

New York City
Department of Housing
Preservation and Development
Office of Preservation Services/
Division of Code Enforcement

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See FAQs Inside

This pamphlet contains frequently asked questions for tenants and owners concerning heat and hot water requirements, and is provided for your convenience only. For complete information, consult the law and applicable rules.

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The New York City Department of Housing Preservation and Development (HPD), Division of Code Enforcement, is responsible for enforcing the New York City Housing Maintenance Code and the New York State Multiple Dwelling Law.

For more information or to learn more about the New York City Department of Housing Preservation and Development please visit our website www.nyc.gov/hpd or call the City's Citizen Service Center at 311.

www.nyc.gov/hpd



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For New York City Information Call 311

FAQs
Frequently Asked
Questions

About...

Heat
and
Hot Water
Requirements



FAQs

Frequently Asked Questions

What are the civil penalties for heat and/or hot water violations?

Civil penalties imposed by the Court are as follows:

- \$250-\$500 dollars per day for each violation from and including the date the notice is posted at the building, until the date the violation is corrected;
- \$500-\$1000 per day for each subsequent violation at the same building during the same calendar year or, in the case of a heat violation, during the same period of October 1st through May 31st.

Does HPD initiate legal action against owners for failing to provide heat and/or hot water?

HPD's Housing Litigation Division regularly reviews all heat and hot water violations and may sue the owners in Housing Court.

What can owners do to avoid heat and hot water violations?

To avoid violations, owners should properly maintain their building's heating plant, provide an adequate supply of heat and hot water in all apartments, and respond quickly to occupant complaints.

Does HPD offer any assistance or programs for owners?

HPD's Housing Education Program offers courses and seminars for owners, managing agents and superintendents on a variety of housing issues that include caring for a building's heating plant. To register for these classes, owners can access HPD's website (www.nyc.gov/hpd) or call 311. To help owners better maintain their heat

and hot water systems, HPD has produced a video called "Heat and Hot Water in Residential Buildings." Owners can watch this video online at www.nyc.gov/hpd (requires Windows Media Player) or order it at no cost through HPD's Owner Services Program by calling 311.

What is "HEAT SEASON"?

"Heat Season" is the time of year when owners of dwellings are required to provide occupants with a required minimum amount of heat.

When is "HEAT SEASON"?

"HEAT SEASON" begins October 1st and ends May 31st.

What are an owner's obligations during "HEAT SEASON"?

During "HEAT SEASON" owners must meet the following requirements:

- between the hours of 6 AM and 10 PM, if the outside temperature falls below 55° Fahrenheit, the inside temperature is required to be at least 68° Fahrenheit; and,
- between the hours of 10 PM and 6 AM, if the temperature outside falls below 40° Fahrenheit, the inside temperature is required to be at least 55° Fahrenheit.

What are an owner's obligations with respect to HOT WATER?

HOT WATER must be provided throughout the entire year. Owners are required to provide hot water at a constant minimum temperature of 120° Fahrenheit.

What should occupants without heat and/or hot water do?

Occupants who are not being provided with heat or hot water, or who feel that

the heat and hot water being provided is inadequate, should first attempt to contact their building's owner, managing agent, or superintendent. If the problem is not resolved, they should file a complaint with the City's Citizen Service Center at 311.

What will happen when a heat and/or hot water complaint is called in to the City's Citizen Service Center at 311?

HPD will attempt to call the owner and/or managing agent to provide notice of the complaint and to get the heat and/or hot water restored. HPD will then call the person who reported the complaint to confirm whether or not the heat and/or hot water were restored. If the person who filed the complaint reports that the heat and/or hot water condition still exists or if the complainant cannot be reached on the phone by HPD, a housing inspector will be dispatched. Owners are not informed when an inspection will be performed.

What will the housing inspector do if the occupant is not home at the time of the inspection?

Since heat and hot water complaints generally represent building-wide conditions, if the occupant of the apartment for which the original complaint was reported is not home at the time of the inspection, the inspector will attempt to perform a heat and/or hot water inspection in another apartment in the building. The inspector will leave a card or notice of the attempted inspection at the apartment for which the original complaint was reported. If the heat and/or hot water condition exists in the entire building, a building-wide violation will be issued.

A heat and/or hot water complaint was reported. Why is the housing inspector asking whether a child under

age six resides in the apartment and/or performing an inspection of every room?

Local Law 1 of 2004 (NYC Childhood Lead Poisoning Prevention Act of 2003) requires that HPD make a diligent effort to ascertain whether a child under age six resides in the apartment. If a child under age six resides in the apartment, the law requires inspectors to perform an inspection of every room to determine whether any lead-based paint hazards exist in the apartment.

How will an inspector determine whether an adequate supply of heat and/or hot water is being provided?

All housing inspectors are equipped with thermometers that will take the room and water temperature. The housing inspectors are trained to take the temperature of the coldest room in the apartment. The thermometers that are used by the housing inspectors, which do not take into account wind chill, take only a few minutes to properly measure the room temperature. Since the use of an auxiliary heating device, e.g., space heater, will not provide an accurate room temperature for the purpose of issuing a violation, housing inspectors will not measure the room temperature in a room that is receiving heat from an auxiliary heating device. If the temperature taken at the time of inspection does not meet the required minimum, the appropriate violations will be issued.

What will happen if an owner, after issuance of a violation, fails to provide heat and/or hot water?

If heat and/or hot water are not restored after a violation is issued, HPD's Emergency Repair Program may use in-house staff and/or outside contractors to perform the necessary repairs to restore the heat and/or hot water. The cost of all emergency repairs will be charged to the owner.