

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2023**

No. 70

Introduced by Council Members Sanchez, Stevens, Farías, De La Rosa, Hudson, Louis, Nurse, Krishnan, Restler, Brewer, Brannan, Abreu, Joseph, Williams, Salamanca, Won, Menin, Hanif, Velázquez, Riley, Schulman, Narcisse, Barron, Avilés, Cabán, Brooks-Powers, Mealy and the Public Advocate (Mr. Williams).

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to expanding the heat sensors program

Be it enacted by the Council as follows:

Section 1. Section 27-2033.1 of the administrative code of the city of New York, as added by local law number 18 for the year 2020, is amended to read as follows:

§ 27-2033.1 Heat inspections and installation of internet capable temperature reporting devices. a. Definitions. As used in this section, the following terms have the following meanings:

Heat season. The term “heat season” means the period from October 1 through May 31.

Internet capable temperature reporting device. The term “internet capable temperature reporting device” means a device that is capable of measuring the indoor air temperature not less than once per hour and recording such temperature, along with the date and time of such reading, for a period of time not less than the immediately preceding 90 days. Such device must be capable of making such information available through an ordinary internet connection or through other means when no such connection is present. Such information must be accessible to property owners and any tenant of the unit in which such device is placed.

b. 1. No later than July 1, [2020] 2024, and every [two years] *year* thereafter, the department shall select 50 class A multiple dwellings that shall be subject to the requirements of this subdivision. The department shall select such class A multiple dwellings pursuant to criteria set forth in rules of the department, which shall include, but need not be limited to: (i) the number of violations of subdivision a of section 27-2029 over the preceding two years, and (ii) whether the department has received heat complaints from more than one dwelling unit in such class A multiple dwelling.

2. Annually, for the duration of heat season, the department shall conduct inspections of each class A multiple dwelling selected pursuant to this subdivision at least [once every two weeks] *twice each month*, without receipt of complaints, for compliance with the requirements of this section, section 27-2028 and subdivision a of section 27-2029, consistent with applicable law and in accordance with rules of the department. [If the department has not issued one or more notices of violation of paragraph three of this subdivision section 27-2028 or subdivision a of section 27-2029 to a class A multiple dwelling selected pursuant to paragraph one by January 31 of such inspection period, the] *In the course of such inspections, the department shall also inspect to ensure the device is installed in accordance with subparagraph (b) of paragraph 3 of this subdivision. The department may discontinue such inspections in such class A multiple dwelling, provided that there are no open violations of paragraph 3 of this subdivision as of January 31 in such heat season and no violations of section 27-2028 or subdivision a of section 27-2029 were issued since October 1 of such heat season. The department may by rule provide for a fee for any inspection conducted after January 31 for the remainder of such heat season.*

3. For a period of no more than four years, beginning on the date a class A multiple dwelling was last selected pursuant to this subdivision, the owner of each such class A multiple dwelling shall:

(a) Notify all tenants, at a time and manner described in rules promulgated by the department, regarding the requirements of this section, including installation of such devices, instructions on how to access the information collected by such devices, [and] the tenant's right of refusal, *and the tenant's right to request that such device be installed in a living room of the tenant's choice within the dwelling in accordance with subparagraph (b) of this paragraph;*

(b) Provide and install one internet capable temperature reporting device in one living room of *the tenant's choice* in each dwelling unit, *except where a tenant has refused such device pursuant to paragraph 7 of this subdivision*, in such class A multiple dwelling by October 1 of the year in which such class A multiple dwelling was selected pursuant to this subdivision;

(c) Replace any such device that was stolen, removed, found missing or rendered inoperable during a prior occupancy of the dwelling unit and was not replaced prior to the commencement of the current occupancy of such dwelling unit *for the time period that the multiple dwelling is subject to the requirements of this section;*

(d) Replace such device within 30 days after the receipt of written notice provided by the tenant of the dwelling unit where such device is located that such device has become inoperable due to a defect in the manufacture or installation of such device and through no fault of the tenant *for the time period that the multiple dwelling is subject to the requirements of this section;*

(e) Maintain such records as the commissioner shall prescribe by rule relating to the installation and maintenance of such internet capable temperature reporting devices and collection of heat data

from such devices, and make such records available to the commissioner upon request, consistent with applicable law and in accordance with rules of the department;

(f) *Submit to the department, at least once during each 30 day period during the heat season for the time period that the multiple dwelling is subject to the requirements of this section, data collected from the internet capable temperature reporting devices installed in such multiple dwelling pursuant to this section, provided the tenant has not opted out of installation of such internet capable temperature reporting device pursuant to paragraph 7 of this subdivision;*

(g) Maintain a record of reasonable efforts, in accordance with procedures prescribed by rule of the department, to gain access to a tenant's dwelling unit to install an internet capable temperature reporting device where the owner has been unable to gain such access and such tenant has not refused the installation of such device pursuant to paragraph [six] 7 of this subdivision; and

[(g)] (h) Maintain a written record of the number of each dwelling unit for which the tenant has refused installation of an internet capable temperature reporting device pursuant to paragraph [six] 7 of this subdivision for not less than one year after such owner is no longer subject to the provisions of this section.

4. *Upon selection of a multiple dwelling pursuant to paragraph 1 of this subdivision, the department shall post a notice in each of the designated citywide languages in section 23-1101 in a prominent place of such multiple dwelling, notifying tenants of the requirements of this section, a tenant's option to refuse the installation of such device in their dwelling unit, the requirement of twice monthly inspections by the department, and a tenant's option to call 311 to file a complaint relating to inadequate heat and to check the department's website for the issuance of heat violations. The department shall monitor that such notice is posted throughout the time period that*

such multiple dwelling is subject to inspection by the department pursuant to paragraph 2 of this subdivision.

5. The tenant of each dwelling unit in a class A multiple dwelling in which an internet capable temperature reporting device has been provided and installed by the owner pursuant to this section shall:

(a) Keep and maintain such device in good repair; and

(b) Replace any such device that is stolen, removed, found missing or rendered inoperable during such tenant's occupancy of such dwelling unit, except that the owner may make such replacement and charge such tenant a maximum of \$50 for the cost of each such replacement.

[5.] 6. The owner may not charge the tenant of a dwelling unit for the acquisition or installation of an internet capable temperature reporting device, nor for the replacement of such device where the replacement is due to wear or malfunction or pursuant to subparagraph (c) or subparagraph (d) of paragraph [three] 3 of this subdivision, except as provided in subparagraph (b) of paragraph [four] 5 of this subdivision.

[6.] 7. A tenant of a dwelling unit in a class A multiple dwelling selected pursuant to this subdivision shall have the option to refuse an internet capable temperature reporting device installed in such tenant's dwelling unit. The owner of such class A multiple dwelling shall receive from the tenant written confirmation of the tenant's decision to opt out of such installation.

[7.] 8. An owner of a class A multiple dwelling who is required to install an internet capable temperature reporting device pursuant to this section may apply to the department for discharge from such obligation in less than four years [if the department did not issue any violation of this section, section 27-2028, or subdivision a of section 27-2029 during the immediately preceding heat season, or if such owner has demonstrated to the satisfaction of the department that such

owner has taken permanent action to address the provision of heat for the next heat season. The department may establish a discharge process by rule] *as follows:*

(a) A class A multiple dwelling shall be discharged from the requirements of this section at the end of the heat season, provided that the owner of such multiple dwelling has (i) complied with the requirements of this section to install and, as appropriate, replace an internet capable temperature reporting device in each dwelling unit, (ii) not been issued a notice of violation of section 27-2028 or subdivision a of section 27-2029 during such heat season, (iii) supplied all requested records required to be maintained pursuant to subparagraphs e, f and g of paragraph 3 of this subdivision for the preceding heat season, and (iv) is currently registered with the department in accordance with section 27-2097.

(b) An owner of a multiple dwelling selected pursuant to this subdivision who has not complied with the requirements of paragraph 3 of this subdivision but is otherwise eligible for discharge pursuant to subparagraph (a) of this paragraph may be discharged from the requirements of this section upon payment of a penalty of \$500 as the department shall provide by rule for each violation of this section.

c. On or before August 1[, 2021, and annually thereafter] *of each year*, the department shall submit to the mayor and the speaker of the council a report containing, at a minimum:

1. Information about the implementation of the requirements of this section;
2. A list of the class A multiple dwellings selected in the most recent selection cycle pursuant to subdivision b *of this section*;
3. The number of heat complaints from each of the two immediately preceding heat seasons associated with each class A multiple dwelling on such list;

4. The number of violations of [sections] *section 27-2028* and *subdivision a of section 27-2029* issued in each of the two immediately preceding heat seasons to each class A multiple dwelling on such list;

5. Where such information is available to the department, whether the owner of a class A multiple dwelling on such list corrected the condition that resulted in any violation of [sections] *section 27-2028* [and] *or subdivision a of section 27-2029*;

6. An evaluation of information that was collected from internet capable temperature reporting devices installed pursuant to this section;

7. The number of complaints received and violations issued during the period of time that the internet capable temperature reporting device was installed pursuant to this section;

8. For the report due August 1, [2021] *2024*, the report shall include the information required by paragraphs [two] *2* and [seven] *7 of this subdivision*, provided that information required by paragraphs [one, three, four, five and six] *1, 3, 4, 5 and 6 of this subdivision* shall be included to the extent available to the department; and

9. For the report due August 1, [2023] *2025*, a recommendation based on the information required by paragraph [six] *6 of this subdivision* as to whether the requirements of this section should remain in effect.

d. Failure to install an internet capable temperature reporting device pursuant to paragraph [three] *3* of subdivision b *of this section* may result in a hazardous violation.

§ 2. This local law takes effect 180 days after it becomes law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on May 11, 2023 and returned unsigned by the Mayor on June 13, 2023.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 70 of 2023, Council Int. No. 434-A of 2022) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter

STEPHEN LOUIS, Acting Corporation Counsel.