

NEW YORK APARTMENT LAW

insider

Building Compliance Simplified

DECEMBER 2025

IN THIS ISSUE

FEATURE

Use 11-Point Checklist to Evaluate Occupant's Succession Claim.....	1
11-Question Evaluation Checklist	3

DEPARTMENTS

MANAGEMENT BASICS

Perform Indoor Allergen Hazard Inspections by Dec. 31	8
---	---

Complete Annual Bedbug Reporting Requirement by Dec. 31	10
---	----

IN THE NEWS

New City Window Guard Rules Take Effect Jan. 1, 2026	12
--	----

New Law Limits Collection of Bounced Rent Check Fee to Actual Costs	12
---	----

BUILDING MANAGEMENT CALENDAR	13
------------------------------------	----

Use 11-Point Checklist to Evaluate Occupant's Succession Claim

When a rent-stabilized tenant moves out or dies, be prepared for a "family member" to claim pass-on rights.

Suppose that, after a tenant dies or moves out, an apartment occupant asks you for a renewal lease in her own name for a rent-stabilized apartment, or for the right to continue living in a rent-controlled apartment. The occupant claims that she had been living with the tenant

and that she's entitled to pass-on rights to the apartment, based on her family relationship, or family-type relationship, with the tenant. The occupant or roommate is either one of the relatives automatically considered a "family member" for purposes of getting pass-on rights,

If this issue was forwarded to you by a colleague, we'd love for you to become a subscriber.

SUBSCRIBE TODAY to get direct access to exclusive content, updates, and insights tailored just for you – delivered straight to your inbox every month!

Visit: www.apartmentlawinsider.com



or claims to be related as a nontraditional family member through emotional and financial commitment with the former tenant.

Are you obligated to give in to the roommate's claim? Or, if you refuse the request and the occupant doesn't move out, can you successfully fight the occupant's claim in court or before the DHCR and evict her?

New York State's succession laws for rent-regulated dwelling units acknowledge the rise of nontraditional living arrangements. For example, partners may choose to not formally marry. Or older tenants may live with adult children or other individuals with whom they have a long-term family-type relationship. To help you evaluate your situation, we've created a checklist based on 11 factors the courts and DHCR consider. The factors hinge on how long the occupant has lived in the apartment with the tenant and the nature of the occupant's relationship to the tenant. Here's what you should know.

Pass-on Basics

To get pass-on rights, the occupant must meet two qualifications. First, the occupant must meet a residency requirement—that is, she must have lived in the apartment with the tenant for a minimum length of time.

Second, the occupant must be a “family member” of the tenant as defined by the Rent Stabilization Code (Code), which applies to rent-stabilized apartments, or the NYC Rent and Evictions Regulations (rent control regulations), which apply to rent-controlled apartments. The Code and rent control regulations list certain relatives who are automatically considered “family members” for this purpose. Any other occupant—whether unrelated to the tenant or a relative (such as a niece or nephew) not on the list—must show that she's a family member because she had a nontraditional “family-type” relationship with the tenant. The Code and rent control regulations set similar criteria for deciding whether a family-type relationship exists.

BOARD OF ADVISORS

Dov Treiman, Esq.

Chairperson —
ALI Board of Advisors
Landlord-Tenant Managing Partner
Adam Leitman Bailey, P.C.
New York, NY

Lewis Barbanel

Barberry Rose Management
Woodmere, NY

Erez Glambosky, Esq.

Rivkin Radler LLP
New York, NY

Martin J. Heistein, Esq.

Belkin Burden Goldman, LLP
New York, NY

Alan Kucker, Esq.

Kucker Marino Winiarsky & Bittens LLP
New York, NY

Todd Nahins, Esq.

Borah, Goldstein, Altschuler,
Nahins & Goidel, PC
New York, NY

William J. Neville, Esq.

Mitofsky Shapiro Neville & Hazen, LLP
New York, NY

Karen Schwartz-Sidrane, Esq.

Sidrane, Schwartz-Sidrane,
Perinbasekar & Littman LLP
Rockville Centre, NY

Peter Schwartz, Esq.

Graubard Miller
New York, NY

Howard Stern, Esq.

Law Offices of Howard Stern
White Plains, NY

Niles Welikson, Esq.

Horing Welikson & Rosen, PC
Williston Park, NY

Michael Wolfe

Wolfe Realty Services
Staten Island, NY

Joe Zitolo

Lemle & Wolff, Inc.
Bronx, NY

Editor: Eileen O'Toole, Esq. **Executive Editor:** Heather L. Stone **Creative Director:** JG Pearmain

CEO & Publisher: Mark Ziebarth **Advertising Sales:** Andrea Stowe **Marketing Director:** Peggy Mullaney

the **HABITAT**group

NEW YORK APARTMENT LAW INSIDER [ISSN 0898-2961 (PRINT), 1938-3134 (ONLINE)]
is published by The Habitat Group, 15 Shaw Street, New London, CT 06320.

Volume 46, Issue 8

SUBSCRIPTIONS/CUSTOMER SERVICE: To subscribe or for assistance with your subscription, call 800-519-3692 or go to our website, www.ApartmentLawInsider.com.
Subscription rate: \$370 for 12 issues.

TO CONTACT THE EDITOR: Email: hstone@TheHabitatGroup.com. Call: Heather Stone at 212-812-8436. Fax: 212-228-1308.

TO PLACE AN ADVERTISEMENT: Please contact Andrea Stowe at andrea@plainlanguagemedia.com or call 888-729-2315, ext. 316.

DISCLAIMER: This publication provides general coverage of its subject area. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional advice or services. If legal advice or other expert assistance is required, the services of a competent professional should be sought. The publisher shall not be responsible for any damages resulting from any error, inaccuracy, or omission contained in this publication.

© 2025 BY PLAIN LANGUAGE MEDIA, LLP All rights reserved. No part of Apartment Law Insider may be reproduced, distributed, transmitted, displayed, published, or broadcast in any form or in any media without prior written permission of the publisher. To request permission to reuse this content in any form, including distribution in educational, professional, or promotional contexts, or to reproduce material in new works, or for custom reprints, e-prints, or logo licensing, please contact Heather Stone at 212-812-8436 or hstone@TheHabitatGroup.com.

11-QUESTION EVALUATION CHECKLIST

To help evaluate the occupant's claim, you'll need to know how long the occupant really lived in the apartment and the nature of her relationship with the tenant. You may need to hire a private investigator to get this information. You can also ask the occupant to give you any documents she has that show her relationship with the tenant (for example, a birth or marriage certificate, or documents showing joint finances or legal obligations).

Your next step, with your attorney's help,

is to evaluate the information you've gotten. Answering the following 11 questions will help you determine if you have a strong case against the occupant, or if the occupant will be able to prove that she had a family, or family-type, relationship with the tenant and is entitled to pass-on rights. With Questions #4 through #11, the more yes answers you have, the better the roommate's chance of keeping the apartment. If the answers to those questions are mostly no, you probably have a good chance of evicting the roommate.

EVALUATION CHECKLIST

- ☐ YES ☐ NO **1. Is the occupant automatically considered a family member who does not have to prove that she had a nontraditional family relationship with the tenant (see "Relatives Who Are Automatically 'Family Members')?"**

If yes, the occupant needn't prove that she had a nontraditional family relationship with the tenant. But the family membership still likely needs to be documented with, for example, a marriage certificate for someone claiming to be a tenant's spouse; a birth certificate for someone claiming to be a tenant's child, parent, or sibling; or other proof of the relationship that would automatically qualify an occupant as a listed family member. And a relative who automatically qualifies as a family member under the Code or rent control regulations still needs to meet the residency requirement to claim succession rights.

- ☐ YES ☐ NO **2. Before the tenant moved or died, did the occupant and tenant maintain the apartment as their joint primary residence either: (a) for at least two years; (b) for at least one year if the occupant is at least 62 years old or disabled; (c) from the beginning of the family or "family-type" relationship; or (d) from the beginning of the tenancy?**

It's up to the occupant claiming pass-on rights to present proof of residency. If the occupant can't show that she lived with the tenant for the required amount of time before the tenant died or moved out and that the apartment was the occupant and tenant's joint primary residence, it doesn't matter what type of relationship she had with the tenant; she won't be able to get the apartment.

Example: The DHCR denied a daughter's succession rights claim to the apartment of a deceased rent-stabilized tenant where the daughter acknowledged but never responded to the agency's request for proof of occupancy, which included copies of a government photo ID, driver's license, tenant's death certificate, birth certificate showing the daughter's relationship to tenant, income tax returns and W-2 form, payroll records, and Social Security statement [*Matter of Babalola*: DHCR Adm. Rev. Docket No. NM210014RT, LVT #33745 (6/5/25)].

Example: Although a former rent-controlled tenant's roommate showed at trial that he maintained a nontraditional mother and son-type family relationship with the former tenant, he didn't co-reside with the tenant for two years either before the termination of her tenancy or before her death because the apartment hadn't been tenant's primary residence for years before the landlord sued to evict her for nonprimary residence and the "son" claimed succession rights. The trial witnesses couldn't confirm dates when they observed both the tenant and the son living together in the apartment between February 2015 and February 2017. And two years prior to her death, records showed that the tenant was living in Colombia, where she had an additional residence. The son's right to occupy the apartment expired upon the termination of the tenancy in February 2017 [*Kanter's Realty Assoc. LLC v. Trujillo*: 2025 NY Slip Op 30120((U), LVT #33571 (Civ. Ct. NY Co. 2025)]].

EVALUATION CHECKLIST (CONTINUED)

An occupant may be able to come up with enough evidence supporting her residency claim to put the onus on you to disprove it. So, even though the occupant has the burden of proof in court, it's a good idea for you to have evidence to show the court that the occupant hasn't met the residency requirement. This evidence usually consists of official documents (for example, tax returns) showing another address for the occupant. Evidence also may include testimony of building employees, other building residents, and other family members.

☐ YES ☐ NO 3. Was the tenant living somewhere else while the occupant was in the apartment?

Sometimes, the person who claims to have been an occupant lived in the apartment while the tenant lived someplace else. In this situation, the "roommate" can't get pass-on rights because she didn't live in the apartment together with the tenant.

Example: A woman claimed that she had a nontraditional family relationship with the tenant and was entitled to succession rights. But she rented another rent-stabilized apartment in Manhattan throughout the time that she claimed to have lived with the tenant. She even renewed the lease to the other apartment after the tenant died. In addition, her tax returns, driver's license, voter registration, and banking and credit card statements all listed the other apartment as her address. Therefore, she didn't prove a nontraditional family relationship [*Caru, LLC v. Ratus*, 2007 NY Slip Op 50280(U), 14 Misc.3d 138(A)(App. T. 1 Dept. 2007)]

☐ YES ☐ NO 4. Did the occupant have a lengthy relationship with the tenant?

For nontraditional family members, the longer the relationship, the stronger the occupant's case. But courts won't award pass-on rights based on this factor alone. The relationship between the occupant and the tenant must also be characterized by an in-depth emotional and financial commitment.

Example: In one case, the occupant lived with the tenant for 35 years as a nontraditional family member. In addition to the length of the relationship, he was able to show that he had joint investment accounts with the tenant, and she left a substantial portion of her estate to him. The tenant also left \$5,000 to the occupant's sister. The tenant's two children and her grandchild submitted sworn statements confirming that the tenant and occupant had a long-term relationship and appeared as a couple at family functions. The tenant's grandchild considered the occupant his grandfather. And pictures of the couple at many family gatherings were also submitted to the court. The occupant submitted substantial proof that he had lived with the tenant as a nontraditional family member for many years. And so he was entitled to remain as a rent-controlled tenant [*Melohn v. Franklin*, 2001 NY Slip Op 50126(U)(Civ. Ct. NY Co. 2001)].

Example: However, in another case, an apartment occupant complained to the DHCR that the landlord refused to offer her a rent-stabilized renewal lease after the tenant died. She claimed she was the "daughter" and "primary health care attendant" for tenant's physical and medical needs with uninterrupted residency in the apartment for 27 years. The landlord claimed that: (a) the tenant died in May 2020; (b) his lease expired on May 31, 2020; and (c) the tenant had lived in the unit by himself for many years. The occupant submitted a number of documents to the DHCR that were generally character references. The DHCR ruled against the occupant, whose mailing address apparently was somewhere other than the apartment. The occupant failed to prove that she either primarily resided with the tenant for at least two years before he died, or to present proof of an emotional and financial commitment and interdependence with the tenant [*Matter of Solow*: DHCR Adm. Rev. Docket No. KM210025RT, LVT #32059 (4/1/22)].

☐ YES ☐ NO 5. If the occupant and the tenant had more than a few financial assets, did they intermingle their finances? For instance, did they share joint bank accounts, credit cards, and loans, and own personal and real property together?

Courts and the DHCR will consider how the tenant and occupant managed their finances. They'll consider if there was genuine intermingling of finances. If finances, such as bank accounts, aren't shared, you'll have an easier time showing that there was no family-type relationship, even if the occupant and tenant seemed to have an otherwise close relationship.

EVALUATION CHECKLIST (CONTINUED)

Example: In one case, a girlfriend wasn't able to prove a nontraditional family relationship. She claimed that she lived with the tenant in a nontraditional family relationship and that he intended to marry her. The trial court ruled for the owner. The girlfriend claimed that the tenant gave her money to deposit into her accounts to pay household bills, but this was insufficient to demonstrate the sharing of household and other necessary expenses, or the intermingling of finances. There also was insufficient proof of any domestic partnership [*Jackson Surrey 35th LLC v. Litvinova*, 2011 NY Slip Op 50594(U)(App. T. 2 Dept. 2011)].

☐ **YES** ☐ **NO** **6. Did the roommate and tenant share or rely upon each other for paying household or family expenses?**

If so, this is a sign that they did have a family-type relationship.

☐ **YES** ☐ **NO** **7. Did the tenant and roommate engage in family-type activities, such as social and recreational activities, family events, and holiday celebrations?**

The more of these activities shared by the tenant and occupant, the better the occupant's case.

☐ **YES** ☐ **NO** **8. Did the tenant and roommate formalize their legal obligations and intentions toward each other? For example, did each name the other as executor and/or beneficiary in a will, or grant the other authority to make health care decisions?**

Courts often use this factor to distinguish a close friendship (where no pass-on rights are warranted) from a true family-type relationship.

☐ **YES** ☐ **NO** **9. Did the tenant and roommate hold themselves out as family members to others through their words or actions?**

If the occupant can get people to testify at trial that she and the tenant presented themselves as family members, this will help the occupant prove that she's entitled to pass-on rights.

Example: In an eviction proceeding, the trial court ruled for a rent-stabilized tenant's life partner who claimed succession rights after tenant died. Four witnesses testified for the occupant. A funeral home director stated that the occupant was listed as "friend" on the tenant's death certificate because there was no other category since the parties weren't married. The occupant's daughter testified that the deceased tenant had been a father to her, she called him "dad," and they had close family-like relationships with the tenant's family. The occupant testified about her decades-long partnership with the tenant, that they shared expenses, parented her children together, and that she gave him daily care in the final months of his life. The court found that the relationship between the tenant and her roommate bore all the hallmarks of a marriage [*Diversified Equities LLC v. Swint*: NYLJ 3/6/24, p.17, col. 3, LVT #33168 (Civ. Ct. Queens Co. 2024)].

☐ **YES** ☐ **NO** **10. Did the tenant and occupant regularly perform family tasks, such as looking after each other and each other's extended family members?**

If the tenant and roommate cared for each other as family members would, the court will be more likely to rule that the occupant and tenant shared a family-type relationship.

Example: A court ruled against a rent-stabilized tenant's aunt, who claimed succession rights as a non-traditional family member after the tenant moved out. The aunt failed to prove an emotional and financial commitment and interdependence with the tenant required to establish she was a family member. A close friendship, by itself, isn't sufficient to characterize a nontraditional family relationship. The tenant and her aunt saw each other only twice a year before the aunt moved into the apartment and, three years later, saw each other only a few times a year. They also talked on the phone once a month after the tenant moved out. "A lifetime relationship of casual personal contact that bookends a three-year interlude" where tenant and the aunt claimed they lived together was insufficient to prove succession rights. Tenant had moved into her grandmother's house several blocks away after her grandmother died, filed income tax returns from that address, and kept pets there [*92nd St Venture v. Corbett*: 65 Misc.3d 1221(A), 2019 NY Slip Op 51779(U), LVT #30536 (Civ. Ct. NY Co. 2019)].

EVALUATION CHECKLIST (CONTINUED)

Example: The DHCR found that the occupant and former rent-stabilized tenant had a committed and interdependent relationship for almost five years. The occupant presented proof showing that she and tenant had close emotional and financial ties and that she lived in the apartment for at least two years as her primary residence before the tenant died in 2016. The lack of documents showing any formal legal obligations or intermingling of finances didn't undermine the occupant's succession claim given the hearing testimony. The occupant and her daughter took many trips with the tenant, and the occupant took care of the tenant before he died. Many tenants in the building were aware of the close relationship between the tenant and occupant, and the tenant's parents considered the two to be husband and wife [*Matter of Depew*: DHCR Adm. Rev. Docket No. HP410010RP, LVT #31927 (3/23/22)]

☐ YES ☐ NO 11. Does the occupant have documents to support his claim?

The occupant claiming pass-on rights should be able to present some documentary proof (for example, financial records, insurance policies) to support her claim that the occupant and the tenant treated each other as family members. Courts may be reluctant to award pass-on rights without this evidence, although there are instances where an occupant can demonstrate a family-type relationship without documentary evidence.

Example: A trial court and appeals court ruled against an apartment occupant who claimed nontraditional family member rights after rent-stabilized tenant died. There was no credible documentary or other proof that the occupant and tenant held themselves out as a family unit, jointly celebrated holidays with other family members, intermingled finances, or formalized legal obligations. There were no shared bank accounts, bank cards, credit cards, or loan obligations. The occupant didn't receive the tenant's Social Security, wasn't a dependent on the tenant's tax returns, and wasn't a beneficiary of the tenant's will, life insurance, or retirement account. The occupant admitted she didn't take care of the tenant's finances and didn't know who did. The tenant had in fact given his sister power of attorney and appointed his sister as the executor of his estate. And while the occupant claimed that she was present for the tenant "24/7" when he became ill, the occupant was employed outside the home, and the tenant's friends helped take care of him [*206 W. 89th St. LLC v. Morgan*: 2020 NY Slip Op 50249(U), LVT #30696 (App. T. 1 Dept. 2020)].

RELATIVES WHO ARE AUTOMATICALLY "FAMILY MEMBERS"

Here's a list of relatives who are automatically considered "family members" of a tenant. If one of these listed relatives remains in an apartment after a tenant dies or moves out, the relative doesn't have to prove any special "family-type" relationship with the tenant, but does have to prove that they met the residency requirement to keep the apartment:

- Spouse;
- Son;
- Daughter;
- Stepson;
- Stepdaughter;
- Father;
- Mother;
- Stepfather;
- Stepmother;
- Brother;
- Sister;
- Grandfather;
- Grandmother;
- Grandson;
- Granddaughter;
- Father-in-law;
- Mother-in-law;
- Son-in-law; and
- Daughter-in-law

DEFINITION OF SENIOR CITIZEN

Under rent control and rent stabilization, a senior citizen is a person who is 62 years of age or older. Under succession rules, an automatic or nontraditional family member claiming pass-on rights need show only that they lived with tenant in the apartment for one year, rather than two years, before the tenant died or moved out.

DEFINITION OF DISABILITY

Under rent control and rent stabilization, a disabled person is one who has an impairment that results from anatomical, physiological, or psychological conditions, other than addiction to alcohol, gambling, or any controlled substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which substantially limit one or more of that person's major life activities. Under succession rules, an automatic or nontraditional family member claiming pass-on rights need show only that they lived with tenant in the apartment for one year, rather than two years, before the tenant died or moved out.

MANAGEMENT BASICS

Perform Indoor Allergen Hazard Inspections by Dec. 31

Tenant complaints to HPD about allergens are on the rise.

In New York City, Local Law 55 of 2018, the Asthma-Free Housing Act, requires that owners of buildings with three or more apartments keep their tenants' apartments free of mold and pests. Under this law, an owner of multiple dwellings is required to inspect units annually for indoor allergen hazards, such as mice, cockroaches, rats, and mold. And it requires safely fixing the conditions that cause these problems.

In the latest annual report to the City Council on HPD's enforcement of Local Law 55, HPD reported that it had completed 81,485 inspections in fiscal year 2024 in response to indoor allergen complaints. This is a 29 percent increase in inspections completed from the prior year. These complaints are primarily reported through 311.

According to HPD, before an inspection is scheduled, HPD will take steps to notify the owner of the complaint and attempt to call the tenant to determine whether the condition was corrected. If the tenant isn't reached or doesn't confirm correction, an inspection will be attempted.

Owner Obligations

HPD's rules implementing Local Law 55 provide for work practices to be used by owners in performing the work to remediate indoor allergen hazards such as mold, cockroaches, mice, and rats. The rules also provide a sample form for owners to use in providing notice to tenants as required under the law, as well as procedures for submitting certifications of correction of such violations and requesting postponements of the time period to

correct such violations. Under the law, owners must do the following:

Perform annual inspections in each dwelling unit and common area of the building. Owners must annually inspect units for indoor allergen hazards such as mice, cockroaches, rats, and mold, and respond to any complaints received directly from tenants or HPD. A sample investigation form you can use to keep a record of inspections or investigations performed can be found at <https://www.nyc.gov/assets/hpd/downloads/pdfs/services/indoor-allergen-hazards-sample-investigative-report.pdf>.

Remove asthma triggers upon apartment turnover. Owners must make sure vacant apartments are thoroughly cleaned and free of pests and mold before a new tenant moves in.

Provide fact sheet and notice. Owners are required to provide the "What Tenants and Landlords Should Know About Indoor Allergens and Local Law 55" fact sheet and a notice with each tenant's lease that clearly states the property owner's responsibilities to keep the building free of indoor allergens. The fact sheet can be found at <https://www.nyc.gov/assets/doh/downloads/pdf/asthma/local-law-55.pdf>. The notice with each lease can be found at <https://www.nyc.gov/assets/hpd/downloads/pdfs/services/indoor-allergen-hazards-notices.pdf>.

Remediate pest infestation. Use Integrated Pest Management (IPM) to address pest infestations. The safe work practices in

“
**USE INTEGRATED
PEST
MANAGEMENT TO
ADDRESS PEST
INFESTATIONS.**
”

Section 27-2017.9 of Local Law 55 and 28 Rules of the City of New York Section 54-04 must be followed when assessing and correcting any underlying defects (such as moisture) that may have caused the infestation. IPM requires:

- Removal of pest nests and thorough cleaning of pest waste and other debris by using a HEPA vacuum, washing surfaces, or otherwise collecting and discarding such debris. Make sure to limit the spread of dust when cleaning.
- Elimination of points of entry and passage for pests by repairing and sealing any holes, gaps, or cracks in walls, ceilings, floors, molding, base boards, around pipes and conduits, and around and within cabinets by using sealants, plaster, cement, wood, escutcheon plates, or other durable material.
- Removal of all sources of water for pests by repairing drains, faucets, and other plumbing materials that accumulate water or leak.
- Attachment of door sweeps to all doors that lead to hallways, basements, or outside.
- Minimal use of pesticides. Pursuant to Administration Code Section 27-2017.8 of Local Law 55, any pesticide applied to eradicate the presence of pests must be applied by a pest professional licensed by the NYS Department of Environmental Conservation (DEC).

Remediate mold conditions. Owners of residential properties with 10 or more units are required to hire a NYS Department of Labor-licensed mold assessor and remediator (these two contractors must be completely independent of each other) to assess and remediate conditions whenever there is more than 10 square feet of mold.

You can use the NYS Department of Labor's Licensed Mold Contractors Search Tool at <https://dol.ny.gov/mold-program> to find a licensed mold

contractor in your area. These licensed workers must comply with NYC Administrative Code Section 24-154 and New York State Labor Law Article 32.

Additional information and a portal for the contractors to file required documentation under Local Law 61 of 2018 with the NYC Department of Environmental Protection (DEP) can be found on DEP's Air Pollution web page at <https://www.nyc.gov/site/dep/environment/air-pollution-regulations.page>. Copies of these filing receipts are required to be provided to the owner by the contractors after filing, and HPD requires copies of these same documents to be filed with a Certification of Correction for Class B and Class C mold violations issued in buildings with 10 or more units.

For owners who are not required to use professionals as outlined above, whether the removal is completed by a mold remediator or the owner/owner's representative, safe work practices are required for mold removal. These practices include:

- Removing any standing water, and fix leaks or moisture conditions.
- Isolating the work area with plastic sheeting and covering egress pathways.
- Limiting the spread of dust. Use methods such as sealing off openings (e.g., doorways, ventilation ducts) and gently misting the molding area with soap and water before cleaning.
- Cleaning mold with soap or detergent and water. Dry the cleaned area completely.
- Removing and discarding materials that cannot be cleaned properly.
- Throwing away all cleaning-related waste in heavy-duty plastic bags.
- Cleaning any visible dust from the work area with wet mops or HEPA vacuums.
- Leaving the work area dry and visibly free from mold, dust, and debris.

MANAGEMENT BASICS

Complete Annual Bedbug Reporting Requirement by Dec. 31

Electronic filing is required even when there's no reported bedbug activity in a unit.

“
**STATE LAW
REQUIRES THAT
OWNERS HIRE
ONLY DEC-
LICENSED PEST
CONTROL PROS
TO TREAT UNITS
FOR BEDBUGS.**
”

Local Law 69 of 2017 requires that all owners of apartment building with three or more units attempt to obtain the bedbug infestation history from the tenant, including whether eradication measures were employed for a bedbug infestation. Owners must then file bedbug infestation and treatment reports with HPD. Owners must file annually between Dec. 1 and Dec. 31 for the previous year from November 2024 through October 2025.

The law requires owners to file the bedbug history for each of their properties electronically with HPD. Once the Bedbug Annual Report has been filed, the owner must either provide the filing receipt to each tenant (upon commencement of a new lease and with each lease renewal) or post the filing receipt in a prominent location in the building. In addition, the owner must either distribute to each tenant or post the DOHMH's Stop Bed Bugs Safely guide, which provides information on the prevention, detection, and removal of bedbugs.

Annual HPD Bedbug Filing Requirements

The online application allows only validly registered property owners and managing agents of multiple dwellings to disclose bedbug infestation history. Electronic filing is still required even when there is no reported bedbug activity in a dwelling unit. The online portal for the annual bedbug filing can be found at <https://hpdcrportal.dynamics365por->

[tals.us/](https://hpdcrportal.dynamics365portal.us/). Furthermore, pursuant to the law, HPD will make the submitted information publicly available online.

A building's property registration must be current. And the online bedbug filing application will allow only validly registered property owners and managing agents of multiple dwellings to disclose bedbug infestation history.

Owners are required to file an aggregate report of the bedbug infestation history that includes infestation history for all units, not an infestation history for an individual dwelling unit. Owners are required to report the following information:

Total dwelling unit count. The total number of units in the multiple dwelling (whether or not the unit is occupied).

Infested dwelling unit count. The number of units, as reported by a tenant or otherwise known to the property owner, to have had a bedbug infestation for the reporting period and annually for each subsequent report.

Eradicated dwelling unit count. The number of units where eradication measures were employed for the reporting period.

Re-infested dwelling unit count. The number of units that reported having a bedbug infestation after eradication methods were employed for the reporting period and annually for each subsequent report.

When submitting, owners certify that either:

- A copy of the most recent electronic form will be distributed to each tenant of the building upon each lease renewal or the commencement of a new lease issued; or
- A copy of the form will be posted in a prominent location within the building within 60 days of the filing and that the owner will maintain a record that a copy of the form was prominently posted within 60 days of the filing of the information with HPD.

Once this filing with HPD is completed, in addition to taking the action that the owner certifies to (either providing the filing to each tenant, upon com-

mencement of a new lease and with each renewal lease, or posting in a prominent location within the building), the owner must either distribute the DOHMH's *Stop Bed Bugs Safely guide* or post DOHMH's Bedbug Information Notice. This notice provides information about the prevention, detection and removal of bedbug infestation. The form must be posted within 60 days of the filing of the Bedbug Annual Report.

It's important to note that in addition to the city-level bedbug filing requirements, state law requires owners to disclose bedbug infestation history dating back one year to new tenants through the bedbug disclosure form. This form can be found at <https://www.nyshcr.org/forms/rent/dbbn.pdf>.

IN THE NEWS

New City Window Guard Rules Take Effect Jan. 1, 2026

In our June issue, we reported on the city's proposed updates to window guard rules that reflect modern building practices and clarify responsibilities for window air conditioning units. (*See City Agency Proposes Updates to Window Guard Rules.*) The NYC Dept. of Health and Mental Hygiene (DOHMH) has now finalized these rules, still scheduled to take effect on Jan. 1, 2026, with a few changes as follows:

- Section 12-03 was revised to provide that annual notice reminders may be transmitted to occupants by any means practical, which includes electronic messaging, or by posting a notice in building common areas, rather than requiring the posting of notices in all instances.
- Section 12-08(h) was revised to require that the permanent identification on window guards include only the die-stamped Department registration number, and not the manufacturer's device model or fabrication date.
- In consideration of the burden on building owners, Section 12-09(i) was revised to remove the requirement that permanent installations of window air conditioning units include rigid side panels. In addition, the revised rule provides that owners are not responsible for arranging permanent installation of window air conditioning units, but rather must inspect and approve the installation to confirm that it is consistent with the installation requirements set forth in the rule.

New Law Limits Collection of Bounced Rent Check Fee to Actual Costs

Effective Oct. 16, 2025, a new provision of New York's Real Property Law (RPL) prohibits residential landlords from charging tenants a fee for a dishonored rent check in excess of the actual costs or fees incurred by the landlord as a result of the check being dishonored for insufficient funds.

RPL Section 238-a(2-a) also states that a landlord may not demand a dishonored check fee unless such payment, fee, or charge is provided for in the parties' lease or rental agreement. The new law also applies to sublessors in connection with subtenant rent payments.

BUILDING MANAGEMENT CALENDAR

Key dates to add to your to-do list: Dec. 1 through Dec. 31, 2025.

12/25 THU

☐ **Use Christmas Day schedule(s) for building employees.**

Christmas Day is a Building Service Employees' Union (Local 32BJ) contract holiday. It's also a Sanitation Department workers holiday, which means there will be no garbage pickup or street cleaning.

12/31 WED

☐ **File annual bedbug infestation and treatment reports with HPD.**

This is the last day to file a bedbug annual report electronically with HPD for the reporting period starting from November 2024 through November 2025.

☐ **Perform annual indoor allergen hazard inspections.**

This is the last day to comply with local law inspection requirements of Local Law 55, which requires owners to inspect units annually for indoor allergen hazards such as mice, cockroaches, and rats.

☐ **Perform annual lead-based paint inspections.**

This is the last day to comply with local law inspection requirements mandating that owners annually inspect for lead-based paint any units in which children under age 6 live.

☐ **File Category I annual elevator inspection third-party report with DOB.**

This is the last day to file reports that include statements and signatures from the owner, inspecting agency, and witnessing agency.

☐ **Submit gas piping system inspection certification.**

For buildings in Community Districts 2, 5, 7, 13, and 18, this is the last day to comply with Local Law 152 gas piping system requirements by submitting certifications.

☐ **Post updated Building Energy Efficiency Label.**

Today is the last day to replace your existing label with the latest energy efficiency score. Local Law 33 of 2018 requires all large building owners subject to the benchmarking law to display the energy grade of each building annually, in a clearly visible location. This year DOB delayed the posting period for owners of large buildings from Oct. 1 – Oct. 31 to Dec. 1 – Dec. 31. This extension applies only to the 2025 filing year. New labels are available on the DOB Now portal beginning Dec. 1.