

**CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT**

Notice of Adoption of Amendments to Rules Regarding Certifications of No Harassment

Notice is hereby given that pursuant to the authority vested in the Commissioner of the Department of Housing Preservation and Development (“HPD”) by sections 1043 and 1802 of the New York City Charter, and sections 27-2093, 28-107.3, 27-2093.1, and 28-505.3 of the Administrative Code of the City of New York, HPD is adopting amendments to Chapters 10 and 53 of Title 28 of the Rules of the City of New York, concerning exceptions from the requirement for certifications of no harassment. The adopted amendments except from that requirement certain work that (i) requires a permit from the Department of Buildings (DOB) and (ii) is required to be performed in a building in order to rescind a vacate order issued by HPD or DOB.

Statement of Basis and Purpose

The adopted rules amend Chapters 10 and 53 of Title 28. These chapters require owners of certain buildings to apply for a certification of no harassment in order to get a permit from the Department of Buildings (DOB) for covered categories of work. In administering this requirement, the Department of Housing Preservation and Development (HPD) has concluded that under certain circumstances, property owners to whom HPD or DOB has issued a vacate order should be able to expeditiously address the conditions for which the vacate order was issued, without having to secure a certification of no harassment first. Therefore, HPD has concluded that the requirement should not apply when a property owner seeks to perform the minimum repairs, replacement, modification, or partial demolition work required to address the conditions for rescission of a vacate order issued by HPD or DOB in a building. The adopted rule amendments provide this exception.

New material is underlined.

[Deleted material is bracketed]

Section 1. Section 10-02 of title 28 of the rules of the city of New York is amended to read as follows:

§10-02 Scope of Rule.

(a) The requirements of this chapter apply to certifications, exemptions, and waivers pursuant to Administrative Code §28-107.1 et seq., Administrative Code §27-2093, Zoning Resolution §96-110, Zoning Resolution §93-90, Zoning Resolution §98-70, Zoning Resolution §23-013, and any subsequently enacted provision of the Administrative Code or Zoning Resolution which authorizes HPD to make determinations concerning certifications, exemptions, or waivers.

(b)[(1)] With regard to single room occupancy multiple dwellings[,]:

(1) A [a] certification shall be required where mandated pursuant to Administrative Code §28-107.1 et seq. and Administrative Code §27-2093; provided, however, that a certification shall not be required pursuant to Administrative Code §28-107.3(4) for repairs, replacement, modification, or partial demolition work that is the minimum required to be performed to address conditions for rescission of a vacate order issued by HPD or DOB in a building.

(2) Except as otherwise provided in paragraph (1) of this subdivision, in [In] accordance with the authority of the Commissioner pursuant to Administrative Code §28-107.3(4) to prescribe by regulation other types of alteration work, a certification shall be required where the application and plans filed with DOB seek to:

- (i) increase or decrease the number of dwelling units;
- (ii) alter the layout, configuration or location of any portion of a dwelling unit;
- (iii) increase or decrease the number of residential kitchens or residential bathrooms;
- (iv) alter the layout, configuration or location of any portion of a residential kitchen or residential bathroom;
- (v) demolish or change the use or occupancy of any dwelling unit and/or any portion of the building serving the dwelling units.

~~[(2)]~~ (3) Where the application and the accompanying plans submitted to DOB do not provide for any [such] change[s,] described in paragraph (2) of this subdivision, or where the application is for work described in paragraph (1) of this subdivision, a certification shall not be required pursuant to Administrative Code §28-107.3(4), but may be required pursuant to other provisions of Administrative Code §28-107.1 et seq. or pursuant to the Zoning Resolution.

(c) With regard to properties located in the Special Clinton District defined in Article IX, Chapter 6 of the Zoning Resolution (§96-00 et seq.), a certification shall be required where mandated pursuant to the terms of such Article and Zoning Resolution §96-110; provided, however, that subject to compliance with the applicable zoning provisions, a certification shall not be required for repairs, replacement, modification or partial demolition work that is the minimum required to be performed to address conditions for rescission of a vacate order issued by HPD or DOB in a building.

(d) With regard to multiple dwellings located in the anti-harassment area defined in Zoning Resolution §93-90 (Hudson Yards/Garment Center), a certification shall be required where mandated pursuant to the terms of such section; provided, however, that subject to compliance with the applicable zoning regulations, a certification shall not be required for repairs, replacement, modification or partial demolition work that is the minimum required to be performed to address conditions for rescission of a vacate order issued by HPD or DOB in a building.

(e) With regard to multiple dwellings located in the anti-harassment area defined in Zoning Resolution §23-013 (Greenpoint-Williamsburg), a certification shall be required where mandated pursuant to the terms of such section and New York City Zoning Resolution §93-90; provided, however, that subject to compliance with the applicable zoning provisions, a certification shall not be required for repairs, replacement, modification or partial demolition work that is the minimum required to be performed to address conditions for rescission of a vacate order issued by HPD or DOB in a building.

(f) With regard to multiple dwellings located in the anti-harassment area defined in Zoning Resolution §98-70 (West Chelsea), a certification shall be required where mandated pursuant to the terms of such section and New York City Zoning Resolution §93-90; provided, however, that subject to compliance with the applicable zoning provisions, a certification shall not be required for repairs, replacement, modification or partial demolition work that is the minimum required to be performed to address conditions for rescission of a vacate order issued by HPD or DOB in a building.

§2. The definition of “Exceptions to Covered Categories of Work” set forth in section 53-01 of title 28 of the rules of the city of New York is amended by adding a new subdivision (7) to read as follows:

(7) Repairs, replacement, modification, or partial demolition work that is the minimum required to be performed to address conditions for rescission of a vacate order issued by the Department or the Department of Buildings in a building.