

NEW YORK APARTMENT LAW

insider

Building Compliance Simplified

What You Need to Know about NYC's Fair Chance for Housing Act

New rules take effect for performing criminal background checks on applicants.

The Fair Chance for Housing Act—Local Law 24 of 2024—is set to take effect on Jan. 1, 2025. It's the latest expansion of the city's Human Rights Law, which prohibits discrimination in housing, employment, and public accommodations. The Human Rights Law includes a number of protected categories such as age, gender, disability, race, and national origin.

And it's been amended and expanded a number of times over the years to address the multiple forms of discrimination that impact New Yorkers.

The Human Rights Law has banned discrimination in employment on the basis of criminal history since 2021. Now, with Local Law 24, this protection extends to housing. Owners will be unable to deny

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housing solely based on an applicant's criminal history, with only a few limited exceptions. To prepare for the law's implementation, owners need to reassess their application and screening processes. It will be necessary to update screening policies, train employees, and carefully vet third-party screening agencies to ensure compliance.

We'll go over what you need to know to comply with Local Law 24. We'll highlight when a criminal background check can be ordered and, even then, what criminal history may be considered. Also, we'll go over the strict process imposed by the law for those instances when you may reject an applicant based on his or her "reviewable criminal history." Ignoring the law's requirements could lead to legal consequences, including investigations by the NYC Commission on Human Rights, civil lawsuits, or administrative proceedings.

Reviewable Criminal History

Beginning in 2025, owners may be found liable for discrimination for improper-

ly rejecting applicants based on their criminal histories. Owners also may be liable for failing to follow the proper procedures when considering their applications. The law restricts the criminal history that housing providers can consider in the application process. The term "reviewable criminal history" refers to certain types of convictions owners are allowed to consider:

- **Registered sex offenses.** These are any convictions registered on any state or federal sex offense registries. There are no time-related lookback restrictions with this category.
- **Felony convictions.** Only those convictions where the individual was released from incarceration (if applicable) or sentenced (if not incarcerated) within the past five years.
- **Misdemeanor convictions.** Only those for which the individual was released from incarceration (if incarcerated) or sentenced (if not incarcerated) within the last three years.

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“
**OWNERS REMAIN
LIABLE FOR
VIOLATIONS
COMMITTED BY
THIRD-PARTY
SCREENING
COMPANIES.**
”

Convictions more than the stated periods, arrests without conviction, sealed or pardoned convictions, and a number of other convictions such as those from outside jurisdictions for health, reproductive, gender-affirming care, or cannabis possession are not reviewable and may not be the basis for an adverse housing decision.

Since many owners rely on third-party screening companies to perform criminal background checks, it's important to note that the law establishes that owners remain liable for any violations committed by these screening companies. If an owner receives background information from a screening company that includes anything other than “reviewable criminal history,” the law presumes that the owner relied on this improper information. This presumption can be overturned only if the owner demonstrates strict adherence to the “Fair Chance Housing Process” and proves they didn't use the improperly provided information to deny the lease [NYC Admin. Code §8-107(5)(o)(7)].

Fair Chance Housing Process

To ensure that applicants are evaluated fairly and given an opportunity to address any concerns related to their criminal history, the law requires owners choosing to consider reviewable criminal history to follow a specific process.

Pre-qualification stage. Under Local Law 24, owners are not allowed to take an applicant's criminal history into consideration before pre-approving or pre-qualifying a person based on other qualifications such as financial stability or rental history. A criminal background check can be ordered only when an applicant has passed the initial vetting and has been offered a lease pending a criminal background check.

Notification. After prequalifying an applicant, owners must inform the applicant that a criminal background check will be conducted and provide them with a written copy of the city's Fair Chance Housing notice, which outlines their rights under the law. Currently, the NYC

Commission on Human Rights has not yet published the Fair Chance Housing Notice.

Individualized assessment. If the background check reveals reviewable criminal history, the housing provider must assess how this history is relevant to a legitimate business interest and consider any supplemental information the applicant provides.

Remember that the law restricts what criminal history can be taken into account. Owners may consider only registered sex offenses, recent misdemeanor convictions that occurred within the past three years, and felony convictions within the last five years. All other records, including sealed or expunged convictions and older offenses, are excluded and cannot be used as grounds for rejection.

Adverse action notice. If deciding to reject the applicant based on the criminal history, the owner must:

- Provide the applicant with a copy of the information or records used in making the decision.
- Offer a written explanation of how the criminal history is relevant to a legitimate business interest and how any information submitted in support of the tenancy was taken into consideration.
- Allow the applicant at least five business days to respond with any corrections or additional information that may correct errors or provide mitigating evidence. If the applicant chooses to submit such information, owners must conduct another individualized assessment before making a final decision.

Local Law 24 Exemptions

The law includes important exemptions, such as owner-occupied two-family homes and situations where the owner or family lives on the premises. It also does not override other federal, state, or local mandates requiring background checks, such as for certain public housing programs like NYCHA.

MANAGEMENT BASICS

Provide Annual Stove Knob Cover Notices by Jan. 16

And retain related records or risk facing a Class B hazardous violation.

Stove knob covers make the knobs on gas-powered stoves inaccessible to children and can be an important fire prevention tool. Local Law 117, which became effective in December 2018, requires that an owner of multiple dwellings provide stove knob covers for gas-powered stoves where the owner knows, or reasonably should know, that a child under 6 years of age resides. Since then, changes to the law, as a result of Local Law 44 of 2022, have added that tenants may request, in writing, either stove knob covers or permanent stove safety knobs with integrated locking mechanisms for gas-powered stoves.

Annual Notice Requirements

In addition to providing these covers or safety knobs, the owner must send tenants an annual notice. We've prepared a Model Notice: Annual Stove Knob Cover Notice, that includes the option for permanent stove safety knobs with integrated locking mechanisms. The notice must inform tenants that:

- Stove knob covers will be made available within 30 days of distributing the annual notice;
- The owner must provide stove knob covers to any household that requests them, regardless of whether a child resides in the unit; and
- Tenants can forgo stove knob covers through written refusal to the landlord.

If a tenant doesn't submit written refusal to the owner, the owner is still obligated to provide stove knob covers to any household where the owner knows, or reasonably should know, that a child under age 6 resides.

Recordkeeping Obligations

Owners are required to keep records of providing the annual notice, written tenant responses, a list of requests for stove knob covers or permanent stove safety knobs, and a list of units to which devices were provided. Owners must also document where requests were made but not provided because there was no available device that was compatible with the stove knobs. Owners are not required to submit notices to HPD.

Also, you aren't required to provide either device if you've already fulfilled two requests for replacement devices within the previous year, or if you haven't received a request for installation.

Violations

Failure to provide documented proof on the availability of stove knob covers upon request from HPD will result in a Class B hazardous violation. Exceptions will be granted to owners that provide documented proof that they've already fulfilled two requests for replacement stove knob covers within the previous year or that there are no available stove knob covers that are compatible with the knobs on their dwelling units' stoves.

ANNUAL NOTICE REGARDING INSTALLATION OF STOVE KNOB COVERS OR PERMANENT STOVE SAFETY KNOBS WITH INTEGRATED LOCKING MECHANISMS

The owner of this building is required, by Administrative Code §27-2046.4(a), to provide stove knob covers or permanent stove safety knobs with integrated locking mechanisms for each knob located on the front of each gas-powered stove to tenants in each dwelling unit in which the owner knows or reasonably should know a child under 6 years of age resides when requested to do so in writing by the tenant, unless there is no available stove knob cover or permanent stove safety knobs with integrated locking mechanisms that is compatible with the knobs on the stove. Tenants may request stove knob covers or permanent stove safety knobs with integrated locking mechanisms by marking the appropriate box on this form. Tenants may also request stove knob covers or permanent stove safety knobs with integrated locking mechanisms even if they do not have a child under age 6 residing with them, by marking the appropriate box on this form.

The owner must make the stove knob covers available within 30 days of the written request by the tenant. If the tenant does not notify the owner, in writing, that the tenant requests stove knob covers, the owner will not make the stove knob covers available to the tenant. Please also note that an owner is required to provide replacement stove knob covers or permanent stove safety knobs with integrated locking mechanisms only twice within any one-year period. You may request stove knob covers or permanent stove safety knobs with integrated locking mechanisms by checking the appropriate box on the form below, and by returning it to the owner at the address provided.

Please complete this form by checking the appropriate box, filling out the information requested, and signing. Please return the form to the owner at the address provided by _____(date):

Yes, I want stove knob covers or replacement stove knob covers for my stove.

Yes, I want permanent stove safety knobs with integrated locking mechanisms for my stove.

There is a child under age 6 residing in my apartment:

Yes

No

_____(Tenant Signature) _____(Date)

Print Name, Address, and Apartment Number:

Return this form to: _____(Owner Address)

“
**ONLY A QUALIFIED
WATER TANK
INSPECTOR CAN
SUBMIT THE
INSPECTION
REPORT.**
”

File Annual Drinking Water Storage Tank Inspection Results with DOHMH by Jan. 15

Or risk a violation.

Drinking water tanks help deliver pressurized water to some buildings with more than six floors.

New York City has a set of laws in place requiring owners of buildings that use drinking water tanks to store or pressurize the building's drinking water to inspect and clean them at least once a year. The requirement to test these water tanks and report the results are intended to make sure these drinking water tanks are free of harmful bacteria that could make New Yorkers sick.

For the current cycle, the annual inspection and water quality (bacteriological) sampling for your drinking water tank must be conducted between Jan. 1 and Dec. 31, 2024. And the inspection report must be submitted by your certified water tank inspector by Jan. 15 of 2025.

The requirements apply to any tank used to store a building's drinking water. If the building has a dual-purpose water storage tank that includes a fire suppression system and a drinking water supply system, the tank must be inspected because some of the water is used as drinking water. Water tanks that are not covered by the NYC Department of Health and Mental Hygiene's (DOHMH) inspection and reporting requirement are ones that are separate from the drinking water supply system, such as a standalone fire suppression tank. Domestic hot water heating tanks are also not subject to this requirement.

Owners must ensure that the water tank inspector submits the results of those inspections to the DOHMH by Jan. 15. We'll go over these requirements in detail.

Annual Inspection

Annual inspections must be conducted for all drinking water tanks that are used to

store or pressurize a building's drinking water [NYC Health Code Article 141, §141.07; NYC Administration Code 17, §17-194]. According to the laws, a physical inspection of each drinking water tank includes the following:

- Assessing the condition of the internal and external tank structures, pipes, access ladders, roof, access hatches, and screen;
- Assessing the presence of pitting, scaling, blistering or chalking, rusting, corrosion and leakage, sediment, biological growth, floatable debris or insects, and rodent/bird activity in or around the tank; and
- Taking a bacteriological (coliform) sample and sending it to a NYS Environmental Laboratory Approval Program (NYS ELAP)-certified lab. Bacteriological means relating to bacteria.

The inspection results must be made available to the DOHMH by Jan. 15 of the following year and must be maintained by the building owner for at least five years.

If unsanitary conditions are found during the physical inspection, or if coliform bacteria are found in a building's drinking water, the storage tank from which the sample was collected may be contaminated and require cleaning and disinfection. Any sample that indicates the presence of coliform bacteria, such as *E. coli*, must be reported to the DOHMH within 24 hours. Necessary corrective actions, such as cleaning and disinfection, must be taken immediately. The DOHMH may be contacted by email at water-tanks@health.nyc.gov.

Violations may be issued for failure to complete an annual inspection. Only a qualified water tank inspector is allowed to submit a drinking water tank inspection report to the DOHMH. The NYC Administrative Code and the Health Code defines a water tank inspector as the following:

- A licensed master plumber;
- A person who works under the direct and continuing supervision of such a licensed master plumber; or
- A licensed professional engineer or architect design professional.

Annual Cleaning and Disinfection

While the NYC Health Code §141.09 requires that drinking water storage tanks be cleaned if there's a positive bacteriological result that's attributed to the sanitary conditions of the tank, the NYC Plumbing Code Chapter 6, §606.5.4.5.3 requires all water tanks to be cleaned at least once a year. These cleanings must be completed only by a person or business with a valid permit issued by the Commissioner of Health and Mental Hygiene.

When a tank is cleaned, the water supply connections to and from the tank must be disconnected or effectively plugged. Then the tank is drained and cleaned. Before the tank can be put back in service it must be disinfected by washing the underside of the top, the bottom, and the walls with hypochlorite solution. The tank must then be filled with water and the chlorinated water must remain in the tank for two hours. After two hours, the tank must be drained completely before refilling for regular use.

Chlorine levels must be taken to validate that the disinfectant levels are below EPA National Primary Drinking Water Regulations. Additionally, a post-cleaning coliform sample should be taken to validate the effectiveness of the disinfection and cleaning process.

A record of the disinfection and cleaning should be kept by the owner for a

least five years and made available to the DOHMH within five business days.

Submitting Reports

The water tank inspector must submit the report on the DOHMH's online Drinking Water Tank Inspection Reporting system. To complete the form, the water tank inspector will need to register with a valid email address. After registration, partially completed reports can be saved and finished later. Multiple tanks at a single building must be included in the same inspection report submission.

If you own more than one building, you must ensure that a separate reporting form is submitted by the water tank inspector for each building with a unique Department of Buildings-issued BIN that uses a tank to store drinking water. For example, if a property owner owns three separate buildings, each with a unique BIN and each with a drinking water tank, the water tank inspector would need to file three separate reports.

Make Results Available to Residents

The NYC Health Code §141.07 requires an owner to post in an easily accessible location to residents in each building served by a drinking water tank a notice that inspection results are available upon request. Owners must keep inspection results and water quality test results for at least five years.

The notice must be placed in a frame with a transparent cover. The public notice must include the name, address, and phone number where inspection results can be requested. And upon receipt of a request, the owner or manager is required make a copy of the inspection results available within five business days. For a sample notification sign, you can visit www.nyc.gov/assets/doh/downloads/pdf/environmental/watertank-inspection-sample.pdf.

IN THE NEWS

City Council Approves Updated J-51 Program

Owners face tight deadlines, particularly for retroactive projects.

The New York City Council recently approved the revamped J-51 tax abatement program. Although the J-51 law was renewed at the state level in October 2023, the state law allowed New York City to pass it for itself. This program aims to encourage renovations in older rental buildings by offering property tax relief for qualifying upgrades.

The new program is set to expire in 2026 and applies retroactively to projects completed after June 29, 2022, when the previous version expired, as long as construction is finalized by June 30, 2026. Still, owners face tight deadlines, particularly for retroactive projects, which must be filed within four months of the program's adoption.

It's now an abatement-only program

that lasts for up to 20 years. For rentals, buildings must be at least 50 percent "affordable," part of the state's Mitchell-Lama program, or receive "substantial government assistance." HPD will determine the income levels for the "affordable" units. The abatement is also limited to 70 percent of the reasonable cost of renovation work with the "reasonable" cost of specific types of work determined by HPD over the life of the break, and capped at 8.3 percent each year.

HPD hasn't yet finalized the rules, leaving owners unsure whether their projects will meet the requirements. And retroactive applicants face a daunting four-month deadline, while those planning new projects have only 19 months to complete construction by the June 2026 cutoff.

DOT Releases E-Bike Charging Pilot Program Report

Outdoor hubs look to be a practical alternative to indoor charging.

The NYC Department of Transportation (DOT) recently released its report, "Safer Charging, Safer Deliveries," summarizing the findings of its six-month Public E-Bike Charging Pilot Program. The report offers encouraging news to apartment building owners because innovative approaches to lithium-ion battery charging have the potential to reduce the risk of fires.

There's been a growing threat of lithium-ion battery fires from charging micro-mobility devices such as scooters and e-bikes. According to the report, between 2020 and 2023, fire incidents caused by lithium-ion batteries rose from 30 to 268, with 18 fatalities reported in 2023. This sharp increase has been attributed to the use of uncertified e-bike batteries, many of which are charged in apartments under unsafe conditions.

To study and combat this, the DOT pilot introduced outdoor charging alternatives, such as battery-swapping cabinets and e-bike charging docks, at five locations across New York City. These facilities provided free, safe charging options primarily for food delivery workers. The initiative achieved remarkable results, reducing at-home charging by 35 percent. In some cases, participants stopped charging at home altogether, significantly lowering the risk of residential fires. Importantly, there were no fire incidents reported at any of the pilot sites, which further underscores the effectiveness of providing controlled, secure charging infrastructure.

The pilot program offers guidance for owners looking to enhance fire safety. Owners may significantly reduce the risks posed by tenants charging e-bike batteries

indoors by advocating for the installation of safe charging stations near their buildings. With the pilot program, moving charging practices outdoors improved fire safety but also demonstrated the demand for accessible charging options. The pro-

gram recorded over 12,000 battery swaps and more than 1,300 dock charging sessions, with peak usage aligning with meal delivery times. This indicates that outdoor hubs may serve as a practical and widely used alternative to indoor charging.

NY Attorney General's Office Secures \$6.5M Settlement to Protect Tenants

Property management firm repeatedly violated local laws related to lead paint, pests, and mold.

New York Attorney General Letitia James recently announced a \$6.5 million settlement with Lilmor Management, LLC, and its principal, Morris Lieberman, following years of housing code violations and tenant mistreatment. The settlement addresses persistent hazards in its buildings, including lead paint, mold, pest infestations, and other unsafe conditions. The property management company oversees over 2,500 rent-stabilized apartments across Brooklyn and Queens and was repeatedly listed among New York City's "Worst Landlords" in recent years.

The settlement includes \$2.9 million in restitution for current and former tenants, compensating them for the unsafe and uninhabitable conditions they endured. The remaining funds will help cover penalties and support HPD's enforcement efforts. The agreement also mandates comprehensive repairs to bring its buildings up to code, overseen by an independent Housing Specialist appointed by the Attorney General's office. This specialist will monitor the progress of repairs, conduct inspections, and address tenants' concerns.

The investigation into the company launched in 2021 after numerous complaints. It revealed widespread violations of the Childhood Lead Poisoning Prevention Act and local housing maintenance laws. Over 100 children in its properties tested positive for elevated lead levels. Specifically, the company:

- Repeatedly failed to adequately determine if a child under the age of 6 lived in any of its apartments;
- Failed to conduct annual inspections in apartments and buildings where it knew a child under the age of 6 lived; and
- Failed to undertake legally required measures to inspect for and address any lead paint hazards in between tenancies.

The company also repeatedly and persistently violated local laws related to proper abatement of mold and vermin. The investigation found that the company addressed mold and vermin issues only in response to the placement of city and state housing code violations and failed to take any of the legally required proactive and ongoing steps to inspect for or prevent these hazards. Specifically, the company:

- Didn't ask all tenants about mold and pests every year, as required by law;
- Didn't annually inspect all apartments for indoor allergen hazards (mice, roaches, rats, and mold);
- Didn't document compliance with law that requires that vacant units be thoroughly inspected and properly cleaned before new tenants moved in; and
- Didn't demonstrate that it established an Integrated Pest Management plan, not just to exterminate for pests in a single unit, but to address extermination throughout the buildings.

BUILDING MANAGEMENT CALENDAR

Key dates to add to your to-do list: Jan. 15 through Feb. 15, 2025.

1/15 WED

Deliver 'Annual Notice: Lead Poisoning & Window Falls' to tenants.

Today is the last day to deliver the "Annual Notice: Protect Your Child from Lead Poisoning & Window Falls" to all tenants in your building.

Deliver fire & emergency safety plan to building employees and current occupants.

Today is the last day to distribute a copy of your building's fire & emergency safety plan (FEP) and annual stove knob cover notice to building employees and current occupants of every apartment if you opt to deliver the FEP with your "Annual Notice: Protect Your Child from Lead Poisoning & Window Falls." You don't have to deliver the FEP now if you distributed it to building employees and occupants in October 2024.

Submit annual drinking water storage tank inspection results to DOH.

Today is the last day to submit the annual water tank inspection result for the 2024 calendar year. If your building has a rooftop drinking water tank, make sure the water tank inspector has submitted inspection results to the NYC Department of Health and Mental Hygiene (DOH) by this date.

Protest 2024–25 real property tax assessment.

Today is the first day to apply to the city's DOF for a reduction of the 2024–25 tax assessment for your property. Applications for Class 2 and Class 4 properties can be filed up to and including March 1. Applications for Class 1 properties can be filed up to and including March 15.

1/16 THURS

Distribute annual stove knob cover notice to tenants.

This is the last day to distribute an annual stove knob cover notice. Owners are required to provide stove knob covers or permanent stove safety knobs with integrated locking mechanisms for gas-powered stoves where the owner knows or reasonably should know that a child under 6 years of age resides.

1/20 MON

Use Dr. Martin Luther King Jr. Day building schedule.

Dr. King's Birthday is a Service Employees' Union (Local 32BJ) contract holiday. It's also a Sanitation Department workers' holiday, which means there's no garbage pickup or street cleaning.

2/12 WED

Use Lincoln's Birthday building schedule.

Lincoln's Birthday is a Sanitation Department workers' holiday, which means there's no garbage pickup or street cleaning.

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LANDLORD v. TENANT

For highlights of the year's housing court, DHCR, and Environmental Control Board decisions, look on our homepage under Departments and click on [Landlord v. Tenant](#). For a complete database of case summaries of more than 50 monthly landlord-tenant decisions going back 25 years, see the site of the Insider's sister publication, www.LandlordvTenant.com.