

City's promises of hot water in winter leave Bronx housing tenants cold

BY [Daniel Beekman](#)
DAILY NEWS WRITER

Thursday, October 6th 2011, 12:44 PM



Viorel Florescu for News

Tenants at 2285 Sedgwick Ave. in the Bronx expressed their frustration over the lack of heat last October by hanging out sheets announcing their plight.

The heat and hot water season began on Oct. 1 with the city vowing to keep the [Bronx](#) toasty warm.

But some tenants and advocates are dreading another cold winter. They say the city's heat enforcement system is broken.

"The heat laws are unenforceable right now," said Mosholu Parkway tenant [Henry Perry](#), 70. "The whole system is a fraud and a waste of taxpayer money."

From Oct. 1 to May 31, between 6 a.m. and 10 p.m. when the outdoor temperature falls below 55 degrees, landlords are required to maintain an indoor temperature of at least 68 degrees.

Between 10 p.m. and 6 a.m., when the outdoor temperature falls below 40 degrees, they must maintain at least 55 degrees.

The Department of Housing Preservation and Development is ready to crack down on landlords who fail to provide heat and hot water to tenants, vowed commissioner [Matthew Wambua](#).

HPD inspectors can write violations and sue landlords for damages. The agency also can repair boilers or buy fuel and then hit landlords with property liens.

"There is no excuse for putting tenants' health and safety at risk as a result of failing to provide heat," Wambua said, urging tenants with no heat to call 311.

But the enforcement system has several flaws, said [Garrett Wright](#), staff attorney at the [Urban Justice Center](#) in the Bronx.

Because HPD policy is to notify landlords of heat complaints, many landlords restore heat until the agency sends inspectors. They avoid violations - and then let their buildings go cold again, he said.

In other cases, tenants warm their own apartments with space heaters, ovens and boiling water. Inspectors fail to write violations because the units register temperatures within the legal limit, he said.

Most landlords don't try to cheat the system, said [Eric Bederman](#), HPD spokesman. Last year, only 24% of buildings issued heat violations were repeat offenders.

But Perry said he has called 311 repeatedly, with few results. Inspectors often show up days later and don't make visits at night, he said.

"Most of the winter, I wear a heavy sweater and jacket around the house."

The substitute public school teacher uses a space heater, and fills his bathtub with hot water to keep his apartment warm.

"Lack of heat is honestly the most frustrating housing issue to deal with," Wright said, adding that space heaters are responsible for many apartment fires.

Last winter, HPD received 210,522 heat and hot water complaints, attempted 121,814 heat inspections and issued 11,551 heat violations.

The agency filed 989 heat lawsuits in the Bronx, second only to [Brooklyn](#). Community Board 7, including [Fordham](#), [Norwood](#) and [Bedford Park](#), produced the most complaints in the borough.