

RSA Panelists Discuss Burdensome Compliance Requirements at December Seminar

The ever-increasing number of compliance requirements enacted by the City and the State was the subject of the seminar held by RSA on December 12th at the New York County Lawyers' Association (NYCLA). For those who missed the seminar, it will soon be available on-demand through NYCLA. **See page 16 for more information.**

More than 180 RSA members, as well as attorneys, attended the program, either in-person or online. The panelists included RSA's Executive Vice President, Jack Freund; RSA's General Counsel, Mitchell Posilkin and Deputy Counsel, Robin Bernstein; Christine Gonzalez, the Director of the RSA Insurance Agency; Howard Stern, the Administrator of RSA's Legal Services Plan; Blaine Schwadel, Esq. of Rosenberg & Estis, and James Hannah, Vice-President of Client Energy Services for Bright Power, an energy efficiency company.

Blaine Schwadel focused on the relationship between all of the compliance requirements, including rent registration information, as part of the exercise of due diligence for buyers, sellers and lenders. He also spoke about the new City law which requires that owners of buildings obtain certifications of no harassment from HPD prior to obtaining certain types of permits from DOB, requirements relating to tenant protection plans and new DHCR fact sheets regarding major capital improvements (MCIs) and demolition.

RSA's Jack Freund spoke about the changes to the annual safety notices that owners are required to send in January which include the window guard/lead paint notice, the new 23-page fire safety guide which has been expanded to include issues relating to emergency preparedness, and the new requirement that owners offer tenants stove knob covers for gas stoves (*see page 7*).

Mr. Freund also spoke about the importance of compliance with the State's annual rent registration requirements for rent-stabilized apartments, the necessity of filing exit registrations for units that have become deregulated, and the importance of record-keeping and record retention for tenant notices and required filings.

Robin Bernstein addressed a variety of subjects, including the new City bedbug reporting law, which requires owners to file the bedbug infestation history for all apartments on an annual basis with HPD. In addition, the law requires owners to either (1) post the filed notice and a DOHMH pamphlet in the building or (2) provide it to the tenants on vacancy and renewal leases (*see page 12*).

Ms. Bernstein also spoke about the City's smoking policy law, which went into effect in August and requires owners to have a smoking policy which must be provided to all tenants and incorporated into



The December Seminar panel included (l-r) Jack Freund, Blaine Schwadel, James Hannah, Robin Bernstein, Howard Stern and Mitch Posilkin (not pictured Christine Gonzalez).

all leases. She also discussed the City's new law relating to indoor allergen hazards and mold, which goes into effect in January, 2019, and requires an annual apartment inspection for indoor allergens and mold, and also the underlying conditions, such as leaks, that cause mold and indoor allergen hazards. The law requires that notices about the annual inspection requirement and the owner's duty to remedy indoor allergen and mold conditions be incorporated into leases and that tenants be provided with a DOHMH pamphlet (*see page 5*).

Howard Stern spoke about other fire prevention laws and regulations including the requirement that all doors be self-closing and the obligation to post "Close Doors Behind You" signs. Of particular importance in his presentation was the focus on the civil and, potentially, criminal liability that can result in the event of non-compliance.

James Hannah of Bright Power discussed the new benchmarking reporting requirements. Previously, only buildings of more than 50,000 square feet were required to comply with benchmarking and were subject to penalties for failing to do so. The new law applies to buildings of between 25,000 square feet and 50,000 square feet and requires them to upload their energy usage data (*see page 16*).

Finally, Christine Gonzalez, the Director of the RSA Insurance Agency, spoke about insurance requirements. She noted that insurance carriers require access to each insured location to help determine loss risks within 30 days of binding a policy. Ms. Gonzalez stated that commercial policies, typically, do not cover renovation projects or vacant buildings, and that all contractors should be licensed if required by law and have proper insurance coverages in place to protect the owner and manager of the building. ■