

# Heat & Hot Water

## A Fact Sheet for Tenants

The law requires your landlord provide heat and hot water 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.
- Hot water at a minimum 120 degrees at the tap must be provided 24 hours a day, year round.

IF YOUR LANDLORD DOES NOT MAINTAIN THOSE MINIMUM TEMPERATURES, you should:

- Call the New York City Central Complaints Bureau at 311 immediately to record the landlord's violation. Call repeatedly. An inspector should eventually come, although sometimes they don't.
- Get other tenants in your building to call Central Complaint. Everybody should call repeatedly, at least once every day the condition is not corrected.
- 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. The chart is your evidence.
- Call the New York State Division of Housing and Community Renewal at (718) 739-6400 and ask them to send you their Heat and Hot Water complaint form or get the form from their website <http://www.dhcr.state.ny.us/ora/forms/pdf/Hhw1i.pdf>. Get as many other apartments as possible in your building to sign on, demanding an order restoring heat and hot water, and a

reduction and freeze (pardon the expression!) in all the rents.

- Start an "HP action" in Housing Court. Ask for a court-ordered inspection and an Order to Correct.

You'll need a strong tenant association to force the landlord to provide heat and hot water. Write and call the landlord and demand repairs or fuel.

Prepare to go on rent strike — but get legal advice first.

THE HEAT LAWS ALSO PROVIDE FOR:

- The city's Emergency Repair Department to supply your heat if the landlord does not. (Try waiting for this one!)
- \$500 a day fine to the landlord for every day of violation. (But the Housing Court rarely imposes these fines, let alone collects them.)
- \$1,000 fine to the landlord if an automatic control device is put on the boiler to keep the temperature below the lawful minimum.
- If your 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.

**Because the heat and hot water laws are in the law books does not mean they are enforced by government. Don't freeze to death waiting for the city or state to act. Organize!**

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For more detailed information about your rights as a tenant, or for assistance in organizing a tenants' association:

**METROPOLITAN COUNCIL ON HOUSING**

339 Lafayette Street, New York, NY 10012 • [www.metcouncil.net](http://www.metcouncil.net)

**Tenant Hotline:** 212-979-0611 (Mondays, Wednesdays and Fridays 1:30-5:00 p.m.)

**Free Tenant Clinic:** Tuesdays 6:30 p.m., Cooper Square 61 East 4th Street (between Bowery & 2nd Ave.)