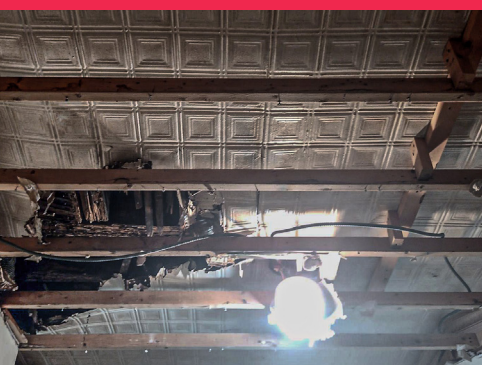




Unfinished Business at the Department of Buildings:



The Gaps in Laws Intended to Protect
Tenants from Construction as Harassment
and Our Community-driven Solutions



About the Authors

Stand for Tenant Safety Coalition (STS) is a citywide coalition of community organizations who are fighting to protect the lives and homes of New York City tenants where landlords are using construction as harassment. Through this community driven effort, we demand the systemic reform of the Department of Buildings.

STS member organizations include:

- Asian Americans for Equality
- Association for Neighborhood and Housing Development, Inc.
- Communities Resist
- CAAAV: Organizing Asian Communities
- Catholic Migration Services
- Chhaya CDC
- Cooper Square Committee
- Fifth Avenue Committee/Neighbors Helping Neighbors
- Goddard Riverside Law Project
- Good Old Lower East Side
- Housing Conservation Coordinators
- Met Council on Housing
- Mobilization for Justice
- New York Lawyers for the Public Interest
- Northern Manhattan Improvement Corporation
- Northwest Bushwick Community Map
- Southside United HDFC — Los Sures
- St. Nicks Alliance
- TakeRoot Justice
- Tenants & Neighbors
- Urban Homesteading Assistance Board
- West Harlem Environmental Action, Inc.

TakeRoot Justice partnered with STS to conduct this research. TakeRoot 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. TakeRoot's Research and Policy Initiative partners with and provides strategic support to grassroots community organizations to build the power of their organizing and advocacy work. We utilize a participatory action research model in which low-income and excluded communities are central to the design and development of research and policy.

Acknowledgements



We would like to dedicate this report in the loving memory of Harriet Putterman, a champion of STS and a dedicated tenant organizer.

Harriet was someone whose presence could be felt as soon as you entered the room and her laughter made you want to “jump for joy,” a common expression of hers. It was not unusual to see her before an STS meeting started, checking in on friends and neighbors, making sure they had everything they needed. She was a dedicated community member who anyone was lucky to call a friend.

The Stand for Tenant Safety Coalition, or STS Coalition, was equally fortunate to have her as one of its key founding members. Harriet’s passion for tenants’ rights fueled so much of what we did and what we were able to accomplish. Her consistent feedback gave our cause that much more meaning, and her energy for fighting for what was just, what are essentially basic human rights, is what serves as a model to us all. She was unapologetically herself, unafraid to call out anyone, no matter who they were. Harriet had no qualms about openly disagreeing with an approach to something, especially when it came to housing rights and organizing strategies. As a lifelong tenant advocate, Harriet was in a unique position to navigate New York City’s everchanging housing landscape. New Yorkers will never know just how much she did to ensure rights for us all.

An astute advocate, Harriet understood how important it is to remain involved, even when things seem to be getting better. Therefore, her guidance to STS was invaluable. Along with that, she had a gift for making people feel included, no matter how new they were to the tenant cause. She treated strangers like they mattered, and valued their opinion, even if they had just joined the Coalition. For that reason and many more, she was an easy person to quickly become friends with - well that, and her brilliant and witty sense of humor.

Harriet was an incredible force of nature. The contributions she has made to the tenant movement, and the impact she has had on many of our lives, are impossible to measure. That unwavering dedication to the tenant movement was not only admirable, but should be replicated by all those who follow. Her legacy will undoubtedly live on - reminding us that our voices matter and that united we can truly make a difference. She is sorely missed by STS and will be remembered with much love and gratitude.

We would like to thank the TakeRoot Justice Research and Policy team. This report would not have been possible without the tireless energy and commitment of Irene Linares, Erin Markman, and Quinn Mulhern.

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Introduction

STS is a citywide coalition of community organizations who are fighting to protect the lives and homes of New York City tenants where landlords are using construction as harassment.

Through this community driven effort, STS demands the systemic reform of the Department of Buildings (DOB). Many New Yorkers generally understand the hardship caused by construction work within their buildings. For rent regulated tenants, construction and renovation are also a nightmare, but landlords have a particular incentive to use dangerous or negligent construction as a way to harass tenants out.ⁱ Before the landmark passage of The Housing Stability and Tenant Protection Act of 2019 (the “Act”), landlords could successfully evict, displace, or harass rent stabilized tenants out of their homes and then lease those apartments at a much higher rent to the next tenant, which added to the loss of affordable housing stock in New York City.ⁱⁱ Although the Act repealed high rent vacancy deregulation and repealed vacancy decontrol, among other crucial reforms, construction as harassment still persists throughout the city. This distinct form of harassment is unlike any other.

In 2017, following years of concerted organizing, STS won a legislative campaign that resulted in the passage of a dozen bills by New York City Council, designed to protect tenants from construction as harassment.ⁱⁱⁱ This was an historic step in the fight to end this harassment tactic.

However, in the years following this victory, STS member groups and the tenants we organize with noted deficits in both the implementation and enforcement of the bills, leaving tenants vulnerable to the continued practice of construction as harassment and related tactics.^{iv}



Tenants experiencing construction as harassment have continued to advocate for themselves whether by reporting complaints to 311, doing their own research on their rights during construction or by coming together to demand a unified change in conditions. Even well-informed tenants connected to organizing groups are often unable to remedy the issues they face during construction. Experiencing and fighting construction as harassment is like a full-time job.

We call for improvements in the implementation and enforcement of our initial legislative package, as well as new regulations to achieve the systemic protections that tenants need and deserve.

This report is the culmination of a participatory action research project that explored and documented the experience of tenants whose buildings underwent construction in 2019 and 2020. It is supplemented by analyses of secondary public data published by the DOB and the New York City Housing Preservation & Development (“HPD”).

Our research shows:

- **Pervasive disruption of essential services in buildings with construction**
- **Health and safety hazards**
- **Physical and mental health consequences of construction as harassment**
- **Interconnected forms of tenant harassment by landlords and property management companies**
- **Insufficient notice and postings about construction and tenants' rights during construction**
- **Missing information and lack of compliance for Real Time Enforcement Unit inspections**
- **Meaningless correct-by dates for vacate orders**
- **Insufficient distribution of "know your rights" messaging on behalf of city agencies**
- **Lack of remedies for tenants who self-advocate during construction**

We call on the DOB and HPD to improve the implementation and enforcement of the laws that are designed to keep tenants safe, and we call on the City Council to amend the laws that fall short of providing immediate relief to tenants during construction or to tenants facing construction as harassment. Our research shows that tenants remain vulnerable, despite specific systemic reforms. While construction is ongoing in buildings, the DOB should ensure that tenants have accessible information about their rights, can contact DOB inspectors, and can easily access the status of their complaints. City agencies should work with organizing groups to develop and hold public education campaigns about the responsibilities of those agencies to protect tenants and the availability of programs designed to maintain healthy homes. The DOB should be aggressive about holding building owners accountable for repairs, tenant safety and payment of violation fees. The DOB should also partner with the Department of Mental Health and Hygiene to create and disseminate literature for tenants that outlines the physical and emotional impact of construction as harassment, and they should provide borough-based resources and support for tenants regarding construction as harassment. Our research makes the case for these important reforms and more and details the solutions City agencies can take to make New York City habitable and safe for tenants.

What is Construction as Harassment?

According to HPD, “deliberately causing construction-related problems for tenants, such as working after hours, blocking entrances, conducting work without a permit, of failing to remove dust or debris” is a form of tenant harassment. We know through our survey, the experience of our members and via external research that construction as harassment is often connected to building owners’ desire to drive tenants out, displace them and, during the years it was permissible, increase the unit’s rent amount.^{vi vii viii}

Related examples of harassment that are often tied to construction include:

- ◇ Repeated interruptions of essential services, such as heat, water, or electricity
- ◇ Failure to provide timely repairs
- ◇ Failure of the building owner to correct dangerous conditions

Our history of organizing to combat construction as harassment

Our coalition has long been dedicated to fighting against construction as harassment, and we were instrumental in defining the problem and fighting for legislative solutions in New York City. Our member organizations work alongside tenants experiencing construction as harassment, fighting the practice at the individual building level, as well as through neighborhood and citywide organizing and advocacy.

In 2015, we partnered with TakeRoot Justice (previously the Community Development Project at the Urban Justice Center) on a report called [Stand for Tenant Safety: Summary of Data to Document Construction as Harassment in Rent Stabilized Buildings and the STS Legislative Solution](#). The report was based on surveys collected in English, Spanish and Chinese in Manhattan and Brooklyn in buildings that were undergoing or had recently undergone major construction, as well as secondary data provided by the Department of Buildings on dozens of buildings. The report release coincided with the introduction of a package of legislation in New York City Council designed to protect tenants from construction as harassment. After a dedicated organizing campaign, we won the passage of twelve groundbreaking bills, noted below.

Our organizing efforts in 2015 not only lead to the passage of the STS legislative package below but also served as a catalyst for the for the introduction of other crucial legislative initiatives aimed at reforming the DOB.

- **Local Law 149**, which required a mandatory audit of 25% of permit applications.^{ix}
- **Local Law 150**, which required that vacate orders include the date by which an owner must certify the correction of violations that gave rise to the order.^x

- **Local Law 151**, which created a task force of members from various city agencies to evaluate their current practices regarding construction and renovation, publish a report of its findings, and provide recommendations to improve inter-agency coordination.^{xi}
- **Local Law 152**, which expanded the definition of “distressed buildings” that were subject to foreclosure to include properties where 25% of the building’s value is owed to the City and required the Department of Finance to report on tax liens and make recommendations as to whether a building should be considered “distressed.”^{xii}
- **Local Law 153**, which expanded 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.^{xiii}
- **Local Law 154**, which amended the required information to be included in Tenant Protection Plans and required landlords to provide information on essential service disruptions including the length of the duration and required posting TPP’s in buildings and publishing TPP’s on the DOB website.^{xiv}
- **Local Law 155**, which required that the DOB create a watch list of contractors who have performed work without a permit in the preceding two years, with increased oversight on those contractors.^{xv}
- **Local Law 156**, which increased the penalties for work without a permit in 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.^{xv}
- **Local Law 157**, which increased 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.^{xvii}
- **Local Law 158**, which established 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.^{xviii}
- **Local Law 159**, which required 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.^{xix}
- **Local Law 188**, which established the Real Time Enforcement Unit within the DOB to enforce construction codes with respect to occupied multiple dwellings with complaints related to work without a permit, and more.^{xx}

Subsequently, we launched an educational campaign to ensure that tenants were aware of the new legislation, and as we continued our organizing work with impacted tenants we noted deficits in both the implementation and enforcement of the bills, which left tenants vulnerable to the continued practice of construction as harassment and related tactics. In March 2019, based on internal research and conversations with impacted tenants, we reflected on the state of enforcement and implementation with a report card grading each law's implementation and effectiveness thus far. Only two bills received "A" grades, another two bills received "B's", and the rest were C's, D's, and F's.^{xxi} These ratings highlight the City's failure to protect tenants from landlords using construction as a tool for harassment and displacement.

Later that year, we partnered with TakeRoot Justice once again on a participatory action research project to track the current state of implementation and enforcement of some of the bills and analyzed available city data on inspection times, correction deadlines for vacate orders, and the accessibility of Tenant Protection Plans.

Methodology

This project was designed by STS members with research support from TakeRoot Justice.

Surveys

39 surveys were administered in English and Spanish to tenants living in 27 buildings in Manhattan, Brooklyn, and the Bronx. Surveys were administered over the phone to tenants in buildings that had undergone major construction in 2019 and 2020. The survey aimed to document how major construction has impacted the safety, health, and well-being of tenants in rent-stabilized apartments and to gain insight on the implementation and enforcement of legislation designed to protect tenants during major construction.

Analysis of DOB data

Secondary data retrieved from various NYC OpenData sets (DOB Complaints Received, Orders to Repair/Vacate Orders, DOB ECB Violations and DOB's Building Information Search) was used to supplement the data collected from the surveys and to evaluate the implementation and enforcement of local laws pertaining to inspection times for immediately hazardous complaints, the searchability of Tenant Protection Plans, and vacate orders and their correct-by dates.

Tenant profiles

Targeted interviews were conducted with tenants who experienced various impacts of construction as harassment in their buildings. These interviews inform the member profiles included throughout the report. We chose to interview tenants who suffered from construction as harassment and who experienced how the implementation of our legislative package fell short in providing protection and relief to tenants.

Background research

Researchers at TakeRoot Justice analyzed public data on relevant issues such as DOB complaints, Building Information Searches, vacate orders and DOB inspection times.

Research limitations

Our coalition, Stand for Tenant Safety Coalition, is made up of grassroots organizations. The neighborhoods of focus for our member organizations, capacity demands, and the COVID-19 pandemic, impacted the scope of our outreach. Most of the tenants surveyed live in Manhattan, followed by Brooklyn. Most surveyed tenants spoke English, although many are Spanish speakers. We acknowledge that this sample does not fully reflect the diversity of New York City. In addition, as a tenant advocacy coalition, we reached many tenants who may be more knowledgeable than average about the rights available to them because they are working with tenant advocacy groups.

Our research sample allows us to show a snapshot of the New Yorkers in vulnerable physical and mental health conditions due to construction and lack of aggressive enforcement and meaningful implementation of local laws.

Demographics of Survey Sample (39 total)		
Borough tenant lives in N= 39	Manhattan	67%
	Brooklyn	28%
	Bronx	5%
Language survey was conducted in N= 39	English	85%
	Spanish	15%
Primary language * N= 39	English	82%
	Spanish	21%
	Other	5%
Years of living in current apartment N=39	3–5 years	7%
	11–15 years	13%
	16+ years	80%
Age N=38	25–44 years old	24%
	45–64 years old	55%
	65 and older	21%
Gender identity N=39	Female	51%
	Male	49%
Race/Ethnicity * N=38	White	53%
	Latinx (any race)	34%
	Asian	8%
	Black or African American	8%
	Other	8%
	Native Hawaiian or Other Pacific Islander	3%
Adults in household N= 39	1	56%
	2	28%
	3	15%
Children in household N= 38	0	87%
	1	5%
	2	5%
	3	3%
Estimated yearly income of household N= 34	Under \$10,000	15%
	\$10,000–\$14,999	9%
	\$15,000–\$24,999	6%
	\$25,000–\$34,999	6%
	\$35,000–\$49,000	9%
	\$50,000–\$64,999	15%
	\$65,000–\$79,000	18%
	\$80,000–\$94,000	9%
	\$95,000–\$109,000	6%
	\$110,000 or above	9%
*Responses in this category sum to more than 100% because respondents could select more than one answer option.		

Research Findings

These findings are based on surveys administered to 39 tenants as well as secondary data collected from NYC OpenData sets.

Pervasive Disruptions of Essential Services

Essential services such as heat, water, cooking gas and electrical service are critical components of a well-functioning home. Disruptions to such services threaten the health and safety of tenants, the quiet enjoyment of their homes, and can make their apartments nearly unlivable.

The general upkeep of buildings and common spaces, debris-free hallways and entryways and working intercoms and elevators are also essential elements of safe and well-run buildings. When disrupted frequently, these elements can also pose ongoing threats to tenant safety. Disruptions in general upkeep can lead to dust and debris, triggering respiratory and other health issues. Hallway obstructions pose threats to children, aging tenants, and tenants with accessibility issues. Non-functioning intercoms threaten the safety of tenants and may lead to unwanted visitors and break-ins. Ongoing construction can impact third-party services, as well. Disruptions in mail service can have serious impacts on tenants who receive paychecks, medication, prescriptions and rent bills in the mail. Disruptions to garbage service can lead to vermin and rodents and other health issues.

- **Finding 1: Nearly all tenants living in their buildings during construction experienced disruptions in essential services, posing threats to tenant health and safety as well as compromising the comfort and use of their homes.**
 - ***97% of tenants had at least one disruption to essential services during the most recent major construction in their building. This includes:***
 - Almost three quarters of all tenants had disruptions to their hot water at least once (72%), including half who had hot water disruptions a few times or more (54%).
 - Two thirds of tenants had disruptions to their cold water at least once (65%), including nearly half who experienced disruptions a few times or more (47%).
 - Half of tenants have had their heat disrupted at least once (46%), including a third of tenants who had their heat disrupted a few times or more (36%).
 - Over a third experienced disruptions in their electricity at least once (38%) including one in five who experienced it a few times or more (20%).
 - A third experienced disruptions with cooking gas at least once (33%), including a quarter of tenants who experienced disruptions frequently (24%).
 - ***Three quarters of tenants saw disruptions in the general upkeep of their buildings and common spaces (76%), including half who experienced those service disruptions frequently (54%).***
 - Nearly three quarters of tenants had their hallways obstructed at least once (73%), including two thirds who experienced hallway obstructions frequently or more (67%).
 - Over half had disruptions in their intercom service (60%) including more than a third who experienced disruptions frequently (39%).
 - A quarter experienced elevator disruption a few times or more (24%).
 - Almost half experienced disruptions with garbage service at least once (44%), including about a

quarter of tenants who had frequent garbage service disruptions (27%).

- Almost half experienced disruptions in mail service at least once (42%), including over a third who experienced disruptions a few times more (36%).

Health and Safety Hazards

Compromised health and safety during construction is all too common, and tenants are subjected to numerous hazards, ranging from unsafe construction practices to unlocked doors to exposure to fumes. Some hazards often dismissed by landlords as mere nuisances are in fact very consequential for tenant health. Dust, for example, can be a major health hazard for those with existing respiratory issues and for others, and particles of lead and asbestos pose a particular danger to children.

- **Finding 2: Almost all tenants experienced threats to their health and safety as well as compromised quality of life during the construction on their buildings.**

- ***97% of tenants experienced at least one health and safety hazard as the result of construction, including:***

- Most tenants experienced excessive dust due to the construction in their buildings (82%).
- Most tenants experienced excessive noise due to the construction in their buildings (82%).
- Nearly three quarters reported problems with mice or vermin (71%).
- Three quarters reported that the doors of their building were left open or unlocked (74%).
- Two thirds experienced construction debris (66%).
- Over half of tenants noted unsafe construction practices (such as welding without protective barriers in place, tools left out in the open, neglected workspaces) (55%).
- Half experienced excessive fumes (53%).
- Nearly half reported that their building superintendent was unresponsive to their needs during the construction (45%).

Physical and Mental Health Consequences of Construction as Harassment

In addition to increased physical risks during construction, there are serious emotional and mental health consequences to living in unsafe conditions.

- **Finding 3: Almost all tenants reported that their physical and emotional health was impacted by experiencing construction as harassment,** with stress and anxiety being almost universal, and other impacts also common. A third of tenants saw a doctor because of the impacts of construction, and nearly all those tenants were diagnosed with a condition related to the ongoing construction.

- Nearly all of tenants reported feeling stress (97%).
- Nearly all reported experiencing anxiety (94%).
- Two thirds suffered from headaches (66%).

- Two thirds reported sleep disruptions (66%).
- Half reported asthma or difficulty breathing (54%).
- A quarter reported skin rashes, eye conditions and high blood pressure (23% for each of those conditions).
- Almost a third saw a doctor as a direct result of the construction (31%).
 - ♦ Of those who saw a doctor, nearly all were diagnosed with a condition related to the construction (83%).

Interconnected Forms of Tenant Harassment

Tenants reported experiencing numerous forms of harassment in addition to construction as harassment. Tenants' experiences show that landlords who engage in construction as harassment are likely to engage in other forms of harassment. These interconnected forms of harassment represent a threat to the stability of the housing of individual tenants.

- **Finding 4: Tenants reported that during the construction and in the months leading up to it, they experienced other forms of harassment connected to the construction,** from feeling personally targeted by their landlords to experiencing verbal abuse.
 - Over half reported feeling personally targeted by landlord/management company (62%).
 - Over half reported issues with lease renewals (59%).
 - Half reported missed or disrupted work (53%).
 - Half reported incorrect arrears notices (50%).
 - Half reported issues with obtaining repairs in their apartments (50%).
 - Almost half were taken to housing court (41%).
 - A third were offered repeated buyouts (32%).
 - A quarter reported they experienced verbal abuse (24%).

Insufficient Notice and Postings about Construction and Tenants' Rights

In violation of numerous laws, landlords and building owners failed to post important notices about essential service disruptions, construction permits, and documents related to tenants' rights.

- **Finding 5: Most tenants were not given advance notice of service disruptions by their landlord,** as required by Local Law 47 of 2015.
 - Over half of tenants said their landlord never gave them advance notice of disruption of services (55%).
 - A quarter of tenants said their landlord gave them advance notice of service disruptions only some of the time (24%).
 - Only 1 in 5 tenants said their landlord always gave them advanced notice (21%).

- **Finding 6: Permits and documents about tenants' rights are not consistently posted** as required by NYC Admin Code § 28-105.11, Local Law 154 of 2019, Local Law 47 of 2015 and Local Law 159 of 2017. When tenants did read posted documents, half did not find them helpful.
 - ***When asked which documents tenants saw posted in their building:***
 - Only two thirds saw construction permits posted (66%).
 - Only one third of tenants saw the Notice of Disruptions posted (34%).
 - Only one third of tenants saw the Construction Bill of Rights (37%).
 - A few tenants saw documents but were unable to determine what the documents were for (16%).
 - Nearly 1 in 5 tenants did not see any documents posted in their buildings during construction (18%).
 - ***When asked if they saw documents posed in their landing (a requirement of Local Law 154 for the posting of the Tenant Protection Plan Notice):***
 - Nearly half had not seen documents posted in their landing (47%).
 - Only about a third had seen a document in their landing (37%).
 - An additional 17% were not sure.
 - ***Of those that read the posted documents, over half said the documents did not provide helpful information (55%).***
- **Finding 7: Looking up Tenant Protection Plans online is cumbersome.** While it is difficult to confirm if all TPP's are available online, the process for finding copies of a building's Tenant Protection Plan is cumbersome.
 - Tenants must know the Job Number assigned to the construction that requires a TPP. If the Job Number is unknown, tenants must click on every single Job Number to find the construction work that requires a Tenant Protection Plan.

Missing Information and Lack of Compliance for Real Time Enforcement Unit Inspections

Local Law 188 established the Real Time Enforcement Unit ("RTEU") within the Department of Buildings. The law states that for "immediately hazardous complaints related to work without a permit in occupied multiple dwellings, the Real Time Enforcement Unit shall conduct inspections of such occupied multiple dwellings within 12 hours of the receipt of such complaints, except that complaints received after 8:00 p.m. shall be inspected by 10:00 a.m. on the following day."^{xxii}

In our correspondence with the Office of the Tenant Advocate, we were told that the RTEU made the decision to treat all complaints for work without a permit as immediately hazardous, and thus subject to these inspection requirements.^{xxiii}

Our research shows that more than a quarter of inspection times are out of compliance with these rules, and an additional quarter cannot be evaluated due to lack of time stamps.

- **Finding 8: Looking up tenant complaint times and their accompanying inspection times is cumbersome for the public, including tenants and housing advocates.**
 - The Open Data dataset for Complaints Received does not contain time stamps, so to assess compliance with Local Law 188, tenants and advocates have to toggle back and forth between Open Data and the DOB's Building Information Search and cut and paste information from one database to another in order to find relevant information. This process is burdensome and time consuming.
- **Finding 9: Data necessary to evaluate compliance with Local Law 188 are missing from City databases.**

Inspection time and date data are necessary for the evaluation of Local Law 188 compliance in instances of next-day inspections, as well as being important information for tenants and their advocates.

 - ***Inspection time stamps were missing from all Complaints Received and Building Information Search database entries we reviewed. Of the 5,368 complaints we downloaded from March 2020-January 2021:***
 - Inspection dates were missing from 20% of complaints categorized as 7J (the DOB code for Work Without a Permit) that we reviewed.
 - Complaint time stamp data was also missing from numerous complaints, as detailed in the finding below.
- **Finding 10: At least a quarter (27%) of RTEU inspections took place on a timeline that is out of compliance with Local Law 188, and an additional quarter could not be evaluated because they were missing complaint times.** We analyzed 4,304 complaints for work without a permit, categorized as 7J from the Complaints Received database, logged from March 2020-January 2021 (this excludes the entries that were missing inspection dates and could not be evaluated at all). We found:
 - ***At least 27% complaints were inspected on a timeline that violates Local Law 188.***
 - 6% of complaints which were inspected the next day, despite having been logged before 8 pm.
 - 10% of complaints that were not inspected for two days.
 - 9% of complaints which took between 3 and 10 days to inspect.
 - 2% of complaints that took between 11 and 170 days to inspect.
 - ***An additional quarter (27%) of complaints cannot be fully evaluated. These complaints were inspected the day after complaints were made, so they are potentially compliant, but the database has insufficient information to accurately evaluate them.***
 - 26% of complaints evaluated were inspected the next day but did not include data to determine if the complaint was made after 8 pm, which would make next-day inspection permissible.
 - An additional 1% of complaints evaluated were inspected the next day and did include a complaint time after 8 pm but did not include an inspection time. Thus, it could not be determined if they were inspected by 10 am the next day, which would be required for compliance.

- **Finding 11: Less than half of complaints have definitively been inspected in accordance with Local Law 188 (47%).**

- 47% of complaints were inspected the same day the complaint was entered into the system.

Same-day Correct-by Dates on Vacate Orders are Often Effectively Meaningless

Local Law 150 requires that upon issuance of a vacate order, the DOB must include the date by which an owner must certify the correction of any and all violations that led to the vacate order. We advocated for the creation of this legislation. Our intention was to have meaningful and case-specific correct-by dates that reflect the severity of the violation that led to the vacate order, and to hold landlords accountable to correcting violations quickly. The subsequent implementation of the law does not match our intention. The DOB requires landlords to correct violations on the exact same date as the vacate effective date, and while on its face this may seem suitable, same-day corrections are impossible for most violations that lead to vacate orders. Same-day corrections have several implications: landlords are very likely to violate the order, there is no meaningful remedy for tenants to hold landlords accountable for corrections, corrections are delayed, and tenants are kept out of their homes indefinitely.

- **Finding 12: The City has adopted a practice of issuing Correct-By dates for the same day as Vacate Orders — rendering the deadline meaningless in many situations.**

- ***100% of the Vacate Orders sampled had "correct-by" dates that were the same date as the Vacate Effective date.***

- The DOB does not individually assess vacate orders, and therefore does not provide individual and specific dates for the corrections needed to address the violations that led to the vacate order. The fact that 100% of the sampled vacate orders had the same correct-by date as the vacate effective date shows that the City is failing to implement Local Law 150 in a meaningful way.

Know Your Rights Messaging Should Come from the City

We are in awe of how tenants advocate for themselves while experiencing construction as harassment. However, the City should be more proactive about its outreach to tenants about their rights during construction.

- **Finding 13: Most tenants learned about their rights through community groups, not through city government efforts.**

- Nearly all tenants said they are aware that landlords need to obtain construction permits and that permits must be posted (92%), even though only two thirds saw posted construction permits (66%).

- Nearly all tenants said they are aware that landlords must notify tenants in advance of service disruptions (82%), despite nearly half of tenants reporting that they never received advance notice from their landlord (55%).

- **Finding 14: Tenants know that City agencies are supposed to protect them from construction as harassment, but more needs to be done to inform tenants about their rights,** such as the rights available to them in the event of a building vacate order. More needs to be done to inform the public about the 311 app for smart phones. While most tenants know they can notify City agencies about construction as harassment and work without a permit (85%) many were missing key information about other rights:

- A quarter of tenants did not know that city agencies like the DOB are supposed to protect tenants from construction as harassment (28%).
- Over half of tenants were not aware of the specific set of rights available to them if a vacate order is issued (54%).
- Less than half of tenants know that 311 has an app for smart phones that can be used to contact the agency (39%).

Tenant Self-Advocacy and Lack of Remedies

Tenants are resourceful and determined, and they advocate for themselves in numerous ways. Notably, tenants turned to community groups and neighbors more often than turning to their landlords.¹ Most tenants called 311 in an attempt to remedy construction as harassment. Despite this self-advocacy, more than half of tenants did not think their issue was resolved as a result of contacting 311.

- **Finding 15: Tenants facing construction as harassment advocated for themselves in various ways out of necessity.**

- Nearly all tenants contacted 311 regarding a problem with construction in their building (82%).
- Nearly three quarters of tenants contacted a housing/tenant advocacy organization (72%).
- Nearly half contacted a neighbor (49%) while less than half contacted their landlord (44%).
- Almost half contacted an elected official (46%).
- A quarter contacted the Office of the Tenant Advocate (26%).
- Almost a quarter contacted the construction company (23%).

¹We acknowledge that respondents to the survey are connected to organizing groups either through membership or referrals, and that is reflected in this the data below.

- **Finding 16: While 78% of tenants felt the 311 operator understood their reason for calling 311, almost half of tenants were either not routed to the appropriate agency or are unsure if they were routed to the appropriate agency (44%).**
- **Finding 17: Of those that called 311, more than a quarter said it took more than three days for an inspector to come to their building, and one in ten said that, to their knowledge, an inspector never came.**
Tenants reported the following:
 - An inspector came within 1 day (18%).
 - An inspector came within 2-3 days (34%).
 - An inspector came between 3 days and 1 week (19%).
 - An inspector came after 1 week (9%).
 - No one came (13%).
 - I don't know (6%)
- **Finding 18: Issue resolution remains a problem for tenants who call 311. Over half of tenants do not think the issue was resolved by calling 311.**
 - 56% of tenants do not think their issue was resolved by calling 311, and an additional 13% were not sure.

Tenant Profiles

Joan has lived in her apartment building for 42 years, a 32-unit building with both rent-stabilized and market-rate units. Her building was purchased by new owners in 2019, and construction problems began in 2020. During the height of an entire floor renovation, she was forced to temporarily move into a nearby hotel. When asked how the construction as harassment impacted her, she shared "I certainly didn't feel it was harassment initially - I just thought, oh, you know, landlords will be landlords. If I only knew what I know today, a year ago, things would've gone very differently."

"They started renovating all five apartments [on one floor] simultaneously. They didn't take any precautions. They didn't forewarn any of the tenants of the stuff that would be going on, and that anyone would take precautions against any lead dust ... My apartment was coated in dust ... I couldn't see from one end of the room to the other. I vacuumed 2-3 times a day, every day, trying to beat back the dust to no avail."

Joan soon developed a bad cough and after X-rays, it turned out she had developed double-pneumonia. She began documenting the conditions and showed pictures of the dust to her landlord who agreed the conditions were bad and pledged to hire a lead abatement crew to fully clean the apartment. When they finally met, her landlord informed her that the lead abatement crew was scheduled to come, but it turned out to be a domestic worker with a bucket. The worker, faced with the daunting task of cleaning up the dust in a day and a half "cried and cried and cried for an hour" and soon quit.


Joan continued to do her own research. "I had been calling all kinds of city agencies trying to get someone to come in and inspect the dust to see if there was in fact lead in it. I started with the EPA and then went through various state and city agencies". Over forty days passed that she did not hear from the landlord. "In those 42 days of silence, I had plenty of time to contact every single solitary agency: DOB, Health, Healthy Homes, Mental Hygiene, EPA, there are so many agencies, it's a quagmire. It's the 311 world." After realizing that no one was going to inspect for lead, Joan hired an EPA-certified lead-sampling service to come in and they took and analyzed samples of the dust, finding "... unsafe, dangerous levels of lead." A private company estimated a cost of around \$16,000 to clean her apartment. After presenting her landlord with the information, he remained silent. Joan was forced to pay for the abatement out of her own pocket, and eventually returned home. Of the construction as harassment, Joan is left to wonder "how much of that is the landlord counting on the fact that the old timers, the rent-stabilized tenants, will leave because their quality of life has diminished so much?"

Of communicating with city agencies, Joan shared "it's just mind-boggling that every governmental agency I contacted said the same thing: contact someone else, maybe they'll do it, but we don't do it unless there's a child living on the premises ... lead poisoning is lead poisoning. And that no agencies recognize that for adults is criminal." When asked what she'd want the public to know about the challenges of dealing with construction as harassment, Joan shared "you don't know anything about it until you're in the throes of it. I don't even know where to begin. When I first started dealing with it, I was still having pneumonia and I was not present. I called one agency and I didn't know the difference

between all the different agencies ... It's like, know your rights - but what are your rights?"

Joan thinks "it would be great if there was some kind of public service campaign so that people would at least know to call 311. Because that opens up many, many, many, many doors of different agencies. I didn't know about that - I mean, I knew about 311, but ... nothing about construction ..."

With the dust issue finally addressed, Joan said "the good news is that our building is now on [DOB's] radar and they're going to be keeping an eye on it. The bad news is that they've renovated more than half of the apartments." Only six rent-stabilized units remain in her building.



Gloria is a longtime resident of Brooklyn. She lives with her husband and children. She and her family have been displaced from their home since August 2020, where they lived for 24 years, after a fire destroyed nearly everything and led to a building-wide vacate order. The fire started in the kitchen area of a renovated apartment and the cause is still under investigation.

"It's a terrible stress ... having to vacate overnight because of a fire. We all lived ... not with comfort, but with a bit of tranquility from one day to another and then to wake up running out [of the building], and then from one day to another waking up in a hotel ... it was a terrible experience. It is something terrible, and more than anything, without the help of the landlord."

Since the fire, Gloria's family of five and their two kittens have been living in a single room "forced to buy everything, starting with food", with no end in sight. Neither city agencies nor the landlord have told the family how much longer they will be displaced. Her landlord "always said [that] he doesn't have the permits or the money and that the insurance companies have not responded". "In actuality, she continues, only he knows when ... because the agencies do not really give us a date." The landlord has also harassed tenants by constantly offering small, repeated buyouts.

In the early stages of displacement, Gloria tried in vain to get through to city agencies for guidance and information. "We have tried to communicate to get help, or to seek help in one way or another to be able to pressure the owner to make the repairs because you can't even talk with [him] because he is an aggressive person", she says. However, after pressure from a court proceeding that Gloria started against the landlord and a city agency to obtain the repairs, the landlord completed the repairs, but did so without permits, which further delayed the process of rescinding the vacate order. Consequently, Gloria and her family have been unable to return to their home.

If she were in charge of overseeing how the city deals with vacate orders and orders to correct, Gloria would "try to get people to return quickly...to find a solution to the problem, find a way to work, to solve and repair the place so that that people can return to their homes."

Ms. Rosa,

originally from Puerto Rico, has lived in New York City since 1960 and has lived in her current apartment for over forty years. She was displaced from her home for several months following a stop work order due to construction without permits for work being done in her bathroom. Ms. Rosas' bathroom did not have a sink and for decades she had nowhere to wash her face or brush her teeth. Then, following a knee operation, she had trouble accessing the shower. She simply wanted the building owner to rectify these conditions, considering the length of her occupancy in the unit.

After the building was purchased by new owners, STS organizers learned of buyouts, evictions and shoddy living conditions including dangerous mold. Vacancies in the building began increasing. After calling 311 to report some of the conditions, the building owner and landlord "all went running" says Ms. Rosa. Tenants soon formed a tenant association and held rallies and a press conference to call attention to the conditions and to demand repairs. The owners responded by attempting repairs in two bathrooms, one of which was Ms. Rosa's. She had no way of knowing that the construction was being done without the proper plumbing and electrical permits. Her bathroom was soon inexplicably destroyed, and DOB issued a stop work order.

Ms. Rosa was sent to a hotel while the owner addressed the violations. Displaced from her home of decades, she felt uncomfortable and longed to be home and put the suffering behind her. Ms. Rosa shared that the treatment she received, and her consequent displacement were results of harassment. When asked how tenants can be protected from construction, she said "everyone [in the building] should be on the same page. It's hard for one person to fight." Although some of the work in her bathroom has been addressed, Ms. Rosa is still waiting for other promises made to her: fixing the shower, floors, and cabinets. It has been more than two years since her request. An apartment on her floor has junk and debris in it and has been vacant for years. "Who would want to live there?", Ms. Rosa asks.

Policy Recommendations

Stand for Tenant Safety Coalition calls on the City Council, Department of Buildings, Office of the Tenant Advocate, Department of Housing Preservation and Development, Department of Environmental Protection, and the Department of Mental Health and Hygiene to take the following steps to effectively protect tenants from construction as harassment.

1. **The City Council should revise Local Law 150 of 2017 to require meaningful dates for correcting violations resulting in the issuance of a vacate order.** In the meantime, we call on the DOB to adopt this revision and implement it. In its current form, Local Law 150 is impractical because it calls on landlords to correct violations “immediately,” on the same day the vacate order becomes effective. Although the intent of this language is to express severity and urgency, by failing to set a meaningful correction date, the language invites noncompliance and undermines the purpose of setting a correction date. The “immediately” language currently in use invites landlords to set their own timetable for correction, delaying more time-intensive corrections and leaving tenants displaced from their homes indefinitely. Furthermore, the lack of a firm deadline for correction impedes enforcement and prevents tenants from seeking appropriate legal remedies. Courts and government enforcement agencies must be able to refer to a specific date by which violations must be corrected. Where a violation can be corrected immediately, the current implementation should be upheld. However, most violations resulting in vacate orders require time to correct, and the DOB should recognize this, in the same way it recognizes timelines for construction permits.
 - Revise and implement Local Law 150 of 2017 in the manner it was contemplated by housing advocates. Pending such amendment, DOB should start specifying in every vacate order that the deadline to correct the violations giving rise to the order is four months from the date of issuance.
 - Where a violation can be corrected before four months, timely correction will ensure an owner is not subject to penalties or the administrative burden of seeking an extension.
 - Where the correction cannot be made within four months, DOB should require building owners to apply for one additional four-month extension prior to the end of the initial four-month period. All extensions must be supported by documentary evidence that the owner has taken substantial action toward correcting the violation.
 - Once implemented, where an owner fails to correct the violation within the four-month deadline, or fails to apply for an extension before the initial correct-by date expires, or applies for an extension, but is unable to document the progress towards correcting the violation, DOB shall impose penalties which shall accrue at the beginning of month five (e.g. the first month after the initial four-month correction date was not complied with.)
 - DOB and HPD must keep track of vacated tenants and ensure that tenants are aware of their right to return. Landlords should be required to show proof that they contacted displaced tenants.
2. **The DOB should communicate more effectively with tenants about the status and resolution of their complaints. The DOB should publicize a list of the various complaint statuses as well as the different types of outcomes and resolutions tenants can expect.** Our research shows a disconnect between the issue about which tenants call 311 and the corresponding resolution. Over half of surveyed tenants do not think the issue they called about was resolved by calling 311.

- When a complaint matter is closed by 311, 311 should communicate the status of the matter via a letter to the tenant outlining the steps taken by the relevant city agency to resolve the issue. The letter should include options for the tenant to dispute the type of resolution if the tenant is dissatisfied with the outcome.

3. Enforce Local Laws 154 and 159 and NYC Administrative Code § 28-105.11, which require posting documents related to tenants' rights and construction permits. Make those documents easier to understand and more accessible to tenants. Make Tenant Protection Plans more accessible to tenants, both online and in buildings and provide a sample of a correctly filled out Tenant Protection Plan for the public. Our research shows that such documents are not consistently posted in building landings or otherwise, and that when documents are posted, most tenants do not find the documents helpful.

- The DOB should ensure that documents related to tenants' rights during construction are written in plain language with codes and acronyms spelled out.
- In addition to posting required documents, the DOB should consider using QR codes on such documents that can be scanned on smartphones. QR codes would reveal documents, glossary of terms, local laws, and rights-related documents.
- The DOB should streamline the process of locating TPP's online. Our research shows that looking up Tenant Protection Plans online is cumbersome. Tenants must know the Job Number assigned to the construction work in their building that requires a Tenant Protection Plan. If the Job Number is unknown, tenants must click on every single Job Number to find the construction work that requires a Tenant Protection Plan.
- TPP's that are in effect should be clearly identifiable and visible when an address is entered into the DOB's Building Information Search.
- The DOB should provide a sample Tenant Protection Plan on its website that is filled out in its entirety so that building owners and construction companies understand how to properly fill them out correctly and so the public is aware of what effective TPP's look like.

4. DOB and HPD inspectors should make concerted efforts to contact tenants when they are on the premises to conduct inspections, and inspection notices should include the time of inspection and the contact information of the inspector. Our research shows that some tenants reported no knowledge of inspections having taken place. Inspectors often call building superintendents or on-site managers, but more effort should be made to contact the tenant.

- Building inspectors should be required to call tenants when they are on the premises.
- When tenants call 311 to report complaints, they should be asked whether they want to be present for inspections and should be given the opportunity to be contacted by the inspector.
- DOB and HPD should send status updates, appointment reminders, the inspector's badge number and contact information and other relevant information to tenants via text.
- Inspection notices should include the inspector's badge number, time of inspection and contact information so that tenants can contact the inspector should they need to.

5. The DOB and OTA should continue their targeted public awareness and educational campaigns about tenants' rights during construction and construction as harassment. Our research shows that most tenants learned about their rights through community and advocacy groups, not through city government efforts.

- Campaigns should focus on how the DOB is supposed to protect tenants from construction as harassment and include:
 - The rights available to tenants in the event of an apartment or building vacate order.
 - The right of tenants to seek reasonable accommodations during construction in their buildings, and the right of tenants to file a complaint with the New York City Commission on Human Rights if tenants and landlords cannot resolve the request for accommodations. Add information about reasonable accommodations to Tenant Protection Plans.
 - Education and resources about the various programs for creating and maintaining healthy homes (for example, make the public aware of the availability of home assessments for people with respiratory issues, integrated pest management services, and the various healthy housing laws.)
 - How to best use the 311 app.
 - The responsibilities of relevant city agencies.
 - The DOB and OTA should reach out to tenant advocacy groups for suggestions and incorporate tenant knowledge and experience into the campaign.
 - Amplify the work done by the Anti-Harassment Unit and the Tenant Harassment Prevention Task Force in the campaign. As a member of the Tenant Harassment Prevention Task Force, the DOB should be more intentional about meaningfully engaging with tenants, hearing from them, and preventing tenant harassment.

6. Complaint summaries in the Building Information Search should include the time complaints were made, as well as the time the corresponding inspection was conducted or attempted. Complaint times and inspection times should also be included in relevant Open Data sets.

- Local Law 188 states that work without a permit in multiple occupied dwellings must be inspected within 12 hours if complaints are submitted before 8 pm, and that complaints submitted after 8 pm will be inspected by 10 am the next day. Our research shows that City databases are missing the information necessary to evaluate compliance with this law. Specifically, inspection time stamps, inspection dates, and complaint times must be logged.

7. The DOB, Department of Health, and Department of Environmental Protection should work together to share inter-agency information on health-related complaints, such as dust and lead, and create a publicly accessible database with information related to health-related issues.

- The DOB, DOH and DEP should create a database similar to DOB's Building Information Search that contains health-related commissioner's orders, complaints, and violations for buildings.

8. Expand Local Law 1 which currently requires landlords to identify and remediate lead-based paint hazards where there is a young child present and pass legislation for building-wide rent reductions where lead dust hazards have been found.

- Local Law 1 should be expanded to identify and remediate lead-based paint hazards in all multiple occupied dwellings, regardless of if children are present.
- Pass legislation for building-wide rent reductions in buildings where lead dust hazards have been found in common areas.
 - While Intro. 874 which was recently enacted, calls for more stringent standards to remediate lead-based paint hazards, it does not include a provision for reduced rent for tenants impacted by lead-based hazards. Rent reductions would bring a sense of justice to impacted tenants and increase pressure on building owners to remediate such hazards.^{xxiv}

9. The DOB and Office of the Tenant Advocate should work together to create and disseminate a document for tenants about the physical and emotional risks of construction as harassment, and where to seek support. Our research shows that the physical risks posed by construction as harassment, and the impact on emotional health, are pervasive.

- The document should outline the possible physical risks and emotional impact of experiencing construction as harassment and include borough-based resources and support for tenants and know-your-rights information regarding construction as harassment.

10. Escalate Class C violation fees weekly for disrupted essential services and place limitations on building owners' avoidance of fee payment.

- Class C violations for disrupted essential services should increase weekly for buildings with more than 16 units until the violations are corrected. Currently, Class C violations in buildings with more than 5 units are \$50-\$150 per violation plus \$125 per violation per day, and violations for heat and hot water are \$250-\$500 until the date the violation is corrected.^{xxv} Escalating fees will provide financial incentives to the building owner to address violations. Our research shows that 97% of tenants experienced at least one disruption to essential services, compromising their ability to cook, stay warm, and use electricity.
- Fees for disrupted essential services should increase weekly based on the following formula:
 - First week: regular daily fees incurred
 - Second week: regular daily fees incurred
 - Third week: regular daily fees are doubled
 - Fourth week: daily fees are tripled and remain at that rate.
- HPD and DOB should make concerted efforts to collect fees for DOB building violations from building owners during legal action proceedings.

Call to Action

The failure of meaningful and proactive implementation and enforcement of the laws that were designed to protect tenants has deep consequences across the city. Construction as harassment threatens the physical and mental health and safety of tenants who are forced to experience it. Construction as harassment endangers the health of children, aging adults, and those with pre-existing conditions. Construction as harassment causes tenant displacement and makes our low-income communities more vulnerable.

We call on the City Council, Department of Buildings, Department of Housing Preservation & Development, Office of the Tenant Advocate, Department of Mental Health and Hygiene and the Department of Environmental Protection to prioritize stronger protections for the tenants who suffer in their homes due to construction as harassment. We call on these city agencies to engage meaningfully with tenants and with each other to reform the laws that our research shows aren't working.

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