



## LOCAL LAW 24 AND 48 CONTINUE TO EXPAND THE DEFINITION OF TENANT HARASSMENT:

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The NYC City Council continues to expand the definition “harassment” found in the NYC Housing Maintenance Code (“HMC”)

On February 4, 2018 and February 5, 2018, amendments to 27-2004(48) of the HMC became effective expanding the definition of harassment. Most importantly, the law switched the burden of proof to the landlord by creating a “**rebuttable presumption**” whenever a tenant claims conduct which falls within the statute and that is intended and/or caused him or her to waive a tenancy right or to vacate a rental apartment (one and two-family dwellings excluded).

Effective on April 30, 2018 and May 11, 2018, Local Law 24 and 48, will once more expand the definition of Tenant Harassment to include conduct more akin to discrimination, as well as conduct that arises out of construction in occupied dwellings, and the false certification of HPD violations. The new laws will create a rebuttable presumption of harassment if the landlord (agents, employees, representatives, etc.):

- Engages in threatening conduct based on a lawful occupant’s “actual or perceived age, creed, national origin, gender, disability, marital status..., citizenship status, sexual orientation...,” among others.
- Requests identifying information from a lawful occupant that would disclose such person’s citizenship status if said person has already provided one form of current government-issued I.D.
- Provides false or misleading information regarding the rent stabilized status of a dwelling unit on any application or construction documents which are submitted to obtain a work permit in either the occupant’s apartment or building.
- Repeatedly fails to correct hazardous or immediately hazardous violations in the occupant’s apartment or common areas in the building, falsely certifies the correction of HPD violations in the occupant’s apartment or engages in construction work without a duly issued permit in the occupant’s apartment or building.

Tenant Harassment is considered a Class “C” immediately hazardous violation, and carries steep civil penalties, aside from the possibility of criminal contempt. Given the everchanging landscape of Tenant Harassment laws in NYC, landlords should observe strict compliance.<sup>1</sup>

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<sup>1</sup> This article is attorney advertisement; it is not intended to provide legal advice or to create an attorney client relationship. The full text of the law can be found at <http://www1.nyc.gov/site/hpd/renters/harassment.page>

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