



Tips on dealing with your Department of Housing and Community Renewal complaints

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Dealing with tenant complaints from the New York State Department of Housing and Community Renewal (DHCR) can be very time-consuming and difficult. They are used by tenants to challenge major capital improvements, ordinary apartment repairs, lease provisions, and other items.

Here are a few tips on how to make this difficult and overwhelming process, easier to deal with.

1. One of the most important aspects of dealing with DHCR is to answer complaints on time and on the proper form which accompanies the complaint. Failure to do this properly may result in an automatic default of the case giving the tenant a rent reduction or other penalties. If a tenant complains that the rent is too high, and the landlord does not respond, DHCR has been known to reduce the tenant's rent by three times the alleged overcharge.

2. Another common problem is when a tenant makes various complaints and the tenant will not allow you access to make the repairs. Send out a letter certified mail/return receipt giving eight days notice to the tenant that you need access. State the day and time the contractors will be at the apartment. Keep the proof of mailing in the tenants DHCR file. If you can't get access, repeat the process. If denied again, write a letter to DHCR explaining you were unable to obtain access and attach the copy of the proof of certified mail you sent. DHCR will know that you are attempting to handle the situation and will try to arrange access for you with the tenant. If they can't get the tenant to let you in, the case may be dismissed.

3. When you respond to a tenant's complaint, it's important that you read the docket carefully and answer each one of the complaints. If you start focusing on issues not listed, attention is drawn to irrelevant aspects that tenants bring up. The most important thing to focus on is the listed tenant complaint.

It's also important to include in your response any proof you can that the work was done. Attach invoices, pictures, affidavits from contractors and managing agents, tenant sign offs, etc...It's also important to write your docket number on each page of your response, in case they get separated.

4. Another important aspect is the format you respond in. The proper way to respond is to send one notarized original, and a copy for each tenant that is a part of the complaint. DHCR also requires you to send with your answer addressed and stamped envelopes to each tenant involved in the case, so they can use it to send them your response. Anything short of this can result in your response not being acknowledged, or DHCR may send everything back to you.

5. If you get served with a DHCR complaint, always check if you have a housing court case going with the same tenant. Before you draft your response, talk to your lawyers as the complaint may be part of the housing case.

6. If the case gets to a point where an inspector makes an appointment, it is important that you show up. This meeting gives you a chance to talk with the inspector about any problems you are having,

and an understanding inspector can be the difference between a rent reduction and an appointment arranged for the tenant to be home to let the workers make the repair.

7. If you lose a case, know you have 35 days to ask for a petitioner administrative review. That is your only chance to appeal the decision if you feel the judgment was wrong and should have gone in your favor. If you agree with the judgment and you want to get the reduction order reversed, file a restoration form, show invoices and any other evidence, and have the tenant sign off on it. Pending an inspection, you should be able to restore your rent to the proper amount.

It is important to address every complaint seriously and not let any of them slip through the cracks. The consequences of not taking them seriously can hurt your business financially and prevent major capital improvements and other benefits to your property.

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