

Don't Freeze – Organize!

Your Right to Heat & Hot Water



metcouncilonhousing.org

Hot Water

In New York City, the law requires that your landlord provide hot water at a minimum 120 degrees at the tap, 24 hours a day, all year long.

Heat

In New York City, the law requires that your landlord provide heat at the following levels from October 1 through May 31:

From 6 am to 10 pm: If the outside temperature falls below 55 degrees, the inside temperature must be at least 68 degrees everywhere in your apartment.

From 10 pm to 6 am: If the outside temperature falls below 40 degrees, the inside temperature must be at least 55 degrees everywhere in your apartment.

What are the first steps I should take if I'm not getting adequate heat or hot water?

If your landlord does not provide heat and hot water at the minimum temperatures required by law, you must take steps to enforce your rights.

Call the New York City Central Complaints Bureau at 311 immediately to record the landlord's violation. Keep a record of your complaint reference numbers. An inspector should eventually come, although sometimes they don't. Inspectors may come unannounced, so if you will be gone during the day, work out a way for a neighbor or friend to give access to your apartment if an inspector shows up when you're gone. Get other tenants in your building to call 311. Everybody should call at least once per day until the condition is corrected.

Write and call the landlord and demand that the heat or hot water is turned on, and/or that the boiler is fixed and filled, immediately. It's always advisable to write your complaint in a letter, keep a copy for yourself, and send the letter certified mail, return-receipt requested from the post office. If you end up in court, the proof of mailing is essential for it to be considered as evidence. A conversation - whether in person or on the phone - will not hold up in court, as there's no proof that it actually occurred!

Buy a good indoor/outdoor thermometer and keep a chart of the exact dates, times, and temperature readings, inside and out, so long as the condition is not corrected. This will be useful if you end up in court, as the chart is your evidence.

Can I sue my landlord in court to force him/her to provide adequate heat or hot water?

You can start an HP Action for repairs and services in Housing Court to force your landlord to turn on the heat (or to turn it up). Ask for a court-ordered inspection and an Order to Correct.

Tenants have a legal right to withhold rent and go on a rent strike — but there are many consequences for doing so. Always consult a lawyer before taking this step.

Can I get a rent abatement or rent freeze as a rent-stabilized or rent-controlled tenant?

Rent stabilized and rent controlled tenant can get an order from the New York State Division of Housing & Community Renewal (DHCR) freezing/reducing rent when essential services are not provided, and prohibiting rent increases until the services is restored.

To obtain the forms, call DHCR at (718) 739-6400 and ask them to send you their "Application For A Rent Reduction Based Upon Decreased Service". For individual apartments use form RA-81, for entire buildings, use form RA-84. When using the building-wide form, get as many other apartments as possible in your building to sign. The forms are also available online: <http://www.nyshcr.org/Forms/Rent/#tenant>

If the landlord refuses to give heat, is there a way to get the city to do it?

The city's Emergency Repair Department may supply your heat if the landlord does not. Don't wait for this! It's rare when the city intervenes in this manner, but assistance from your local elected officials can help in this process.

If a boiler's fuel tank is empty, tenants have the right to buy their own fuel after 24 hours of no heat and no response from the landlord. But this provision does not apply if the boiler is broken and needs both repairs and fuel.

CAUTION! Protect your money! If you decide to buy fuel, you must follow special lawful procedures very carefully. You should get help and advice from a tenant organizer.

