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 for help.
The Certificate of No Harassment (or CONH for short) is a program that says landlords have not harassed tenants. Here’s what you need to know about the program:

**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.

Some of the most common ways landlords and their management harass tenants include:

1. **Taking your things out of your apartment**
   - They might say they have the right to do this if you are behind on rent.
2. **Looking 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!
3. **Communicating**
   - Lying or misleading you about your tenancy status, rent stabilization status, the building’s occupancy status, or construction permits and applications
   - Threatening or intimidating you

If you are being harassed, you can report it to the Department of Consumer Affairs (DCA) or the Department of Buildings (DOB) or HPD comes to the problem.

**How to keep track of any problems:**

1. Call 311 to report any problems you’re having with your landlord.
2. Keep track of the dates, times, and temperatures.
3. If your landlord or someone who works for them is harassing you, keep track of:
   - Who is doing it
   - How they get in touch with you (phone, letter, visit, etc)
   - What they say or do
4. To prove harassment, you’ll need specific details, so it’s important to keep track of problems.

Making your home uncomfortable:

- Stopping heat, hot water, gas, or electricity services to your apartment
- Not fixing dangerous conditions
- Repeatedly disturbing your comfort, peace, and quiet enjoyment of your apartment

Reporting will also help get repairs done. 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.

**What if you can’t make it a permanent law?**

If 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 you are behind on rent,**

- 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 your rent:**
  - Write down the dates, times, and temperatures.
  - No landlord can give you a building permit if you’re behind on rent.
- **If your landlord or someone who works for them is harassing you,**
  - Keep track of:
    - Who is doing it
    - How they get in touch with you
    - What they say or do
  - To prove harassment, you’ll need specific details, so it’s important to keep track of problems.

The CONH program makes it
to 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.

**CONH program: what it is and how to use it**

- It’s a program that says landlords have not harassed tenants.
- If landlords want to renovate or tear down all or part of a building, they must get a Certificate of No Harassment from HPD.
- Over the years, the program has helped more buildings and tenants.
- If you’re being harassed, you can report it to HPD or DCA.
- If you’re behind on rent, you can report it to DCA.
- 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.

**Keep track of any problems:**

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**If your landlord or someone who works for them is harassing you, keep track of:**

- **Who is doing it**
- **What**
- **How they get in touch with you**
- **What they say or do**

**To prove harassment, you’ll need specific details, so it’s important to keep track of problems.**

The CONH program makes it
- If you’re behind on rent, you can report it to HPD.
- 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.

**Reporting will also help get more buildings included on the list of properties that must meet the rules of this program.**
HOW DOES THE CERTIFICATE OF NO HARASSMENT WORK?

1 A landlord decides to tear down or make improvements to a building.

2 He applies for a building permit from the Department of Buildings (DOB).

3 HPD looks into the history of the building over the last five years.

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 if there was 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.

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 on 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:

- GRANT CERTIFICATE
- DENY CERTIFICATE
- LEAVE BUILDING AS IS

5 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.”

6 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 60-80% of AMI—that’s about $37,500-$56,000 for a family of 4.

The amount of affordable housing required is around 20-25% of the building.

GET HELP
Visit 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, 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

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

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

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

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