



## **Testimony Regarding the Certificate of No Harassment program**

April 20, 2026

The Association for Neighborhood and Housing Development (ANHD) thanks Committee Chairs Sanchez and Encarnacion, and members of the Committees, for the opportunity to testify on tenant harassment and the Certificate of No Harassment program. My name is Peter Estes, and I am ANHD's Senior Housing Policy Associate.

### **About the Association for Neighborhood and Housing Development**

ANHD is one of New York City's lead policy, advocacy, and technical assistance and capacity-building organizations. We maintain a membership of 80+ neighborhood-based and citywide nonprofit organizations that have affordable housing and/or equitable economic development as a central component of their mission. We are an essential voice, bridging the power and impact of our member groups to build community power and ensure the right to affordable housing and thriving, equitable neighborhoods for all New Yorkers. We value justice, equity, and opportunity, and we believe in the importance of movement building that centers marginalized communities in our work. Across 5 decades and 5 boroughs we have consistently focused on addressing New York's housing affordability crisis, displacement, and economic inequity to build community power.

ANHD's work directly supports the needs of our members who develop, manage, and organize to preserve affordable housing, and who fight to bring equity into low-wealth communities in New York City—especially communities of color. Our groups rely on us for technical assistance and capacity-building resources that allow them to maximize their resources, skills and impact. The support services, research, analysis, public education, and coalition building we do helps to identify patterns of local neighborhood experiences and uplift citywide priorities and needs. Our work translates into the capacity to win new programs, policies and systems that ensure the creation and preservation of deeply and permanently affordable housing, and economic justice.

### **Tenant Harassment**

One of the most pernicious tools of displacement, tenant harassment takes many forms. Landlords or property managers might neglect essential services, ignore repair needs, deny basic rights, or use direct physical intimidation – all forms of harassment that undermine tenants' sense of safety and stability in their home. Tenant harassment often manifests in conditions that threaten health and safety, from cutting off the heat in January to ignoring the mold spreading across leak-stained drywall. With unpermitted and after hours work, work that blocks entrances and exits, landlords also use construction as harassment – and the resulting hazardous dust and debris – to make tenants' homes unlivable. Or, leveraging the asymmetric access to financial resources that characterizes the typical landlord-tenant relationship, landlords inundate tenants with unsolicited buyout offers in an effort to pressure them to move.



Our immigrant neighbors face additional layers of harassment. As part of amendments to the definition of tenant harassment in 2017, the City Council explicitly included additional protections against harassment for immigrants, affirming the critical importance of these protections.<sup>1</sup> Yet, in recent months, ANHD members have reported instances of landlords and property managers targeting tenants who they perceive to be undocumented – refusing to accept rent, extorting extra payments, and quashing attempts to assert various tenants’ rights – with underlying threats to report tenants to Immigration and Customs Enforcement (ICE). These intimidation tactics have targeted tenants as they organized to improve building conditions and have followed discriminatory profiling based on race and ethnicity. Raising the spectre of sudden deportation, they have a chilling effect: legal service organizations report that tenants who come in seeking support are often too fearful of retaliation to proceed and that more have begun to self-evict and/or self-deport. Faced with intensified federal attacks on immigrants, we have to do everything in our power at the local level to reaffirm and recommit to our fundamental beliefs in openness and opportunity, safety through community, and strong, stable neighborhoods. To remain a sanctuary and a beacon, New York must hear the testimony raised today and act.

Threats, pressure campaigns, and the denial of rights and services are wielded most effectively against those with the fewest resources to fight back and those who can least tolerate the stress: harassment puts elderly and disabled tenants, mixed-status and undocumented families, and low- and moderate-income New Yorkers at risk. Tragically, these tactics are too often successful at forcing tenants out of their homes. Upending lives and tearing at the fabric of our neighborhoods, this instability has consequences for all New Yorkers.

Through a combination of administrative and legislative mechanisms, the City and State have sought to clearly delineate what constitutes harassment, to remove loopholes that incentivize it, to curb the power of landlords to harass, and to enact stricter consequences for those that continue to do so. Among these, the Certificate of No Harassment stands out as a key tool.

### **CONH History**

As the conveners of the Coalition Against Tenant Harassment (CATHnyc), ANHD and our members led the original campaign to make tenant harassment a housing code violation, enabling tenants to fight back against their landlords in the courts. Collectively, we were a driving force in the 2017 expansion of the definition of tenant harassment and in the development of the citywide Certificate of No Harassment (CONH) program, passed in 2018 and amended in 2021. My testimony today draws on this history and refers to the citywide CONH program, not the CONH programs for SROs or in Special Districts.

The CONH program was born from a multi-year organizing effort by tenants of rent-stabilized buildings against predatory equity-fueled speculators, dating from the early 2000s. It is intimately connected to the work to close loopholes in the rent laws that fueled rent hikes and displacement of longtime rent-stabilized tenants – work which culminated in the Housing Stability and Tenant Protection Act in 2019. Before these reforms, landlords could get around

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<http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3123734&GUID=6927ADE8-EBF1-412B-8659-39A10348CD2B>



rent-stabilization caps on rental increases by getting old tenants out and bringing new tenants in, which allowed them to access lucrative “vacancy bonuses” and largely unaudited Individual Apartment Improvements (IAs), which allowed further rent increases. With clear and pernicious incentives to generate high turnover, many landlords harassed tenants by various means. For many landlords, this became a way of doing business, and though many incentives to harass tenants have been closed over years, tenant harassment remains a significant problem. Against this larger backdrop, the CONH program was specifically established as New York was negotiating contentious, large-scale neighborhood rezonings in communities of color, which exacerbated concerns about speculative buyers. Along with updating and expanding the legal definition of tenant harassment to better cover the range of tactics commonly used by landlords looking to push out existing residents in search of higher rents, the Certificate of No Harassment program was designed to combat the tenant harassment that our member organizations confront on a daily basis. The program harnesses data on building conditions, sales history, harassment cases, and more to generate a list of buildings where tenants are likely to be at elevated risk of harassment. These buildings are subject to a logical set of restrictions that effectively remove the incentives to harass tenants, replacing them with meaningful consequences if evidence of harassment is found. In the buildings on the CONH Program List, if the owner of a building wants to seek a permit for significant changes to the building (for example, its use or layout), they must seek a Certificate of No Harassment, which requires them to engage in a preliminary investigation to determine if there exists reasonable cause that harassment occurred; if reasonable cause is found, a case is brought at the Office of Administrative Trials and Hearings (OATH). Based on OATH’s recommendations, HPD’s Commissioner either grants a CONH, allowing permits to proceed or denies the CONH, freezing all non-essential permits for alterations to the building for 5 years. If the owner wishes to lift the freeze and pursue alterations during this time, they may “cure” the denial by setting aside 20-25% of floor area for permanently affordable housing affordable at 40-60% Area Median Income (AMI), giving preference to existing tenants.<sup>2</sup>

The underlying logic of the CONH Program recognizes that, though there are retroactive means for tenants who have been harassed to seek justice, these are insufficient deterrents against harassment and are often only accessed after tenants have been displaced, rendering the point mostly moot. And so, to disincentivize landlords from harassing tenants and prevent displacement, it is crucial that we proactively identify at-risk properties, extend protections and provide opportunities for tenants to be heard, and back these up with meaningful consequences.

### **CONH Today**

Today, the CONH program provides a proactive pathway for addressing harassment, targets the worst actors, and has beneficial outcomes.

A key reason that retroactive solutions alone are not effective at deterring harassment is that tenants continue to face significant barriers in securing Findings of Harassment in courts.

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<sup>2</sup> The cure requires a set-aside of 20% of floor area onsite or 25% offsite (any offsite location must be within the same Community District). The set-aside units must be affordable at 50% AMI, or may be evenly divided at 40%, 50%, and 60% AMI. These units are not eligible to be counted toward requirements for tax exemptions or abatements.



Reviewing data on over 4,000 tenant action harassment cases from 2021 to 2025, we find that tenants won a Finding of Harassment in fewer than 4% of cases where a harassment claim is brought – consistent with previous ANHD analysis which found tenants were only successful in 2-6% of harassment claims.<sup>3</sup> **This lack of success is not, however, due to a lack of meritorious claims.** Tenant attorneys and ANHD members report that, although housing court judges have begun to demonstrate greater awareness of the definition of harassment in recent years, they prefer to focus on physical conditions even where there are strong co-occurring and related claims of harassment. As a result, in many housing court cases where a harassment claim is brought, the charge is not disproven but merely left unaddressed. This disconnect between legally prescribed tenant protections against harassment and their application in the courts is what makes it so important that the CONH program continues to leverage a broader (but still targeted) set of risk factors to identify properties where tenants are at risk of harassment. We cannot wait for the courts to catch up; we need the CONH program and other protections.

The current program is highly targeted. Out of roughly 60,000 eligible buildings (all with 6 or more units) in the five boroughs, only around 1,500 currently meet the criteria for inclusion on the CONH Program List – **just 2.5%**.<sup>4</sup> These criteria are arguably too narrow, but it is clear that the buildings in the CONH Program List are uniquely troubled relative to most residential buildings in the city and thus warrant closer inspection.

Additionally, data on CONH applications show that the program is effective at identifying properties where tenants are at risk of harassment. Of 35 applications submitted during the pilot period, **5 were denied (14.3%) and an additional 5 were withdrawn or abandoned (14.3%)**. Compared to the denial rates for CONH applications through the longer standing programs for SROs (4.5%) and Special Districts (1.3%), this denial rate is significantly higher – indicating that the criteria are accurately capturing buildings where tenants are or were at elevated risk of harassment.<sup>5</sup> Further, if some applications were withdrawn because owners suspected they would be denied a CONH, then the true rate is even higher.

The program's benefits extend further, with evidence that it encourages owners to improve building conditions – likely to get their buildings removed from the list in future years. In their recently released review of the program, HPD reported that Class B violations decreased in CONH buildings at a greater rate than in other similar buildings and Class C violations, which increased citywide at least partly due to changes in classification, increased less. **A building's placement in the CONH program was associated with a decrease in violations – 12 to 13 fewer.**<sup>6</sup> This is heartening: while the primary goal of the program is to prevent harassment from

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<sup>3</sup> ANHD analysis (2026); [https://anhd.org/sites/default/files/conh\\_report\\_dec\\_2020.pdf](https://anhd.org/sites/default/files/conh_report_dec_2020.pdf), p.23.

<sup>4</sup> ANHD analysis (2026); HPD Report on the CONH Pilot Program (2026); There are approximately 1.8 million dwelling units in these 60,000 buildings and approximately 50,000 dwelling units in the 1,500 buildings on the CONH Program List.

<sup>5</sup> HPD Report on the CONH Pilot Program (2026).

<sup>6</sup> HPD Report on the CONH Pilot Program (2026); comparison is between buildings on the CONH list in the extension period (2021-present) and eligible buildings that were in the initial pilot but not in the extension (2018-2021). Improvements in conditions are not wholly attributable to the CONH program, but rather to the program in combination with other factors.



happening and hold harassers accountable, a secondary goal for the tenants and organizers who fought for its creation has always been to improve conditions.<sup>7</sup>

### **Key Proposed Amendments**

Based on both the evidence provided in HPD's report and the experience of tenants and organizers on the ground, ANHD strongly believes the CONH program should be made permanent. To improve the program's effectiveness as a bulwark against harassment and displacement, we recommend a few additional targeted modifications. We agree with the recommendations made by the department in large part, except as they pertain to the "Cure." Similarly, we agree with the proposed changes from Chair Sanchez in the current draft of the bill, and have a few additional recommendations to strengthen the legislation.

First, **we recommend extending the protections afforded in buildings on the CONH Program List to other buildings with the same owners.** Landlords apply similar business tactics across their portfolios and past harassment is a strong indicator of potential future harassment – thus a building's presence on the CONH Program List is reasonable justification for closer scrutiny of other buildings in their portfolio. Councilmember Sanchez's legislation proposes taking a portfolio approach for any buildings where there has been a legal finding of harassment. We welcome this approach, and also encourage the Council to ensure that this portfolio approach is applied when a landlord is denied a CONH – requiring CONHs for other buildings owned by the same landlord or applying the permit freeze across a building owner's portfolio. Denial of a CONH should be understood to constitute a finding of harassment, and a clear sign that additional tenant protections are needed. Applying a portfolio-wide permit freeze would both strengthen the disincentive to harass tenants and increase the incentive to pursue the cure pathway. Further, a portfolio approach enables a more comprehensive understanding of a landlord's total resources, rather than a building-level perspective – a tool to help highlight distinctions between landlords with excessive resources from those with less ready access to capital and/or affordable financing. As ANHD's research has shown, the largely rent-stabilized buildings subject to CONH are often part of larger portfolios containing highly profitable destabilized buildings.<sup>8</sup> If owners of multiple buildings are no longer able to pursue covered categories of work in their other buildings, those with resources will be more likely to pursue the cure option. This change will also facilitate tenant organizing and solidarity across buildings.

We also believe that, **in addition to requiring a CONH for an owner to pursue the covered categories of work, a CONH should be required before the sale of a building on the Program List.** Many of the buildings where harassment occurred are the same where landlords overleveraged, taking out inflated mortgages that could not be justified with the current rent rolls.<sup>9</sup> As these owners go underwater due to high debt payments, they will likely seek to sell and cut their losses. These sales are key moments to conduct an investigation, reveal past harassment, and disrupt cycles of displacement. Importantly, though, sales to Qualified

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<sup>7</sup> [https://anhd.org/sites/default/files/conh\\_report\\_dec\\_2020.pdf](https://anhd.org/sites/default/files/conh_report_dec_2020.pdf)

<sup>8</sup> <https://anhd.org/report/dont-take-us-back-examining-history-and-ownership-in-rent-stabilized-housing/>

<sup>9</sup> <https://jwmason.org/slackwire/after-the-rent-freeze/> ;

<https://anhd.org/report/dont-take-us-back-examining-history-and-ownership-in-rent-stabilized-housing/>



Preservation Buyers should be exempted, to steer buildings toward trusted owners that are committed to long-term investments in the buildings and current tenants.<sup>10</sup>

**Additionally, we recommend two changes to the Building Qualification Index (BQI): first, retaining the set of buildings where harassment occurred before 2021, and second, recalculating on an annual basis.**

- The period prior to the passage of the Housing Stability and Tenant Protection Act of 2019 (HSTPA), which curtailed many of the loopholes that incentivized rampant tenant harassment, should be understood as one of uniquely intense speculation and tenant harassment. While we agree with making rolling additions to the CONH Program List, we are concerned that some of these buildings would be removed as a result. The owners who repeatedly engaged in systematic harassment with the intent to destabilize entire buildings cannot be allowed to simply age out of the system because the findings of harassment occurred too long ago. Specifically, in addition to the rolling 60 month lookback window that will be used moving forward, we recommend amending paragraph (3) of subdivision b to retain language to the effect of “60 months prior to October 31, 2021”. As findings of harassment are relatively rare, and most buildings qualify for the CONH Program List via the BQI or by AEP discharge, this will not overly inflate the list – of buildings on the current list, just 4% qualify solely based on a harassment finding. Keeping these buildings on the list affords a greater sense of protection and justice to tenants who, at significant personal risk and at the height of deregulation, stood up to predatory equity landlords and secured findings of harassment.
- Rather than re-calculating the BQI every five years, as proposed by the department, or every month, as proposed by the Councilmember, we recommend recalculating the BQI annually. Calculating too frequently runs the risk of incentivizing landlords to attempt to game the system and could contribute to confusion among tenants about their building’s placement on the Program List. On the other hand, allowing too long to pass between re-calculations would allow the index to become out of date and may mean that some buildings, with conditions that would otherwise qualify them for inclusion, are able to proceed with work in one of the covered categories without seeking a CONH. We believe an annual calculation balances these concerns and aligns the program with HPD’s other major enforcement programs, which are calculated annually.

**Lastly, we disagree with HPD’s proposed change to the “Cure.”** The current “Cure” process requires the owner to set aside affordable units. Recognizing that no owners have pursued the cure option, HPD’s proposal would instead require that a building owner “hire an independent monitor to ensure harassment is not occurring on an ongoing basis.”<sup>11</sup> As demonstrated by the well-organized tenants at 109 East 9th Street, investigations of harassment are fraught and imperfect. An independent monitor is not a strong enough guarantee that harassment is not happening moving forward; further, it does not act as a meaningful deterrent to harassment, nor is it a sufficient consequence in cases where tenant harassment has occurred.<sup>12</sup>

<sup>10</sup> <https://www.nyc.gov/site/hpd/services-and-information/qualified-preservation-buyers.page>

<sup>11</sup> HPD Report on the CONH Pilot Program (2026).

<sup>12</sup> <https://www.amny.com/news/east-village-housing-battle-tenants-landlord-disrepair/>

### **Additional Recommendations**

- **Improve implementation of the existing definition of tenant harassment in law.** As described above, the definition of tenant harassment was expanded in critical ways over the years, particularly in 2010. Yet, it is still too difficult for tenants to prove harassment in court. On the whole, though, the existing definitions could be made to go further by ensuring that courts follow harassment claims all the way through; too many harassment claims are simply dropped in favor of reaching a settlement on repairs – too many of which never happen. Efforts to further the implementation of the law in practice, starting with education of judges and more aggressive litigation of HP-Harassment cases from HPD, could bear fruit.
- **Consider additional criteria for the Program List and/or CONH denial.**
  - **Unlawful eviction.** Including findings of unlawful evictions as a criterion for adding a building to the CONH Program List, as proposed by Councilmember Nurse in Fall 2025, would be a logical addition to the program. In their recent report on the CONH Pilot Program, however, HPD expressed reasonable concerns about the quality of existing data on unlawful evictions.<sup>13</sup> As a first step toward addressing this data gap, the City should study the feasibility of improving the data quality available on unlawful evictions. Solutions may require combined action from the State and City, but a robust study will inform the approach.
  - **Source of Income Discrimination.** As proposed by VOCAL-NY and TakeRoot Justice and recently by Councilmember Krishnan, at least with regard to the CONH program, source of income discrimination against current or prospective tenants should be considered harassment and a cause for CONH denial.<sup>14</sup> More broadly, all cases where the New York City Commission on Human Rights (CCHR) finds that an owner has engaged in discrimination in violation of the New York City Human Rights Law against a tenant should be considered tenant harassment.
  - **Other topics.** As described in previous ANHD reports on the program, the definition should also encompass the following, which are not explicitly identified under the city's current tenant harassment law: action or inaction by a landlord that has precipitated a set of conditions that has led to (or that would predictably lead to), a vacate order; a landlord entering or forcibly entering an apartment without advance consent of tenants or a court order, except for certain emergency matters; and failure to comply with a Tenant Protection Plan (TPP) or to provide a TPP or Construction Bill of Rights.<sup>15</sup>
- **Continued regular reports.** As it does with other core programs, HPD should produce regular reports on the CONH Program – at a minimum, the department should publish reports three years and six years after the program is made permanent. This report should include data on buildings that were previously on the CONH list but exited over time due to the expiration of the lookback period, improvements in conditions, etc, in

<sup>13</sup> HPD Report on the CONH Pilot Program (2026).

<sup>14</sup> [VOUCHERS TO NOWHERE: How Source of Income Discrimination Happens and the Policies That Can Fix It](https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=7258671&GUID=86631639-E47B-4437-9901-234B40CBE0CA) ;  
<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=7258671&GUID=86631639-E47B-4437-9901-234B40CBE0CA>

<sup>15</sup> <https://www.nyc.gov/site/buildings/tenant/tenant-protection-plan.page>;  
[https://anhd.org/sites/default/files/conh\\_report\\_dec\\_2020.pdf](https://anhd.org/sites/default/files/conh_report_dec_2020.pdf)

comparison to buildings that remained on the list and buildings that were eligible for assessment for the list but did not meet the criteria to be included. In addition to the analyses presented in the most recent report, future reports should examine landlord behaviors and outcomes for tenants in these different categories of buildings.

- **Expanding awareness and supporting organizing.** Tenants and organizers, even those who live in or have worked in CONH Pilot Program Buildings, report confusion around the ways in which the program works and how it affects tenants. Proactive education for tenants in buildings on the CONH Program List (and in CONH-eligible buildings more broadly) should be expanded. In CONH Program List buildings that are simultaneously participating in other programs, cross-program coordination should be further developed, with a priority on alignment with the Anti-Harassment Unit. Critically, the program should be tied to robust funding to compensate CBOs for organizing in CONH Program List buildings, with an emphasis on contracting with groups in the Community Districts where the highest number of Program List buildings are located. With appropriate data privacy agreements in place, the City should facilitate sharing contact information for current and former tenants in CONH Program List buildings with community organizers. With stronger infrastructure to connect with and support tenant organizing and education, the CONH program will better respond to the emerging needs of tenants and support long-term change.
- **Greater transparency.** To support public understanding of, and confidence in, the program, the department should work to improve public disclosure around CONH decisions.
  - Our current understanding is that HPD intends to publish their findings of reasonable cause (or lack thereof) on HPDOnline (in addition to the ultimate CONH decisions which are already publicly accessible), but that there are some technological fixes that need to happen before they can publish. At this time, they have said they will only be able to publish the decision and will not include details that informed the decision, but organizers have previously identified instances where a CONH was granted despite expectations that it would likely be denied.<sup>16</sup> To enhance transparency and trust in the process, we recommend that HPD include additional information on the reasons for denying or granting a CONH, including the documents and reports from investigations, redacted for privacy as needed.
  - HPD sends notices to interested parties about new CONH Applications. These notices should be updated to include not only the buildings that have recently applied for a CONH but a status update on all buildings currently or recently in the CONH application process, with listing of: recent CONH Applications, pending OATH hearings on CONH Applications, notices of final decisions on CONH Applications, any CONH suspensions / rescissions, and any applications to “Cure” a CONH denial.
- **Clarify the process for challenging a granted CONH.** In some cases, tenants and organizers have reported difficulty getting HPD to re-open a case where a CONH has been granted but credible evidence of harassment emerges after the decision has been made. Recognizing that tenants may not initially be aware of the full scope of the definition of tenant harassment and face interlocking pressures that may hinder or

<sup>16</sup> [https://anhd.org/sites/default/files/conh\\_report\\_dec\\_2020.pdf](https://anhd.org/sites/default/files/conh_report_dec_2020.pdf)



dissuade them from reporting evidence of harassment in a timely manner, HPD should continue to clarify the process for appealing or re-opening a CONH case.

- **Study the relevance in Good Cause buildings and units.** The Good Cause Eviction law is not explicit about whether owners can reset rent to market rate upon a vacancy, and as of yet this question has not been resolved in the courts.<sup>17</sup> In the absence of clarity, or if courts determine that there is no provision against marking-to-market at vacancy, the same type of mass harassment against rent stabilized tenants that CONH was designed to address could be used against tenants in homes where rents are regulated under Good Cause. Policymakers should watch closely.

ANHD is proud to have played a leading role in establishing the Certificate of No Harassment program. It has proven to be a powerful tool for protecting tenants' rights and has helped to improve conditions for tenants, and there is a clear rationale for permanently codifying the program into law. With a few modifications outlined above, the program can better fulfill its purpose. We look forward to continued engagement and partnership around the program and thank the Committees for the opportunity to testify. If you have any questions or need additional information, please contact Peter Estes: [peter.e@anhd.org](mailto:peter.e@anhd.org).

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<sup>17</sup> <https://www.nysenate.gov/legislation/laws/RPP/A6-A>