



**Testimony of the New York City Department of Housing Preservation and Development to
the New York City Council Committee on Housing & Buildings regarding Introductions
358, 780, 979, 585, and 948**

Tuesday, October 16, 2018

Good morning Chair Cornegy and members of the committee on Housing and Buildings. I am AnnMarie Santiago, Deputy Commissioner for Enforcement and Neighborhood Services of the New York City Department of Housing Preservation and Development (HPD). I am joined today by Mario Ferrigno, Assistant Commissioner for Code Enforcement. I am pleased to be here today to testify on Introductions 358, 780, 979, 585, and 948.

I would like to begin by talking about the work HPD does around our City's heat laws. HPD's top priority is the health and safety of New York City tenants in their homes. As many of you know, last Monday, October 1st was the first day of heat season, which will last until the end of May, 2019. Building owners are legally required to provide heat and hot water to their tenants. During heat season, if the outside temperature falls below 55 degrees between 6:00am and 10:00pm, the inside temperature is required to be at least 68 degrees Fahrenheit. Between 10:00pm and 6:00am, the inside temperature is required to be at least 62 degrees Fahrenheit.

HPD aggressively responds to heat complaints and violations. In heat season FY18, HPD issued nearly 4,500 heat violations. We encourage all New York City residents living in homes that lack appropriate heat to first attempt to notify the building owner, managing agent, or superintendent. If heat is not restored, tenants should register an official complaint via 311, and an HPD Inspector will be dispatched to the location if the tenant does not confirm heat restoration by phone. In order for HPD to issue a heat violation, an HPD inspector must conduct an inspection during which the Inspector takes an outdoor temperature and an indoor temperature in a room unaffected by auxiliary heat. The Inspector uses a thermometer certified for accuracy by the City. HPD issues violations when the temperature is not meeting the legally required threshold. And if the owner does not make the necessary repair, our Emergency Repair Program

may take appropriate action to restore service. The cost of the repair, plus an administrative fee, is billed to the owner through the Department of Finance. In FY18, HPD spent over \$3.3 million and completed 1,469 heat and hot water work orders.

Working together with the City Council, we continue to seek ways to ensure owners provide adequate heat. Focusing on buildings which fail to provide heat on multiple occasions is the right direction. In 2011, the civil penalties structure was changed so that buildings which have multiple heat violations (subsequent violation at the same building that occurs within two consecutive heat seasons) can be penalized more severely than buildings that experience a single heat outage. Collections on heat and hot water violations over the past five years have totaled more than \$8 million.

In addition, HPD may impose an Inspection Fee of \$200 if a third or subsequent inspection within a heat season results in a third or subsequent heat violation and if a third or subsequent inspection within a calendar year results in a third or subsequent hot water violation. Both of these tools are being used by HPD to target and take action against properties which may have repeated heat outages. Since FY2013, HPD has billed over \$1.3 million in heat inspection fees and recouped more than 80% of those fees.

I will now turn to the legislation being considered here today and the bill specifically pertaining to heat. Intro 948, sponsored by Council Member Torres, requires HPD to produce a list of 150 Class A multiple dwellings with a designated ratio of heat violations to dwelling units. These buildings will be required to install and maintain internet capable temperature reporting devices in each living room of each dwelling unit in their building. While we appreciate and support the intent to add an additional tool for the City to be able to hold landlords accountable during heat season, we want to be clear that this requirement will not affect HPD enforcement. As I detailed previously, HPD Inspectors must take the indoor temperature of the dwelling unit, and determine whether or not to issue a violation based on that reading. We are continuing to look for ways to improve our response to ensure that HPD is responsive to the needs of tenants. For example, within the last heat season, we have started to ask tenants calling 311 to indicate if there are certain times in which the lack of heat is felt more acutely, and we try to consider this information when dispatching an Inspector. Tenants do not need to wait for an automated system to advise that the temperature is below the required temperature to call 311. Although the system may provide useful data for a tenant who seeks to bring a tenant action, HPD litigation will rely on the inspections conducted by HPD to verify the existence of a condition.

We always appreciate the Council's partnership in educating New Yorkers how to contact 311, and are happy to work with all of you to continue increasing awareness. We are open to discussing this legislation and other methods with the Council and the bill sponsor with an eye towards effectively enhancing our enforcement efforts. Last year we partnered with

Councilmember Torres to enact a ground-breaking new tool that uses sales transaction data to predict potential for tenant harassment, and we look forward to building on that template of collaboration in further efforts to legislate the use of data in housing policy.

Intro 585, sponsored by Council Member Williams, requires owners of multiple dwellings that contain one or more units subject to rent regulation to post a sign that states that the building contains one or more units that are subject to rent regulation. The bill also requires owners to indicate the number of such rent regulated units when they register these properties with HPD. It is our understanding that the intent of Intro 585 is to inform tenants or prospective tenants of the possibility that their unit is rent regulated. The New York State Division of Housing and Community Renewal (DHCR) is the agency that is authorized and mandated to enforce rent regulations throughout the State, including in New York City. Because State law requires owners of residential units that are subject to rent regulation to file annual rent registrations DHCR with we would encourage the Council to work with State partners to discuss how DHCR can be helpful in increasing awareness about the rent regulated status of buildings. We would welcome participation in that conversation, and are happy to explore additional methods of educating tenants about rent regulations and their associated protections.

Keeping tenants safe is not only about keeping them safe from maintenance conditions. Intro 358, sponsored by Council Member Rosenthal, seeks to improve tenant safety by requiring a picture of the janitor to be posted at the building. The Housing Maintenance Code currently requires landlords to post information about the name and contact number for the building's janitor or janitorial service. HPD does not believe that this requirement will provide the desired security, as owners may use a janitorial service or contract out for many repairs. We are happy to work with Council to educate tenants that they should direct any concerns about any individuals' identity prior to entrance to their apartment – whether that person claims to be a janitor, other building staff, or contractors hired by a property owner to make repairs – to the property's managing agent or building owner. Requiring the posting of pictures may also have privacy implications, which requires further exploration.

We strongly support the other two bills pertaining to HPD being heard here today, and appreciate the collaborative effort with the Council in making improvements and corrections to legislation passed in 2017. HPD supports Intro 780, sponsored by Council Member Rivera, regarding clarifying responsibilities of owners and HPD to address indoor asthma allergen hazards, as codified by Local Law 55 of 2018. HPD also supports Intro 878, sponsored by Council Member Richards, regarding Community Land Trusts, as captured in Local Law 67 of 2018. Again, thank you for your partnership in making these corrections.

Thank you again for the opportunity to testify on these bills. I am now available for questions.

PATRICK A. WEHLE
ASSISTANT COMMISSIONER OF EXTERNAL AFFAIRS
NEW YORK CITY DEPARTMENT OF BUILDINGS
HEARING BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON HOUSING & BUILDINGS

October 16, 2018

Good morning, Chair Cornegy and members of the Housing & Buildings Committee. I am Patrick A. Wehle, Assistant Commissioner of External Affairs at the New York City Department of Buildings (“the Department”). I am pleased to be here to offer testimony on three of the bills before the Committee today, Introductory Numbers 342, 353 and 862.

Introductory Number 342 would require that a sign be posted at inaccessible building entrances indicating that a portable ramp is available when such a ramp exists.

There are many circumstances where portable ramps would not meet legal requirements for providing accessibility to buildings. For example, The New York City Building Code (“the Code”) requires that all public entrances of new buildings be permanently accessible to persons with physical disabilities, and that entrances of buildings be made accessible when they are renovated. The Americans with Disabilities Act provides that when certain areas of a building are renovated, a portion of the budget must be spent on making the path of travel to the renovated area, including an entrance to the building, accessible. The Americans with Disabilities Act also requires that places of public accommodation remove barriers to access even when no other renovations to such places are planned.

While creating a permanent means of access to places of public accommodation should be the goal, when the requirements just described are not applicable the Department is supportive of any measure that would make it easier for persons with disabilities to access buildings. In the limited instances where portable ramps are permitted, any such portable ramps should be safe for the user and should allow for independent access where feasible. The Department suggests this bill be amended to specify that the requirements of the bill only apply to buildings that are not otherwise required by the Code or any other applicable law or rule to have accessible entrances.

Introductory Number 353 would require the Department to allow users of its website to sign up to receive e-mail updates whenever there is a change in status for a construction project filed with the Department.

New Yorkers live in a built environment, which must be maintained, built, and sometimes rebuilt through construction work. Given the significant impact construction can have on New Yorkers, the Department recognizes the importance of sharing information with the public. As such, the Department has made enormous strides in improving the public's access to our data, with the goal of every building construction project having a clear and transparent status.

Building on My Block, which is a searchable online database that is organized by Community Board for easy reference, provides information on all New Buildings, Major Alterations, and Full Demolition applications filed with the Department. Users can search by property address or Community Board to find major projects near them. The Building Information System ("BIS") or the DOB NOW Public Portal, allows users to see the latest developments at construction sites of interest, including complaint, violation, application, and permit information. In accordance with the Open Data Law, we are also publishing daily updates to all job applications and permits

on the New York City Open Data Portal, which allows users to access the latest status of any construction project or group of projects.

Additionally, the Department is for the first time publishing online data-driven tools that provide the public with a wealth of information, presented in a manner easy to understand, with much of it being sortable and updated in real-time. Examples include:

- A quarterly data-rich dashboard of all construction activity in every neighborhood throughout the City;
- A real-time interactive map of major construction projects throughout the City;
- An elevator report including data-driven maps and animated graphics showing the history, status, and vital statistics of the City's more than 84,000 elevator devices;
- A real-time interactive map showing the exact location of permitted sidewalk sheds throughout the City;
- Reporting on the condition of facades of buildings throughout the City greater than six stories in height; and
- A monthly enforcement report, which details the actions the Department has taken against bad actors in the construction industry.

The capstone of our effort to improve transparency is through our implementation of DOB NOW, an online filing platform the Department is building that when complete, will replace BIS. Not only can users access specific job application and permit information through the DOB NOW Public Portal, but as we migrate services from BIS into DOB NOW, we are also releasing the data onto the New York City Open Data Portal. DOB NOW represents a massive streamlining of our existing processes, and it will allow for the tracking of every action the

Department takes, often in real-time, including the ability to receive alerts. Alerts will be limited to processes in the Department's purview and could include the status of applications filed with the Department, plan examination updates and permit information.

The Department supports the intent of this legislation and is working toward its implementation in a manner that is in keeping with our continued rollout of DOB NOW and our broader information technology priorities.

Introductory Number 862 would require the Department to issue a stop work order along with a notice of intent to revoke a permit.

The Department has the ability to revoke any permit for failure to comply with the provisions of the Construction Codes or any other applicable laws or rules. Before revoking a permit, the Department must notify the permit holder of the reasons for the proposed revocation and inform the permit holder that they have a right to present the Department with information as to why the permit should not be revoked.

Borough Commissioners, who typically commence the permit revocation process, have the discretion to issue a stop work order ("SWO") based on the nature of their objections to the permit that has been issued. For example, a SWO would accompany a notice of intent to revoke a permit if the safety of the public, workers or property is in peril, or when the potential exists for construction work to occur in excess of what is permissible. In most cases, objections raised by the Department are administrative in nature or easily correctable, and permit holders work with the Department to address the basis for the proposed revocation and work can continue in a safe and compliant manner. If the basis for the proposed revocation is not addressed in a timely manner, a permit revocation letter is sent to the permit holder, among others, and such letter

contains a SWO. In 2017, the Department issued nearly 1,000 notices of intent to revoke a permit and ultimately revoked 10 percent of such permits, which means that in most cases, permit holders worked with the Department to resolve all of the Department's objections.

The law currently affords the Department the appropriate discretion to determine when a SWO should accompany a notice of intent to revoke a permit. Issuing SWOs can result in undesirable outcomes, including prolonged disruption to the community, worker furloughs, and lost financing. Additionally, issuing SWOs with every notice of intent to revoke a permit would strain the Department's resources. Before lifting a SWO, a permit holder must prove to the Department that all violating conditions have been corrected and an inspection must take place. As such, SWOs should not be issued as a matter of course, but only when necessary to ensure safety and prevent work in excess of what the law allows. The Department does not support this bill, as issuing a SWO with every letter of intent to revoke a permit could unnecessarily stop construction work that could otherwise continue in a safe and compliant manner.

Thank you for your attention and the opportunity to testify before you today. I welcome any questions you may have.



OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

Testimony

Brooklyn Borough President Eric L. Adams

Tuesday, October 16, 2018

New York City Council Committee on Housing and Buildings

I want to thank the City Council, Chair Robert E. Cornegy, Jr, of the Committee on Housing and Buildings as well as Council Members Ritchie Torres, Jumaane Williams, and Rafael Espinal for advancing legislation, which was introduced on my behalf, to allow for the deployment of heat sensors in certain buildings in New York City, in this Committee. I also would like to thank the committee for giving me the opportunity to provide comments at this public hearing.

I am submitting testimony in support of Intro. 0948-2018 that would require the New York City Department of Housing Preservation and Development (HPD) to identify multiple dwelling units with the highest ratios of temperature violations. It is time that we allow HPD to tackle 21st century problems with 21st century solutions.

On December 1, 2016, I was joined by tenants and housing lawyers in announcing a lawsuit based on data from an expanding technology partnership to monitor heating-related harassment in Brooklyn apartment buildings. The building where we announced this lawsuit, 178 Rockaway Parkway in Brownsville, was a property that has had 104 heat complaints through 311. My message to landlords across Brooklyn was that we're watching; don't harm your tenants' quality of life all because of greed.

Heating harassment is an issue that affects our quality of life. Nobody in the borough of Brooklyn, let alone in the city of New York, should have to suffer during very cold winters with no or intermittent heat. Bad-acting landlords who continue to violate our communities' trust by cutting off heat to drive out rent-stabilized and rent-controlled tenants deserve hefty fines if the condition isn't corrected. During the past two years, my office in collaboration with locally-based non-profit Heat Seek NYC, a New York City Economic Development Corporation (NYCEDC) Big Apps Winner, have been working with our housing court judges and local

elected officials to help codify the City's ability to use remote temperature monitors to enforce heat standards.

During the heating season, my office receives complaints about heat and hot water regularly. According to data from HPD, there were 117,767 heat-related inspections last heat season alone, yet the same HPD inspectors only wrote 7,548 heat-related violations, a less than 6.5 percent enforcement rate that is clearly impacted by how HPD currently investigates heating complaints. Currently, complaints are received by HPD who in turn alert landlords to the complaint and inform them that inspectors will be visiting the location to check heating levels. In essence, HPD is giving a 'heads-up' to landlords who then bring heating levels up to legal limits in advance of the inspection. This situation is an unnecessary game of "cat and mouse" where the only losers are the tenants.

The deployment of these temperature monitoring devices would help us end this game for good by monitoring heat levels in real-time and move New York City government towards a more dynamic future.

I want to thank all the hard-working advocates like Heat Seek NYC, Legal Aid Society, and tenant organizers across New York City who have been at the forefront of this fight for improved quality of life of our rent-stabilized and rent-controlled tenants. We as policymakers need to empower them with the tools to partner with HPD and make their jobs just a little easier.

I look forward to working with HPD to refine this legislation to ensure we can gather the best metrics to measure and plan for targeted deployment of these temperature monitoring devices.

Thank you

#####



MEMORANDUM IN OPPOSITION

INTRO. 948

The Rent Stabilization Association (RSA) represents 25,000 owners and managers of multiple dwellings in New York. The buildings that they own and manage contain over 1 million units of housing. RSA is opposed to Intro. 948 because numerous remedies already exist for the problem the bill purports to correct.

Intro. 948 would require the Department of Housing Preservation & Development (HPD), to identify 150 buildings every 2 years with the highest ratio of heat violations and make it the duty of those owners to install a temperature sensing device in every apartment. The owner would then be required to make the data garnered from the devices available to HPD. This is an incredible waste of time and money that would be better used making real improvements to buildings. HPD already has a variety of programs and methods to enforce heat violations. Principally, HPD has a litigation Division which is responsible for enforcement of serious heat violations. HPD can also use its ERP program to correct a serious violation and bill the owner for the cost. Finally, if these methods are insufficient, HPD can modify the regulations that govern the Alternative Enforcement Program (AEP) to permit better targeting of heat cases.

A temperature sensing device in an apartment is always subject to manipulation by a venial tenant. Simply opening a window during heating season for a few minutes would easily generate data that will paint a distorted image of what is truly taking place in a building.

Any costs associated with the installation of such devices is better spent on upgrades and maintenance to the heating system. We urge the council to consider existing enforcement alternatives rather than imposing new unproductive costs on owners. For the above reasons RSA is opposed to Intro. 948.



MEMORANDUM IN OPPOSITION INTRO. 780

The Rent Stabilization Association (RSA) represents 25,000 owners and managers of multiple dwellings in New York. The buildings that they own and manage collectively contain over 1 million units of housing. RSA is opposed to Intro. 780 because it imposes an impossible standard on owners and managers to address the elimination or control of pests, vermin and indoor allergens.

Local Law 55 of 2018 requires owners to use “reasonable efforts” to eliminate or control pests, vermin, or indoor allergen hazards. Intro. 780 removes the words “reasonable efforts” and makes it an absolute responsibility to eliminate these problems. If a tenant denies access to an apartment the owner has no recourse. If a tenant is a hoarder and that apartment is causing the problem the owner has no recourse until an eviction proceeding is brought in housing court or multiple city agencies get involved. If a tenant continually refuses to take garbage out on a regular basis the owner is powerless to compel the tenant to do so. All of these are real life everyday issues that owners and managers face on a daily basis.

Further, given the recent enactment of Local Law 55, there is no justification based upon data or any other evidence that the current law is not working as intended. Intro. 780 is nothing less than an attempt to impose strict liability upon owners regardless of their efforts to comply with the law’s requirements.

Removing the words “reasonable efforts” places owners and managers in an unattainable position that they cannot correct which means they will ALWAYS be in violation of the law regardless of their efforts. This is not fair to owners and is quite possibly unconstitutional. For the above reasons RSA is opposed to Intro. 780.



FOR THE RECORD

Contact:

Adriana Espinoza
NYC Program Manager
New York League of Conservation Voters
aespinoza@nylcv.org
(212) 361- 6350 ext. 203

FOR THE RECORD

Memorandum in Support

Int. 0780-2018

In relation to clarifying responsibilities of owners and the Department of Housing Preservation and Development to address indoor asthma allergen hazards

The New York League of Conservation Voters (NYLCV) supports the passage of Int. 0780-2018, sponsored by Council Member Carlina Rivera. This bill will clarify the responsibilities of owners and the Department of Housing Preservation and Development (HPD) to address indoor asthma allergen hazards.

Asthma is a chronic illness that is often triggered by a person's environmental exposure to allergens. Even more than outdoor air quality, poor indoor air quality is a leading health threat to the approximately one million New Yorkers, including over 177,000 children, diagnosed with asthma.

After years of advocacy, the Asthma Free Housing Act (now Local Law 55 of 2018) was adopted in December of 2017. This bill was designed to address indoor air quality by requiring owners to inspect for and fix indoor allergens that can lead to asthma, such as mold and pest infestations. In addition, the bill required HPD to establish a comprehensive procedure for doctors to make referrals to HPD, when they suspect that an asthmatic child is living in an environment with indoor allergen hazards.

This year, Intro 780 was introduced to further address some of the ambiguities in Local Law 55 of 2018. Intro 780 clarifies the responsibilities of landlords and HPD, to make clear that landlords must inspect for and mitigate indoor asthma triggers.

NYLCV was a strong supporter of the Asthma Free Housing Act for several years because we believe the benefits of this law are significant, both for public health and environmental justice. We strongly support Intro 780 because we believe this bill is another step toward a more comprehensive and holistic mitigation plan.

NYLCV is proud to have worked with the City Council over the years on policies that improve air quality, and we urge the Committee on Housing and Buildings to take the next step in improving indoor air quality by voting on Intro 780.

Statement to the Committee on Housing and Buildings
New York City Council
October 16, 2018

FOR THE RECORD

I live in a rent-stabilized building in the 10468 zip code. Every year when temperatures start to go down to the mid to low 50s in October, we know the heat won't come on for a few weeks or until several people complain.

Some nights, the heat doesn't turn on at all. The temperature fluctuates inside my apartment because there are no seals around the windows.

My son's bedroom faces the front of the building and gets the most exposure to temperatures outside. To avoid the inevitable freeze out this winter, I went out to purchase a heater so my son could stay warm throughout the night.

A space heater is dangerous and this should not be a choice we have to make when we are paying rent for a landlord to take care of basic needs like keeping heat on at appropriate times. The compromise is clothing our son in double layers and waking up in the middle of the night to turn off the heater to avoid any accidents.

Tenants in low-income neighborhoods are the most at risk for neglect from landlords. They don't have the ability to pack up and move to a new apartment and put down X amount of months of higher rent just to have stable heat. They also have no idea where to start in proving that they are not getting heat. Landlords know this and the worst of them abuse it.

The problem will only get worse as these neighborhoods get bought out by developers looking to turn over buildings to tenants who can pay more; effectively freezing them out.

This legislation is necessary to protect not only the tenants of the buildings with the most heat violations, but any landlord who comes after them and believes they too can skirt their responsibility to provide basic services.

October 16, 2018
Committee on Housing and Buildings
Council Chambers, City Hall

I'd like to take this opportunity to thank the Housing Committee, especially Council Members Cornegy, Williams, Espinal, and Rivera. I would also like to thank Council Member Ritchie Torres for sponsoring this legislation, and Brooklyn Borough President Eric Adams for his support of the proposed bill.

Since our open data law made 311 complaint data available in 2010, each year there have been over 200,000 heat complaints made to 311 in NYC. During the winter months, heat is the #1 complaint that comes into 311. Looking at the distribution of heating complaints across the city, we can clearly see that inadequate heat disproportionately impacts low income New Yorkers living in gentrifying neighborhoods and neighborhoods that have historically faced disinvestment.

Unlike other housing maintenance issues, a lack of heat isn't visible – it's not something you can take a photo of to prove it exists. This makes it uniquely difficult to prove.

As we know, when someone calls 311 to report a heating outage, the complaint is put into a queue for an HPD inspection, and if the problem isn't resolved quickly, an HPD inspector will visit the home to investigate. Prior to visiting the home, however, HPD notifies the landlord that a complaint has been made. This gives good landlords the opportunity to fix the problem, but it also gives unscrupulous landlords a heads up that a complaint has been made and an inspection will soon happen. With that information, a landlord can simply turn up the heat until they are sure the inspection has happened, and then lower it again once they are sure they won't get caught. Tenants with unscrupulous landlords can get stuck in this cycle for months or even years.

Our current system was designed to give responsible landlords every opportunity to get back into compliance. That is a good thing. However, it is not effective at holding bad landlords accountable. It is not designed to address the tactics of predatory landlords who have no desire to get back into compliance because they'd rather wait until all of their rent stabilized tenants leave. At the end of the day, an under heated apartment isn't just unhealthy and uncomfortable - it's unlivable, and predatory landlords are withholding heat as a means of informal eviction. To them, the violations and housing court appearances are simply the cost of doing business.

This is a harassment tactic we can put an end to right now, using the 21st century tools available to us. Continuous monitoring of the indoor temperature in the worst offender buildings is the way to do that. There is no reason why we should continue to guess what the temperature is, or rely on "he said, she said" arguments, or hope that an HPD inspector arrives to perform an inspection at exactly the right time to catch the outage. It is ineffective and wastes resources.

Intro 0948 allows for a new tool, web-connected temperature sensors, so that we can monitor the temperature in *known* heat offender landlords' buildings 24/7. These are landlords who've already demonstrated bad behavior. Continuous monitoring gives tenants, lawyers, community advocates, and HPD the data they need to know exactly what the temperature is inside an apartment. With simple, low cost technology, tenants, landlords, advocates, and city officials can view live temperature data for any apartment in the city that has a sensor installed. There will be no more questions as to what the temperature is inside the apartment, because everyone will know.

Heat Seek is a nonprofit civic technology organization and winner of the 2014 NYC BigApps competition. We support New York City tenants whose landlords are not providing adequate heat in the wintertime, by providing them with temperature sensors to document the temperature in their apartments over time.

At Heat Seek, we take a number of steps to ensure the data coming from our sensors is accurate, reliable, and tamper proof. Any sensor provider could easily replicate these measures when this legislation takes effect. First, we use high quality temperature sensors accurate to within +/- .5 degrees Celsius, the same degree of accuracy as the thermometers used by HPD inspectors. When installing our sensors, we follow HPD guidelines for where to take a temperature reading – the coldest room in the house that isn't a kitchen or a bathroom or a room with an obvious draft. We use tamper proof tape to ensure the sensor isn't opened or removed from its original install location. The tape leaves a prominent residue if its removed. Finally, we install sensors in more than one apartment throughout the building, so if any one of them starts producing questionable data, we can compare with the other sensors in the building. While we're not suggesting that everyone adopt Heat Seek's protocols, we do aim to demonstrate that there are effective steps that can be taken to ensure the data is accurate.

Heat Seek data has been used successfully dozens of times over the past three years in landlord-tenant negotiations and in housing court. We've worked with attorneys at Legal Aid, Legal Services, NY Legal Assistance Group, and others who've all used the data successfully when representing their clients.

Inadequate heat is the #1 problem facing New Yorkers in the wintertime. And it is a solvable problem. We believe that web-connected temperature sensors and continuous monitoring are an effective way to hold bad landlords accountable and ensure that all New Yorkers have the safe, healthy, heated apartments our housing code requires.

Noelle Francois
October 16, 2018



2017-2018 Heat Season: An analysis of heating complaints and violations in NYC

Total heat complaints: 216,601

BBLs* with heat complaints: 32,170

Total heat violations: 17,424

BBLs with heat violations: 7,456

Heat complaints tagged as resulting in violations: 6,569

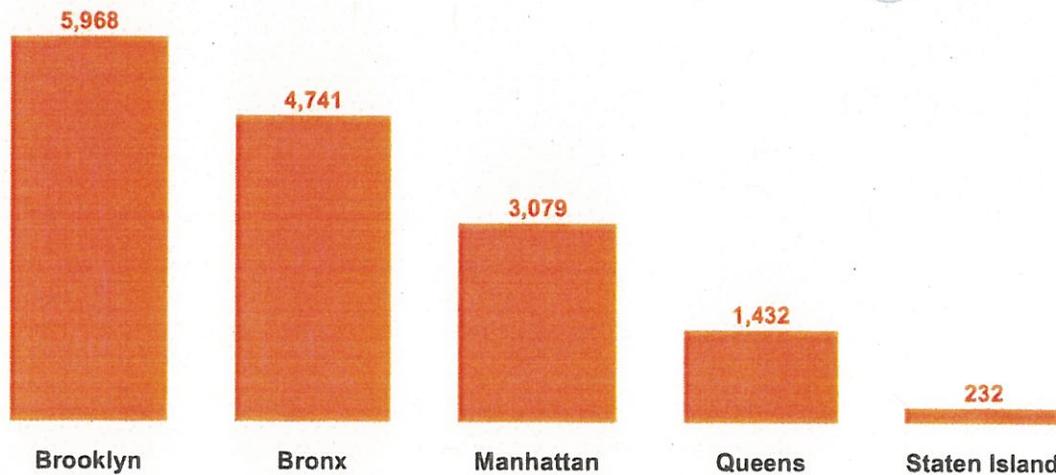
Heat complaints and their duplicates tagged as resulting in violations: 15,452

Percentage of heat complaints and their duplicates tagged as resulting in violations: 7.13%

BBLs with heat complaints tagged as resulting in violations: 4,580

Heat Complaints Resulting in HPD Violations

2017-2018 Heat Season



Sources: NYC 311

Heat complaints in BBLs with heat violations issued this season: 88,117

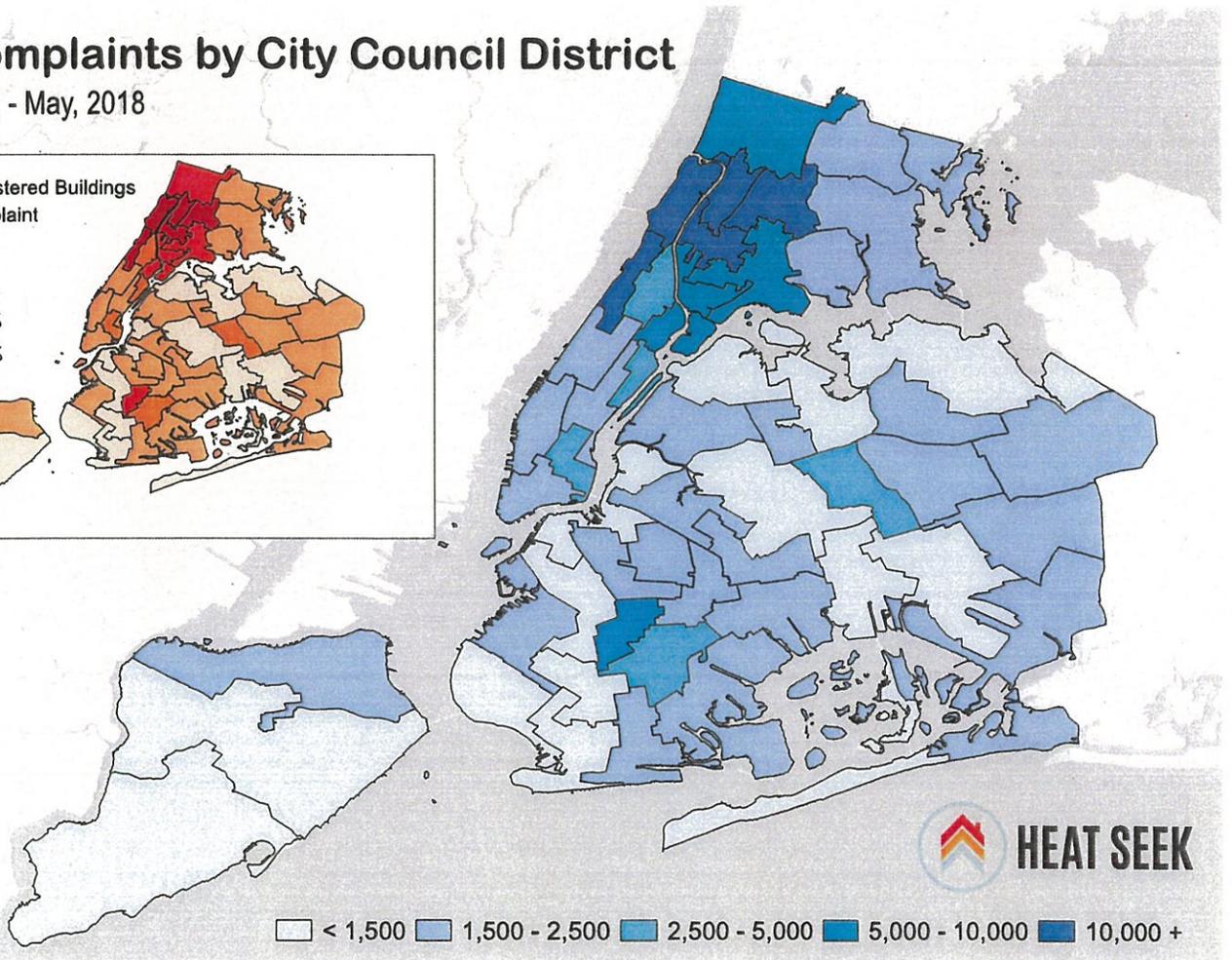
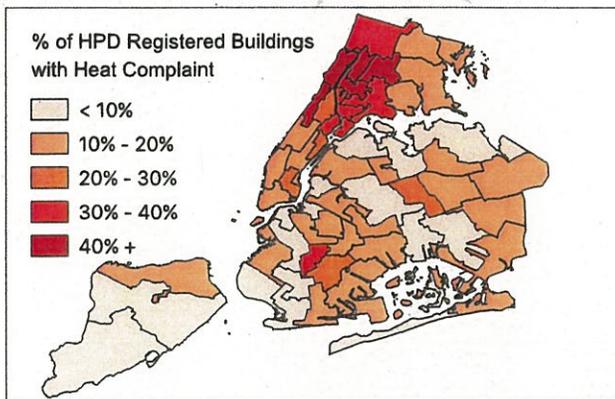
Heat complaints in BBLs with no heat violations issued this season: 128,484

BBLs with heat complaints but no heat violations issued this season: 25,773

*BBL - a unique identifier representing the borough, block, and lot
Data compiled by Maxwell Austensen

Heat Complaints by City Council District

October, 2017 - May, 2018



Council District 1

2365 Heating Complaints
18.4% of HPD Registered Buildings with Heating Complaint

Council District 2

3378 Heating Complaints
23.5% of HPD Registered Buildings with Heating Complaint

Council District 3

3251 Heating Complaints
18.8% of HPD Registered Buildings with Heating Complaint

Council District 4

1591 Heating Complaints
14.9% of HPD Registered Buildings with Heating Complaint

Council District 5

2688 Heating Complaints
23% of HPD Registered Buildings with Heating Complaint

Council District 6

2254 Heating Complaints
16.1% of HPD Registered Buildings with Heating Complaint

Council District 7

8761 Heating Complaints
40.3% of HPD Registered Buildings with Heating Complaint

Council District 8

6345 Heating Complaints
34.1% of HPD Registered Buildings with Heating Complaint

Council District 9

9566 Heating Complaints
28.3% of HPD Registered Buildings with Heating Complaint

Council District 10

10579 Heating Complaints
64.3% of HPD Registered Buildings with Heating Complaint

Council District 11

9955 Heating Complaints
38.4% of HPD Registered Buildings with Heating Complaint

Council District 12

3920 Heating Complaints
17.7% of HPD Registered Buildings with Heating Complaint

Council District 13

4138 Heating Complaints
13.9% of HPD Registered Buildings with Heating Complaint

Council District 14

11075 Heating Complaints
55.7% of HPD Registered Buildings with Heating Complaint

Council District 15

10465 Heating Complaints
40.9% of HPD Registered Buildings with Heating Complaint

Council District 16

9179 Heating Complaints
44.9% of HPD Registered Buildings with Heating Complaint

Council District 17

8336 Heating Complaints
33.5% of HPD Registered Buildings with Heating Complaint

Council District 18

7126 Heating Complaints
19.7% of HPD Registered Buildings with Heating Complaint

Council District 19

509 Heating Complaints
7.5% of HPD Registered Buildings with Heating Complaint

Council District 20

2265 Heating Complaints
15% of HPD Registered Buildings with Heating Complaint

Council District 21

4840 Heating Complaints
8.8% of HPD Registered Buildings with Heating Complaint

Council District 22

2258 Heating Complaints
10% of HPD Registered Buildings with Heating Complaint

Council District 23

762 Heating Complaints
15.1% of HPD Registered Buildings with Heating Complaint

Council District 24

2017 Heating Complaints
18.3% of HPD Registered Buildings with Heating Complaint

Council District 25

2663 Heating Complaints
11.1% of HPD Registered Buildings with Heating Complaint

Council District 26

2648 Heating Complaints
13.7% of HPD Registered Buildings with Heating Complaint

Council District 27

1425 Heating Complaints
12% of HPD Registered Buildings with Heating Complaint

Council District 28

1895 Heating Complaints
8.4% of HPD Registered Buildings with Heating Complaint

Council District 29

2425 Heating Complaints
21.1% of HPD Registered Buildings with Heating Complaint

Council District 30

1137 Heating Complaints
5% of HPD Registered Buildings with Heating Complaint

Council District 31

2193 Heating Complaints
15.5% of HPD Registered Buildings with Heating Complaint

Council District 32

1209 Heating Complaints
9.3% of HPD Registered Buildings with Heating Complaint

Council District 33

2336 Heating Complaints
6.7% of HPD Registered Buildings with Heating Complaint

Council District 34

4167 Heating Complaints
13.1% of HPD Registered Buildings with Heating Complaint

Council District 35

6930 Heating Complaints
16.8% of HPD Registered Buildings with Heating Complaint

Council District 36

7684 Heating Complaints
14.4% of HPD Registered Buildings with Heating Complaint

Council District 37

3785 Heating Complaints
15% of HPD Registered Buildings with Heating Complaint

Council District 38

2541 Heating Complaints
10.1% of HPD Registered Buildings with Heating Complaint

Council District 39

2564 Heating Complaints
6.2% of HPD Registered Buildings with Heating Complaint

Council District 40

9322 Heating Complaints
34.5% of HPD Registered Buildings with Heating Complaint

Council District 41

6495 Heating Complaints
19.1% of HPD Registered Buildings with Heating Complaint

Council District 42

3684 Heating Complaints
17.2% of HPD Registered Buildings with Heating Complaint

Council District 43

4004 Heating Complaints
9.3% of HPD Registered Buildings with Heating Complaint

Council District 44

2657 Heating Complaints
9.2% of HPD Registered Buildings with Heating Complaint

Council District 45

5094 Heating Complaints
24.7% of HPD Registered Buildings with Heating Complaint

Council District 46

1505 Heating Complaints
11.5% of HPD Registered Buildings with Heating Complaint

Council District 47

2110 Heating Complaints
7.7% of HPD Registered Buildings with Heating Complaint

Council District 48

4136 Heating Complaints
18.2% of HPD Registered Buildings with Heating Complaint

Council District 49

1434 Heating Complaints

13% of HPD Registered Buildings with Heating Complaint

Council District 50

398 Heating Complaints

6.1% of HPD Registered Buildings with Heating Complaint

Council District 51

192 Heating Complaints

6.4% of HPD Registered Buildings with Heating Complaint

Statement to the Committee on Housing and Buildings
New York City Council
October 16, 2018

I live in a rent-stabilized building in the 10468 zip code. Every year when temperatures start to go down to the mid to low 50s in October, we know the heat won't come on for a few weeks or until several people complain.

Some nights, the heat doesn't turn on at all. The temperature fluctuates inside my apartment because there are no seals around the windows.

My son's bedroom faces the front of the building and gets the most exposure to temperatures outside. To avoid the inevitable freeze out this winter, I went out to purchase a heater so my son could stay warm throughout the night.

A space heater is dangerous and this should not be a choice we have to make when we are paying rent for a landlord to take care of basic needs like keeping heat on at appropriate times. The compromise is clothing our son in double layers and waking up in the middle of the night to turn off the heater to avoid any accidents.

Tenants in low-income neighborhoods are the most at risk for neglect from landlords. They don't have the ability to pack up and move to a new apartment and put down X amount of months of higher rent just to have stable heat. They also have no idea where to start in proving that they are not getting heat. Landlords know this and the worst of them abuse it.

The problem will only get worse as these neighborhoods get bought out by developers looking to turn over buildings to tenants who can pay more; effectively freezing them out.

This legislation is necessary to protect not only the tenants of the buildings with the most heat violations, but any landlord who comes after them and believes they too can skirt their responsibility to provide basic services.

DISTRICT OFFICE
209 EAST 3RD STREET
NEW YORK, NY 10009
(212) 677-1077
FAX: (212) 677-1990
CLRivera@council.nyc.gov



CITY HALL OFFICE
250 BROADWAY, ROOM 1808
NEW YORK, NY 10007
(212) 788-7366
FAX: (212) 442-2738

CARLINA RIVERA
COUNCIL MEMBER, 2ND DISTRICT
CITY OF NEW YORK

October 16, 2018

Testimony regarding Int. No. 780-2018, a Local Law in relation to clarifying responsibilities of owners and the Department of Housing Preservation and Development to address indoor asthma allergen hazards

Chair Cornegy & Committee Colleagues,

Thank you for granting me the opportunity to speak in support of Int. No. 780-2018, which I introduced in the Council on April 11. This bill makes a few changes to Local Law 55 of 2018, including requiring landlords to take measures to eradicate pests and remediate the existence of indoor allergen hazards and allowing HPD to determine whether to perform to correct these hazards.

I am so proud today to present these final updates to a bill that my predecessor and mentor, Rosie Mendez, passed in the final days of her last term. Councilwoman Mendez worked for ten years to pass Local Law 55 – otherwise known as the The Asthma-Free Housing Act - alongside some incredible advocates. Her coalition consisted of numerous groups that are too long to list, but they include We Act for Environmental Justice, Urban Justice Center, Doctors Council, Make the Road, NY League of Conservation Voters, and so many more. To them and the cosponsors of the original bill, I say “thank you.”

When these amendments are passed and the law goes into effect at the end of the year, New York City landlords will finally be required to annually inspect and correct indoor allergen hazards, including mold, pests, and underlying symptoms that may cause hazardous conditions in the homes of residents diagnosed with asthma, COPD, or lung cancer. Over 1 million New Yorkers - many in my District – are impacted.

I want to thank the Mayor’s Office and HPD for testifying today, and I encourage all of my Council colleagues to sign on to Int. 780, which will put a close to a legislative chapter a decade in the making.

Thank you again Mr. Chair, and I look forward to the rest of today’s hearing.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 7804948 Res. No. _____

in favor in opposition

Date: 10/16/18

(PLEASE PRINT)

Name: FRANK RICCI

Address: _____

I represent: Rent Stabilization Assoc.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/16/18

(PLEASE PRINT)

Name: Mario Ferigno

Address: HPD

I represent: HPD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/16/18

(PLEASE PRINT)

Name: Ann Marie Santiago

Address: _____

I represent: HPD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 780 Res. No. _____

in favor in opposition

Date: 10-16-18

(PLEASE PRINT)

Name: Matthew Chachere

Address: 373A 6th St, Brooklyn NY 11215

I represent: Northern Manhattan Improvement Corp.

Address: 45 Wadsworth Ave NY NY 10033

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: James Leyba

Address: _____

I represent: HPD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0948 Res. No. _____

in favor in opposition

Date: 10/16/18

(PLEASE PRINT)

Name: Anthony Drummond

Address: _____

I represent: Brooklyn Borough President Eric Adams

Address: 209 Totten Street Brooklyn, NY 11201

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 948 Res. No. _____

in favor in opposition

Date: 10/16/18

(PLEASE PRINT)

Name: Noelle Francois

Address: 226 Monrose Ave, Brooklyn NY 11206

I represent: Heat Seek

Address: 150 Court St, 2nd Floor, Brooklyn NY 11201

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 780 Res. No. _____

in favor in opposition

Date: 10/16/18

(PLEASE PRINT)

Name: Christine Appah

Address: NEW 151 West 30th St. NY, NY 10001

I represent: New York Lawyers for the Public Interest

Address: _____

Please complete this card and return to the Sergeant-at-Arms