



Legislation Text

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Int. No. 1458

By Council Members Brewer, Menin, Farias, Ayala, Banks, Won and Schulman

A Local Law to amend the administrative code of the city of New York, in relation to the procedure for determining that a dwelling unit is habitable for the purposes of the CityFHEPS program

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-145.5 to read as follows:

§ 21-145.5 CityFHEPS unit habitability assessment. a. Definitions. As used in this section, the following terms have the following meanings:

CityFHEPS. The term “CityFHEPS” has the same meaning as set forth in section 21-141.1.

Dwelling unit. The term “dwelling unit” has the same meaning as set forth in section 27-2004.

Habitability assessment. The term “habitability assessment” means an in-person inspection of a dwelling unit and common areas of the dwelling.

Inspector. The term “inspector” means the commissioner or any individual authorized by the commissioner to deem a dwelling unit is habitable.

Owner. The term “owner” has the same meaning as set forth in section 27-2004, or an owner’s agent.

b. Inspection required. The commissioner shall not approve the application of any CityFHEPS rental assistance payments to a dwelling unit unless the commissioner deems that such dwelling unit is habitable. An inspector shall conduct a habitability assessment to determine whether the dwelling unit is habitable, unless the commissioner deems such dwelling unit is habitable pursuant to the procedures established under subdivision g of this section.

c. Inspection checklist. 1. The commissioner shall identify all physical conditions that an inspector must examine during an initial habitability assessment to determine whether a dwelling unit is habitable. The commissioner shall categorize each such condition as either major or minor. Minor conditions shall include:

- (a) Window guards as required under section 27-2043.1;
- (b) Artificial lighting as required under section 27-2037;
- (c) Safety devices over electrical outlets as required under section 27-2046.3;
- (d) Knob covers as required under section 27-2046.4;
- (e) A bell or buzzer;
- (f) Whether an oven or stove has grease build-up; and
- (g) Any other condition the commissioner determines to be minor.

2. The commissioner shall develop a checklist that includes each condition identified under paragraph 1 of this subdivision and indicates whether each condition included is a major or minor condition. The commissioner shall also develop a guide that explains how an inspector shall determine if each condition is satisfactory. The commissioner shall make available the most recent versions of the checklist and guide on the department's website.

d. Inspection procedures. During a habitability assessment required under subdivision b of this section, an inspector shall:

1. Determine whether each condition on the checklist described under paragraph 2 of subdivision c of this section is satisfactory or unsatisfactory, and indicate such determination on a copy of the checklist;

2. Provide a copy of the completed checklist to the owner; and

3. Deem that the dwelling unit is habitable only if every condition on the checklist is satisfactory; or, if any conditions are unsatisfactory, notify the owner of the correction procedures set forth in subdivision e of this section.

e. Correction procedures. 1. If an inspector determines that any condition is unsatisfactory during an

initial habitability assessment, the inspector shall notify the owner of the unsatisfactory condition. The inspector shall provide the owner an opportunity to correct unsatisfactory conditions before completing the initial habitability assessment, provided that the inspector shall not be required to wait for more than 30 minutes to allow for such corrections. If the owner corrects any unsatisfactory condition, the inspector shall amend the checklist to reflect the correction before completing the initial habitability assessment.

2. If no more than 4 minor conditions are determined to be unsatisfactory at the completion of the initial habitability assessment, an owner may provide documents demonstrating correction of the conditions through the online portal established under subdivision f of this section. If an inspector certifies correction of the minor unsatisfactory conditions after reviewing the documents submitted through the online portal, a follow-up habitability assessment is not required.

3. If more than 4 minor conditions are, or any major condition is, determined to be unsatisfactory at the completion of the initial habitability assessment, a follow-up habitability assessment is required to certify correction of such conditions, and the inspector shall offer the owner the opportunity to schedule the follow-up habitability assessment before leaving the premises.

4. During a follow-up habitability assessment, an inspector shall only examine those conditions determined to be unsatisfactory during the previous habitability assessment.

5. An inspector shall deem a dwelling unit is habitable only after all unsatisfactory conditions are certified to be corrected.

f. Online portal. 1. The commissioner shall establish and maintain an online portal that allows owners to schedule habitability assessments and to provide photographs, videos or other documents to establish that an unsatisfactory minor condition has been corrected.

2. The commissioner shall determine the process by which an owner may use the online portal to demonstrate that an unsatisfactory minor condition has been corrected, including the documents that the owner must submit. The online portal shall provide instructions that describe this process.

g. Alternative procedures. The commissioner may establish procedures to deem that a newly constructed dwelling unit is habitable without a habitability assessment.

§ 2. This local law takes effect 180 days after it becomes law, except the commissioner shall take such measures as necessary for the implementation of this local law, including the promulgation of rules, before such date.

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