



# STS Legislative Report Card

## Overview & Purpose

- *Stand for Tenant Safety (STS) is a citywide coalition of grassroots tenant organizations and legal services groups fighting to protect the lives and homes of New York City tenants, and to prevent landlords from using construction as harassment.*
- *In 2017, STS collaborated with the Progressive Caucus and eleven City Council members to introduce legislation to provide greater protection for tenants suffering from construction harassment and reform the Department of Buildings. A legislative reform package of 12 local laws was passed.*
- *Now, over one year later, STS is evaluating the implementation of the 12 local laws based on timeliness, capacity building, transparency, and effectiveness.*
- *Our experiences on the ground working with tenants informs our opinion that the Department of Finance and the Department of Buildings, as well as the City of New York, have failed to fully implement the laws and must do better in protecting tenants against predatory landlords that use construction as a tactic to harass tenants.*

## Grades

Law		Grade
<b>LL No. 149</b>	Requiring a Mandatory Audit of 25% Of Permit Applications	<b>C</b>
<b>LL No. 150</b>	Orders to Correct Issued with Vacate Orders	<b>D</b>
<b>LL No. 151</b>	Task Force Consisting of Agencies and Elected Officials	<b>C</b>
<b>LL No. 152</b>	Expands the Definition of Distressed Buildings Subject to Foreclosure and Requires Department Of Finance to Report on Tax Liens from ECB Debt	<b>F</b>
<b>LL No. 153</b>	Allows The City To Impose Tax Liens for ECB Judgements	<b>F</b>
<b>LL No. 154</b>	Requires Tenant Protection Plans (1) State Protective Measures With Particularity; (2) Be Provided To The Tenants And Published On DOB Website & Requires DOB Inspect To Determine Compliance With The Tenant Protection Plan	<b>B</b>
<b>LL No. 155</b>	Department of Buildings Must Create A Watch List Of Contractors Who Have Performed Work Without A Permit In The Preceding Two Years With Increased Oversight Such Contractors	<b>C</b>
<b>LL No. 156</b>	Increases the penalties for work without a permit	<b>A</b>
<b>LL No. 157</b>	Increases Penalties For Violating A Stop Work Order	<b>A</b>
<b>LL No. 158</b>	Additional Penalties For Performing Construction Work Without A Permit And Increased Oversight For Buildings Where Such Work Has Been Performed. Requires the posting of the occupancy status of a building subject to a permit.	<b>B</b>
<b>LL No. 159</b>	Requires That A “Safe Construction Bill Of Rights” Be Posted For Occupants Of A Dwelling When The Owner Seeks To Conduct Any Construction Work That Requires A Permit From The Department Of Buildings	<b>D</b>
<b>LL No. 188</b>	Establishing a Real Time Enforcement Unit within the Department of Buildings	<b>C</b>
<b>LL No. 161*</b>	Establishing Office of the Tenant Advocate	<b>C</b>

\*Note: Local Law No. 161 was not a part of the original STS legislative package, but is being evaluated here since it is integral to the enforcement of the package as a whole.

## Summaries of the Laws and Areas for Improvement

Local Law	Summary	Description
No. 149	<p><b>Requiring A Mandatory Audit Of 25% Of Permit Applications</b>                      Requires Department of Buildings to audit 25% of professionally certified applications for rent-regulated buildings, affordable housing projects or multiple dwellings which are the subject of a rent overcharge application and which are at least 25% occupied, on a monthly basis. This law also prohibits professional certified applications where buildings are listed on the Department of Housing Preservation and Development’s website as having been subject to a finding of harassment.</p>	<p>The Department of Buildings has not made data available, nor released any report that could facilitate tracking for compliance.</p>
No. 150	<p><b>Orders to Correct Issued with Vacate Orders</b>                      Requires that on issuance of a vacate order Department of Buildings must include the date by which an owner must certify the correction of any and all violations giving rise to such order.</p>	<p>While the Department of Buildings has effectively communicated with STS and relevant stakeholders regarding this law, the agency has indicated it evaluates vacate orders on a case-by-case basis and has not been requiring owners certify corrections by a date certain. This is corroborated by the experiences of tenants.</p>
No. 151	<p><b>Task Force Consisting of Agencies and Elected Officials</b>                      Creates a task force consisting of members appointed by the New York City Department of Buildings, the Department of Housing Preservation and Development, the Department of Health and Mental Hygiene, the Department of Environmental Protection, the City Council, and the Mayor.</p> <p>The task force will evaluate current practices of agencies represented in the task force regarding construction and renovation by landlords in occupied residential buildings, publish a report of its findings, and provide recommendations to improve inter-agency coordination and sharing of information.</p>	<p>The task force convened its first meeting in March 2019 due to delays in the appointment of members to the body. The task force lacks a plan for determining how individual agencies can better serve tenants impacted by construction work.</p>

<p><b>No. 152</b></p>	<p><b>Section 1: Expands The Definition Of Distressed Buildings Subject To Foreclosure To Include Properties Where 25% Of The Value Of The Building Is Owed To The City</b>          Section 1 expands the definition of “distressed buildings” eligible for a City initiated foreclosure proceeding to include buildings which are subject to Environmental Control Board (ECB) judgments as a result of building code violations in the amount of a lien to value ratio equal to or greater than 25%.</p> <p><b>Section 2: Requires Department Of Finance To Report On Tax Liens And Make Recommendations As To Whether A Building Should Be Considered “Distressed”</b>          Section 2 requires the Department of Finance to report on tax lien activities as a result of ECB debt, including the number of buildings subject to tax liens for ECB judgment debts, the location of the buildings, the number of dwelling units in each building, and recommendations for whether a 25 percent lien to value ratio is an appropriate threshold for property to be considered distressed.</p>	<p>Section 1 of this local law takes effect May 1, 2019. The Department of Finance only provided information about the lack of implementation of Section 2 in March 2019.</p>
<p><b>No. 153</b></p>	<p><b>Allows The City To Impose Tax Liens For ECB Judgements</b>          Expands the City’s ability to impose tax liens on buildings to include properties that contain 20 or more dwelling units where the total value of all such judgments against the building is \$60,000 or more, or a building which contains between 6 and 19 dwelling units, where the value of the judgments is \$30,000 or more. The law contains exceptions for the Department of Housing Preservation and Development’s preservation projects.</p>	<p>The Department of Finance only provided information about the lack of implementation in March 2019.</p>

<p><b>No. 154</b></p>	<p><b>Requires Tenant Protection Plans (1) State Protective Measures With Particularity; (2) Be Provided To The Tenants And Published On DOB Website &amp; Requires DOB Inspect To Determine Compliance With The Tenant Protection Plan</b>          Amends the information that must be included in tenant protection plans (TPP) and prescribes measures that the Department of Buildings (DOB) and owners must take in order to ensure compliance with the tenant protection plan. Requires the landlord state what essential services will be interrupted, how interruptions will be minimized, what replacements will be offered. TPP must be posted at the building, available on request, and published on the DOB website. DOB will inspect for compliance with the plan. DOB will perform randomized inspections of 5% of all sites requiring a plan.</p>	<p>The Department of Buildings reports it proactively added Tenant Protection Plans to its checklist of items reviewed by investigators at each building. However in STS' experience, some TPPs remain too generic to offer real protection for tenants and there have been too few violations issued when landlords fail to provide appropriate notice before beginning construction. Additionally, the agency has not yet established a uniform way for tenants to report violations of this law to 311.</p>
<p><b>No. 155</b></p>	<p><b>Department of Buildings Must Create A Watch List Of Contractors Who Have Performed Work Without A Permit In The Preceding Two Years With Increased Oversight Such Contractors</b>          The Department of Buildings will compile and maintain a watch list of contractors who have been found to have performed work without a required permit in the preceding two years. DOB will engage in increased oversight of any worksite where a contractor included on the watch list performs work. Listed contractors may be removed 2 years after they were placed on the list, or 2 years after the last time the performed work without a permit, whichever is more recent.</p>	<p>The Department of Buildings has informed STS that a watch list exists, but has not provided STS or other relevant stakeholders with any further information. Greater oversight of contractors who perform work without a permit is still needed.</p>
<p><b>No. 156</b></p>	<p><b>Increases the penalties for work without a permit on a one- or two family dwelling from 4 times the amount of the fee for such permit to 6 times and for work without a permit on all other buildings from 14 times to 21 times</b>          The law increases fines for work without a permit.</p>	<p>While penalties for penalties for work without a permit have increased, in practice the law's impact has been minimal because often the fines are not collected.</p>
<p><b>No. 157</b></p>	<p><b>Increases Penalties For Violating A Stop Work Order From \$5,000 To \$6,000 For The Initial Violation And From \$10,000 To \$12,000 For Subsequent Violations</b>          The law increases fines for failing to comply with a stop work order.</p>	<p>While penalties for violating a stop work order have increased, in practice the law's impact has been minimal because often the fines are not collected.</p>
<p><b>No. 158</b></p>	<p><b>Additional Penalties For Performing Construction Work Without A Permit And Increased Oversight For Buildings Where Such Work Has Been Performed. Also requires the posting of the occupancy status of a building subject to a permit.</b>          Department of Buildings website will state whether the premises subject to the construction work permit are</p>	<p>While Department of Buildings reports that this law is being implemented, STS and other relevant stakeholders have yet to receive any further information regarding audits or monitoring efforts by the agency.</p>

	<p>occupied. Where unpermitted work has been performed within the last year, DOB will conduct full examinations of construction and related documents (DOB’s website will list of these buildings). DOB permits will identify any, and the number, of occupied units, subject to work. This law includes enhanced civil penalties for work without a permit. DOB may impose inspection fees on buildings that have unpermitted work violations.</p>	
<p><b>No. 159</b></p>	<p><b>Requires That A “Safe Construction Bill Of Rights” Be Posted For Occupants Of A Dwelling When The Owner Seeks To Conduct Any Construction Work That Requires A Permit From The Department Of Buildings</b>          Modifies the Housing Maintenance Code to require landlords post a “Safe Construction Bill of Rights” in the lobby and hallways of each floor of a building undergoing construction (not constituting minor alterations or ordinary repairs) for which a permit is needed.</p>	<p>The Department of Buildings reports it is enforcing this law by issuing warnings to landlords doing construction without a Bill of Rights, and then, only if the warnings are unheeded, issuing a violation. Violations should be issued upon confirmation that the law has been violated. Additionally, the complaint procedure has made it difficult for tenants to report violations. 311 calls are directed to the Department of Buildings, which are only answered during business hours and complaints are not issued trackable complaint numbers.</p>
<p><b>No. 188</b></p>	<p><b>Establishing a Real Time Enforcement (RTE) Unit within Department of Buildings</b>          Establishes a “Real Time Enforcement Unit” to enforce construction codes with respect to:          1. Occupied multiple dwellings with complaints related to work without a permit          2. Occupied multiple dwellings with valid permits for the alteration of 10 percent or more of the existing floor space area of the building; ii. an addition to the building.          The RTE has the authority to issue notices of violation and stop work orders where necessary.</p>	<p>The Department of Buildings reports that the Real Time Enforcement unit only became operational in 2019. Due to a lack of uniformity with the 311 process, it has been difficult for tenants to reach the RTE unit or to log a complaint, hindering the effectiveness of implementation.</p>
<p><b>No. 161*</b></p>	<p><b>Establishing Office of the Tenant Advocate</b>          Establishes the office of the tenant advocate. There shall be in the department an office of the tenant advocate, whose duties shall include monitoring tenant protection plans, communicating with tenants who are affected by work in occupied multiple dwellings, and reporting.</p>	<p>The purpose of the Office of the Tenant Advocate (OTA) is to ensure that there is a space within the Department of Buildings that is focused exclusively on tenants’ rights and takes a holistic approach to fighting back against tenant harassment, particularly construction as harassment. Not through lack of effort by the Director, but rather due to a lack of resources, the office has been unable at times to fulfill its mission. The Office of the Tenant Advocate should see a significant increase in funding to add staff that can better coordinate responses to tenant complaints and concerns across the agency.</p>

\*Note: Local Law No. 161 was not a part of the original STS legislative package, but is being evaluated here since it is integral to the enforcement of the package as a whole.