

How to Spot Tenant Harassment

You may have experienced tenant harassment if your landlord or someone they've hired has done the following:



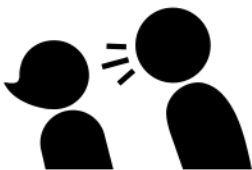
Threatened you or used force against you

Examples can include: Your landlord shoves you ▪ Management verbally bullies you ▪ Someone is hired to walk around the hallways with a baseball bat ▪ You are physically or verbally intimidated in any way!



Misled you about your building or tenancy status

Examples can include: Your landlord tells you your apartment isn't rent stabilized when in fact it is ▪ Management tells you they obtained a permit for construction being performed, but that permit has actually been denied ▪ Your landlord intentionally lies to you about any other building status issue



Threatened you based on your age, race, religion, immigration status, or other identity

Examples can include: Management threatens to call Immigration Enforcement on an undocumented tenant ▪ Your landlord calls you a racial slur ▪ Your landlord sexually harasses you ▪ Your landlord tells you that you and your family have to move because they don't want children in the building anymore. They start to withhold repairs and make life uncomfortable for you and for other tenants with children.



Removed your possessions from your apartment

Examples can include: Management or people hired by management steal items from your apartment ▪ Your landlord enters your unit and takes your television, stating they have a right to do so since you're behind in rent



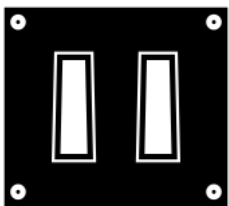
Removed your door, changed your lock, or made your lock unusable

Examples can include: Management takes your front door off its hinges and doesn't replace it ▪ Your landlord changes your locks without your permission and doesn't give you a new key (By the way, if this happens, call the police right away!)



Made repeated, intimidating, or unwanted buyout offers

Examples can include: Management threatens that if you don't accept their buyout offer, you'll be responsible for cleaning the building's common areas from then on ▪ Your landlord asks you about a buyout offer within 6 months after you informed them in writing that you don't want a buyout ▪ Your landlord verbally intimidates you when you say no to a buyout offer



Stopped providing essential services to you and to other tenants in the building

Examples can include: Throughout the winter there is frequently no heat or hot water, and management is not responsive to your complaints ▪ Management repeatedly cuts off your lights, water, or gas ▪ After construction, the water coming from your faucets is brown but your landlord says there is no problem and doesn't deal with it



Requested documentation that would disclose your citizenship status

Your landlord asks for a copy of your green card, passport, or other immigration documents ■ The landlord asks to see your NYS drivers license



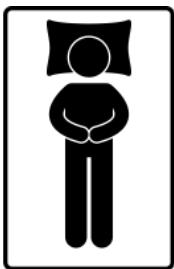
Didn't fix hazardous conditions in the building

Examples can include: A step in the main stairway is broken but your landlord refuses to fix it ■ There are rats in your apartment, but your landlord tells you to buy a cat instead of hiring an exterminator ■ Management refuses to abate the lead-based paint in your apartment, even though you live with children under 6 years-old. ■ Your landlord won't abate the black mold in your bathroom



Brought you (and maybe your neighbors, too) to court for baseless reasons

Examples can include: The landlord tries to evict you by bringing a case in Housing Court based on false accusations about your behavior ■ The landlord doesn't deposit your rent checks and brings an eviction case against you for not paying rent ■ Management doesn't credit your section 8 and brings you to court for your whole rent



Has done (or failed to prevent) anything that disturbs your comfort, peace, or quiet enjoyment of your apartment

Management regularly allows construction to occur late into the evening ■ Construction is not contained and dust and debris filter into your apartment ■ Your landlord does not address vermin infestations in the building

Take action to protect yourself and others

In your building, your landlord may need to apply for a Certificate of No Harassment before doing many kinds of construction.

If you have been harassed, taking action now means your landlord will be held accountable in the future.

You can:

- ▶ **Create a log of when the harassment occurs**
- ▶ **Call 311 to report harassment**
- ▶ **Contact your local tenant advocacy organization**



enddisplacement@gmail.com
T: 212.747.1117 ext. 11
@enddisplacement | #EndDisplacement
www.enddisplacement.org

What counts as “harassment” in the Administrative Code?

(The New York City Code is current with files received through March 31, 2018)

48. Except where otherwise provided, the term “harassment” shall mean any act or omission by or on behalf of an owner that (i) causes or is intended to cause any person lawfully entitled to occupancy of a dwelling unit to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy, and (ii) includes one or more of the following acts or omissions, provided that there shall be a rebuttable presumption that such acts or omissions were intended to cause such person to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy, except that such presumption shall not apply to such acts or omissions with respect to a private dwelling, as defined in paragraph six of subdivision a of section 27-2004:

a. **using force against, or making express or implied threats** that force will be used against, any person lawfully entitled to occupancy of such dwelling unit;

a-1. [Effective Apr. 30, 2018] **knowingly providing** to any person lawfully entitled to occupancy of a dwelling unit **false or misleading information** relating to the occupancy of such unit;

a-2. [Effective Apr. 30, 2018] **making a false statement or misrepresentation** as to a material fact **regarding the current occupancy or the rent stabilization status** of a building or dwelling unit on any application or construction documents for a permit for work which is to be performed in the building containing the dwelling unit of any person lawfully entitled to occupancy of such dwelling unit if such building is governed by the New York city construction codes;

b. **repeated interruptions or discontinuances of essential services**, or an interruption or discontinuance of an essential service for an extended duration or of such significance as to substantially impair the habitability of such dwelling unit;

b-1. an interruption or discontinuance of an essential service that (i) affects such dwelling unit and (ii) occurs in a building where repeated interruptions or discontinuances of essential services have occurred;

b-2. [Effective Apr. 30, 2018] **repeated failures to correct hazardous or immediately hazardous violations of this code** or major or immediately hazardous violations of the New York city construction codes, relating to the dwelling unit or the common areas of the building containing such dwelling unit, within the time required for such corrections;

b-3. [Effective Apr. 30, 2018] repeated false certifications that a violation of this code or the New York city construction codes, relating to the building containing such dwelling unit, has been corrected;

b-4. [Effective Apr. 30, 2018] engaging in repeated conduct within the building in violation of section 28-105.1 of the New York city construction codes;

c. failing to comply with the provisions of subdivision c of section 27-2140 of this chapter;

d. **commencing repeated baseless or frivolous court proceedings** against any person lawfully entitled to occupancy of such dwelling unit;

d-1. commencing a baseless or frivolous court proceeding against a person lawfully entitled to occupancy of such dwelling unit if repeated baseless or frivolous court proceedings have been commenced against other persons lawfully entitled to occupancy in the building containing such dwelling unit;

e. **removing the possessions** of any person lawfully entitled to occupancy of such dwelling unit;

f. **removing the door at the entrance** to an occupied dwelling unit; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or **changing the lock** on such entrance door without supplying a key to the new lock to the persons lawfully entitled to occupancy of such dwelling unit;

f-1. **[Unwanted buyout offers]** contacting any person lawfully entitled to occupancy of such dwelling unit, or any relative of such person, to offer money or other valuable consideration to induce such person to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy, for 180 days after the owner has been notified, in writing, that such person does not wish to receive any such offers, except that the owner may contact such person regarding such an offer if given express permission by a court of competent jurisdiction or if notified in writing by such person of an interest in receiving such an offer;

f-2. contacting any person lawfully entitled to occupancy of such dwelling unit to offer money or other valuable consideration to induce such person to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy, unless such owner discloses to such person in writing (i) at the time of the initial contact, and (ii) in the event that contacts continue more than 180 days after the prior written disclosure, at the time of the first contact occurring more than 180 days after the prior written disclosure:

(1) the purpose of such contact,

(2) that such person may reject any such offer and may continue to occupy such dwelling unit,

(3) that such person may seek the guidance of an attorney regarding any such offer and may, for information on accessing legal services, refer to The ABCs of Housing guide on the department's website,

(4) that such contact is made by or on behalf of such owner, and

(5) that such person may, in writing, refuse any such contact and such refusal would bar such contact for 180 days, except that the owner may contact such person regarding such an offer if given express permission by a court of competent jurisdiction or if notified in writing by such person of an interest in receiving such an offer;

f-3. offering money or other valuable consideration to a person lawfully entitled to occupancy of such dwelling unit to induce such person to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy while engaging in any of the following types of conduct:

(1) threatening, intimidating or using obscene language;

(2) initiating communication with such frequency, at such unusual hours or in such a manner as can reasonably be expected to abuse or harass such person;

(3) initiating communication at the place of employment of such person without the prior written consent of such person; or

(4) knowingly falsifying or misrepresenting any information provided to such person;

f-4. repeatedly contacting or visiting any person lawfully entitled to occupancy of such unit (i) on Saturdays, Sundays or legal holidays, (ii) at times other than the hours between 9 a.m. and 5 p.m. or (iii) in such a manner as can reasonably be expected to abuse or harass such person, provided that if such person has notified such owner in writing that such person consents to being contacted or visited at specified hours or in a specified manner, such owner may also contact or visit such person during such specified hours and in such specified manner, and provided further that an owner may contact or visit such person for reasons specifically authorized or mandated by law or rule; or

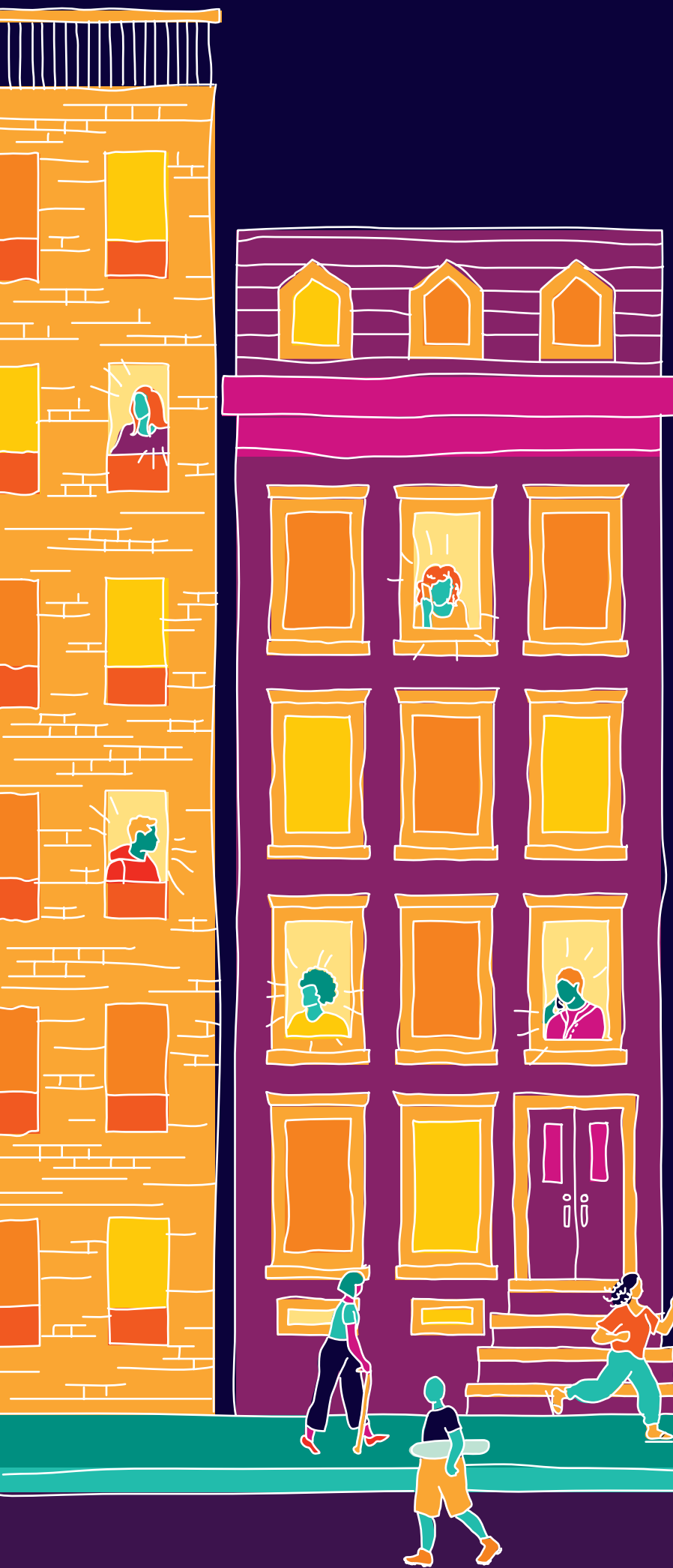
f-5. [Effective May 11, 2018] **threatening any person lawfully entitled to occupancy of such dwelling unit based on such person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, uniformed service, sexual orientation, alienage or citizenship status, status as a victim of domestic violence, status as a victim of sex offenses or stalking, lawful source of income or because children** are, may be or would be residing in such dwelling unit, as such terms are defined in sections 8-102 and 8-107.1 of the code;

f-6. [Effective May 11, 2018] **requesting identifying documentation for any person lawfully entitled to occupancy of such dwelling unit that would disclose the citizenship status of**

such person, when such person has provided the owner with a current form of government-issued personal identification, as such term is defined in section 21-908, unless such documentation is otherwise required by law or is requested for a specific and limited purpose not inconsistent with this paragraph.

g. other repeated acts or omissions of such significance as to substantially interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of such dwelling unit and that cause or are intended to cause such person to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy, including improperly requiring such person to seek, receive or refrain from submitting to medical treatment in violation of subdivision b of section 26-1201.

New York City, N.Y., Code § 27-2004, New York City, N.Y., Code § 27-2004



IS YOUR LANDLORD HARASSING YOU OR YOUR NEIGHBORS?

That's illegal in New York City.

But that hasn't stopped some landlords from doing it, since they can make lots of money when they force old tenants to move out and raise the rents on new tenants.

A new program, called **Certificate of No Harassment**, can change that by making it harder for landlords to make money from harassment. This guide will show you how the program works, and how you can use it to stop harassment and stay in your home.

WHERE DOES IT APPLY?

Buildings with six or more units that are:

1. In the neighborhoods shown on this map
2. In COMMUNITY DISTRICTS where city-led rezonings are proposed. These districts will be added when they start the city's public review process.
3. Anywhere in the city where:
 - There is a court or New York State Homes and Community Renewal finding of harassment
 - A full "vacate order" has been issued
 - An apartment has been in the Alternative Enforcement Program at some point since February 2016

If you want to add your building or if you're not sure if your building is part of the program, visit enddisplacement.org for help.

COMMUNITY DISTRICT 12:
Inwood,
Washington Heights

COMMUNITY DISTRICT 9:
Morningside
Heights,
Hamilton Heights

Bronx

COMMUNITY DISTRICT 7:
Kingsbridge
Heights, Mosholu

COMMUNITY DISTRICT 5:
Fordham,
University
Heights

COMMUNITY DISTRICT 4:
Highbridge,
South Concourse

Manhattan

COMMUNITY DISTRICT 11:
East Harlem,
Randalls Island

Brooklyn

COMMUNITY DISTRICT 4:
Bushwick

COMMUNITY DISTRICT 5:
East New York,
Cypress Hills,
Starrett City

COMMUNITY DISTRICT 3:
Bedford Stuyvesant,
Ocean Hill

COMMUNITY DISTRICT 16:
Brownsville, Ocean Hill

Queens

COMMUNITY DISTRICT 14:
Rockaways,
Breezy Point



WHAT IS THE PROGRAM?

It's called the Certificate of No Harassment (or CONH for short).

It's different than other laws because it focuses on a common reason landlords harass tenants—to make more money—and makes it harder for them to do that.

Landlords who want to renovate or tear down all or part of a building will have to get a "Certificate of No Harassment" from the NYC Department of Housing Preservation and Development (HPD) that says they have not harassed their tenants. This means landlords are the ones who have to do the work of proving they haven't harassed tenants.

Without the Certificate, they can't get a building permit as easily. And the program makes it harder for bad landlords to sell their buildings for a big profit or make a lot of money from harassing tenants out.

If landlords worry that harassing tenants will hurt their profits, it won't be worth it to them anymore.

The Certificate of No Harassment is a 3-year pilot program. If it works, the City Council can make it a permanent law, and expand it to include more buildings and tenants. But the City needs to see that the program is working in order to do that.

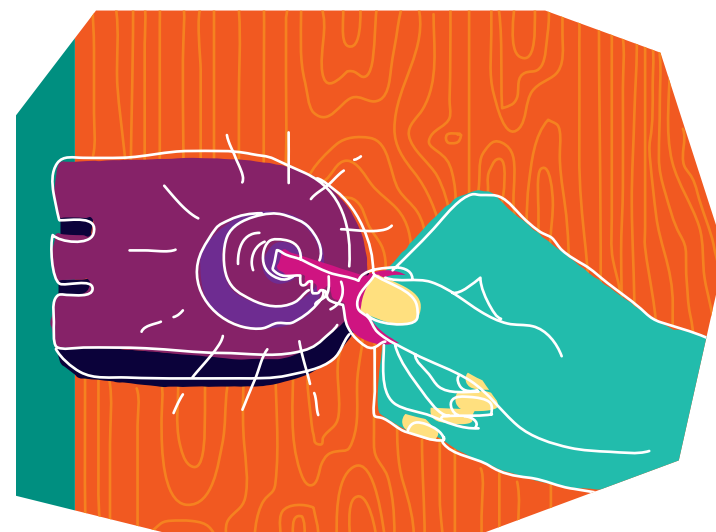
AND IT CAN ONLY WORK IF TENANTS LIKE YOU REPORT HARASSMENT AND OTHER VIOLATIONS.

What counts as harassment?

"Harassment" can include a lot of different words or actions, and the legal definition was recently changed to include even more, and to make it easier for tenants to prove their case.

But tenants still need to provide information about what the landlord has done.

Some of the most common ways landlords and their management harass tenants include:



Taking your things out of your apartment

- They might say they have the right to do this if you are behind on rent

Locking you out of your apartment, taking off the door, or changing the locks

- If your landlord changes locks and refuses to give you the new keys, call the police right away!

Threatening or intimidating you

Threatening you or using force against you or your family

- Shoving, bullying, or yelling at you; hiring someone to walk around the building with a baseball bat, or trying to scare you

Threatening you or your family based on your age, race, religion, immigration status, whether you have children, or any other identity

- Threatening to call ICE, using a racial slur, sexually harassing a tenant, saying that they want to have a child-free building to a tenant with a children

Asking you for a passport, Green Card, or other documents that show your immigration status

Making repeated, intimidating, or unwanted offers to buy you out of your lease



Making your home uncomfortable

- Stopping heat, hot water, gas, or electricity services to your apartment
- Not fixing dangerous conditions in the building (like a broken step on stairs, mold in apartment, etc.)
- Repeatedly disturbing your comfort, peace, and quiet enjoyment of your apartment (including through construction at night or dirt or damage from construction)

Lying to or misleading you

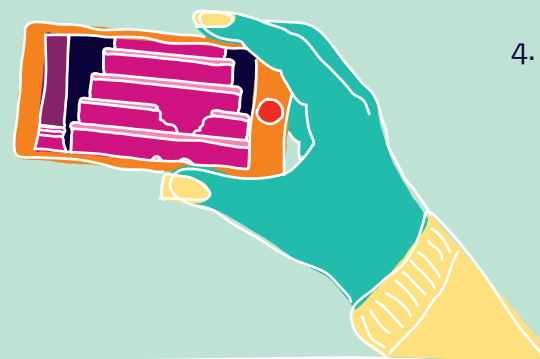
- Lying or misleading you about your tenancy status, rent stabilization status, the building's occupancy status, or construction permits and applications
- Making false accusations and bringing you to court



What should you do if you're being harassed?

Keep track of any problems:

1. Call 311 to report any problems you're having with your landlord.
 - Call back many times until someone from the Department of Buildings (DOB) or HPD comes to see the problem.
 - The more tenants that call, the more important the issue will be to the city.
 - If city inspectors call or come, make sure they record all the violations in your apartment and building.
2. Take photos and write down any problems.
3. If you don't have heat or hot water, keep a list (called a "log") of the dates, times, and temperatures.



4. Report any work you see being done without a building permit!
 - If you aren't sure whether there's a permit or don't understand when one is needed, report it anyway.

If your landlord or someone who works for them is harassing you, keep track of:

- Who is doing it
- When
- How they get in touch with you (phone, letter, visit, etc)
- What they say to you

To prove harassment, you'll need specific details, so it's important to keep track of problems.

The CONH program makes it the landlord's job to prove they are not harassing tenants. But tenants need to report harassment and record their experiences so that it becomes part of the record HPD reviews in deciding whether or not a landlord can get a Certificate of No Harassment.

Reporting will also help get more buildings included on the list of properties that must meet the rules of this program.

IF YOU ARE BEING HARASSED, YOUR NEIGHBORS PROBABLY ARE TOO. THE MORE PEOPLE RECORDING AND REPORTING HARASSMENT, THE STRONGER YOUR CASE!

HOW DOES THE CERTIFICATE OF NO HARASSMENT WORK?

1 A landlord decides to tear down or make improvements to a building.

WHAT KIND OF "IMPROVEMENTS" COUNT?

- Demolition of all or part of a building
- Change of use or occupancy of all or part of an apartment, any residential area, or any part of the building that serves apartments
- Any work that:
- Adds or removes kitchens or bathrooms
 - Changes the number of apartments
 - Changes the layout, configuration, or location of part of an apartment
- An application for a new or amended certificate of occupancy
- When an individual meter is added to a unit during a renovation. This is called submetering.
- Work that **DOES NOT** count, includes work:
- to make the public areas of a building or of an apartment accessible to people with disabilities;
 - performed by a city agency, or by a contractor for a city agency;
 - performed by a building with a 7-a administrator;
 - excluded by HPD.

2

He applies for a building permit from the Department of Buildings (DOB).

DOB says:

WE'LL NEED YOUR CERTIFICATE OF NO HARASSMENT FROM HPD

So he applies to HPD for a Certificate of No Harassment.

3

HPD looks into the history of the building over the last five years.

HPD has to let people know about the application so they can provide information. They must:

REVIEW PUBLIC RECORDS

including information about violations, building conditions and more

CONTACT

- current and past tenants,
- the local Community Board and City Council Member,
- and any interested people and government agencies HPD identifies.

HPD can also ask a community group to do a survey of current tenants. If they do, that group must give a copy of the notice to tenants and report findings to HPD.

POST A NOTICE

in the building, inviting current and past tenants of the building to make comments about their experiences. The notice has to:

- Be in English and any other language widely used in the district (as determined by HPD). Tenants can ask HPD for the notice in other languages.
- Include information about:
 - The building
 - The CONH process and what counts as harassment
 - Contact information for any community group HPD has asked to survey the tenants

HOW DO COMMUNITY MEMBERS SUBMIT COMMENTS?

You can comment in writing or in person at the hearing by following the instructions on the notice.

Comments are usually due within 45 days of the date on the notice. (HPD may extend the time another 15 days if they have "good cause.")

THIS IS WHY REPORTING ALL HARASSMENT IS SO IMPORTANT! YOUR REPORT WILL COME UP DURING THIS REVIEW.

4 HPD decides if they need to investigate more, or make a decision. Once they're done investigating, HPD can do three things:

GRANT CERTIFICATE OF NO HARASSMENT

HPD will grant a Certificate of No Harassment if it determines there was no harassment.

The landlord can continue with the DOB application and go on to do the construction.

DENY CERTIFICATE OF NO HARASSMENT

HPD can deny the Certificate of No Harassment without a hearing if there was a previous finding of harassment, unlawful eviction, or arson by the Department of Homes and Community Renewal (HCR) or a court. (See step 6)

HOLD A HEARING

If they have "reasonable cause to believe" that there has been harassment, HPD can hold a hearing to determine if it took place.

The landlord can testify at the hearing.

So can tenants, community groups, and other interested parties. This is a chance for you to organize and testify with other tenants so your collective voice is heard.

The Office of Administrative Trials and Hearings will hold the hearing and make a recommendation

After that, HPD has 45 days to decide. They can:

5

GRANT CERTIFICATE OF NO HARASSMENT

The landlord can continue with the DOB application, receive DOB permits, and go on to do the construction.

DENY CERTIFICATE OF NO HARASSMENT

The landlord can either:

6

LEAVE BUILDING AS IS

The landlord can leave the building as it is without being able to make the improvements since they can't get building permits.

The landlord also will not be able to apply for things like Major Capital Improvements (MCIs) and Individual Capital Improvements (IAIs)

CREATE AFFORDABLE HOUSING

The landlord can agree to make some parts of the building permanently affordable housing in exchange for being allowed to continue to apply for building permits. That is on top of any other affordable housing requirements the building already has.

The affordable housing has to be at rents affordable to families making 40-60% of AMI—that's about \$37,500-\$56,000 for a family of 3.

The amount of affordable housing required is around 20-25% of the building.

GET HELP

Visit enddisplacement.org or see the back cover to get help and find out more!

WHY IS THIS IMPORTANT NOW?

As the city gets more expensive, harassment and displacement are impacting communities throughout New York.

The Certificate of No Harassment program gives tenants another tool to fight harassment and displacement today. And, it will help prevent harassment from happening by making it less profitable.

Where can you get help?

For more information on the Certificate of No Harassment program, or to connect with a local organization that can help you fight harassment in your building, please visit www.enddisplacement.org, or call 212-747-1117.

Other resources

Metropolitan Council on Housing Hotline provides information on tenants rights and referrals to additional resources.

Call 212-979-0611 during hotline hours:

Monday 1:30 pm–8 pm

Wednesday and Friday 1:30 pm–5 pm.



The Center for Urban Pedagogy (CUP) is a nonprofit that uses the power of design and art to increase meaningful civic engagement.

welcometocup.org

This project is part of *Know Rezoning*, CUP's work to support historically marginalized communities in New York City experiencing rezonings. It was created in collaboration with:



ANHD's mission is to build community power to win affordable housing and thriving, equitable neighborhoods for all New Yorkers.

anhd.org



The Coalition Against Tenant Harassment (CATHnyc) is fighting against the displacement of low-income tenants through grassroots organizing and by promoting new tools to prevent tenant harassment.

enddisplacement.org

The Community Development Project (CDP) provides legal, participatory research and policy support to strengthen the work of grassroots and community-based groups in New York City to dismantle racial, economic and social oppression.

cdp.urbanjustice.org

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Support for this project was provided by the Neighborhoods First Fund for Community Based Planning.

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