



# OFFICE OF THE TENANT ADVOCATE QUARTERLY REPORT Fourth Quarter of 2019

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# BACKGROUND

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- This quarterly report has been prepared pursuant to Local Law 161 of 2017 and covers the fourth quarter of 2019.

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**The number of complaints received by the Office of the Tenant Advocate (“OTA”) and a description of such complaints.**

- This quarter, the Office of the Tenant Advocate (OTA) received 660 inquiries, 40 of which were referred to the Office of the Building Marshal (“OBM”) at the Department of Buildings, 15 to other DOB Enforcement Units and 49 to other city and state agencies. This total does not include the 319 complaints filed through NYC 311 related to construction as harassment, which were routed directly to OBM during this reporting period.
- Inquiries received by the OTA primarily include:
  - Inquiries pertaining to general maintenance and essential services requirements;
  - Work Without a Permit complaints;
  - Failure to comply with a Tenant Protection Plan complaints;
  - Failure to post a Tenant Protection Plan Notice or Safe Construction Bill of Rights complaints; and
  - Inquiries pertaining to Department processes (e.g. how to post or deliver tenant protection plans);

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## **The average time taken to respond to complaints.**

- The average response time from the date on which an inquiry was received by the OTA to the date on which it was responded to was **1.5 business days**.
- Where an inquiry requires an inspection, the Office of the Buildings Marshal is currently performing such inspection within **.96 days** of the date of referral.

## **Notable activities and staffing changes during the fourth quarter:**

- In November 2019, DOB restructured the OTA, moving it into the Enforcement Unit and hired a new Executive Director, Sarah Desmond, who previously served as the longtime Executive Director of a NYC not-for-profit legal services organization, comes to DOB with more than 25 years of experience in NYC housing and building issues.

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## A description of efforts made to communicate with tenants.

- The OTA interacts with members of the public, including tenants, on a regular basis. The OTA's contact information is listed on the Department's website, which allows the public to contact the OTA directly. The OTA can be contacted at: (212) 393-2949 or [tenantadvocate@buildings.nyc.gov](mailto:tenantadvocate@buildings.nyc.gov)
- The OTA also serves as a resource to community based organizations, city, state and federal elected officials, and government agencies.
- This quarter, OTA's new Executive Director met with elected officials, city agencies and representatives from community-based and city-wide not-for profit organizations.



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Landlords must also post and distribute copies of our new Local Law 110 of 2019 Tenant Information flyer, which details next steps in the violation process.

[www1.nyc.gov/assets/buildin...](http://www1.nyc.gov/assets/buildin...)

**THIS BUILDING HAS BEEN ISSUED A SUMMONS FOR A VIOLATING CONDITION BY THE NYC DEPARTMENT OF BUILDINGS (DOB).**

**WHAT YOU SHOULD KNOW...**

- If the summons was issued for a condition outside of an occupied unit, the owner of the building must post a copy of the summons and this flyer in the lobby where they can be easily seen.
- If the summons was issued for a condition in one of the occupied units in the building, the owner must give a copy of the summons and this flyer to the resident of the unit and to the residents of the occupied units near that unit.
- To view a copy of the summons, enter the building address in the **Summons Finder** on the New York City Office of Administrative Trials and Hearings (OATH) website at [www.nyc.gov/OATH](http://www.nyc.gov/OATH).

**WHAT HAPPENS NEXT?**

The person or entity named as the **Respondent** in the summons is charged with the violation and is responsible for responding to the summons. The Respondent must respond to the summons by:

- admitting to the violation and **curing** the summons (correcting the violating condition and submitting an acceptable Certificate of Correction to DOB); or
- admitting to the violation by accepting a stipulation agreement with DOB; or
- admitting to the violation by paying the penalty prior to the scheduled hearing date; or
- attending the scheduled hearing at OATH to dispute the summons.

If the Respondent does not do any of the above in response to the summons, the Respondent may face default penalties of up to **\$25,000**, depending on the violation.

**CAN I ATTEND THE HEARING?**

OATH hearings are open to the public. If you are not the Respondent but want to participate in the hearing, appear at OATH on the scheduled hearing date and ask the Hearing Officer conducting the case whether you will be permitted to speak. People who are affected by the outcome of the case may sometimes be allowed to testify during the hearing.

■ To learn more about DOB-issued violations visit DOB's website at [www.nyc.gov/BUILDINGS](http://www.nyc.gov/BUILDINGS).

■ To learn more about hearings at OATH visit OATH's website at [www.nyc.gov/OATH](http://www.nyc.gov/OATH).



NYC Buildings @NYC\_Buildings · Dec 5, 2019

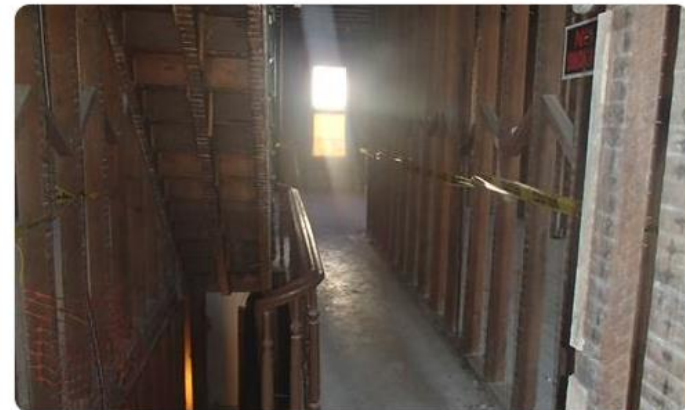
Attention NYC Landlords: Effective today, Local Law 110 of 2019 requires that building owners must post and distribute copies of any DOB/OATH summons they receive to tenants in the building.

See our Service Notice: [www1.nyc.gov/assets/buildin...](http://www1.nyc.gov/assets/buildin...)



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Construction-based tenant harassment is illegal and unacceptable. If you think you are the victim of tenant harassment, report it right away to @nyc311 and reach out to DOB's Office of The Tenant Advocate. [www1.nyc.gov/site/buildings...](http://www1.nyc.gov/site/buildings...)



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**The number of recommendations made to the Commissioner to issue a stop work order for a site that is not complying with a tenant protection plan and the number of such recommendations followed by the Commissioner.**

**This quarter, 21 Office of the Building Marshal (OBM) inspections stemming from tenant harassment complaints resulted in a Stop Work Order. Additionally 34 OBM inspections resulted in a Stop Work Order for failure to comply with the Tenant Protection Plan. Finally, as a result of proactive inspections, 41 Stop Work Orders were issued to contractors who are listed on the Department Of Buildings' published watch list for contractors found to have performed work without a required permit in the preceding two years.**





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