



CONH/Anti-Harassment Training Script

Facilitator notes:

This training is designed to be flexible for different situations, levels of previous knowledge, group sizes, etc. Please adjust it as you see fit to best suit the tenants you're working with and the situation you're in. Some organizers have split this curriculum into 2 shorter trainings instead of one longer one, usually grouping sections 1, 2 & 5 of the agenda in the first, and then sections 3, 4 & 7 in the second.

Primary audience:

Rent stabilized tenants

Goals:

- Tenants understand legal definition of Harassment
 - Tenants take away tools and resources to track and “prove” experiences of harassment
 - Tenants understand how the new Certificate of No Harassment Pilot Program can help them stop harassment in their building and prevent it from happening to themselves and others in the future
1. Hello everyone, my name is XXXXX. I'm here on behalf of the Coalition Against Tenant Harassment in NYC (CATHnyc). We are a city-wide coalition that is fighting against displacement through grassroots organizing and by fighting for stronger laws and policies to protect low-income tenants from harassment.
 - a) Who here has ever felt harassed by their landlord? – All of you should have a post-it note in your hands, I would like for you all to write a 1-2 sentence summary of what that experience was like. Once you are done you can post it on the picture of the building nearest to you.
 - b) Great! We know those experiences aren't always easy to share, so thank you all for sharing.
 - c) Now more than ever – as market rents increase throughout the city there is incentives for landlords to pushout long-term tenants in rent stabilized housing and raise rents to make a bigger profit.
 - d) More and more we are seeing neighborhoods throughout the city change, especially black and brown neighborhoods. Communities like Williamsburg and Harlem have been and continue to be gentrified and long-time residents displaced because they can no longer afford to stay. And we know that these neighborhoods have not gone through these changes without hearing of stories of harassment.
 2. What is Harassment? – So, let's talk about harassment and what it looks like.
 - a) Explain Legal definition/ checklist:



- i. Proving harassment is very difficult to prove as many of us know – because legally there is a very specific definition and a narrow way of proving it.
 - ii. Definition - “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”
 - iii. Now these “acts or omissions” can take many forms for example – bringing frivolous court proceedings against a tenant, offering unwanted buyout offers, removing the entrance door to an apartment, etc. In 2017, the definition of harassment was also expanded to include things like repeated failure to correct hazardous conditions. **(Provide checklist for tenants).**
 - iv. Who has experienced this, know someone who has, or have heard about these types of harassment? Ok – well, being handed out is a more comprehensive check-list of what harassment can look like for you all to reference.
- b) We will discuss what are options for tracking harassment later on in the meeting but for now we are going to get into some small groups.
 - c) Now we are going to jump into small groups to discuss what this legislation is and how you can use it.

3. Small groups [Small group optional]

** (Each group has facilitator, someone to take notes and someone to report back)

Last November, after a lot of tenant organizing and advocacy work done City Council passed Intro 0521 the Certificate of no harassment (CONH)! For years the experiences of thousands of tenants have gone unheard because of the difficulty in proving harassment. This is a huge win because it gives tenants another tool and the ability to shift power dynamics but it also forces the city to acknowledge our experiences.

- a) What is CONH and where does it apply to me?
 - i. This law would prevent landlords with a history of harassment from accessing DOB permits not allowing them to apply for things like Major Capital Improvements (MCIs) and Individual Capital Improvements (IAs)



and hindering profits – ultimately discouraging landlords from harassing tenants.

- a. The kind of work covered by the DOB permits are:
 1. This Demolition of all or part of a building
 2. Change of use or occupancy of all or part of a dwelling unit, any residential portion of the building, or any part of the building serving such dwelling units
 3. Any alteration resulting in: Addition or removal of kitchen or bathrooms, Increase or decrease in the number of dwelling units, Change to the layout, configuration, or location of any portion of any dwelling unit
 4. An application for a new or amended certificate of occupancy
 5. Any other types of alteration work that HPD prescribed by rule
 6. Exceptions: work to make the public areas of a building, of a specific unit, accessible to people with disabilities; any work performed by a city agency, or by a contractor pursuant to a contract with a city agency; work performed by a building with a 7-a administrator; any other categories of work excluded by HPD rule.
 - ii. This legislation will cover community districts where they city initiated rezoning and that HPD identifies as priorities, they are BX: 4, 5, 7 / BK: 3, 4,5,16 / MANH: 9, 11, 12 / QNS: 14. Any new community district with a city-initiated rezoning that are certified for ULURP during the duration of the pilot program will be added in.
 - iii. In addition any building of 6 units or more in NYC that has a court/ HCR finding of harassment, has been issued a full vacate order or has been in the Alternative Enforcement Program (AEP) since February 2015 will be included.
4. Buildings with signs of harassment will go on a public list that HPD will keep track of. Once an owner of the building applied for a permit it will trigger an investigations.
 - a) Tenants will then be notified and that's where the tenants will have an opportunity to show harassment.
 5. If you are experiencing harassment you can the following steps to keep track and report it.
 - a) Call 311
 - b) Keep reports/journals of any incidents with management
 - c) Heat logs
 - d) Get inspectors in to record violations



- e) Taking these steps will do 2 things. It will help get more buildings onto the list with HPD, and it will create the records we'll need to prove harassment when an owner is investigated.
- f) Report any work without a permit!
- g) If you don't understand a permit or are in doubt, report it anyway! (STS)
- h) Role Playing session - Have attendees put advice from training session into practice against a pretend landlord
 - i. Assign post-it notes from earlier event to participants.

6. Report Back

7. Conclusion

- a) If harassment is found, landlords will be denied a CONH and a DOB permit to do the work they want to do. In order to obtain a DOB permit, landlords will have to agree to set aside a portion of the building as permanently affordable housing. WOOHOO!
 - i. The affordable 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.
- b) So in the short term, this law will give us more negotiating leverage, and some owners will be forced to provide affordable housing that makes up for some of what we've lost.
- c) In the long term, if we use this law to hold landlords accountable in lots of buildings all across the city, it will start to actually prevent harassment from happening in the first place, because that business model won't work anymore. Harassment won't really pay off anymore.

8. Closing