



Legislation Text

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Int. No. 1045

By Council Member Powers

A Local Law to amend the administrative code of the city of New York, in relation to owner's right of access.

Be it enacted by the Council as follows:

Section 1. Section 27-2008 of the administrative code of the city of New York is amended as follows:

§ 27-2008 Owner's right of access. a. No tenant shall refuse to permit the owner, or his or her agent or employee, to enter such tenant's dwelling unit or other space under his or her control to make repairs or improvements required by this code or other law or to inspect such apartment or other space to determine compliance with this code or any other provision of law, if the right of entry is exercised at a reasonable time, [and] in a reasonable manner and after provision of notice pursuant to subdivisions b and c of this section, as applicable, provided that the owner shall accommodate reasonable requests to reschedule such entry. The department may by rule or regulation restrict the time and manner of such inspections.

b. In addition to any rules or regulations promulgated by the department pursuant to this section, an owner shall provide a tenant with written notice before entering such tenant's dwelling unit, except in cases of emergency as defined by rules of the department. Where such entry is for the purpose of conducting an inspection to determine compliance with this code or any other provision of law, such notice shall be delivered by personal delivery and electronic mail, if such tenant has provided the owner with an electronic mail address, at least seventy-two hours before such entry. Where such entry is for the purpose of making repairs or improvements or doing other work within such dwelling unit, such notice shall be delivered by personal delivery and electronic mail, if such tenant has provided the owner with an electronic mail address, at least

fourteen days before such entry. The required notice period is waived if (1) such tenant gives consent that the owner may enter the dwelling unit at a date and time prior to the expiration of the notice period or (2) such repair, improvement or other work is being done at the request of such tenant.

c. The notice required by subdivision b shall be in a form approved by the department and shall include (1) the date of the notice, (2) the date and time the owner seeks to enter the dwelling unit, (3) a contact phone number for the owner or the owner's agent responsible for such entry, (4) the name of the person delivering the notice, (5) a statement of the reason for such entry; and (6) a statement that the law requires tenants to be notified seventy-two hours before an owner can enter a dwelling unit for an inspection and fourteen days before an owner can enter a dwelling unit for repairs, improvements or other work, and that tenants may waive such notice periods by giving consent for the owner to enter the dwelling unit at a date and time prior to the expiration of the notice period. Such notice shall be provided in English and Spanish, provided that, where such tenant has identified to the owner as being unable to meaningfully communicate in English or Spanish, the owner shall make best efforts to provide such notice in a language in which such tenant can meaningfully communicate.

§2. This local law takes effect 120 days after it becomes law, except that the commissioner of housing preservation and development shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

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