
PROTECTING TENANTS FROM HARASSMENT

THE NEW CITYWIDE CERTIFICATE OF NO HARASSMENT LEGISLATION

WHY DO WE NEED A CONH PROGRAM?

With market rents increasing across the City, there is a growing incentive for landlords to dramatically raise rents in both rent stabilized and unregulated housing. In rent stabilized housing, loopholes in the law create perverse incentives for landlords to push long-term tenants out in order to increase rents and deregulate apartments. This problem is displacing low-income tenants from their communities and diminishing the City's supply of affordable rental housing. And while the City can't strengthen the rent laws controlled in Albany, **Certificate of No Harassment (CONH)** is a way the City can proactively prevent displacement by creating strong disincentives for tenant harassment.

WHY THE CONH MODEL?

Renovations are one of the key tools landlords use to raise rents through **Individual Apartment Increases (IAIs)** and **Major Capital Improvements (MCIs)**, and more generally, they are often needed to attract higher-paying tenants. Renovations also represent a moment in the cycle of displacement where the City has a real ability to intervene because of the need for Department of Buildings (DOB) permits for most major work in both individual apartments and building-wide. A **Certificate of No Harassment (CONH)** law would discourage tenant harassment by preventing landlords with a history of harassment from accessing those DOB permits. Where landlords have seen tenant harassment as a means to increase rents, the new CONH law will turn harassment into an obstacle to higher profits.

HOW WILL THE CONH PROGRAM WORK?

The CONH Pilot Program will focus on certain community districts, though a limited set of buildings from throughout the City will also be included. HPD will maintain a list of buildings that have signs of potential harassment. Any time a building owner at a property on the list files for a permit from DOB to do various kinds of renovation or demolition work, they will be required to apply through HPD for a Certificate of No Harassment before DOB will issue them the permit.

When an owner applies for a CONH, notice will go to tenants, local elected officials, and local community organizations asking for information on any history of harassment in the building, going back five years. Local community organizations will receive funding to do outreach and help tenants respond to the notices or testify at a hearing, and HPD may also conduct their own investigation to determine whether or not there is a history of harassment in the building.

If no harassment is found during the investigation, a CONH would be issued, and the owner could resume the regular DOB permit process.

WHAT WILL HAPPEN IF HARASSMENT IS FOUND?

A landlord whose building is found to have a history of tenant harassment will be denied the CONH and will therefore be unable to proceed with the DOB permit process. In order to restore access to DOB permits for that building, the landlord will have to agree to set aside a portion of the building as permanently affordable housing – and that requirement would stay in place regardless of any future ownership changes. *The affordable set-aside is the greater of 25% of the residential area of the building at an average of 50% AMI, or 20% of the full area of any current or future building on the site at an average of 50% AMI.*

WHICH BUILDINGS AND COMMUNITY DISTRICTS ARE INCLUDED IN THE CONH PILOT?

Any 6+ unit building in New York City that has a Court or HCR finding of harassment, that has been issued a full vacate order, or that has been in the Alternative Enforcement Program since February 2016 will be included in the pilot program – regardless of whether it's in a targeted community district.

In targeted community districts, buildings that have indicators of physical distress and/or flipping will be included in the pilot program.

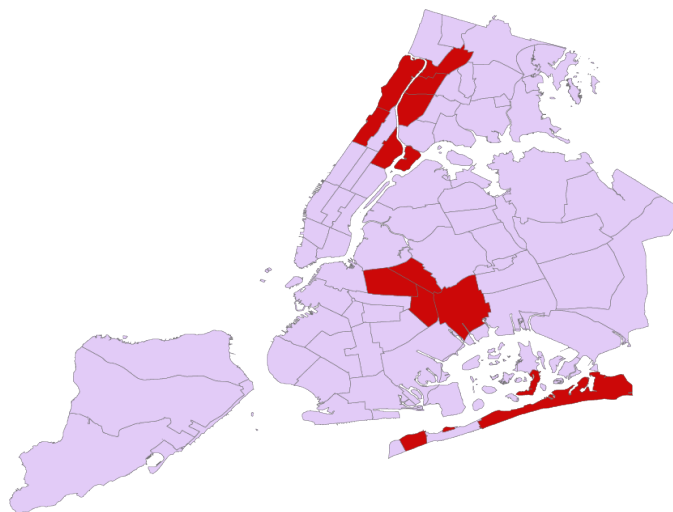
In the Bronx: *Community Districts 4, 5, & 7*

In Brooklyn: *Community Districts 3, 4, 5, & 16*

In Manhattan: *Community Districts 9, 11, & 12*

In Queens: *Community District 14*

In addition, if any new City-sponsored neighborhood rezonings certify for ULURP during the course of the Pilot program, those community districts will be added in.



HOW LONG WILL THE PILOT PROGRAM LAST?

The pilot program will go into effect **nine** months after the law passes, and will last for **three** years. HPD will be required to evaluate and report on the pilot program so that City Council can decide whether to continue, expand, or modify CONH at the end of the pilot period.



enddisplacement@gmail.com
T: 212.747.1117 ext. 15
facebook.com/enddisplacement
twitter.com/enddisplacement
#EndDisplacement
www.enddisplacement.org
