



NEW YORK STATE ASSOCIATION FOR AFFORDABLE HOUSING

**Hearing of the New York City Council Committee on Housing and Buildings
NYSFAH Testimony on Int. 960 + Int. 1551 – April 20, 2017**

The New York State Association for Affordable Housing (NYSFAH) thanks the Committee for the opportunity to submit comments on the package of bills addressing the serious concern of tenant harassment. The industry association is proud of its members' reputation as responsible managers and developers, and appreciates the Council's efforts to regulate bad actors who use unlawful tactics to harass and intimidate tenants for any reason.

NYSFAH does not take a formal position on a majority of the bills heard at this hearing. We defer to the relevant City agencies, in particular the Department of Housing Preservation & Development (HPD) and Department of Buildings (DOB) as to the impact of these bills on their operations and capacity.

However, there are a few concerns we wish to raise with provisions of two bills that may have unintended or unfair consequences on ethical landlords acting in good faith.

Int. 960

NYSFAH believes that the "notice content section" provision should be amended. Requiring "the contact information, including a telephone number, for an agent or employee of the owner who can be reached for matters pertaining to the work being performed 24 hours a day, 7 days a week during the period of construction" is unreasonable.

Many management companies have voicemail services for non-working hours and do not employ 24/7 or overnight staff. This bill should be amended to be explicit that only contact information must be provided by the management, and not an employee who "can be reached... 24 hours a day, 7 days a week" by any tenant for any reason, even non-emergencies. An answering machine service or equivalent should be acceptable as it relates to those hours when construction work is not taking place.

Int. 1551

NYSFAH agrees that unauthorized charges on a rent bill are used by bad actors as a harassment tactic. However, we are concerned that the language this bill uses to address the issue is not clear enough. For example, the ability of an owner to charge legal fees will be written into a lease, but the actual fee amounts may not be. It is unclear in this bill whether those fee amounts constitute being "agreed to in the lease," since the dollar amounts are not explicitly delineated and signed off on. The bill's language should be adjusted to take into account such realities.

We appreciate the Council's efforts to curb tenant harassment and look forward to working with the Council to amend the bills to meet this objective.