



**FOR IMMEDIATE RELEASE**

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## A New Protection for NYC Tenants: “Certification of No Harassment”

**New York** -- Today, the City Council, the de Blasio Administration, and tenant advocates celebrated a new policy to protect tenants from the cycle of harassment. The [“Certification of No Harassment” \(CONH\) legislation](#), which the Council is expected to pass at its meeting Thursday, will require covered building owners seeking to demolish or make significant alterations to their building to prove they have not engaged in harassment *before* they can get the permits they need from the NYC Department of Buildings (DOB). If a landlord is found to have harassed tenants, they would not be able to pull those permits for five years – unless they make a substantial portion of their building affordable to low-income families, with no public subsidy.

The CONH program has been in place in Hell’s Kitchen since 1974, and a similar requirement applies to all Single-Room Occupancy buildings (SROs) citywide. Tenant advocates have been working to expand the program to neighborhoods with rising rents, where tenants are at particular risk of displacement. While NYC has taken significant steps to prevent harassment through legislation, proactive enforcement, and providing legal counsel, some unscrupulous landlords continue to harass their tenants. Once a tenant is driven out, the landlord can make significant renovations, or demolish and rebuild, enabling them to dramatically raise rents.

In June 2016, a working group co-chaired by Council Member Brad Lander and the HPD Commissioner, and comprised of a wide range of stakeholders, including government agencies, building owners and managers, tenant advocates, legal service providers, and policy experts, met to explore ways to further

deter harassment, including the potential for an expanded Certification of No Harassment program. Working with members of the group, the City performed innovative data analyses to find the characteristics of buildings where tenant harassment was suspected, reported, or confirmed. The group looked at many factors and learned that buildings that are physically distressed or recently sold may be associated with reports of harassment.

As a result of the Working Group process, the City Council and the Administration have developed [new legislation](#) for a 36-month pilot that significantly expands the Certificate of No Harassment (CONH) program. The CONH pilot will include:

- Any building citywide where there has been a final determination of harassment in court, or by NYS Homes and Community Renewal (HCR) within the preceding five years will automatically be denied a CONH should they apply for a permit with DOB for covered work.
- Any building citywide where a full vacate order has been issued, or where a building has been placed in HPD's Alternative Enforcement Program (AEP), will be required to apply for a CONH for covered work.
- In eight community districts that indicate significant distress based on an analysis conducted by the Task Force, as well as community districts that have undergone city-sponsored neighborhood-wide rezonings, a wider range of buildings that meet a Building Qualification Index (triggered by changes in ownership and/or building distress) will also be required to apply for the CONH for covered work.

Once a building owner subject to the program applies for a Certification of No Harassment, building tenants, community groups, the community board, and elected officials will be notified. HPD (with assistance, in some instances, from a designated community organization) will collect comments from current and former tenants and conduct an investigation as to whether or not there is evidence of harassment within the previous five years. If HPD determines that there is evidence of harassment, a hearing will be held at the Office of Administrative Trials and Hearings (OATH).

If the OATH judge determines that harassment did indeed place, the owner will be denied building permits for five years, they owner agrees to a cure requirement: at least 25% of the total residential floor area of such building must be affordable (or, in the case of demolition, the greater of 25% of the previous building, or 20% of the new building) must be affordable. One-third of the affordable housing units will be made available at 40 percent of the area median income (AMI), one-third of such units within such building are available at 50 percent of the AMI and one-third of such units are available at 60 percent of the AMI. These "cure" units must be over and above any requirements of 421-a tax incentives, mandatory inclusionary housing, or any other public subsidy program.

[More details on how the legislation works here.](#)

“Unfortunately, for some unscrupulous landlords in NYC, harassing tenants is part of the business plan. Once a tenant is driven out, a landlord can make significant renovations, or demolish and rebuild, and then dramatically raise rents. The Certification of No Harassment program is a strong new tool to fight that business model,” said **New York City Council Member Brad Lander**. “This was a tremendously collaborative and thoughtful process. Heartfelt thanks to the de Blasio Administration, to HPD Commissioners Maria Torres-Springer and Vicki Been and their first-rate team, to Speaker Melissa Mark-Viverito and the dedicated Council staff, to all the members of the Working Group who provided critical insights, to ANHD’s Coalition against Tenant Harassment and the many tenant activists who organized tirelessly for this policy. I believe it will make a real difference in the fight against tenant harassment.”

“From day one, this administration set out to use every tool at its disposal – and to be creative in adopting new approaches – to aggressively combat harassment and disrepair to keep New Yorkers in their homes and preserve the affordability of neighborhoods. Through a collaborative and data-driven process, we’ve developed a new tool to prevent harassment in targeted areas,” said **HPD Commissioner Maria Torres-Springer**. “I want to thank the City Council, in particular Councilman Brad Lander for his leadership, and the numerous advocacy groups who partnered with us to craft a strong, effective approach to rooting out harassment in the neighborhoods most at risk.”

“No one should have to live in fear of harassment or endure retaliation from their landlord or building owner and this legislation will greatly expand the protections for tenants,” said **Speaker Melissa Mark-Viverito**. “The Council has always advocated for tenant rights, including helping all tenants receive free legal counsel in housing court, and we will continue working on behalf of all New Yorkers.”

“For too long, far too many building owners have been able to profit off of tenant harassment, with families in communities across the city paying the price in the form of threats, terrible conditions, and loss of their homes. It’s not enough to punish bad behavior - we need to prevent tenant harassment from happening in the first place, and that’s what this new Certificate of No Harassment Law help to do. For those landlords that don’t do the right thing because it’s right, or follow the law because it’s the law, CONH will now simply turn tenant harassment into a bad business move,” said **Emily Goldstein, Senior Campaign Organizer at the Association for Neighborhood & Housing Development, which coordinated the Coalition Against Tenant Harassment, a coalition of tenant advocacy groups across the city.**

“The Certificate of No Harassment program is a critical component of keeping New Yorkers in their homes, ending the eviction and homelessness cycle, and holding unscrupulous landlords accountable for their actions. I join tenants and advocates across New York in celebrating this pilot program and am thrilled that it will include communities most at risk of rapid gentrification, including Community Boards 4

and 5 in the Bronx. I commend Mayor de Blasio, Speaker Melissa Mark-Viverito, and Council Member Brad Lander for their work on this much-needed legislation and thank the many advocates and stakeholders whose insistence and persistence led to the creation of this vital program," said **Council Member Vanessa L. Gibson**.

"Expanding the Certificate of No Harassment program was a promise the Council made to our constituents when we passed the Mandatory Inclusionary Housing and Zoning for Quality and Affordability zoning changes. Delivering on the promise is an important step—not just as we seek to hold bad actor landlords accountable for tenant harassment but as means of disrupting the incentives that lead to harassment in the first place. I am proud to support this pilot and am optimistic that, in concert with all the other efforts that City has begun to combat harassment, it will make a difference as we seek to keep our tenants safe and in their homes," said **Council Member Helen Rosenthal**.

"It has long been clear that unscrupulous landlords have no shortage of imagination when it comes to means of harassing tenants, removing them from their homes in order to alter their buildings, raise the rents, and profit off of their predatory practice," said **Council Member Jumaane Williams**. "The Certificate of No Harassment program is a meaningful way to prevent landlords with a history of such harassment from continuing their immoral and unethical practices, keeping New Yorkers in their homes and protecting them from the kind of exploitative attacks that my colleagues like Council Member Lander have worked so hard to prevent. I commend them all, and am proud to work alongside them to stand up for New Yorkers."

"In my community, too many tenants face harassment from landlords who want to push them out, renovate their apartments, and double the rent. In my building, where I have lived for 25 years, this is exactly what the landlord has done.. This is why the Certificate of No Harassment is so important. This bill gives real voice to tenants and gives more weight to the complaints we make against our landlords," said **Maria Cortes, a member of Make the Road New York**.

"Hard working people who are making the best with the lot they've been handed in life are working every day to make sure they cover the most important expenses in their household. But even so they are getting no repairs, and even living without basic services like heat and hot water. Hot water is a basic necessity for bathing and getting ready for work, or bathing after a long day, but people are going without because of deliberate landlord neglect. The Certificate of No Harassment will give us one more tool to hold our landlords accountable, and make sure tenants are able to organize for their rights," said **Sergio Cuevas, tenant leader & board member from the Northwest Bronx Community Clergy Coalition**.

“As the leader of our housing team at the Fort Tryon Jewish Center, a member of Faith in New York, and a tenant who has experienced harassment myself, my community and I knew that we could not sit quietly and be complicit in the oppression and degradation of our neighbors so that we can enjoy a comfortable community. We will stand by our neighbors, and use the resources we have to help protect them. That’s why we started a petition to raise awareness in our own community about tenant harassment, found that it had wide support across faith and ethnic communities. We are excited to celebrate the passage of this bill and are dedicated to doing our part, knocking on doors, and doing what we all need to do to build the beloved city!” said **Avi Garelick, housing team leader at Fort Tryon Jewish Center and member of Faith in New York.**

“I believe that in order for any individual to succeed in life; safe, stable, and affordable housing is essential. Today, our city is taking great strides to strengthen tenant rights and for that, we applaud the Council members and Mayor for fighting against tenant harassment,” said **Rima Begum, Tenant Organizer with the Goddard Law Project.**

“The Certificate of No Harassment legislation is an important step forward by Mayor de Blasio in recognizing the very real displacement and harassment that happens as a result of increased land values due to rezonings and due to unscrupulous landlords who take advantage of lax enforcement. Fifth Avenue Committee knows first hand the impact on low and moderate income families living in rent stabilized housing who were displaced as a result of the 2003 and 2007 Park Slope rezonings and due to weakened rent regulation. Had this tool existed, nearly 1,000 families in our area could have been helped. With this legislation, the hundreds that remain in rent regulated housing have additional protections as Gowanus prepares for future rezonings,” said **Michelle de la Uz, Executive Director of the Fifth Avenue Committee.**

“The neighborhoods served by Housing Conservation Coordinators (HCC) are among the few currently benefitting from anti-harassment tenant protections. These protections have prevented displacement in countless instances in which the building owner has tried to do renovations that would invariably lead to a drastic increase in rent,” said **Jonathan Furlong, Director of Organizing at Housing Conservation Coordinators (HCC).** “HCC is very pleased to see this legislation get passed. An expansion for Certificate of No Harassment will offer the same protections—especially in those neighborhoods being rezoned—as the ones enjoyed by tenants in Hell’s Kitchen.”

“The creation of this program is a testament to the power of organizing to shape our city's laws for the better. This new policy creates a strong disincentive for tenant harassment and will help stop

displacement before it starts," said **Adrien Weibgen, Staff Attorney at the Community Development Project of the Urban Justice Center.**

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