

## "NO HEAT" CALLS

Effective immediately, all staff shall follow the following policy for "no heat" calls.

The Property Maintenance Code of New York State requires that heat be supplied to all habitable spaces, toilet rooms, and bathrooms from September 15<sup>th</sup> through May 31<sup>st</sup>. The temperature during this period must be 68 degrees or higher. The room temperature measurement should be taken 3 feet above the floor near the center of the room and at least 2 feet inward from each exterior wall's center.

The procedure for "no heat" calls shall be as follows:

1. The support staff person taking the call shall ask the caller if he/she has contacted their landlord. If the caller indicates he/she has not done so, the support staff will advise the caller to do so.
2. If the caller indicates he/she has been unsuccessful in contacting their landlord, or the landlord has been unresponsive, the support staff (in most cases the CSR or Clerk) will attempt to contact the owner. Support staff shall make every effort to resolve the problem by phone the day of the complaint.
3. If support staff cannot resolve the problem by phone, an inspector will be dispatched that day to inspect in the following manner; if there is an existing case, an appointment will be scheduled with the assigned inspector; otherwise, a case will be generated, and the inspection will be scheduled for the area CEO. All necessary inspections will be scheduled utilizing the inspection system, and the relative inspector will be advised by phone of the appointment.
4. If the inspector finds a violation of the heating requirements of the Property Maintenance Code, they will document the room temperature in the case event notes and cause a Notice and Order to be issued to the property owner, utilizing their pen-tablet, ordering "Heat to be restored immediately," using PC020 "Heat Inadequate."

**NOTE: THE NOTICE & ORDER MUST BE ENTERED INTO THE INSPECTION SYSTEM THE SAME DAY AS THE INSPECTION**

5. When an inspector finds a no heat violation, he/she shall explain to the tenant(s) that the owner will be cited for the violation. The inspector will additionally reach out to the owner and explain that the issue must be addressed immediately. For situations involving no heat for buildings with more than four units, see additional instructions in step 8. Although the City does not have the responsibility to provide tenants with emergency housing, in all situations, the inspector shall provide each tenant with information on emergency housing options, including:

- Staying with relatives or friends
  - If an MCDSS client, contacting their caseworker or the division of DSS emergency housing at 753-6044.
  - Contacting any of the following resources for assistance:
    - RPD FACIT – 428-7183
    - Red Cross – 241-4476
    - Salvation Army – 987-9540
    - 211
6. The business day following the Notice and Order's issuance, the inspector will conduct a reinspection. Suppose heat has not been restored and the owner has not taken appropriate action to correct the violation, and the owner has not addressed the health and safety of the tenant(s). In that case, the inspector shall recommend to his/her supervisor that an immediate ticket be requested.
7. Ticketing: Because this is an immediate ticket-able offense, a K1 letter is not required. To request a ticket, have the case placed into case source "enforcement" and request a ticket for inadequate heat (PC020). You must indicate the subject dwelling unit's temperature both on the initial inspection and again on the reinspection in the case event notes and complete the Right of Entry form.
8. In situations involving no heat for buildings with more than four units, the following additional steps shall be followed:
- When contacting the owner or their agent on the date of the initial inspection, the inspector shall explain to the responsible party that if they fail to address the situation immediately, the City may dispatch a contractor to make the necessary repairs. The owner will be billed for that service.
  - During the initial inspection, the inspector shall assess whether or not they have access to the heating system or if it's in an area that is not accessible without assistance from the owner. This shall be documented in the case event notes.
  - Upon reinspection, if the owner has not responded reasonably and the building is still without heat and (the heating system is accessible from the common area), the inspector, through their supervisor and the Manager, shall contact DES to make arrangements for their HVAC contractor to meet them at the location to make the necessary repairs. The inspector shall schedule this with any of the tenants who have access to the building's subject area. If the owner or their agent denies consent to repair before our arrival or instruct us to leave while on-site, a warrant must be secured to make the necessary repair.

- In situations where the heating system is not accessible, and the inspector reasonably believes that the lack of heat immediately and significantly endangers the health or safety of the tenants or other occupants of the premises, the inspector's supervisor will complete the applicable request for an inspection warrant per Policy #33 which will be brought to the Law Department to get before the court immediately. Once the warrant is secured, it will be executed per Policy #33.

**NOTE:**

NBD does not provide after-hours or weekend inspections for "no heat" calls.

All contact or attempts to contact the owner by all staff must be documented in the case event notes.

The required temperature for Occupied Workspaces during the same period mentioned above is 65 degrees.