



## **Violations from the NYC Housing Preservation and Development reflect the health of a property - by Peter Goldstein**

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In the world of real estate in New York City, keeping your buildings free from Housing Preservation and Development (HPD) violations is now more important than ever. Violations are public record where tenants, banks, and buyers can easily view the amount of violations, the nature of them, and how long they have been on the building with a click of the mouse. The amount of violations can be looked at as a direct reflection of the condition and the health of your building.

It is important to stay on top of violations in the building by certifying violations on time and submitting dismissal requests to do HPD inspections sporadically to make sure violations don't pile up on the building. Everything from refinancing to renting apartments to section 8 tenants can be directly related to HPD violations so I am going to give a few tips to keeping your buildings violation free that I have learned over the 11 years I have been handling HPD violation for Langsam Properties Services Corp.

First, if you have no open violations issued in the past year, there is a service called the Violation Reissuance Program. It is a free service HPD provides where you can have old violations reissued and certify them, and they will be removed in 70 days from when you certify them without having to schedule an inspection. On the HPD website you can find the instructions for this program when you click on "clear violations."

Second, clearing lead violations is very important and there are certain procedures for removing them when submitting a dismissal request that must be followed. These have changed in the past few years and I'm going to highlight two significant items. One major item is "all paperwork related to lead violations must be submitted with the dismissal request application or they will not be inspected." This is very important because HPD has allowed you to submit the lead documentation after submitting it in the past and even let you submit them after the inspection, but that is no longer the case. This rule is now being strictly enforced and the paperwork must be submitted timely or you will have to sign up for another inspection. Another major item is an original supervisor's affidavit must be submitted (from the lead company who performed dust wipes) with your paperwork. Without that document the lead paperwork will not be accepted.

Third, the ratio of the number of HPD violations to the amount of apartments in the building plays a very significant role in the buildings standing from HPD's point of view. The higher that number the more likely your building is to end up in certain programs (example: Alternative Enforcement

Program) which can be very costly for an owner. If you own or manage a building with only a few units, and there was a fire or an emergency that led to a significant amount of violations being written, the ratio number will be very high and it will be held against you, so I cannot stress how important it is to stay on top of situations like this.

These are just a few of the many things involved in keeping your building violation free. Continuously certifying violations, submitting dismissal requests, and looking for programs to remove violations is a direct reflection of how alert and committed an owner or manager is to taking care of their buildings. A high violation count will give the perception that that the building is being neglected so it is important that violation compliance is taken seriously by owners and managers.

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