

FACT SHEET



Andrew M. Cuomo, Governor

A PUBLICATION OF NEW YORK STATE
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION

#17 Harassment

Harassment by an owner is a course of conduct intended to force a tenant out of his/her apartment, or to cause a tenant to give up rights granted the tenant by the Rent Stabilization Law or Rent Control Law. An owner, or anyone acting on behalf of an owner, must not interfere with a tenant's privacy, comfort, or quiet enjoyment of the tenant's apartment. Interference includes reducing services or engaging in baseless court proceedings. The Rent Code Amendments of 2014 (RCA 2014) expanded such course of conduct to include the filing of false documents with or making false statements to DHCR.

Harassment is a serious violation of a tenant's rights. The New York State Division of Housing and Community Renewal (DHCR) established the Enforcement Unit specifically to handle harassment cases. The Unit is staffed with attorneys who specialize in this area of the rent laws. They respond to all complaints of harassment made within New York State related to rent regulated housing.

Upon receipt of a properly completed complaint form, RA-60H "Tenant's Statement of Complaint(s) - Harassment", the complaint is reviewed to determine an appropriate course of action. The review process may determine that the tenant actually needs to file a different complaint such as a failure to renew a lease or a decrease in service complaint instead of a harassment complaint. If so, the agency will provide the tenant with the needed form. If the complaint alleges facts that would constitute harassment, the case is opened and assigned to an attorney in the Enforcement Unit. A copy of the complaint will be served on the owner and the Enforcement Unit attorney will schedule a conference for the tenant and owner. The purpose of the conference is to investigate the tenant's complaint of harassment and to attempt to resolve outstanding issues.

The conference may result in agreements, agency directives or any other action that is necessary and appropriate under the circumstance including continued case monitoring to ensure any harassing behavior has ceased or to ensure repairs are completed.

If an owner continues to engage in an unlawful behavior or a course of conduct, or fails to follow agency directives, the Enforcement Unit will commence a formal hearing before a DHCR Administrative Law Judge seeking fines against the owner. A formal hearing is held at a DHCR office and requires that the tenant and owner appear in person, to provide testimony. In many instances, this may require several days of attendance.

Owners found guilty of tenant harassment are subject to a minimum fine of \$3,000 for a first offense, and up to \$11,000 for each subsequent offense or conduct directed at more than one tenant. In addition, DHCR will not permit rent increases once there has been a finding of harassment. This restriction remains until DHCR issues an order lifting the finding of harassment.