



Avoiding HPD Fines During Extreme Cold

January 9, 2014 by Todd I. Nahins, Esq.

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The weather outside is frightful, but a visit from an HPD heat inspector can be financially disastrous if you are not prepared. An early warning from a complaining tenant or from a 311 call should be a call to action in order to avoid, or at the very least mitigate, fines imposed by courts in HPD-commenced actions.

Currently the law pertaining to heat is:

During the hours of 6 a.m. to 10 p.m. when the temperature falls below 55 degrees, the inside temperature must be at least 68 degrees. From the hours of 10 p.m. to 6 a.m. when the outside temperature falls below 40 degrees, the inside temperature must be at least 55 degrees.

Should an inspector cite you with a violation, the fines range from \$250 to \$1,000 a day. Therefore, it is important to react quickly should you receive a valid complaint.

When the landlord or management company receives a heat complaint, there will be no violation or fines if the repairs are made prior to an inspector arriving. During this season it is important that you have your plumber and/or boiler company on call.

If the building is cited for a heat violation it is important to correct the situation as early as possible. Keep a record of the discovery of the situation and how quickly the violation was corrected. Upon receipt of the Notice of Violation, certify its correction and send it back to HPD. You will find the Certification of Correction form with the Notice of Violation. Make sure you keep bills and records of payment for the repairs, which will help in mitigating the amount of the fines.

You may also consider keeping a calibrated thermometer, as there are times when the inspector's reading may be incorrect.

Finally, in many buildings there are tenants who keep their windows open. During this time of year, if you are aware of this situation, take pictures of the windows, and note the date and time. A court should not assess fines if a tenant keeps his windows open.

Todd Nahins's blog



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