
1st Floor
Brooklyn, NY 11208

BRONX

Neighborhood Preservation Office
212-863-7100

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

MANHATTAN

Neighborhood Preservation Office
212-863-7100
Thursdays only 9am to 4 pm

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

QUEENS

Code Enforcement Office
212-863-5990
120-55 Queens Blvd.
Queens Borough Hall
Kew Gardens, NY 11424

STATEN ISLAND

Code Enforcement Services
212-863-8100
Staten Island Borough Hall
Staten Island, NY 10301

LEAD BASED PAINT INSPECTION PROGRAM

212-863-5501

ALL OFFICES SERVICE THE PUBLIC:

Monday to Friday
9am to 4pm
Except Manhattan NPO

QUESTIONS?

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