

BROKER'S GUIDE TO ADMINISTRATIVE AGENCIES OF NEW YORK
1 CREDIT HOUR

Introduction to Administrative Agencies (5 MINUTES)

- Administrative agencies are governmental and lawmaking bodies with limited powers delegated by the Legislature. Some key functions of an administrative agency include rulemaking, enforcement, licensing, and determination of other controversies. For example, the New York City Department of Buildings (“DOB”) is the agency that enforces New York City’s building codes and zoning regulations, and performs other administrative tasks such as issuing building permits and licenses.
- In New York City, administrative agencies derive their power and authority from the Rules of the City of New York (“RCNY”), which contains the compiled rules and regulations of New York City government agencies.
- In carrying out its functions, an administrative agency must comply with the applicable rules and regulations and not exceed with the authority of the particular legislation under which it acts. Further, most agencies have adopted specific rules and regulations to govern their internal proceedings. The relevant administrative agencies are set forth below.

Department of Buildings (“DOB”) (20 MINUTES)

- In 1901, the New York State Legislature passed the Tenement Housing Act of 1901, which established a city Tenement Housing Department, including a Buildings Bureau and a Bureau of Inspection. A city-wide DOB though did not exist until 1936.
- The DOB has been restructured numerous times during since 1936, and the present DOB dates from 1972, when the Housing and Development Administration was split into the DOB and the New York City Department of Housing Preservation and Development.
- There are five City Borough Offices of the DOB handling permitting and enforcement for each part of the City, in addition to central enforcement staff. The executive offices, and numerous operational and inspection units such as the Department's Emergency Response Team are located at 280 Broadway in Manhattan providing centralized access to all five boroughs.
- The DOB maintains a website, <http://www1.nyc.gov/site/buildings/index.page>, where a person may access relevant building information such as, any permits or licenses that were issued, and the type of work it was issued for. (DOB issues approximately 140,000 work permits annually.) In addition, the DOB website lists any complaints or violations imposed against a building as it performs approximately 324,000 inspections each year. Anyone can access the website and enter the address of the building.
- **Plans, Permits, Signoffs, Letter of Completion, and the CO**
 - The applicant pre-files application in a borough office and submits three (3) copies of each of the following to pre-filer.
 - Complete set of plans/drawings, including energy calculations.
 - PW1 Form (attach Schedule A, Schedule B, and Schedule C, if necessary).
 - Asbestos Forms
 - Pre-filer checks for completeness, estimates cost and determines job type.
 - Pre-filer enters basic job information into Buildings Information System (BIS), assesses fee and assigns a BIS Job Number to the application.
 - One set of plans for the work must be submitted at the initial filing, which will be used for plan examination and other reviews.

- Upon approval, two additional sets shall be submitted. The second set is to be kept at the site; the third is for the applicant's records.
- Failure to properly file plans for the work or any ongoing work such as excavation may result in a stop work order among other violations and fines which typically revolve around safety issues such as: failure to safeguard persons or property, and failure to provide proper fencing at the job site.
- Such fines for serious safety lapses increased in February 2016 from \$2,400 to \$10,000, and the penalty for lacking a construction superintendent went up from \$5,000 to a maximum of \$25,000.
- Time Frame: Permits are typically anywhere between 2 to 3 months. An estimate of time for each step is set forth below:
 - Approximately 4 weeks for drawings - architects always take more work than they can handle. So they try and juggle all projects to keep all clients happy. They will probably give their client a draft drawing in 2 weeks; the client reviews and goes back with changes. In about a month, you will receive proper drawings that could be used going forward.
 - About 1 week for preparation of DOB application permit;
 - Approximately 10 weeks for permits from the DOB once the application has been submitted. Note that it takes about 6 weeks for the DOB to review the application, and 99% of applications get "disapproved" at first review. This will require setting up an appointment with the DOB by your architect and the expeditor. It takes about 1 week to set up the appointment which is normally scheduled about 4 to 6 weeks later. The appointment usually clears all issues and the application is approved 2 to 3 days later.
 - So in total you are looking for about 2 to 4 months to get the permits once the application is submitted.
- Post Permit Activities and the Certificate of Occupancy:
 - Some applications require a new or amended Certificate of Occupancy, and others should simply be signed off on when the work has been completed.
 - A Certificate of Occupancy (CO) states a building's legal use and/or type of permitted occupancy. New buildings must have a CO, and existing buildings must have a current or amended CO when there is a change in use, egress or type of occupancy
 - No one may legally occupy a building until the Department has issued a Certificate of Occupancy or Temporary Certificate of Occupancy.
 - The DOB issues a final CO when the completed work matches the submitted plans for new buildings or major alterations.
 - DOB issues a Letter of Completion for minor alterations to properties. These documents confirm the work complies with all applicable laws, and all paperwork has been completed, all relevant violations have been resolved and all necessary approvals have been received from other City Agencies.
- Architect vs. Expeditor
 - The majority of construction requires a DOB permit. Most often, a New York State licensed Registered Architect (RA) must file plans and pull permits before work begins. The RA must also submit construction plans to obtain a permit. However, the expeditor's role is typically that of a facilitator between the administrative agency and the owner of the building. However, the expeditor's role has evolved as set forth below.

- The expeditor may work on behalf of the architect rather than the owner. Rather than keep an expensive Land Use Planner and Code Consultant on staff, an architect can simply hire a building permit expeditor's to augment their permanent staff as their "insider" and these costs are typically passed onto their client rather than in their overhead.
- An expeditor typically possesses a unique "inside" perspective into the administrative agency by virtue of their volume and daily interactions with the administrative agency.
- A good building permit expeditor should have one or more certifications in real estate development and have experience in both zoning and building code interpretation. Expediting is now becoming more like a consulting business, and expeditors are becoming more and more accepted as professionals that can contribute significantly to reduce time and costs.
- Combined Apartments
 - The New York City Charter was amended by Local Law 77 of 1968 to eliminate the necessity of obtaining or amending a CO where the alteration only consists of combining apartments to create larger residential units, resulting in the reduction of the total number of legal dwelling units in the building, and the bulk of the building is not being increased.
- Alt. 1 v Alt. 2
 - There are many permit types, such as construction, boiler, elevator, and plumbing. The primary permit applications are: New Building (NB), and Alterations Type. Let's take a look at Alt. 1 and Alt. 2, and the work they entail:
 - ALT1 are permits issued for major alterations that will change use, egress or occupancy
 - ALT2 are permits issued for multiple types of work, not affecting use, egress or occupancy
- Building Partitions/Walls – What Constitutes a Bedroom
 - A bedroom must have a minimum of 80 square feet total and no less than 8 feet in any dimension (per NYC Housing Maintenance Code 27-2074).
 - A bedroom must have at least one window with a minimum of 12 square feet, which can overlook public areas such as a street or park, as well as private spaces like a yard or plaza on the same lot. A window that opens up onto a balcony also counts, and skylights count as windows in some jurisdictions (per NYC Housing Maintenance Code 27-2058; Building Code 27-732).
 - A bedroom must have two means of egress, for example via a window and a door. You must be able to open the door and window from the inside without the use of keys, tools, or special skills (per Residential Code R310).
 - Building a partition or wall which violates the aforementioned requirements will result in violations and fines from the DOB
- Cellar vs. Basement vs. Recreation Room
 - Basements and cellars differ in their amount of height above curb level. A basement has at least one-half of its height above curb level, while a cellar has less than one-half of its height above curb level. Usually, if a cellar has any windows, the windows are too small for an adult to fit through.
 - Basements and cellars in residential properties of all sizes can NEVER be lawfully rented or occupied unless the conditions meet the minimum requirements for light, air, sanitation and egress, and have received approval by the DOB. You can check the

Certificate of Occupancy on the DOB website to see if the basement you wish to rent is legal. DOB also posts Tips for Renters to help identify when an apartment is illegal.

- Occupants of illegal basement and cellar apartments face potential dangers such as carbon monoxide poisoning, inadequate light and ventilation, and inadequate egress in the event of a fire. Occupants of illegal basement and cellar apartments may be ordered by the City to vacate or leave any illegal basement or cellar apartment.
- A recreation room is an underground space that is not legally a bedroom, although many people use it that way.
- Recreation rooms are finished, underground rooms in ground-floor dwellings that the DOB does not consider habitable space.
- The DOB refers to recreation rooms as “accessory” and generally frowns upon making accessory space larger than the main living space, which is often the case and prohibits such use for sleeping. Also, since it is not considered a bedroom, the bathroom cannot be bigger and five feet by five feet.
- Violations Against Co-ops and Condos (what to do to protect the Buyer)
 - The most cited co-op and condominium violations includes improper repair to masonry and walls, obstruction to entry and exit ways, working without a permit and failing to comply with elevator inspections. Other common violations include failure to perform annual boiler and burner inspection, failure to perform an annual elevator inspection and failure to perform a facade safety inspection.
 - While all boards and managing agents must adhere to DOB rules and regulations, the purpose of building code violations and their enforcement, is not merely to maintain a building in proper working order but to mitigate risk and liability as violations may come with steep fines.
 - Since most boards and managing agents want to be in compliance to avoid liability and reduce the risk of paying fines, the majority do their respective best to stay ahead of the curve. The problem is that an area of a building that was checked weeks or months earlier could fail for a number of reasons and with about 426 inspectors working for the DOB, officials are constantly keeping a watchful eye.
 - Protecting the Buyer:
 - The Housing Merchant Limited Warranty Law: In 1989, New York State passed a law to protect buyers of new homes. It is known as the Housing Merchant Limited Warranty Law (General Business Law ' 777 - 777b) and, briefly stated, it provides that the seller of a newly constructed home of five stories or less guarantees the home for one year against almost any defect, for two years against defects in the mechanical systems of the home (such as the heating or plumbing system) and for six years against structural defects.
 - The law contains detailed provisions as to how the buyer must provide written notification of the defects to the builder; those provisions are spelled out in the offering plan and must be strictly followed or the repair of the defect is waived. Certain items which occur normally and are considered maintenance items are specifically excluded from the warranty. A typical example is a small amount of nail popping through sheetrock which is caused by normal settlement of the building. Homeowners should read these provisions carefully.
 - Existing Buildings: For purchasers of dwelling units in an existing building or group of buildings that are being converted to cooperative or condominium ownership, the situation is quite different. The sponsor is required to have the building evaluated by an engineer and the offering plan must disclose all of the

defects visible to that engineer or known to the managing agent as a result of complaints. Not every defect has to be corrected, so long as it has been disclosed. It is rare for an existing building to be without any defects, so it is incumbent upon prospective purchasers to read the offering plan carefully.

- Besides reading the offering plan section which describes the physical condition of the building, there are several things buyers can do to become informed, and protect themselves when purchasing.
- One is simply to ask the sponsor and/or the selling agent, in writing, for a list of defects known to him or her.
- Another very good source of information about a building are board meetings minutes. If a prospective buyer reads through the minutes of the board meetings that have taken place over the previous year, whatever defects exist in the building are likely to be described
- The most recent financial report may also contain information about defects, such as the actual or potential cost of certain repairs, in the accountant's footnotes. It is also valuable to check the report for posted violations or contact the local building department for a current list of any such defects.
- In existing apartment buildings, there is always a need for repairs and maintenance of the building. A buyer should not be deterred by a need for some repairs, but the buyer should be aware of potentially expensive building-wide repairs and should know how much such repairs are likely to cost.
- The most expensive problems in existing buildings involve facade defects. Pointing (repairing the mortar between the bricks), roof and elevator repairs are also expensive.
- Other significant problems include a need for upgrading the plumbing (pipes eventually become clogged by deposits from the water and need replacement), upgrades of the electrical system, boiler replacements and significant cosmetic upgrades.
- In both existing buildings and newly constructed buildings, purchasers must make a distinction between a purchases from a sponsor versus a resale. When purchasing from an individual or company upon a resale, the offering plan may not have current or accurate disclosure about the condition of the building or there may be no offering plan available. This is not a violation of any law or regulation. If the sale is made by an individual unit owner or company, rather than the sponsor, the sale is not regulated by the Attorney General and no offering plan is required. If a buyer purchased his unit from an individual or company and there are problems, the terms of the contract and applicable laws will control his rights.
- If the buyer purchased from the sponsor, the first step should be to review the offering plan to determine whether the problem was disclosed. If adequate disclosure of a material defect was not made, the buyer should contact the sponsor or selling agent, describe his problem and allow an opportunity for correction. When efforts to get the sponsor to correct defects are unsuccessful, written complaints can be made to the Office of the Attorney General, with a copy sent to the sponsor. Such complaints are most potent and effective when the complaints of all the unit owners in a development are assembled into one complaint. The complaint letter should spell out in detail the conditions that are

claimed to be defective and/or the manner in which the offering plan differs from what was delivered.

- Illegal Alterations and Illegal Work
 - The most common illegal alteration or work involves a structure or wall that violates the DOB ingress and egress requirements. (See section 5 herein.)
 - Such violations that prevent ingress and egress are terms “immediately hazardous” class 1 violations and come with a steep fine because it may prevent access to a fire escape.
 - There are 3 types of violations, with class 1 steepest penalty because there is an immediate danger. Such fines can range from \$1,000.00 to \$25,000.00, with a penalty of \$1,000.00 per day for no longer than 45 days.
 - The 3 types of violations and respective fines are set forth below.
 - Class 1 – IMMEDIATELY HAZARDOUS VIOLATION. Immediately hazardous violations are those specified as such by the New York City Construction Codes, or those where the violating condition poses a threat that severely affects life, health, safety, property, the public interest, or a significant number of persons so as to warrant immediate corrective action, or, with respect to outdoor advertising, those where the violation and penalty are necessary as an economic disincentive to the continuation or the repetition of the violating condition. Immediately hazardous violations shall be denominated as Class 1 violations.
 - Class 2 – MAJOR VIOLATION. Major violations are those specified as such by the New York City Construction Codes or those where the violating condition affects life, health, safety, property, or the public interest but does not require immediate corrective action, or, with respect to outdoor advertising, those where the violation and penalty are appropriate as an economic disincentive to the continuation or the repetition of the violating condition. Major violations shall be denominated as Class 2 violations. They carry a fine ranging from \$0 to \$10,000.00
 - Class 3 – LESSER VIOLATION. Lesser violations are those where the violating condition has a lesser effect than an immediately hazardous (Class 1) or major violation (Class 2) on life, health, safety, property, or the public interest. Lesser violations shall be denominated as Class 3 violations. They carry a fine of \$500.00.
- Resolving DOB Violations: Property owners must correct the issues listed in the DOB violation. Once completed, provide supporting documentation that shows the work has been performed to the Unit that issued the violation. The Team will then dismiss the violation. These Units typically operate in the borough office where the property is located, though some Units – such as Boilers and Elevators – may operate at the Department’s headquarters in Manhattan.
- Legal Work Performed but not Filed For
- Work Without a Permit Violations
 - DOB will issue a violation and a stop work order for work, even if it is legal, if the work is done without a permit.
 - The standard penalty is \$1,600, and the default penalty is \$8,000.
 - However, if the work continues, there are aggravated penalties which carry a maximum of \$25,000.
 - The New York City Environmental Control Board (“ECB”)
 - ECB is an administrative tribunal that provides hearings on notices of violation issued by other New York City administrative agencies, such as DOB.

- ECB is a branch of the New York City Office of Administrative Trials and Hearings (OATH), which is an administrative court of the New York City government. It is not part of the state Unified Court System.
- As a judicial entity, ECB does not issue notices of violation, does not establish enforcement policies, does not employ inspectors or agents, and does not direct, control or otherwise influence where, when or to who notices are issued.
- Typically, an ECB violation is issued by the DOB when a property does not comply with a part of the New York City Construction Codes and or Zoning Resolution. These violations, referred to as ECB Violations, are returnable to the ECB. While all violations contain an order to correct the conditions cited, ECB violations carry an additional order to CERTIFY CORRECTION. Respondents may challenge their violation at a hearing before the ECB and may face penalties, if found in violation.
- The most commonly issued violation is the ECB Notice of Violation. There are three classes of ECB violations which mirror the DOB violations and carry the same penalties:
 - Class 1 (Immediately Hazardous)
 - Class 2 (Major)
 - Class 3 (Lesser)
 - Please see section (A) (8) for the violations and fine amounts
- Resolving ECB violations:
 - Correct the conditions and submit a Certificate of Correction (AEU-2 form) to the Department's Administrative Enforcement Unit. You must also provide supporting documentation.
 - Admit to the violation, or attend the ECB hearing to contest the violation. Owners who do not attend the hearing (or who don't have a representative there) may face default penalties up to \$25,000, depending upon the violation.
 - Pay any applicable penalties. Violations remain open in BIS until the Department approves any Certificate of Correction submitted.

New York City Department of Housing Preservation and Development ("HPD") (10 MINUTES)

- HPD is the department of the New York City government responsible for developing and maintaining the city's stock of affordable housing. Its regulations are compiled in title 28 of the New York City Rules. The Department is headed by a Commissioner, who is appointed by and reports directly to the Mayor. The current Commissioner of HPD is Vicki Been, who was appointed by Mayor Bill de Blasio in February 2014. HPD is headquartered in Lower Manhattan, 100 Gold Street, and includes smaller branch offices in each of the city's five boroughs.
- It was formed in 1972 when the Housing and Development Administration was split into the DOB and HPD.
- HPD maintains a website where information listing the building registration, contact persons, managing agents, violations reports, complaints, history of complaints, and complaint status can be found. HPD's website is <http://www1.nyc.gov/site/hpd/index.page>
- HPD also maintains I-Cards
 - Prior to 1938, there were no Certificate of Occupancies. Instead, the I-Card was in play, which is a paper record that the City of New York used, starting in 1902, for documenting the required building improvements of tenements and multiple-dwelling buildings, and for regulating the use of these type buildings.

- The I-Card came about around the turn of the last century when the “progressives” started focusing on building codes, sanitary conditions, and safety issues in the tenements. The Tenement Act of 1901 regulated these issues, requiring old tenement building (pre-1901) to bring their buildings up to this code and post-1901 buildings to be built according to the provisions in the new Act.
- So, the city came up with a way to track the required improvements that certain buildings had to have made. (The “I” in “I-Card” refers to “improvements made” on a structure after its construction..
- What was being regulated here? Primarily things like making sure that a tenement had proper and adequate fire-escapes and means of egress through the roof, ensuring proper ventilation and lighting in the interior parts of buildings, &c.
- These cards would also contain the drawings or a diagram of each building, showing, like an architectural record, the size and shape of each tenement house, measurements of unoccupied areas, showing shafts, courts, yards and other open spaces. It also often included diagrams of the “second or typical floor of the building” and showed the “size and arrangement of the rooms and all doors, stairs, windows, halls and partitions.”
- Not all houses built before 1938 even have I-Cards. This is likely because they were misfiled, lost, or destroyed for some, probably accidental, reason. But not all pre-1938 structures were even meant to have them. If your house was never used as a multiple-dwelling (i.e., housing three families or more), or suspected of such (and, thus, scheduled for an inspection), then your house would not have had one of these in the first place
- 311: non-emergency phone number that people can call in many cities, including New York City, to find information about services, make complaints, or report problems like repairs, or road damage. Even in cities where a different phone number is used, 311 is the generally recognized moniker for non-emergency phone systems.
 - HPD oversees much of the complaints and problems when calling 311
 - Complaints regarding co-op boards or condo associations not complying with bylaws may be made to HPD by calling 311
 - In addition, complaints may be made to HPD for the following:
 - Conversions
 - Maintenance issue
 - Violations of NY State law for co-ops and condos
 - Such complaints may be made whether a person is the owner of the co-op or condo, or if he is simply renting
- HPD Violations: A title report will show HPD violations which can prevent an owner from selling, or refinancing.
 - The buyer is liable for any open HPD violations.
 - Types of HPD violations:
 - Class A – Non-Hazardous and must be corrected in 90 days
 - Class B – Hazardous and must be corrected in 30 days
 - Class C – Immediately Hazardous and must be corrected in 21 days
 - Class C – Heat and Hot Water Violations Immediately Hazardous and must be corrected immediately, typically in 24 to 48 hours
 - Fines for Class A violations range from \$10 to \$50 per violation per day, from the required correction date until the violation is actually corrected.

- Fines for Class B violations range \$25 to \$100 from required correction date until the violation is actually corrected.
 - Class C violations carry the steepest penalty, ranging from \$250.00 to \$500.00 per day
- Removing HPD Violations:
 - Owners and managers can certify correction of violations in several ways, so long as they are current with their property registration. (Please refer to the "Property Registration" section for more details on how to check and update the registration):
 - Once a violation has been corrected, an owner or manager can proactively work with HPD to close these violations from the record if the owner is currently and validly registered. Owners and managers can certify that the work was completed by using the online system, eCertification, or by mailing a completed "Certification of Correction of Violation" form to HPD. There is no fee for either of these methods.
 - Only owners, officers, or managing agents listed on the current, valid registration are eligible to enroll for eCertification. Enrollment will remain active for as long as a building remains validly registered.
 - Violations that were recently issued or re-issued AND still within the certification period are eligible.
 - Owners must correct violations by the correction date. Violations that are past the certification period are not eligible for certification. Please refer to the Notice of Violation for the correction and certification due dates.
 - Exclusions from eCertification:
 - Lead-based paint violations
 - Mold or vermin violations issued to buildings participating in the Alternative Enforcement Program.
 - Owners and managers who corrected a violation, but failed to certify those corrections within the certification period are eligible to apply for a dismissal request.
 - HPD charges a dismissal request inspection fee to send inspectors to the building. The inspectors will inspect all open violations or only those requested to be inspected. Owners can use this opportunity to clear newly issued violations, in addition to violations that are past the certification period. If upon inspection the violations are determined to be corrected, then HPD will close these violations from the record.
 - In many cases, HPD inspectors need access to individual apartments. Owners are responsible for informing tenants of the HPD inspection schedule. HPD will work with owners to schedule up to two appointment dates.
 - It is important to repeat that buildings must have a current property registration on file at HPD to certify correction of violations. Please go to HPD Online to check registration status and use the Property Registration Online System to begin the registration process.

New York City Department of Finance ("DOF") (5 MINUTES)

- DOF is the revenue service/taxation agency and recorder of deeds for New York City
- DOF maintains a website which is accessible to the general public at <http://www1.nyc.gov/site/finance/index.page>.
- Through the DOF website, a person may pay property taxes, parking tickets, and most importantly, it offers a service called ACRIS.

- ACRIS, which is the acronym for Automated City Register Information System, is a land record service where a person may view deeds, mortgages, judgment liens, or regulatory agreements entered into with HPD. To access the system, one must know either the block or lot, or address.
- The ability to view recordations is especially important because it acts as a basic title search and tells us if there are any prior liens.
- DOF Responsibilities'
 - DOF collects more than \$33.2 billion in revenue for the City and values more than one million properties worth a total market value of \$988 billion. In addition, DOF also:
 - Records property-related documents
 - Administers exemption and abatement programs
 - Adjudicates and collects parking tickets
 - Maintains the city's treasury
 - Participates on and provides administrative support for the NYC Banking Commission
 - Oversees the New York City Sheriff's Office, which acts as DOF's law enforcement division and the City's chief civil law enforcement agency.
 - Through the Mayor's Office of Pensions and Investments, the DOF also advises the Administration on the City's \$160 billion pension system and \$15 billion deferred compensation plan.

New York City Department of Health and Mental Hygiene ("DOH") (5 MINUTES)

- DOH is the department of New York City responsible for public health along with issuing birth certificates, dog licenses, and conducting restaurant inspection and enforcement. The New York City Board of Health is part of the DOH. Its regulations are compiled in title 24 of the New York City Rules (the New York City Health Code).
- DOH maintains a website accessible to the general public at <http://www1.nyc.gov/site/doh/index.page>
- DOH was initially set up as the New York City Board of Health, which held its first meeting in 1805 to combat an outbreak of yellow fever. In 1866, the New York State legislature enacted a bill establishing the Metropolitan Board of Health, consisting of the four Police Commissioners, four Health Commissioners appointed by the Governor, and the Health Officer for the Port of New York. In 1870 the legislature replaced the Board of Health with the Department of Health, with additional responsibilities including street cleaning and sanitary permits
- As a result of its consolidation with the Department of Mental Health, Mental Retardation and Alcoholism Services, it was renamed the Department of Health and Mental Hygiene on July 29, 2002.

New York State Division of Housing and Community Renewal ("DHCR") (5 MINUTES)

- In New York State and New York City, the Rent Regulatory laws of Rent Stabilization and Rent Control are administered by the Office of Rent Administration ("ORA") of the New York State Division of Housing and Community Renewal ("DHCR"). DHCR has jurisdiction over rent regulated apartments in New York City, Westchester, Nassau and Suffolk Counties, and in various other locals within New York State.
- DHCR has concurrent jurisdiction with the Housing Court.
- As DHCR has the power and authority to set the rent, it may also impose civil penalties on issues such as, rent overcharge, reduction of services, and harassment.
- Since DHCR oversees the rent regulatory laws, it has jurisdiction over rent stabilized and rent controlled apartments. Hence it is responsible for the supervision, maintenance and

development of affordable low- and moderate-income housing in New York State.
www.nysdhcr.gov. DHCR - Offices. Community Development Access to Home Capital
Development Housing Operations

- The monthly rent must be registered with DHCR annually.

Contract Terms Relative to the Agencies (5 MINUTES)

- We have already encountered the scenario where HPD, ECB, DOB, and DOF liens and/or violations appear on the title search. However, that is not so difficult to maneuver around. The seller must take care of all liens at closing.
- What does not appear on the title search are matters such as buying a home, and then realizing the DOB is your new best friend.
- In this overheated seller's market, most buyers are willing to take on a few repairs. Chances are the buyers just won the bidding war and don't want to risk losing their dream home to another buyer. Sellers, meanwhile, might expect smooth sailing once they're in contract.
- When it comes to selling a property, we should always make sure sellers and/or buyers are aware of potential deal breakers so that we encounter fewer surprises during the transaction. If you own a townhouse and are planning major renovations, before you do anything, check with the DOB. They will let you know what permits you need before you begin construction.
- If a renovation is a key consideration in buying your new co-op or condo, take the time to check out your alteration agreement prior to going into contract. Before any work can begin you might need not only DOB approval but also approval from your building, which means contacting the management company or co-op board to find out about any building rules.

Can I list a property if the unit was renovated without filing plans and permits? (5 MINUTES)

- Yes, you can list an apartment that was renovated without filing plans or permits. However, the new owner may be subject to a violation from the DOB for work without a permit. Once that happens, the new owner has to file a job with the DOB to legalize the violating conditions. That means you have to hire an architect to draft plans and submit signed/sealed drawings and forms to the DOB for their approval.
- Once the job has been approved, a contractor can pull a work permit for the job. Even if there is no work to be done, a contractor must pull a permit. Once you've pulled the permit, you can submit for a Certificate of Correction from the DOB to resolve the violation in their system.
- Be prepared to pay a \$5,000 civil penalty for the violation when your contractor goes to pull the work permit. There is no way around this unless you were given the violation erroneously.
- So, your first step is to contact an architect and have them conduct an analysis to see if you can even legalize the violating conditions.

COURSE MATERIALS

Course Outline (*Attached*)

BOOKS UTILIZED IN COURSE

N/A

INDIVIDUALS AUTHORIZED TO SIGN CERTIFICATES

Jamie Heiberger Harrison, Esq.



SIGNATURE

LIVE DISTANCE EDUCATION

PROPOSED METHOD: Zoom Video Conferencing/Webinar

This course shall be offered in person via Classroom Instruction or as a Live Distance Education Course.

As a Live Distance Education Course, the Instructor, Jamie Heiberger Harrison, Esq., shall teach using Zoom Video Conferencing/Webinar, utilizing both video and microphone. The Instructor shall monitor attendance and maintain an attendance roster, verifying remote attendance. All attendees must “attend” the course on a device with video and/or microphone for required participation and verification. Course materials shall be distributed to attendees via email.