

I received an Apartment Inspection/Repair Notice Under My Door or a Telephone Message. What does this mean and do I have to comply?

Category: Owner/Landlord Implemented Rules

Background:

On a non-emergency basis the owner has a right to enter your apartment but must give you five days notice and be at a time mutually convenient to both parties. The owner may enter anytime if there is an emergency.

RSC, Section 2524.3 states as follows:

Without the approval of the DHCR, an action or proceeding to recover possession of any housing accommodation may only be commenced after service of the notice required by section 2524.2 of this Part, upon one or more of the following grounds, wherein wrongful acts of the tenant are established as follows:

(e) The tenant has unreasonably refused the owner access to the housing accommodation for the purpose of making necessary repairs or improvements required by law or authorized by the DHCR, or for the purpose of inspection ... provided, however, that in the latter event such refusal shall not be a ground for removal or eviction unless the tenant shall have been given at least five days notice of the inspection ... to be arranged at the mutual convenience of the tenant and owner so as to enable the tenant to be present at the inspection

Section 12 of the Rent Stabilization Lease Rider for Apartment House Tenants Residing in New York City, which is a part of every rent stabilized lease, states limits to the right of the owner to bring a civil action to evict a tenant unless the owner provides five days notice and arranges the inspection to take place at the mutual convenience of the tenant and the owner "so to enable the tenant to be present at the inspection."

If you wish to be present when the inspection or repair is conducted:

How to do it:

1. At your earliest opportunity, telephone the inspection/service office at the number which is found in the notice. Be prepared to wait for an answer or leave your name and number at the prompt so they can call you back.
2. When you speak to a representative, ask the representative to provide a narrower time frame for your inspection/repair than 8AM to 5PM so that you can be present during the inspection. They will likely tell you they can narrow it to the morning or the afternoon but can't guarantee that they will be there in the morning or afternoon. You should insist on a narrower time frame, such as an hour (9AM - 10AM).
3. When you tell the representative that you want to be present, they will tell you that if you are not there they will enter and conduct the inspection/repair. The representative may tell you that it is not a big deal, that Security will be present in the case of an inspection, and it only takes a few minutes. While some may not care about this invasion of the privacy of their homes, the Tenants Association believes that the better course is for you to be present so you can monitor everything they do and limit their activity in your apartment to the stated purpose of the inspection. If you want to be present for the inspection, you should make it very clear to the representative that they do not have your permission to enter in your absence. If you leave your apartment, even briefly, you should consider taping a note on your door stating that they do not have permission to enter.

Remember, under the RSC and your lease, the owner may not move to evict you unless the owner makes a reasonable effort to arrange the inspection to take place at the mutual convenience of the tenant and the owner “so to enable the tenant to be present at the inspection.”

The Tenants Association believes that it is unreasonable for tenants to be required to take time off from work or their normal activities so they can wait all day, all morning or all afternoon for Management to conduct its lawful inspection.

Article ID: 6

Last updated: 28 Mar, 2013

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