

# 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](http://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.

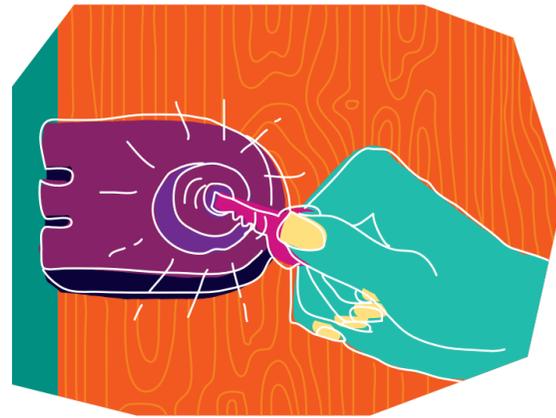
**AND IT CAN ONLY WORK IF TENANTS LIKE YOU REPORT HARASSMENT AND OTHER VIOLATIONS.**

## 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

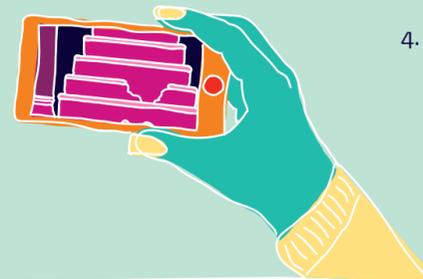
- Lying or misleading you about your tenancy status, rent stabilization status, the building's occupancy status, or construction permits and applications
- Making false accusations and bringing you to court



## 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.

**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:

**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.**

**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](http://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](http://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](http://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](http://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](http://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](http://cdp.urbanjustice.org)

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