

REMINDER: Indoor Allergen Hazard Laws Go into Effect

Required Notice and Pamphlet Now Available on RSA's Website

As of January 19, 2019, **Local Law 55 of 2018** requires owners of multiple dwellings to annually inspect units for indoor allergen hazards (mice, cockroaches, rats, and mold).

Building owners are now required to:

1. Perform annual inspections in each dwelling unit and common area of the building
2. Provide a notice (see below) in English and Spanish to prospective and current tenants that inform the household of the owner's obligation to do the following:
 - a required annual inspection of each dwelling unit; and
 - remediate mold, pests, and underlying conditions that cause mold and attract pests.
3. Provide a City Department of Health and Mental Hygiene (DOHMH) pamphlet to prospective and current tenants.
4. Use integrated pest management to address pest infestations, and prescribed work practices to fix mold and underlying defects (such as leaks).
5. Perform mold, pest, and underlying defect remediation along with thorough cleaning of any owner-provided carpeting or furniture before a new tenant moves into an apartment.

Please be advised that on renewal leases, the certification contained in the notice does not have to be signed (unlike vacancy leases). For your convenience, we have made the required notice in English and Spanish and DOHMH pamphlet available on RSA's website. They can be found under **Required Signs and Notices** in the Resources section. **DOHMH** has also provided guidelines with regard to indoor allergen hazards and can be found at <https://on.nyc.gov/2MhoCPp>.

As we detailed in the January edition of the *RSA Reporter*, with regard to required work practices needed to remediate mold, building owners must:

- Investigate and correct any underlying defect, including moisture or leak conditions
- Minimize the dispersion of dust and debris from the work area to other parts of the dwelling unit
- Use High-Efficiency Particulate Air (HEPA) vacuum-shrouded tools or a vacuum equipped with a HEPA filter at the point of dust generation
- Clean mold with soap or detergent and water
- Clean any remaining visible dust from the work area using wet cleaning methods or HEPA vacuuming

When submitting certifications for mold violations, you must use the **Certification of Correction for Mold**, which can be found at <https://on.nyc.gov/2SKrOIX>. When submitting documentation for violation clearance after the certification period has passed (for example, in response to a Defect Letter or when filing a Dismissal Request), you must also submit the **Affidavit of Mold Assessment and Remediation** with the appropriate supporting documentation. The affidavit can be found at <https://on.nyc.gov/2HIkE6Y>.

With regard to pests, building owners must use integrated pest management practices to remediate the presence of pests. These include:

- Inspecting for, and physically removing pest nests, waste, and other debris by HEPA vacuuming
- Eliminating points of entry and passage for pests by repairing and sealing any holes, cracks or gaps in an apartment using durable material (such as sealant and plaster)
- Eliminating sources of water for pests by repairing plumbing materials that leak or accumulate water
- Any apartment or common area found to have mice, rats and/or cockroaches will result in a Class C violation. All other pest infestations will result in a Class B violation. ■

Deregulation Threshold Increases as of January 1st

Pursuant to the Rent Act of 2015, the deregulation threshold for high rent vacancy decontrol increases by the amount of the one-year guideline. As a result of the 1.5% increase for one-year leases enacted by the City Rent Guidelines Board (RGB) on June 26, 2018, the threshold increased to \$2,774.75 effective January 1, 2019 for New York City rent-stabilized apartments.

The Deregulation Rent Threshold (DRT) for 2019 for counties outside of New York City are as follows: \$2,774.89 for Nassau County, \$2,733.75 for Rockland County, \$2,830.21 for Westchester

County (\$2,803.86 if the tenant pays for heat or hot water), \$2,774.72 for the Village of Ossining (\$2,759.70 if the tenant pays for heat or hot water).

DHCR has posted the 2019 Notice of Apartment Deregulation Pursuant to High Rent Vacancy form on their website. You can find it by visiting <https://bit.ly/2FJHwRG>.

For any questions with regard to high rent vacancy decontrol, contact RSA at (212) 214-9200. ■

