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Commissioner  
DOUGLAS APPLE  
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Assistant Commissioner

Office of Enforcement and Neighborhood Services  
Housing Litigation Division  
100 Gold Street  
New York, N.Y. 10038

Applicant:

Enclosed is an application for a Certification of No Harassment or Exemption. Answer all questions Yes, No or None.

The application **must be typed or printed** and submitted, with one copy, to the Department of Housing Preservation and Development according to the filing instructions. Please submit your application to the Office of Enforcement and Neighborhood Services, Certification of No Harassment Unit, 100 Gold Street, Room 3Q3, New York City, NY 10038. **Attention: Rhonda Waldon**

Please be certain to submit the fee along with the completed application so that your application will be accepted. Attach original certified copies of all deeds in existence during the thirty-six month inquiry period, a copy of the your permit application to the Department of Buildings, if one was submitted, and an original certified copy of the Certificate of Occupancy, if one exists. If there is no Certificate of Occupancy, please attach an Original Certified Letter from the Department of Buildings stating that the building does not have a Certificate of Occupancy. Unless your application is fully completed and the requested documentation attached, it will not be processed. The Department, at its discretion, may require a copy of the architectural plans.

You have an ongoing responsibility to update your application during the pendency of the application process. Any material misstatement or omission in the initial application or required updates may result in the denial of the certification of no harassment. If your application is denied, you must wait three years before you will be allowed to file a new application for a certification of no harassment.

You are expected to cooperate fully with the Department in its investigation of this application, and to provide access to the subject premises to the Department's employees. We reserve the right to reject your application if we do not receive your full cooperation.

If you have any questions about the application process, you may call the Certification of No Harassment Unit at (212) 863-8266.

**MS. WALDON IS AVAILABLE TO ACCEPT WALK-INS  
(PEOPLE WITH QUESTIONS OR THOSE WISHING TO PICK UP OR  
DROP OFF AN APPLICATION) BETWEEN THE HOURS OF  
9 AM – 11 AM ONLY**

Rev. 7/06



**INSTRUCTIONS**

**DETERMINING WHETHER TO APPLY FOR A CERTIFICATION OF  
NO HARRASSMENT OR EXEMPTION**

This is an application for a Certification of No Harassment or an Exemption from the requirement of obtaining a Certification of No Harassment. Be sure to check the appropriate box in the application under #1. If you are applying for an Exemption, indicate the letter designation of the Exemption you are seeking in #2. The term single room occupancy multiple dwelling shall not include:

- a) College or School Dormitory;
- b) Clubhouse. Submit documentation from the Department of Buildings classifying the building as a clubhouse;
- c) Luxury Hotel. This is defined as a single room occupancy multiple dwelling in which the rent on May 5, 1983, exclusive of governmentally assisted rental payment charged for seventy-five percent or more of the total number of occupied individual dwelling units was more than fifty-five dollars (\$55.00) per day for each unit rented on a daily basis, or more than two hundred and fifty dollars (\$250.00) per week for each unit rented on a weekly basis or more than eight hundred and fifty dollars (\$850.00) per month for each unit rented on a monthly basis;
- d) Residence whose occupancy is restricted to an institutional use such as housing intended for use primarily or exclusively by the employees of a single company or institution;
- e) City-owned multiple dwelling;
- f) Any multiple dwelling containing fewer than nine class B dwelling units used for single room occupancy unless the total number of such units is more than fifty percent of the total dwelling units in such multiple dwelling. For example, a building containing eight single rooms and eight apartments would qualify, but one containing eight single rooms and fewer than eight apartments would not qualify; and
- g) Any class A or B multiple dwelling which is (a) the subject of a program approved by the Commissioner of Housing Preservation and Development and related to the rehabilitation and preservation of single room occupancy multiple dwellings other than a program of tax abatement or tax exemption, including, but not limited to programs of tax abatement or tax exemption authorized by subchapter two of chapter two of title eleven of the Administrative Code or section four hundred twenty-one (a) of the real property tax law, and (b) exempted from the provisions of this section by such Commissioner.

If an exemption is claimed you must attach a cover letter detailing the basis for the exemption and all documentation substantiating such claim. Please note, that if you claim an exemption you are not required to complete the entire application. You are required to complete only questions 1, 2, 4, 5, 6, 7, 8 and 9.



## HOW TO FILE YOUR APPLICATION AND FEE REQUIREMENT

An original and one copy of this application together with accompanying documents, should be filed with the Department of Housing Preservation and Development, Operations Division, Anti-Harassment Unit, 100 Gold Street, 3<sup>rd</sup> floor Room 3Q3, New York, NY 10038, by mail or in person **between the hours of 9 am to 11 am only**. This application must be filed along with a fee in the form of a check or money order payable to the Department of Housing Preservation and Development of the City of New York.

- a) On buildings of 10 units or less - \$500.
- b) On buildings of 11 units to 30 units inclusive - \$1,500.
- c) On buildings of 31 units to 50 units inclusive - \$2,500.
- d) On buildings of more than 50 units - \$3,500.

## WHO MAY APPLY

Only the owner (as shown on the deed) or his agent or a contract vendee in possession may apply for a certification or exemption. If you are a contract vendee you must submit a copy of the contract to purchase the building and a copy of the insurance policy for the building.

The applicant must be an individual. If the owner or contract vendee in possession is not an individual but a partnership or corporation, a general partner or corporate officer are considered applicants for their respective business entities, and must complete the application and sign accordingly. In the case of a cooperative, the certification must be applied for by an authorized officer of the cooperative corporation and will be issued to the cooperative corporation. In the case of a condominium, it must be applied for by the condominium association or homeowner's association and will be issued to that association.

## INQUIRY PERIOD

The inquiry period begins thirty-six month prior to the acceptance of your application by the Department or, if an Alteration or Demolition application was made to the Department of Buildings, thirty-six months prior to the date that application was made and ends when a final determination is made by the department. It is during this time period that the Department must find evidence of harassment to trigger an administrative hearing. (Please read the attached copy of Local Law 19 which details the procedures used by the department in enforcing this statute).

## NEW OWNERS OR CONTRACT VENDEE IN POSSESSION

Even though you may have only recently purchased or took possession of the building you are still responsible for providing the information necessary to complete the application for the entire inquiry period. A finding of harassment may be based on conduct of a prior owner as long as the Department finds that such harassment occurred during the thirty-six month inquiry period.

## ONGOING DUTY TO UPDATE YOUR APPLICATION AND COOPERATE

You have an ongoing obligation to update the information on your application and to cooperate with the Department's investigation of your application. Failure to cooperate or provide additional information or updates may result in the rejection of your application. You should also be aware that false or misleading statements or material omissions in the application may subject you to denial of the certification.



**APPLICATION FOR CERTIFICATION OF NO HARASSMENT OR EXEMPTION**

1. Check (a) or (b)

I am applying for: (a)Certification of No Harassment   
(b)Exemption

2. If you are applying for an exemption, please indicate the letter designation for the exemption you are seeking. (See instructions.)

\_\_\_\_\_

**INQUIRY PERIOD WILL BE ESTABLISHED BY HPD**

3. INQUIRY PERIOD \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ to \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
month day year month day year

4. Premises for which certification or exemption sought. (subject premises)

\_\_\_\_\_

house number street borough Zip Code

block \_\_\_\_\_ lot \_\_\_\_\_

Building name by which the subject premises is known: \_\_\_\_\_

5. Name and mailing address of Applicant. ( Must be an individual, please see instructions).

\_\_\_\_\_

name

\_\_\_\_\_

house number street city/state Zip Code

Telephone: Business: ( ) \_\_\_\_\_  
Home: ( ) \_\_\_\_\_

Email Address: \_\_\_\_\_

6. Relationship of applicant to subject premises (for example: owner, contract vendee in possession, officer of owner) \_\_\_\_\_

7. Name(s) of deed owner(s) \_\_\_\_\_



Remember to submit an original certified copy of all recorded deed(s) to cover the inquiry period. You can obtain a certified copy from the City Register in the borough where the premises are located.

8. Please describe the subject premises. In 8(a) describe the actual appearance of the premises. In 8(b) describe the legal configuration of the units in the premises, if different.

a. Actual appearance of premises:

		SRO Units	Non SRO Units
Residential Units	vacant		
	occupied		
Commercial Units	vacant		
	occupied		

b. If different, describe the legal configuration of the units in the premises. Remember to include a certified copy of the Certificate of Occupancy for the building, if one exists. If there is no Certificate of Occupancy, please obtain a letter from the Department of Buildings that the building does not have a Certification of Occupancy.

		SRO Units	Non SRO Units
Residential Units	vacant		
	occupied		
Commercial Units	vacant		
	occupied		

9. For what purpose are you applying for a certification of no harassment or exemption? Briefly describe the work you intend to do at the premises. Copies of plans may be requested.

10. Have you ever applied for a certification of no harassment before? If so, indicate the building(s) for which the certification of no harassment was sought and the disposition of the application(s).



11. Please provide the requested information for the **applicant and any other individuals** who exercises any discretion in the management of the premises or was involved in the operation of the building during the inquiry period, e.g. managing agents, on site managers, superintendents, caretakers, rent collectors, former owners, etc.

Name, Address and Relationship to the premises	Birthdate and Social Security #	Person or Entity By Whom Employed	Dates During Which Services Were Performed



12. Complete this item if the owner of the premises is a corporation, LLC or a partnership. If the owner is one of the entities, in addition to the information provided in the columns below please submit an Opinion of Counsel letter which authorizes the individual to file the application. An opinion of counsel letter is a letter by an attorney that the person signing on behalf of the applicant, corporation, partnership or limited liability corporation, is entitled to file and act on behalf of the entity and to make all of the representations and commitments therein.

Name	Relationship to owner	Residence and Business Address	Business and Home Phone



13. List the names of all owners who held their interest during the Inquiry Period. For each owner, provide address and phone number, if known, and indicate the period of ownership.
14. Has the premises been managed or operated by an entity other than the owner during the Inquiry Period? (For example, net lessee, mortgagee in possession, receiver, etc.) If so, provide name, address, phone number and description of relationship to the premises for each such entity. Be certain to indicate the time period during which the premises were operated by the entity in question.



15. List all criminal convictions of person or entities listed above in items 11, 12, 13, and 14 which occurred during the inquiry period, as well as all currently pending criminal proceedings in which such persons are defendants. Note that requests for additional information and documentation may be made in the future.

Name	Court where proceeding pending or conviction	Case or Docket No.	Name of Complainant(s)	Disposition or Current Status



16. List all proceedings before the Division of Housing and Community Renewal (DHCR) involving the subject premises which were commenced, pending or resolved after the opening date of the inquiry period to and including the date of filing this application. Note that requests for additional information and documentation may be made in the future.

Name	Case or Docket No.	Nature of Proceedings	Attorneys for parties, if any	Disposition or Current Status



17. List all current residential and commercial occupants of the subject premises and provide requested information as to each. If there are any changes in the information provided here during the pendency of this application please inform us immediately in writing.

Name	Date occupant began living at the premises	Room, Apartment or Commercial Unit	Telephone No. of Occupant	Amount of Monthly Rent



18. List all former occupants who have surrendered the units they occupied at the subject premises, or otherwise vacated, from the opening date of the inquiry period to the present. If you have not owned the premises during the entire inquiry period, please contact former owners for this information.

Name	Unit Occupied	Date Vacated	Reason for Vacating (e.g. Court Action)	Current Address and Phone No. of Former Occupant



19. List all lawsuits relating to the subject premises commenced, pending or resolved during the inquiry period. Note that requests for additional information and documentation may be made in the future.

Title of Action	Index No. and Court	Attorney(s) for Plaintiff(s) (Name, Address, and Phone No.)	Attorney(s) for Defendants(s) (Name, Address, and Phone No.)	Nature of Action	Disposition or Current Status



Please answer questions 20, 21, and 22 below in good faith, to the best of your ability. If you do not have sufficient personal knowledge to answer these questions, or any other questions on this application, please endeavor to obtain the required information by contacting former owners, tenants, government agencies, etc.

20. a) Has any owner of the premises, its agents, employees or other persons acting on its behalf used force, or threatened the use of force against the person or property of any occupant of the premises during the inquiry period?  Yes  No

b) If the answer to “a” is yes, give details

21. a) Have there been any interruptions or discontinuations of services at the premises during the Inquiry Period, including, but not limited to: heat, hot water, cold water, electricity, gas and/or elevator service?  Yes  No

b) If the answer to “a” is yes, give details

22. a) Has any owner of the premises, its agents, employees or other person acting on its behalf removed the possessions of any occupant from the dwelling unit; removed, plugged or otherwise rendered the lock on an entrance door inoperable or changed the lock on an entrance door without supplying the occupant with a key?  Yes  No

b) If the answer to “a” is yes, give details



